

App. 1

**APPENDIX A**

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

---

**SUSAN STANFORD,**  
*Plaintiff-Appellant*

**v.**

**UNITED STATES,**  
*Defendant-Appellee*

---

2016-1990

---

Appeal from the United States Court of Federal  
Claims in No. 1:15-cv-00123-SGB, Chief Judge Susan  
G. Braden.

---

**JUDGMENT**

---

MICHAEL D. SYDOW, SR., The Sydow Firm, Houston, TX, argued for plaintiff-appellant.

MARIANA TERESA ACEVEDO, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for defendant-appellee. Also represented by BENJAMIN C. MIZER, ROBERT E. KIRSCHMAN, JR., BRIAN A. MIZOGUCHI.

---

App. 2

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, NEWMAN and  
LINN, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

July 19, 2017

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court

---

App. 3

**APPENDIX B**

In the United States Court of Federal Claims  
No. 15-123C  
Filed: February 29, 2016

\*\*\*\*\*

|                    |   |                            |
|--------------------|---|----------------------------|
| SUSAN STANFORD,    | * | 28 U.S.C. § 1491           |
|                    | * | (Tucker Act Jurisdiction); |
| Plaintiff,         | * | Rules of the United        |
|                    | * | States Court of Federal    |
| v.                 | * | Claims (“RCFC”),           |
| THE UNITED STATES, | * | RCFC 12(b)(1) (Motion      |
|                    | * | To Dismiss).               |
| Defendant.         | * |                            |

\*\*\*\*\*

**Michael D. Sydow**, The Sydow Firm, Houston, Texas,  
Counsel for Plaintiff.

**Mariana T. Acevedo**, United States Department of  
Justice, Civil Division, Washington, D.C., Counsel for  
the Government.

**MEMORANDUM OPINION AND  
FINAL ORDER REGARDING THE  
GOVERNMENT’S MOTION TO DISMISS**

**BRADEN**, *Judge*.

**I. RELEVANT FACTUAL BACKGROUND AND PROCEDURAL HISTORY.<sup>1</sup>**

**A. Factual Background And Related Court Proceedings.**

On August 16, 1975, Susan Williams and Robert Allen Stanford were married. Compl. ¶ 4. On November 5, 2007, Mrs. Stanford filed a suit in the Harris County District Court for the 308th Judicial District of Texas (“Texas State Court”) to dissolve her marriage with Mr. Stanford (“Divorce Decree”). Gov’t App. A147.

**B. Proceedings Before The United States District Court For The Northern District Of Texas.**

In 2009, the Securities and Exchange Commission (the “SEC”) filed a civil enforcement suit against Mr. Stanford and his corporate holdings in the United States District Court for the Northern District of Texas (“Texas District Court”), for his involvement in an alleged multi-billion dollar financial fraud. Gov’t App. A99-A108.

On February 16, 2009, the Texas District Court issued a Temporary Restraining Order that froze Mr.

---

<sup>1</sup> The relevant facts were derived from: the February 9, 2015 Complaint; the Appendix to the Government’s May 26, 2015 Motion To Dismiss (“Gov’t App. A1-A377”); and the Supplemental Appendix to Plaintiff’s August 31, 2015 Response (“Pl. Supp. App. 378-496”). See *Moyer v. United States*, 190 F.3d 1314, 1318 (Fed. Cir. 1999) (“Fact-finding is proper when considering a motion to dismiss where the jurisdictional facts in the complaint . . . are challenged.”).

## App. 5

Stanford's assets, required an accounting, and prohibited the destruction of documents. Gov't App. A99. That same day, the Texas District Court issued an Order Appointing Receiver to "prevent waste and dissipation of the assets of [Mr. Stanford] to the detriment of investors." Gov't App. A109. In addition, the Texas District Court asserted custody over the "Receivership Assets"<sup>2</sup> and the "Receivership Records."<sup>3</sup> Gov't App. A109-10. The Receiver was to be responsible for "perform[ing] all acts necessary to conserve, hold, manage and preserve the value of the Receivership Estate."<sup>4</sup> Gov't App. A110, A113.

On March 12, 2009, the Texas District Court issued a Preliminary Injunction And Other Equitable Relief enjoining Mr. Stanford from "directly or indirectly, making any payment or expenditure of funds" in

---

<sup>2</sup> The February 16, 2009 Order defines "Receivership Assets" as the "assets, monies, securities, properties, real and personal, tangible and intangible, of whatever kind and description, wherever located, and the legally recognized privileges (with regard to the entities), of the Defendants and all entities they own or control[.]" Gov't App. A109.

<sup>3</sup> The February 16, 2009 Order defines "Receivership Records" as "books and records, client lists, account statements, financial and accounting documents, computers, computer hard drives, computer disks, internet exchange servers telephones, personal digital devices and other informational resources of or in possession of the Defendants, or issued by Defendants and in possession of any agent or employee of the Defendants[.]" Gov't App. A109-10.

<sup>4</sup> The February 16, 2009 Order issued by the Texas District Court determined collectively that the "Receivership Assets" and the "Receivership Records" comprised the "Receivership Estate." Gov't App. A110.

App. 6

his “possession, custody, or control . . . pending a showing [that he] has sufficient funds or assets to satisfy all claims arising out of the violations alleged” by the SEC. Gov’t App. A139.

On May 27, 2009, Mrs. Stanford filed a Motion to intervene in the Texas District Court civil enforcement action alleging that she is the one-half owner of the assets in the “Receivership Estate.” Gov’t App. A147, A159. On January 6, 2010, the Texas District Court granted that Motion. Gov’t App. A171.

On November 15, 2010, the Receiver filed a Complaint in the Texas District Court alleging that Mrs. Stanford received approximately \$2.5 million from Mr. Stanford and his corporate holdings. Gov’t App. A284-A301. Pursuant to the Uniform Fraudulent Transfer Act, the Receiver is authorized to disgorge the proceeds fraudulently transferred to Mrs. Stanford. *See* Tex. Bus. & Com. Code Ann § 24.008; *see also* Gov’t App. A293-97.

Instead of responding to the Receiver’s November 15, 2010 Complaint, on October 26, 2011, Mrs. Stanford signed a Settlement Agreement agreeing to release any and all claims she may have against the “Receivership Estate.” Gov’t App. A324. Specifically, the Settlement Agreement provided:

Susan Stanford . . . releases and discharges  
. . . the Receivership Estates, the Receiver and

App. 7

the Committee<sup>5</sup> . . . from any and all claims, causes of action, suits, rights, disputes, liabilities costs, expenses, damages, or demands, arising prior to the date of this Agreement, known or unknown, foreseen or unforeseen, contingent or vested, arising by subrogation, assignment, reimbursement, operation of law, or otherwise, relating to, arising out of, or in any way connected with . . . all . . . properties or assets of the Receivership Estates, or the Stanford Entities.

Gov't. App. 318-19.

On December 29, 2011, the Texas District Court approved the Settlement Agreement and dismissed the Receiver's claims against Mrs. Stanford with prejudice. Gov't App. A360.

On April 25, 2013, the Texas District Court granted partial summary judgment in favor of the SEC in the civil enforcement case, ordered disgorgement of the fraudulent proceeds, and imposed a \$5.9 billion penalty against Mr. Stanford. Gov't App. A239-55.

On May 30, 2013, the Texas District Court approved the Receiver's Interim Distribution Plan and distribution to investors was to commence on August 30, 2013. Gov't App. A256-76.

---

<sup>5</sup> The "Committee" is the representative of the customers of Mr. Stanford's corporate holdings that, "as of February 16, 2009, had funds on deposit at [Stanford International Bank, Ltd.] and/or were holding certificates of deposit issued by [Stanford International Bank, Ltd.]." Gov't App. A187.

**C. Proceedings Before The Harris County District Court For The 308th Judicial District Of Texas.**

On July 12, 2013, the Harris County District Court for the 308th Judicial District of Texas issued a Final Decree of Divorce to Susan Stanford. Pl. Supp. App. A430-34. Pursuant to the Divorce Decree, Susan Stanford and Robert Allen Stanford agreed that:

Each party hereby agrees that any *remaining* community property of the parties *not under the control* of the [United States] receiver is hereby divided by the parties, one half to ROBERT ALLEN STANFORD and one half to SUSAN STANFORD.

