

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

SECURITIES AND EXCHANGE COMMISSION	§	
	§	
Plaintiffs,	§	CASE NO. 3:09-cv-00298-N
	§	
vs.	§	
	§	
STANFORD INTERNATIONAL BANK, LTD.,	§	
ET AL.,	§	
Defendants.	§	

**MOTION FOR LEAVE TO FILE NOTICE OF  
CERTAIN CLASS ACTION PLAINTIFFS' OBJECTION TO  
RECEIVER'S MOTION FOR ENTRY OF SECOND AMENDED ORDER  
APPOINTING RECEIVER AND BRIEF IN SUPPORT THEREOF**

Comes Now Lynne Turk, individually and as Trustee of the Lynne Caponera Revocable Trust, Gary and Laurie Spellman, and Susan Blount, individually and on behalf of all others similarly situated (collectively, the "Class Representatives"), and files this Motion for Leave to File Notice of Certain Class Action Plaintiffs' Objection to Receiver's Motion for Entry of Second Amended Order Appointing Receiver (the "Notice") and Brief in Support thereof, and would show as follows:

The Notice is attached hereto as **Exhibit "A"** and incorporated herein by reference. The Notice<sup>1</sup> demonstrates that the Class Representatives and Class Members have a substantial interest which will be impaired if the Receiver's proposed Order is entered by this Court. Sustaining the Class Representatives' objection is necessary to protect their interest and those of the Class Members, who comprise a large number of the investor victims. The interest of the Class is not adequately protected by the parties before the Court in this Receivership action.

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<sup>1</sup> Plaintiffs' brief will demonstrate Plaintiffs' substantial interest beyond question in the Receivers Motion. For further evidence of Plaintiffs' substantial interest, Plaintiffs also refer this Court to its filings in this Court: *Lynne Turk, Gary and Laurie Spellman and Susan Blount vs. Pershing LLC*, 3:09-cv-02199-B (Doc. 30, 31 & 32) which is also pending before this Court.

**PRAYER**

The Class Representatives respectfully pray that the Court grant its Motion for Leave to File Notice of Certain Class Action Plaintiffs' Objection to Receiver's Motion for Entry of Second Amended Order Appointing Receiver and Brief in Support thereof.

Respectfully submitted,

HOHMANN, TAUBE & SUMMERS, L.L.P

By: /s/ Guy M. Hohmann

Guy M. Hohmann  
State Bar No. 09813100  
Joseph Brophy  
State Bar No. 00787146  
Ryan T. Shelton  
State Bar No. 24037484  
100 Congress Avenue, 18<sup>th</sup> Floor  
Austin, Texas 78701  
(512) 472-5997  
(512) 472-5248 (FAX)  
[guyH@hts-law.com](mailto:guyH@hts-law.com)  
[joeb@hts-law.com](mailto:joeb@hts-law.com)  
[ryans@hts-law.com](mailto:ryans@hts-law.com)

R. James George, Jr.  
State Bar No. 07810000  
Gary L. Lewis  
State Bar No. 12277490  
114 W. Seventh Street, Suite 1100  
Austin, Texas 78701  
(512) 495-1400  
(512) 499-0094 (FAX)  
[rjgeorge@georgeandbrothers.com](mailto:rjgeorge@georgeandbrothers.com)  
[gllewis@georgeandbrothers.com](mailto:gllewis@georgeandbrothers.com)

BEASLEY HAUSER KRAMER  
LEONARD & GALARDI, P.A.

James W. Beasley, Jr.  
Florida Bar No. 145750  
Joseph G. Galardi  
Florida Bar No. 0180572  
Flagler Center, Suite 1500  
505 South Flagler Drive  
West Palm Beach, Florida 33401  
(561) 835-0900  
(561) 835-0939 (FAX)  
[galardi@beasleylaw.net](mailto:galardi@beasleylaw.net)

**BLACKNER, STONE & ASSOCIATES**

Lesley Blackner, Esquire  
Florida Bar No. 654043  
123 Australian Avenue  
Palm Beach, FL 33480  
(561) 659-5754  
(561) 659-3184 (FAX)  
[lblackner@aol.com](mailto:lblackner@aol.com)

**ATTORNEYS FOR PERSHING CLASS  
ACTION PLAINTIFFS**

**CERTIFICATE OF SERVICE**

On January 22, 2010, I electronically submitted the foregoing document with the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served the Court- appointed Receiver, all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