Pl. Supp. App. A432 (emphasis added).

**D. Proceedings Before The United States Court Of Federal Claims.**

On February 9, 2015, Susan Stanford (“Plaintiff”) filed a Complaint in the United States Court of Federal Claims, alleging that the February 16, 2009 Order that the SEC obtained from the Texas District Court was invalid, because “the United States Court of Appeals for the Federal Circuit held that the debt instruments in question were not ‘securities.’” Compl. ¶ 8. Therefore, the “United States . . . had no right to appoint a receiver and/or seize the assets in question.” Compl. ¶ 8. In addition, “[t]he assets taken and sold by the United States were community assets[,]” that, “[p]ursuant to [the Divorce Decree], Plaintiff is the owner of



one-half of all community assets.” Compl. ¶ 9. Therefore, the United States must pay Plaintiff for the property taken and sold, which is valued, at minimum, at \$12 billion. Compl. ¶ 10.

On February 17, 2015, R. Allen Stanford filed a Motion To Intervene.

On March 3, 2015 and May 11, 2015, the Government filed Motions For Extension Of Time to respond to the February 9, 2015 Complaint and February 17, 2015 Motion To Intervene, that the court respectively granted on March 4, 2015 and May 12, 2015.

On May 26, 2015, the Government filed a Motion To Dismiss, pursuant to Rules 12(b)(1) and 12(b)(6) of the Rules of the United States Court of Federal Claims (“RCFC”). On August 31, 2015, Plaintiff filed a Response (“Pl. Resp.”). On October 15, 2015, the Government filed a Reply. On January 12, 2016, the Government filed a Notice Of Additional Authority to inform the court that the United States Court of Appeals for the Fifth Circuit affirmed Robert Allen Stanford’s criminal convictions on multiple counts of conspiracy to commit wire and mail fraud, substantive counts of wire and mail fraud, conspiracy to obstruct a SEC investigation and obstruction of a SEC investigation. *See United States v. Stanford*, 805 F.3d 557, 563 (5th Cir. 2015).

## II. DISCUSSION.

### A. Jurisdiction.

The United States Court of Federal Claims has jurisdiction under the Tucker Act, 28 U.S.C. § 1491, “to render judgment upon any claim against the United States founded either upon the Constitution, or any Act of Congress or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort.” 28 U.S.C. § 1491(a)(1). The Tucker Act, however, is “a jurisdictional statute; it does not create any substantive right enforceable against the United States for money damages. . . . [T]he Act merely confers jurisdiction upon [the United States Court of Federal Claims] whenever the substantive right exists.” *United States v. Testan*, 424 U.S. 392, 398 (1976).

To pursue a substantive right under the Tucker Act, Plaintiffs must identify and plead a constitutional provision, federal statute, executive agency regulation and/or an independent contractual relationship that provides a substantive right to money damages. *Todd v. United States*, 386 F.3d 1091, 1094 (Fed. Cir. 2004) (“[J]urisdiction under the Tucker Act requires the litigant to identify a substantive right for money damages against the United States separate from the Tucker Act[.]”); *see also Fisher v. United States*, 402 F.3d 1167, 1172 (Fed. Cir. 2005) (en banc) (“The Tucker Act . . . does not create a substantive cause of action; . . . a plaintiff must identify a separate source of substantive

law that creates the right to money damages. . . . [T]hat source must be ‘money-mandating.’”). Specifically, Plaintiffs must demonstrate that the source of substantive law upon which they rely “can fairly be interpreted as mandating compensation by the Federal Government[.]” *Testan*, 424 U.S. at 400. And, the plaintiff bears the burden of establishing jurisdiction by a preponderance of the evidence. *Reynolds v. Army & Air Force Exch. Serv.*, 846 F.2d 746, 748 (Fed. Cir. 1988) (“[O]nce the [trial] court’s subject matter jurisdiction [is] put in question . . . [the plaintiff] bears the burden of establishing subject matter jurisdiction by a preponderance of the evidence.”).

**B. Whether The Court Has Jurisdiction Over  
The February 9, 2015 Complaint.**

**1. Standard Of Review For A Motion To  
Dismiss Under RCFC 12(b)(1).**

A challenge to the United States Court of Federal Claims’ “general power to adjudicate in specific areas of substantive law . . . is properly raised by a [Rule] 12(b)(1) motion[.]” *Palmer v. United States*, 168 F.3d 1310, 1313 (Fed. Cir. 1999); *see also* RCFC 12(b)(1) (“Every defense to a claim for relief in any pleading must be asserted in the responsive pleading. . . . But a party may assert the following defense[] by motion: (1) lack of jurisdiction over the subject matter[.]”). When considering whether to dismiss an action for lack of subject matter jurisdiction, the court is “obligated to assume all factual allegations [of the complaint] to be true and to draw all reasonable inferences

in plaintiff's favor." *Henke v. United States*, 60 F.3d 795, 797 (Fed. Cir. 1995).

## **2. The Court's Resolution.**

In this case, Plaintiff avers that she does not challenge the Texas District Court's appointment of the Receiver, but asks the United States Court of Federal Claims to adjudicate "whether the SEC's assertion of jurisdiction over her by seeking and obtaining the receivership worked a taking of her property[.]" Pl. Resp. at 19. To ascertain whether the SEC had authority to seek and obtain receivership in the Texas District Court necessarily requires a review of the authority of the SEC and propriety of the Texas District Court's decision to appoint a receiver. The court, however, does not have jurisdiction to adjudicate the enforcement authority of the SEC nor the decisions of a United States District Court. *See Allustiarte v. United States*, 256 F.3d 1349, 1352 (Fed. Cir. 2001) (holding that the United States Court of Federal Claims "does not have jurisdiction to review the decisions of district courts"); *see also Vereda v. United States*, 271 F.3d 1367, 1375 (Fed. Cir. 2001) ("[T]he [United States] Court of Federal Claims cannot consider [Plaintiff's] arguments as to the substantive decisions underlying [court action].").

Moreover, even if the court had jurisdiction over takings claim alleged in the February 9, 2015 Complaint, Plaintiff has no cognizable property interest in the "Receivership Estate," because Plaintiff released

“all claims[or] causes of action” against the Receiver and the Committee “relating to, arising out of, or in any way connected with . . . all [the] properties or assets of the Receivership Estates[.]” Gov’t App. A318-19.

### **III. CONCLUSION.**

For the reasons discussed herein, the Government’s May 26, 2015 Motion To Dismiss is granted. *See* RCFC 12(b)(1). As such, Mr. Stanford’s February 17, 2015 Motion To Intervene is denied as moot. The Clerk of Court is directed to dismiss Plaintiff’s February 9, 2015 Complaint.

**IT IS SO ORDERED.**

s/ Susan G. Braden  
\_\_\_\_\_  
**SUSAN G. BRADEN**  
**Judge**

---

**APPENDIX C**  
**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF TEXAS**  
**DALLAS DIVISION**

|                               |   |  |
|-------------------------------|---|--|
| <b>SECURITIES AND</b>         | § |  |
| <b>EXCHANGE COMMISSION,</b>   | § |  |
| Plaintiff,                    | § |  |
|                               | § |  |
| <b>v.</b>                     | § |  |
| <b>STANFORD INTERNATIONAL</b> | § |  |
| <b>BANK, LTD., STANFORD</b>   | § |  |
| <b>GROUP COMPANY,</b>         | § |  |
| <b>STANFORD CAPITAL</b>       | § |  |
| <b>MANAGEMENT, LLC,</b>       | § |  |
| <b>R. ALLEN STANFORD,</b>     | § |  |
| <b>JAMES M. DAVIS, and</b>    | § |  |
| <b>LAURA PENDERGEST-HOLT</b>  | § |  |
| Defendants.                   | § |  |

---

Case No.:  
3-09CV0298-L

**ORDER APPOINTING RECEIVER**

(Filed Feb. 17, 2009)

This matter came before me, the undersigned United States District Judge, on the motion of Plaintiff Securities and Exchange Commission (“Commission”) for the appointment of a Receiver for Defendants Stanford International Bank, Ltd., Stanford Group Company, Stanford Capital Management, LLC, Robert Allen Stanford, James M. Davis, and Laura Pendergest-Holt (“Defendants”). It appears that this Order Appointing Receiver is both necessary and appropriate in order to

prevent waste and dissipation of the assets of Defendants to the detriment of the investors.

IT IS THEREFORE ORDERED that:

1. This Court assumes exclusive jurisdiction and takes possession of the assets, monies, securities, properties, real and personal, tangible and intangible, of whatever kind and description, wherever located, and the legally recognized privileges (with regard to the entities), of the Defendants and all entities they own or control ("Receivership Assets"), and the books and records, client lists, account statements, financial and accounting documents, computers, computer hard drives, computer disks, internet exchange servers telephones, personal digital devices and other informational resources of or in possession of the Defendants, or issued by Defendants and in possession of any agent or employee of the Defendants ("Receivership Records").

2. Ralph S. Janvey of Dallas, Texas, is hereby appointed Receiver for the Receivership Assets and Receivership Records (collectively, "Receivership Estate"), with the full power of an equity receiver under common law as well as such powers as are enumerated herein as of the date of this Order. The Receiver shall not be required to post a bond unless directed by the Court but is hereby ordered to well and faithfully perform the duties of his office: to timely account for all monies, securities, and other properties which may come into his hands; and to abide by and perform all duties set forth in this Order. Except for an act of willful malfeasance or gross negligence, the Receiver shall

not be liable for any loss or damage incurred by the Receivership Estate, or any of Defendants, the Defendants' clients or associates, or their subsidiaries or affiliates, their officers, directors, agents, and employees, or by any of Defendants' creditors or equity holders because of any act performed or not performed by him or his agents or assigns in connection with the discharge of his duties and responsibilities hereunder.

3. The duties of the Receiver shall be specifically limited to matters relating to the Receivership Estate and unsettled claims thereof remaining in the possession of the Receiver as of the date of this Order. Nothing in this Order shall be construed to require further investigation of Receivership Estate assets heretofore liquidated and/or distributed or claims of the Receivership Estate settled prior to issuance of this Order. However, this paragraph shall not be construed to limit the powers of the Receiver in any regard with respect to transactions that may have occurred prior to the date of this Order.

4. Until the expiration date of this Order or further Order of this Court, Receiver is authorized to immediately take and have complete and exclusive control, possession, and custody of the Receivership Estate and to any assets traceable to assets owned by the Receivership Estate.

5. As of the date of entry of this Order, the Receiver is specifically directed and authorized to perform the following duties:



App. 17

(a) Maintain full control of the Receivership Estate with the power to retain or remove, as the Receiver deems necessary or advisable, any officer, director, independent contractor, employee, or agent of the Receivership Estate;

(b) Collect, marshal, and take custody, control, and possession of all the limits, accounts, mail, and other assets of, or in the possession or under the control of, the Receivership Estate, or assets traceable to assets owned or controlled by the Receivership Estate, wherever situated, the income and profit therefrom and all sums of money now or hereafter due or owing to the Receivership Estate with full power to collect, receive, and take possession of, without limitation, all goods, chattel, rights, credits, monies, effects, lands, leases, books and records, work papers, records of account, including computer maintained information, contracts, financial records, monies on hand in banks and other financial institutions, and other papers and documents of other individuals, partnerships, or corporations whose interests are now held by or under the direction, possession, custody, or control of the Receivership Estate;

(c) Institute such actions or proceedings to impose a constructive trust, obtain possession, and/or recover judgment with respect to persons or entities who received assets or records traceable to the Receivership Estate. All such actions shall be filed in this Court;

App. 18

(d) Obtain, by presentation of this Order, documents, books, records, accounts, deposits, testimony, or other information within the custody or control of any person or entity sufficient to identify accounts, properties, liabilities, causes of action, or employees of the Receivership Estate. The attendance of a person or entity for examination and/or production of documents may be compelled in a manner provided in Rule 45, Fed. R. Civ. P., or as provided under the laws of any foreign country where such documents, books, records, accounts, deposits, or testimony may be located;

(e) Without breaching the peace and, if necessary, with the assistance of local peace officers or United States marshals to enter and secure any premises, wherever located or situated, in order to take possession, custody, or control of, or to identify the location or existence of, Receivership Estate assets or records;

(f) Make such ordinary and necessary payments, distributions, and disbursements as the Receiver deems advisable or proper for the marshaling, maintenance, or preservation of the Receivership Estate. Receiver is further authorized to contract and negotiate with any claimants against the Receivership Estate (including, without limitation, creditors) for the purpose of compromising or settling any claim. To this purpose, in those instances in which Receivership Estate assets serve as collateral to secured creditors, the Receiver has

App. 19

the authority to surrender such assets to secured creditors, conditional upon the waiver of any deficiency of collateral;

(g) Perform all acts necessary to conserve, hold, manage, and preserve the value of the Receivership Estate, in order to prevent any irreparable loss, damage, and injury to the Estate;

(h) Enter into such agreements in connection with the administration of the Receivership Estate, including, but not limited to, the employment of such managers, agents, custodians, consultants, investigators, attorneys, and accountants as Receiver judges necessary to perform the duties set forth in this Order and to compensate them from the Receivership Assets;

(i) Institute, prosecute, compromise, adjust, intervene in, or become party to such actions or proceedings in state, federal, or foreign courts that the Receiver deems necessary and advisable to preserve the value of the Receivership Estate, or that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order and likewise to defend, compromise, or adjust or otherwise dispose of any or all actions or proceedings instituted against the Receivership Estate that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order;

(j) Preserve the Receivership Estate and minimize expenses in furtherance of

maximum and timely disbursement thereof to claimants;

(k) Promptly provide the United States Securities and Exchange Commission and other governmental agencies with all information and documentation they may seek in connection with its regulatory or investigatory activities;

(l) Prepare and submit periodic reports to this Court and to the parties as directed by this Court; and

(m) File with this Court requests for approval of reasonable fees to be paid to the Receiver and any person or entity retained by him and interim and final accountings for any reasonable expenses incurred and paid pursuant to order of this Court.

6. Upon the request of the Receiver, the United States Marshal's Office is hereby ordered to assist the Receiver in carrying out his duties to take possession, custody, or control of, or identify the location of, any Receivership Estate assets or records.

7. Creditors and all other persons are hereby restrained and enjoined from the following actions, except in this Court, unless this Court, consistent with general equitable principles and in accordance with its ancillary equitable jurisdiction in this matter, orders that such actions may be conducted in another forum or jurisdiction:

App. 21

(a) The commencement or continuation, including the issuance or employment of process, of any judicial, administrative, or other proceeding against the Receiver, any of the defendants, the Receivership Estate, or any agent, officer, or employee related to the Receivership Estate, arising from the subject matter of this civil action; or

(b) The enforcement, against the Receiver, or any of the defendants, of any judgment that would attach to or encumber the Receivership Estate that was obtained before the commencement of this proceeding.

8. Creditors and all other persons are hereby restrained and enjoined, without prior approval of the Court, from:

(a) Any act to obtain possession of the Receivership Estate assets;

(b) Any act to create, perfect, or enforce any lien against the property of the Receiver, or the Receivership Estate;

(c) Any act to collect, assess, or recover a claim against the Receiver or that would attach to or encumber the Receivership Estate; or

(d) The set off of any debt owed by the Receivership Estate or secured by the Receivership Estate assets based on any claim against the Receiver or the Receivership Estate.

9. Defendants, their respective officers, agents, and employees and all persons in active concert or participation with them who receive notice of this Order by personal service or otherwise, including, but not limited to, any financial institution, broker-dealer, investment adviser, private equity fund or investment banking firm, and each of them, are hereby ordered, restrained, and enjoined from, directly or indirectly, making any payment or expenditure of any Receivership Estate assets that are owned by Defendants or in the actual or constructive possession of any entity directly or indirectly owned or controlled or under common control with the Receivership Estate, or effecting any sale, gift, hypothecation, assignment, transfer, conveyance, encumbrance, disbursement, dissipation, or concealment of such assets. A copy of this Order may be served on any bank, savings and loan, broker-dealer, or any other financial or depository institution to restrain and enjoin any such institution from disbursing any of the Receivership Estate assets. Upon presentment of this Order, all persons, including financial institutions, shall provide account balance information, transaction histories, all account records and any other Receivership Records to the Receiver or his agents, in the same manner as they would be provided were the Receiver the signatory on the account.

10. Defendants, and their respective agents, officers, and employees and all persons in active concert or participation with them are hereby enjoined from doing any act or thing whatsoever to interfere with the Receiver's taking control, possession, or management

of the Receivership Estate or to in any way interfere with the Receiver or to harass or interfere with the duties of the Receiver or to interfere in any manner with the exclusive jurisdiction of this Court over the Receivership Estate, including the filing or prosecuting any actions or proceedings which involve the Receiver or which affect the Receivership Assets or Receivership Records, specifically including any proceeding initiated pursuant to the United States Bankruptcy Code, except with the permission of this Court. Any actions so authorized to determine disputes relating to Receivership Assets and Receivership Records shall be filed in this Court.

11. Defendants, their respective officers, agents, and employees and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including any financial institution, broker-dealer, investment adviser, private equity fund or investment banking firm, and each of them shall:

(a) To the extent they have possession, custody, or control of same, provide immediate access to and control and possession of the Receivership Estate assets and records, including securities, monies, and property of any kind, real and personal, including all keys, passwords, entry codes, and all monies deposited in any bank deposited to the credit of the Defendants, wherever situated, and the original of all books, records, documents, accounts, computer printouts, disks, and the like

App. 24

of Defendants to Receiver or his duly authorized agents;

(b) Cooperate with the Receiver and his duly authorized agents by promptly and honestly responding to all requests for information regarding Receivership Assets and Records and by promptly acknowledging to third parties the Receiver's authority to act on behalf of the Receivership Estate and by providing such authorizations, signatures, releases, attestations, and access as the Receiver or his duly authorized agents may reasonably request;

(c) Provide the Commission with a prompt, full accounting of all Receivership Estate assets and documents outside the territory of the United States which are held either: (1) by them, (2) for their benefit, or (3) under their control;

(d) Transfer to the territory of the United States all Receivership Estate assets and records in foreign countries held either: (1) by them, (2) for their benefit, or (3) under their control; and

(e) Hold and retain all such repatriated Receivership Estate assets and documents and prevent any transfer, disposition, or dissipation whatsoever of any such assets or documents, until such time as they may be transferred into the possession of the Receiver.



12. Any financial institution, broker-dealer, investment adviser, private equity fund or investment banking firm or person that holds, controls, or maintains accounts or assets of or on behalf of any Defendant, or has held, controlled, or maintained any account or asset of or on behalf of any defendant or relief defendant since January 1, 1990, shall:

(a) Hold and retain within its control and prohibit the withdrawal, removal, assignment, transfer, pledge, hypothecation, encumbrance, disbursement, dissipation, conversion, sale, gift, or other disposal of any of the assets, funds, or other property held by or on behalf of any defendant or relief defendant in any account maintained in the name of or for the benefit of any defendant or relief defendant in whole or in part except:

(i) as directed by further order of this Court, or

(ii) as directed in writing by the Receiver or his agents;

(b) Deny access to any safe deposit boxes that are subject to access by any Defendant; and

(c) The Commission and Receiver may obtain, by presentation of this Order, documents, books, records, accounts, deposits, or other information within the custody or control of any person or entity sufficient to identify accounts, properties, liabilities, causes of action, or employees of the Receivership

App. 26

Estate. The attendance of a person or entity for examination and/or production of documents may be compelled in a manner provided in Rule 45, Fed. R. Civ. P., or as provided under the laws of any foreign country where such documents, books, records, accounts, deposits, or testimony may be located;

13. The Defendants, their officers, agents, and employees and all persons in active concert or participation with them and other persons who have notice of this Order by personal service or otherwise, are hereby restrained and enjoined from destroying, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any contracts, accounting data, correspondence, advertisements, computer tapes, disks or other computerized records, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, copies of federal, state, or local business or personal income or property tax returns, and other documents or records of any kind that relate in any way to the Receivership Estate or are relevant to this action.

14. The Receiver is hereby authorized to make appropriate notification to the United States Postal Service to forward delivery of any mail addressed to the Defendants, or any company or entity under the direction and control of the Defendants, to himself. Further, the Receiver is hereby authorized to open and

App. 27

inspect all such mail to determine the location or identity of assets or the existence and amount of claims.

15. Nothing in this Order shall prohibit any federal state law enforcement or regulatory authority from commencing or prosecuting an action against the Defendants, their agents, officers, or employees.

So Ordered and signed, this 16th day of February 2009.

/s/ Reed O'Connor  
\_\_\_\_\_  
UNITED STATES  
DISTRICT JUDGE

---

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

|                        |   |              |
|------------------------|---|--------------|
| SECURITIES AND         | § |              |
| EXCHANGE COMMISSION,   | § |              |
| Plaintiff,             | § |              |
| v.                     | § | Case No.:    |
| STANFORD INTERNATIONAL | § | 3-09CV0298-N |
| BANK, LTD., ET AL.     | § |              |
| Defendants.            | § |              |
|                        | § |              |

---

**AMENDED ORDER APPOINTING RECEIVER**

(Filed Feb. 17, 2009)

This matter came before me, the undersigned United States District Judge, on the motion of Plaintiff Securities and Exchange Commission (“Commission”) for the appointment of a Receiver for Defendants Stanford International Bank, Ltd., Stanford Group Company, Stanford Capital Management, LLC, Robert Allen Stanford, James M. Davis, Laura Pendergest-Holt, Stanford Financial Group, and The Stanford Financial Group Bldg Inc. (“Defendants”). It appears that this Amended Order Appointing Receiver (the “Order”) is both necessary and appropriate in order to prevent waste and dissipation of the assets of Defendants to the detriment of the investors.

IT IS THEREFORE ORDERED that:

1. This Court assumes exclusive jurisdiction and takes possession of the assets, monies, securities, properties, real and personal, tangible and intangible, of whatever kind and description, wherever located, and the legally recognized privileges (with regard to the entities), of the Defendants and all entities they own or control (“Receivership Assets”), and the books and records, client lists, account statements, financial and accounting documents, computers, computer hard drives, computer disks, internet exchange servers telephones, personal digital devices and other informational resources of or in possession of the Defendants, or issued by Defendants and in possession of any agent or employee of the Defendants (“Receivership Records”).

2. Ralph S. Janvey of Dallas, Texas, is hereby appointed Receiver for the Receivership Assets and Receivership Records (collectively, “Receivership Estate”), with the full power of an equity receiver under common law as well as such powers as are enumerated herein as of the date of this Order. The Receiver shall not be required to post a bond unless directed by the Court but is hereby ordered to well and faithfully perform the duties of his office: to timely account for all monies, securities, and other properties which may come into his hands; and to abide by and perform all duties set forth in this Order. Except for an act of willful malfeasance or gross negligence, the Receiver shall not be liable for any loss or damage incurred by the Receivership Estate, or any of Defendants, the Defendants’ clients or associates, or their subsidiaries or

affiliates, their officers, directors, agents, and employees, or by any of Defendants' creditors or equity holders because of any act performed or not performed by him or his agents or assigns in connection with the discharge of his duties and responsibilities hereunder.

3. The duties of the Receiver shall be specifically limited to matters relating to the Receivership Estate and unsettled claims thereof remaining in the possession of the Receiver as of the date of this Order. Nothing in this Order shall be construed to require further investigation of Receivership Estate assets heretofore liquidated and/or distributed or claims of the Receivership Estate settled prior to issuance of this Order. However, this paragraph shall not be construed to limit the powers of the Receiver in any regard with respect to transactions that may have occurred prior to the date of this Order.

4. Until the expiration date of this Order or further Order of this Court, Receiver is authorized to immediately take and have complete and exclusive control, possession, and custody of the Receivership Estate and to any assets traceable to assets owned by the Receivership Estate.

5. As of the date of entry of this Order, the Receiver is specifically directed and authorized to perform the following acts and duties:

- (a) Maintain full control of the Receivership Estate with the power to retain or remove, as the Receiver deems necessary or advisable, any officer, director, independent

App. 31

contractor, employee or agent of the Receivership Estate;

(b) Collect, marshal, and take custody, control, and possession of all the funds, accounts, mail, and other assets of, or in the possession or under the control of, the Receivership Estate, or assets traceable to assets owned or controlled by the Receivership Estate, wherever situated, the income and profit therefrom and all sums of money now or hereafter due or owing to the Receivership Estate with full power to collect, receive, and take possession of without limitation, all goods, chattel, rights, credits, monies, effects, lands, leases, books and records, work papers, records of account, including computer maintained information, contracts, financial records, monies on hand in banks and other financial institutions, and other papers and documents of other individuals, partnerships, or corporations whose interests are now held by or under the direction, possession, custody, or control of the Receivership Estate;

(c) Institute such actions or proceedings to impose a constructive trust, obtain possession, and/or recover judgment with respect to persons or entities who received assets or records traceable to the Receivership Estate. All such actions shall be filed in this Court;

(d) Obtain, by presentation of this Order, documents, books, records, accounts, deposits, testimony, or other information within the custody or control of any person or entity

sufficient to identify accounts, properties, liabilities, causes of action, or employees of the Receivership Estate. The attendance of a person or entity for examination and/or production of documents may be compelled in a manner provided in Rule 45, Fed. R. Civ. P., or as provided under the laws of any foreign country where such documents, books, records, accounts, deposits, or testimony maybe located;

(e) Without breaching the peace and, if necessary, with the assistance of local peace officers or United States marshals to enter and secure any premises, wherever located or situated, in order to take possession, custody, or control of, or to identify the location or existence of Receivership Estate assets or records;

(f) Make such ordinary and necessary payments, distributions, and disbursements as the Receiver deems advisable or proper for the marshaling, maintenance, or preservation of the Receivership Estate. Receiver is further authorized to contract and negotiate with any claimants against the Receivership Estate (including, without limitation, creditors) for the purpose of compromising or settling any claim. To this purpose, in those instances in which Receivership Estate assets serve as collateral to secured creditors, the Receiver has the authority to surrender such assets to secured creditors, conditional upon the waiver of any deficiency of collateral;



(g) Perform all acts necessary to conserve, hold, manage, and preserve the value of the Receivership Estate, in order to prevent any irreparable loss, damage, and injury to the Estate;

(h) Enter into such agreements in connection with the administration of the Receivership Estate, including, but not limited to, the employment of such managers, agents, custodians, consultants, investigators, attorneys, and accountants as Receiver judges necessary to perform the duties set forth in this Order and to compensate them from the Receivership Assets;

(i) Institute, prosecute, compromise, adjust, intervene in, or become party to such actions or proceedings in state, federal, or foreign courts that the Receiver deems necessary and advisable to preserve the value of the Receivership Estate, or that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order and likewise to defend, compromise, or adjust or otherwise dispose of any or all actions or proceedings instituted against the Receivership Estate that the Receiver deems necessary and advisable to carry out the Receiver's mandate under this Order;

(j) Preserve the Receivership Estate and minimize expenses in furtherance of maximum and timely disbursement thereof to claimants;

(k) Promptly provide the Commission and other governmental agencies with all information and documentation they may seek in connection with its regulatory or investigatory activities;

(l) Prepare and submit periodic reports to this Court and to the parties as directed by this Court;

(m) File with this Court requests for approval of reasonable fees to be paid to the Receiver and any person or entity retained by him and interim and final accountings for any reasonable expenses incurred and paid pursuant to order of this Court;

6. The Receiver shall have the sole and exclusive power and authority to manage and direct the business and financial affairs of the Defendants, including without limitation, the sole and exclusive power and authority to petition for relief under the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.* (the “Bankruptcy Code”), for any or all of the Defendants. Solely with respect to the authorization to file and execution of a petition for relief under the Bankruptcy Code; without limiting any powers of the Receiver under applicable law and this Order; and irrespective of provisions in any Defendants’ corporate organizing documents, bylaws, partnership agreements, or the like, the Receiver shall be deemed to succeed to the position of and possess the authority of any party with power to authorize and execute the filing of a petition for relief under the Bankruptcy Code, including without

limitation corporate directors, general and limited partners, and members of limited liability companies. ~~With respect to any non-individual Defendants on whose behalf the Receiver authorizes and executes a petition for relief under chapter 11 of the Bankruptcy Code, the Receiver shall be deemed a debtor in possession for such Defendant, with all the rights and powers of a debtor in possession under the Bankruptcy Code. The turnover provisions of 11 U.S.C. § 543 shall not apply to the Receiver in his capacity as debtor in possession. With respect to any Defendants on whose behalf the Receiver authorizes and executes a petition for relief under chapter 11 of the Bankruptcy Code; the Receiver shall be authorized, pursuant to 11 U.S.C. 1505, to act in a foreign country on behalf of an estate created under section 541 of the Bankruptcy Code, and may act in any way permitted by the applicable foreign law.~~ [/s/ DCB]

7. Before taking action under paragraph 6 of this Order, the Receiver must provide the Commission and the Defendants with at least two business days' written notice (unless shortened or lengthened by court order) that the Receiver is contemplating action under the Bankruptcy Code; provided that the Receiver may apply for an order under seal or a hearing *in camera*, as circumstances require. To facilitate an efficient coordination in one district of all bankruptcies of the Defendants, the Northern District of Texas shall be the Receiver's principal place of business for making decisions in respect of operating and disposing of each of the Defendants and their respective assets.

8. Upon the request of the Receiver, the United States Marshal's Office is hereby ordered to assist the Receiver in carrying out his duties to take possession, custody, or control of, or identify the location of, any Receivership Estate assets or records.

9. Creditors and all other persons are hereby restrained and enjoined from the following actions, except in this Court, unless this Court, consistent with general equitable principals and in accordance with its ancillary equitable jurisdiction in this matter, orders that such actions may be conducted in another forum or jurisdiction:

(a) The commencement or continuation, including the issuance or employment of process, of any judicial, administrative, or other proceeding against the Receiver, any of the defendants, the Receivership Estate, or any agent, officer, or employee related to the Receivership Estate, arising from the subject matter of this civil action; or

(b) The enforcement, against the Receiver, or any of the defendants, of any judgment that would attach to or encumber the Receivership Estate that was obtained before the commencement of this proceeding.

10. Creditors and all other persons are hereby restrained and enjoined, without prior approval of the Court, from:

(a) Any act to obtain possession of the Receivership Estate assets;

App. 37

(b) Any act to create, perfect, or enforce any lien against the property of the Receiver, or the Receivership Estate;

(c) Any act to collect, assess, or recover a claim against the Receiver or that would attach to or encumber the Receivership Estate;

(d) The set off of any debt owed by the Receivership Estate or secured by the Receivership Estate assets based on any claim against the Receiver or the Receivership Estate; or

(e) The filing of any case, complaint, petition, or motion under the Bankruptcy Code (including, without limitation, the filing of an involuntary bankruptcy petition under chapter 7 or chapter 11 of the Bankruptcy Code, or a petition for recognition of foreign proceeding under chapter 15 of the Bankruptcy Code).

11. Creditors and all other persons are hereby restrained and enjoined from seeking relief from the injunction contained in paragraph 10(e) of this Order for a period of 180 days from the date of entry of this Order.

12. Defendants, their respective officers, agents, and employees and all persons in active concert or participation with them who receive notice of this Order by personal service or otherwise, including, but not limited to, any financial institution, broker-dealer, investment adviser, private equity fund or investment banking firm) [sic], and each of them, are hereby ordered, restrained, and enjoined from, directly or

indirectly, making any payment or expenditure of any Receivership Estate assets that are owned by Defendants or in the actual or constructive possession of any entity directly or indirectly owned or controlled or under common control with the Receivership Estate, or effecting any sale, gift, hypothecation, assignment, transfer, conveyance, encumbrance, disbursement, dissipation, or concealment of such assets. A copy of this Order may be served on any bank, savings and loan, broker-dealer, or any other financial or depository institution to restrain and enjoin any such institution from disbursing any of the Receivership Estate assets. Upon presentment of this Order, all persons, including financial institutions, shall provide account balance information, transaction histories, all account records and any other Receivership Records to the Receiver or his agents, in the same manner as they would be provided were the Receiver the signatory on the account.

13. Defendants, and their respective agents, officers, and employees and all persons in active concert or participation with them are hereby enjoined from doing any act or thing whatsoever to interfere with the Receiver's taking control, possession, or management of the Receivership Estate or to in any way interfere with the Receiver or to harass or interfere with the duties of the Receiver or to interfere in any manner with the exclusive jurisdiction of this Court over the Receivership Estate, including the filing or prosecuting any actions or proceedings which involve the Receiver or which affect the Receivership Assets or Receivership Records, specifically including any proceeding initiated

pursuant to the United States Bankruptcy Code, except with the permission of this Court. Any actions so authorized to determine disputes relating to Receivership Assets and Receivership Records shall be filed in this Court.

14. Defendants, their respective officers, agents, and employees and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, including any financial institution, broker-dealer, investment adviser, private equity fund or investment banking firm, and each of them shall:

(a) To the extent they have possession, custody, or control of same, provide immediate access to and control and possession of the Receivership Estate assets and records, including securities, monies, and property of any kind, real and personal, including all keys, passwords, entry codes, and all monies deposited in any bank deposited to the credit of the Defendants, wherever situated, and the original of all books, records, documents, accounts, computer printouts, disks, and the like of Defendants to Receiver or his duly authorized agents;

(b) Cooperate with the Receiver and his duly authorized agents by promptly and honestly responding to all requests for information regarding Receivership Assets and Records and by promptly acknowledging to third parties the Receiver's authority to act on behalf of the Receivership Estate and by

providing such authorizations, signatures, releases, attestations, and access as the Receiver or his duly authorized agents may reasonably request;

(c) Provide the Commission with a prompt, full accounting of all Receivership Estate assets and documents outside the territory of the United States which are held either: (1) by them, (2) for their benefit, or (3) under their control;

(d) Transfer to the territory of the United States all Receivership Estate assets and records in foreign countries held either: (1) by them, (2) for their benefit, or (3) under their control; and

(e) Hold and retain all such repatriated Receivership Estate assets and documents and prevent any transfer, disposition, or dissipation whatsoever of any such assets or documents, until such time as they may be transferred into the possession of the Receiver.

15. Any financial institution, broker-dealer, investment adviser; private equity fund or investment banking firm or person that holds, controls, or maintains accounts or assets of or on behalf of any Defendant, or has held, controlled, or maintained any account or asset of or on behalf of any defendant or relief defendant since January 1, 1990, shall:

(a) Hold and retain within its control and prohibit the withdrawal, removal, assignment,



App. 41

transfer, pledge, hypothecation, encumbrance, disbursement, dissipation, conversion, sale, gift, or other disposal of any of the assets, funds, or other property held by or on behalf of any defendant or relief defendant in any account maintained in the name of or for the benefit of any defendant or relief defendant in whole or in part except:

(i) as directed by further order of this Court, or

(ii) as directed in writing by the Receiver or his agents;

(b) Deny access to any safe deposit boxes that are subject to access by any Defendant; and

(c) The Commission and Receiver may obtain, by presentation of this Order, documents, books, records, accounts, deposits, or other information within the custody or control of any person or entity sufficient to identify accounts, properties, liabilities, causes of action, or employees of the Receivership Estate. The attendance of a person or entity for examination and/or production of documents may be compelled in a manner provided in Rule 45, Fed. R. Civ. P, or as provided under the laws of any foreign country where such documents, books, records, accounts, deposits, or testimony may be located;

16. The Defendants, their officers, agents, and employees and all persons in active concert or participation with them and other persons who have notice of

this Order by personal service or otherwise, are hereby restrained and enjoined from destroying, mutilating, concealing, altering, transferring, or otherwise disposing of, in any manner, directly or indirectly, any contracts, accounting data, correspondence, advertisements, computer tapes, disks or other computerized records, books, written or printed records, handwritten notes, telephone logs, telephone scripts, receipt books, ledgers, personal and business canceled checks and check registers, bank statements, appointment books, copies of federal, state, or local business or personal income or property tax returns, and other documents or records of any kind that relate in any way to the Receivership Estate or are relevant to this action.

17. The Receiver is hereby authorized to make appropriate notification to the United States Postal Service to forward delivery of any mail addressed to the Defendants, or any company or entity under the direction and control of the Defendants, to himself. Further, the Receiver is hereby authorized to open and inspect all such mail to determine the location or identity of assets or the existence and amount of claims.

18. Nothing in this Order shall prohibit any federal or state law enforcement or regulatory authority from commencing or prosecuting an action against the Defendants, their agents, officers, or employees.

App. 43

So Ordered and signed, this 12 day of March 2009.

/s/ David C. Godbey  
UNITED STATES  
DISTRICT JUDGE

---

**APPENDIX D**

UNITED STATES DISTRICT COURT  
**Southern District of Texas**  
**Holding Session in Houston**

UNITED STATES OF AMERICA **JUDGMENT IN A**  
v. **CRIMINAL CASE**

**Robert Allen Stanford**  
**A/K/A Sir Allen Stanford,**  
**Allen Stanford**

CASE NUMBER:  
**4:09CR00342-001**

USM NUMBER: 35017-183

Ali R. Fazel

☐ See Additional Aliases. Defendant's Attorney

**THE DEFENDANT:**

☐ pleaded guilty to count(s) \_\_\_\_\_

☐ pleaded nolo contendere to \_\_\_\_\_  
count(s) which was accepted \_\_\_\_\_  
by the court.

☒ was found guilty on 1S, and 3S through 14S  
count(s) after a plea of on March 6, 2012  
not guilty.

The defendants adjudicated guilty of these offenses:

| <u><b>Title &amp;<br/>Section</b></u>   | <u><b>Nature of<br/>Offense</b></u>                  | <u><b>Offense<br/>Ended</b></u> | <u><b>Count</b></u> |
|---|--|---------------------------------|---------------------|
| 18 U.S.C.<br>§§ 1341, 1343,<br>and 1349 | Conspiracy to<br>commit wire fraud<br>and mail fraud | 03/03/2009                      | 1S                  |
| 18 U.S.C.<br>§§ 1343 and 2              | Wire fraud, aid<br>and abet                          | 04/24/2009                      | 3S                  |

App. 45

18 U.S.C. Wire fraud, aid 12/24/2008 4S  
§§ 1343 and 2 and abet

18 U.S.C. Wire fraud, aid 01/05/2009 5S  
§§ 1343 and 2 and abet

☒ See Additional Counts of Conviction.

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☒ The defendant has been found not guilty on count(s) 2S

☐ Count(s) \_\_\_\_\_

☐ is ☐ are dismissed on the motion of the .

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

June 14, 2012  
Date of Imposition of Judgment

David Hittner  
Signature of Judge

App. 46

**DAVID HITTNER**  
**UNITED STATES**  
**DISTRICT JUDGE**

---

Name and Title of Judge

6/14/12

---

Date

**ADDITIONAL COUNTS OF CONVICTION**

| <b><u>Title &amp;<br/>Section</u></b> | <b><u>Nature of<br/>Offense</u></b>  | <b><u>Offense<br/>Ended</u></b> | <b><u>Count</u></b> |
|---------------------------------------|--|---------------------------------|---------------------|
| 18 U.S.C.<br>§§ 1343 and 2            | Wire fraud, aid<br>and abet  | 02/28/2009                      | 6S                  |
| 18 U.S.C.<br>§§ 1341 and 2            | Mail fraud, aid<br>and abet  | 02/28/2008                      | 7S                  |
| 18 U.S.C.<br>§§ 1341 and 2            | Mail fraud, aid<br>and abet  | 08/13/2008                      | 8S                  |
| 18 U.S.C.<br>§§ 1341 and 2            | Mail fraud, aid<br>and abet  | 09/18/2008                      | 9S                  |
| 18 U.S.C.<br>§§ 1341 and 2            | Mail fraud, aid<br>and abet  | 10/16/2008                      | 10S                 |
| 18 U.S.C.<br>§§ 1341 and 2            | Mail fraud, aid<br>and abet  | 12/16/2008                      | 11S                 |
| 18 U.S.C.<br>§§ 1505 and<br>371       | Conspiracy to ob-<br>struct United<br>States Securities<br>and Exchange<br>Commission (SEC)<br>investigation | 02/28/2009                      | 12S                 |

App. 47

|                            |  |                |
|----------------------------|--|----------------|
| 18 U.S.C.<br>§§ 1505 and 2 | Obstruction of<br>SEC investigation,<br>aid and abet | 02/28/2009 13S |
| 18 U.S.C.<br>§ 1956(h)     | Conspiracy to<br>commit money<br>laundering          | 02/17/2009 14S |

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 1,320 months.

This term consists of TWO HUNDRED FORTY (240) MONTHS as to each of Counts 1S, 3S, 4S, 5S and 6S, SIXTY (60) MONTHS as to each of Counts 12S and 13S, all such terms to be served consecutively; and TWO HUNDRED FORTY (240) MONTHS as to each of Counts 7S, 8S, 9S, 10S, 11S, and 14S, to be served concurrently with each other and with Counts 1S, 3S, 4S, 5S, 6S, 12S, and 13S, for a total term of ONE THOUSAND THREE HUNDRED AND TWENTY (1,320) MONTHS.

☐ See Additional Imprisonment Terms.

☒ The court makes the following recommendations to the Bureau of Prisons:

Mr. Stanford is to be imprisoned in the most secure facility that the BOP finds is commensurate with his security needs up to and including a U.S. Penitentiary.

App. 48

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_

☐ as notified by the United States Marshal

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL



### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 3 years.

This term consists of THREE (3) YEARS as to each of Counts 1S, and 3S through 14S, to run concurrently, for a total of THREE (3) YEARS.

☐ See Additional Supervised Release Terms.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. *(for offenses committed on or after September 13, 1994)*

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

App. 50

- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state registration in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check, if applicable)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

**STANDARD CONDITIONS OF SUPERVISION**

- ☒ See Special Conditions of Supervision.
- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

App. 51

- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;

- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

#### **SPECIAL CONDITIONS OF SUPERVISION**

The defendant is prohibited from employment or acting in a fiduciary role during the term of supervision.

#### **CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

|               | <u><b>Assessment</b></u> | <u><b>Fine</b></u> | <u><b>Restitution</b></u> |
|---------------|--------------------------|--------------------|---------------------------|
| <b>TOTALS</b> | \$1,300.00               |                    |                           |

A \$100 special assessment is ordered as to each of Counts 1S, and 3S-14S, for a total of \$1,300.

App. 53

- ☐ See Additional Terms for Criminal Monetary Penalties.
- ☐ The determination of restitution is deferred until \_\_\_\_\_. *An Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.
- ☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal payees must be paid before the United States is paid.

| <u>Name of</u> | <u>Restitution</u> | <u>Priority or</u> |
|----------------|--------------------|--------------------|
| <u>Payee</u>   | <u>Total Loss*</u> | <u>Ordered</u>     |
|                |                    | <u>Percentage</u>  |

- ☐ See Additional Restitution Payees.

**TOTALS**      \$ 0.00      \$ 0.00

- ☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for

delinquency and default, pursuant to 18 U.S.C. § 3612(g).

- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
  - ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:
- ☐ Based on the Government motion, the Court finds that reasonable efforts to collect the special assessment are not likely to be effective. Therefore, the assessment is hereby remitted.

\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

### **SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$1,300 due immediately, balance due
  - ☐ not later than \_\_\_\_\_ , or
  - ☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D or, ☐ F below); or

App. 55

- C ☐ Payment in equal \_\_\_\_\_ installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_, to commence \_\_\_\_\_ days after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ installments of \$ \_\_\_\_ over a period of \_\_\_\_\_, to commence \_\_\_\_\_ days after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ days after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Payable to: Clerk, U.S. District Court  
Attn: Finance  
P.O. Box 61010  
Houston, TX 77208

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

| <u>Case Number</u><br><u>Defendant and</u><br><u>Co-Defendant</u><br><u>Names (includ-</u><br><u>ing defendant</u><br><u>number)</u> | <u>Total</u><br><u>Amount</u> | <u>Joint and</u><br><u>Several</u><br><u>Amount</u> | <u>Correspond-</u><br><u>ing Payee, if</u><br><u>appropriate</u> |
|--|-------------------------------|---|--|
|--|-------------------------------|---|--|

- ☐ See Additional Defendants and Co-Defendants Held Joint and Several.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:  
5.9 Billion in the form of a personal money judgment; and as stated in the Amended Order of Forfeiture entered June 1, 2012 (Document # 862).
- ☐ See Additional Forfeited Property.

Payments shall be applied in the following order:  
(1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

---



**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

|                                  |   |                      |
|----------------------------------|---|----------------------|
| <b>UNITED STATES</b>             | § |                      |
| <b>OF AMERICA</b>                | § |                      |
| <b>v.</b>                        | § | <b>CRIMINAL NO.</b>  |
| <b>ROBERT ALLEN STANFORD</b>     | § | <b>H-09-342-01-S</b> |
| <b>a/k/a Sir Allen Stanford,</b> | § |                      |
| <b>a/k/a Allen Stanford,</b>     | § |                      |
| <b>Defendant.</b>                | § |                      |

**AMENDED ORDER OF FORFEITURE**

On March 6, 2012, Defendant Robert Allen Stanford was found guilty beyond a reasonable doubt of criminal offenses including fraud. A jury of his peers convicted the Defendant on the following counts in the Superseding Indictment:

- Count 1 (conspiracy to commit wire fraud and mail fraud, in violation of Title 18, United States Code, Section 1349);
- Counts 3 through 6 (wire fraud, in violation of Title 18, United States Code, Section 1343);
- Counts 7 through 11 (mail fraud, in violation of Title 18, United States Code, Section 1341);
- Count 12 (conspiracy to obstruct an investigation of the United States Securities and Exchange Commission (“SEC”), in violation of Title 18, United States Code, Section 371);

- Count 13 (obstruction of an SEC investigation, in violation of Title 18, United States Code, Section 1505); and
- Count 14 (conspiracy to commit money laundering, in violation of Title 18, United States Code, Section 1956(h)).

The guilt or innocence phase of trial lasted approximately six weeks, during which time various witnesses gave live testimony and numerous documents were received into evidence.

The United States provided notice to the Defendant in the Superseding Indictment that in the event of the Defendant's conviction, the United States would seek to forfeit, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), all property which constitutes or is derived from proceeds traceable to wire fraud, mail fraud, or a conspiracy to commit wire fraud and mail fraud. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(5)(A), the Defendant elected in this case to retain the jury "to determine the forfeitability of specific property if [the jury] returns a guilty verdict."

After the jury returned with a verdict of guilty on fraud-related criminal offenses, the forfeiture phase of the trial began with respect to 29 specific foreign accounts that had been listed in the Superseding Indictment. The jury heard two half-days of sworn testimony about the connection between the criminal offenses and the accounts, and numerous bank records and other financial documents were received into evidence.

The jury was instructed that in their deliberations in the forfeiture phase of the case, the jury should consider all of the evidence presented during the guilt/innocence phase of the trial as well as the additional evidence presented in the forfeiture phase of the trial. The jury was instructed that the term “proceeds” means property of any kind, including money, which is obtained directly or indirectly as a result of the commission of a criminal violation, and any property traceable thereto.

Pursuant to Federal Rule of Criminal Procedure 32.2(b)(5)(B), the jury received a Special Verdict Form that listed each specific property alleged to be subject to forfeiture and asked the jury to determine whether the Government had established that the funds on deposit in the listed accounts were the proceeds of the conspiracy to commit wire fraud or mail fraud (Count 1); and/or were the proceeds of the scheme to defraud (Counts 3-11). For 27 of the 29 accounts, the Government alleged that “all funds” on deposit were proceeds; and for the remaining two accounts, the Government alleged that a certain amount of the funds on deposit in the accounts were proceeds.

On March 8, 2012, the jury returned a verdict for the Government, finding that all funds on deposit in 27 of the 29 foreign accounts were the proceeds of both the conspiracy and the scheme to defraud, and thus subject to forfeiture; and that the requested amount of the funds on deposit in the remaining two accounts were the proceeds of both the conspiracy and the scheme to defraud, and thus subject to forfeiture.

In light of the special verdict on the forfeiture issues submitted to the jury, the Court enters the following orders:

(1) It is ORDERED that the following specific property is forfeited to the United States:

| <b>Asset</b> | <b>Financial Institution</b>           | <b>Account Number</b> | <b>Held in name of</b>            | <b>Amount Forfeited</b>                      |
|--------------|--|-----------------------|-----------------------------------|--|
| 1            | Union Bancaire Privee UBP, Geneva      | ██████████3203        | Bank of Antigua, Ltd.             | All funds on deposit as of February 28, 2009 |
| 2            | HSBC Bank, PLC, London, United Kingdom | ██████████0160        | Stanford International Bank, Ltd. | All funds on deposit as of February 28, 2009 |
| 3            | HSBC Bank, PLC, London, United Kingdom | ██████████3136        | Stanford International Bank, Ltd. | All funds on deposit as of February 28, 2009 |
| 4            | HSBC Bank, PLC, London, United Kingdom | ██████████8105        | Stanford International Bank, Ltd. | All funds on deposit as of February 28, 2009 |
| 5            | HSBC Bank, PLC, London, United Kingdom | ██████████0538        | Stanford International Bank, Ltd. | All funds on deposit as of February 28, 2009 |

App. 61

|    |   |                    |   |   |
|----|---|--------------------|---|---|
| 6  | Credit Suisse, United Kingdom           | LD [REDACTED] 051D | Stanford International Bank. Ltd.           | All funds on deposits as of February 28, 2009 |
| 7  | Credit Suisse, United Kingdom           | LD [REDACTED] 465  | Stanford International Bank. Ltd.           | All funds on deposits as of February 28, 2009 |
| 8  | Credit Suisse, United Kingdom           | 2LF [REDACTED] 651 | Stanford International Bank. Ltd.           | All funds on deposits as of February 28, 2009 |
| 9  | Credit Suisse, United Kingdom           | LD [REDACTED] 830D | Stanford International Bank. Ltd.           | All funds on deposits as of February 28, 2009 |
| 10 | SG Private Banking, Geneva, Switzerland | [REDACTED] 800     | Stanford International Bank. Ltd. (Antigua) | All funds on deposits as of February 28, 2009 |
| 11 | SG Private Banking, Geneva, Switzerland | [REDACTED] 801     | Stanford International Bank. Ltd. (Antigua) | All funds on deposits as of February 28, 2009 |
| 12 | SG Private Banking, Geneva, Switzerland | [REDACTED] 731     | Stanford Financial Group Ltd.               | All funds on deposits as of February 28, 2009 |

App. 62

|    |  |                         |   |   |
|----|--|-------------------------|---|---|
| 13 | SG Private Banking, Geneva, Switzerland    | ██████████600           | Robert Allen Stanford                       | All funds on deposits as of February 28, 2009 |
| 14 | SG Private Banking, Geneva, Switzerland    | ██████████732           | Bank of Antigua, Ltd.                       | \$15,220.00 of the funds on deposit           |
| 15 | Banque Franck Galland, Geneva, Switzerland | ██████████058           | Stanford International Bank. Ltd. (Antigua) | All funds on deposits as of February 28, 2009 |
| 16 | Julius Baer, Zurich, Switzerland           | ██████████6744          | Stanford International Bank. Ltd. (Antigua) | All funds on deposits as of February 28, 2009 |
| 17 | RBS Coutts, Switzerland                    | ██████████375██████████ | Stanford International Bank. Ltd. (Antigua) | All funds on deposits as of February 28, 2009 |
| 18 | Toronto, Dominion Bank, Canada             | ██████████573           | Stanford International Bank. Ltd.           | All funds on deposits as of February 28, 2009 |
| 19 | Toronto, Dominion Bank, Canada             | ██████████1670          | Stanford International Bank. Ltd.           | All funds on deposits as of February 28, 2009 |

App. 63

|    |   |                                    |  |   |
|----|---|------------------------------------|--|---|
| 20 | Toronto,<br>Dominion<br>Bank,<br>Canada         | ████ 4235                          | Stanford<br>Internat-<br>ional<br>Bank. Ltd. | All funds<br>on deposits<br>as of<br>February<br>28, 2009 |
| 21 | Toronto,<br>Dominion<br>Bank,<br>Canada         | ████ 0513                          | Stanford<br>Internat-<br>ional<br>Bank. Ltd. | All funds<br>on deposits<br>as of<br>February<br>28, 2009 |
| 22 | Toronto,<br>Dominion<br>Bank,<br>Canada         | ████ 0380                          | Stanford<br>Internat-<br>ional<br>Bank. Ltd. | All funds<br>on deposits<br>as of<br>February<br>28, 2009 |
| 23 | Toronto,<br>Dominion<br>Bank,<br>Canada         | ████ 5558<br>(suspense<br>account) | Stanford<br>Internat-<br>ional<br>Bank. Ltd. | All funds<br>on deposits<br>as of<br>February<br>28, 2009 |
| 24 | Toronto,<br>Dominion<br>Bank,<br>Canada         | ████ 5569<br>(suspense<br>account) | Stanford<br>Internat-<br>ional<br>Bank. Ltd. | All funds<br>on deposits<br>as of<br>February<br>28, 2009 |
| 25 | Toronto,<br>Dominion<br>Bank,<br>Canada         | ████ 5624<br>(suspense<br>account) | Stanford<br>Internat-<br>ional<br>Bank. Ltd. | All funds<br>on deposits<br>as of<br>February<br>28, 2009 |
| 26 | Friends<br>Provident<br>Internat-<br>ional Ltd. | ████ 8097                          | The<br>Prophecy<br>Trust                     | All funds<br>in deposit                                   |

App. 64

|    |                              |       |                                   |   |
|----|------------------------------|-------|-----------------------------------|---|
| 27 | RBS Coutts Bank, Switzerland | 7443  | Southpac Life Insurance Limited   | All funds in deposit                          |
| 28 | Credit Suisse, Zurich        | 50-41 | Stanford Group (Suisse) SA        | F18,700,000 of the funds on deposit           |
| 29 | Marex Financial Limited      | 886   | Stanford International Bank, Ltd. | All funds on deposits as of February 28, 2009 |

(2) Pursuant to federal law, any property traceable to forfeitable fraud proceeds is likewise subject to forfeiture. Any property traceable to the funds identified and forfeited above is hereby ORDERED forfeited to the United States. Specifically, the forfeited traceable property includes:

- a. the same forfeited funds that may have been transferred out of the identified account and placed into another account;
- b. any funds tendered as reimbursement for or repayment of funds earlier disbursed from an account identified above; and
- c. any interest, income, investment gains, or increased value derived from the forfeited funds.

(3) It is ORDERED that this Amended Order will be further amended under Federal Rule of Criminal Procedure 32.2(e)(1) when the amount of the



money judgment has been calculated and if additional specific property is identified.

(4) It is ORDERED that the United States shall publish notice of this Amended Order of Forfeiture and send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding. Any person, other than the Defendant, asserting a legal interest in the money may within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the court for a hearing without a jury to adjudicate the validity of his/her/its alleged interest in the property, within such time and in the manner provided by Title 21, United States Code, Section 853(n).

(5) It is ORDERED that pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this Amended Order of Forfeiture shall become final at sentencing, subject only to third-party proceedings. This Amended Order of Forfeiture shall be made part of the Defendant's sentence and included in the judgment against him.

Signed in Houston, Texas, on the 1 day of June 2012.

/s/ David Hittner  
DAVID HITTNER  
UNITED STATES  
DISTRICT JUDGE

---

App. 66

**APPENDIX E**

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

October 6, 2017

**Scott S. Harris**  
Clerk of the Court  
(202) 479-3011

Mr. Michael David Sydow  
The Sydow Firm  
5020 Montrose Blvd.  
Suite 450  
Houston, TX 77006

Re: Susan Stanford  
v. United States  
Application No. 17A379

Dear Mr. Sydow:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to The Chief Justice, who on October 6, 2017, extended the time to and including December 1, 2017.

This letter has been sent to those designated on the attached notification list.

Sincerely,

Scott S. Harris, Clerk

by /s/ Michael Duggan  
Michael Duggan  
Case Analyst

App. 67

**Supreme Court of the United States  
Office of the Clerk  
Washington, DC 20543-0001**

**Scott S. Harris**  
Clerk of the Court  
(202) 479-3011

**NOTIFICATION LIST**

Mr. Michael David Sydow  
The Sydow Firm  
5020 Montrose Blvd.  
Suite 450  
Houston, TX 77006

Mr. Noel Francisco  
Solicitor General  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Clerk  
United States Court of Appeals for the  
Federal Circuit  
717 Madison Place, NW Room 401  
Washington, DC 20439

---