By: \_\_\_\_\_/s/\_\_\_\_\_  
Guy M. Hohmann

# EXHIBIT A

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

SECURITIES AND EXCHANGE COMMISSION	§	
	§	
Plaintiffs,	§	CASE NO. 3:09CV0298-N
	§	
vs.	§	
	§	
STANFORD INTERNATIONAL BANK, LTD.,	§	ET AL.,
	§	
Defendants.	§	

**NOTICE OF CERTAIN CLASS ACTION PLAINTIFFS’  
OBJECTION TO RECEIVER’S MOTION FOR ENTRY OF  
SECOND AMENDED ORDER APPOINTING RECEIVER**

Lynne Turk, individually and as Trustee of the Lynne Caponera Revocable Trust, Gary and Laurie Spellman, and Susan Blount, individually and on behalf of all others similarly situated (collectively, the “Class Representatives”), file this Notice of Objection to the Receiver’s Motion for Entry of Second Amended Order Appointing Receiver (Doc. 958), and of their intent to file an opposition brief within 7 business days of this Notice, and would show as follows:

1. The Class Representatives are the named plaintiffs in the following class action filed on behalf of purchasers of Stanford International Bank Ltd. Certificates of Deposit pending in this Court: *Lynne Turk, Gary and Laurie Spellman and Susan Blount vs. Pershing LLC*, 3:09-cv-02199-B (the “Pershing Class Action”).<sup>1</sup>

2. The Class Representatives have sued Pershing LLC (“Pershing”), and only Pershing, which acted as the clearing firm for the Stanford entities during the relevant time

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<sup>1</sup> Lynne Turk, individually and as Trustee of the Lynne Caponera Revocable Trust, is also a named plaintiff in another class action filed solely on behalf of Florida purchasers of Stanford International Bank Ltd. Certificates of Deposit pending in this Court: *Lynne Turk vs. Pershing LLC*, 3:09-cv-02198-N.

period. The Class Representatives allege that Pershing is individually and severally liable for violating the Texas Securities Act and alternatively, the Florida Securities and Investor Protection Act, by aiding, abetting, and participating in Stanford's offer and sale of unregistered, non-exempt securities.

3. On December 22, 2009, Pershing filed a motion in the Pershing Class Action to stay the Class Action (Doc. 22) based on paragraph 10 of the Court's March 12, 2009 Amended Order Appointing Receiver (the "Amended Order"). On January 12, 2010, the Class Representatives filed their Response in opposition to Pershing's motion along with their Brief and Appendix in support thereof (Doc. 30, 31, & 32), setting forth in detail the reasons why the Amended Order is not applicable to the Pershing Class Action and why it should not be stayed.

4. The following day, January 13, 2010, the Receiver filed his Motion for Entry of Second Amended Order Appointing Receiver in this case (the "Receiver's Motion"). The proposed Order includes revisions that are clearly designed to protect Pershing from the Class Members' claims.<sup>2</sup> Therefore, the Receiver's Motion directly and adversely affects the Pershing Class Action and the Class Members' rights and claims against Pershing.

5. Despite a well established dialogue between Receiver's Counsel and Class Counsel (as reflected in the above referenced Brief and Appendix, Doc. 31 & 32), and the fact that the Receiver's motion is an "end round" designed to benefit Pershing at the Class Members' expense, the Class Members were not served with the Receiver's Motion. Nor did the Receiver otherwise notify the Class Members' counsel that the Receiver was seeking to Amend the Order in response to the Class Members' opposition to the Pershing motion and in a manner adversely

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<sup>2</sup> See Receiver's proposed Order (redline) ¶¶ 9 and 10 (Doc. 958, App. 10-21).

affecting the Class Members' claims against Pershing. Class Counsel discovered the Receiver's filing on January 19, 2010 as a result of reviewing the docket in this case.

6. As such the Class Representatives *hereby object* to the Receiver's Motion, and intend to file an opposition brief within 7 business days from the date of this Notice, unless this Court requests such brief sooner.

Respectfully submitted,

HOHMANN, TAUBE & SUMMERS, L.L.P

By: /s/ Guy M. Hohmann

Guy M. Hohmann  
State Bar No. 09813100  
Joseph Brophy  
State Bar No. 00787146  
Ryan T. Shelton  
State Bar No. 24037484  
100 Congress Avenue, 18<sup>th</sup> Floor  
Austin, Texas 78701  
(512) 472-5997  
(512) 472-5248 (FAX)  
[guyH@hts-law.com](mailto:guyH@hts-law.com)  
[joeb@hts-law.com](mailto:joeb@hts-law.com)  
[ryans@hts-law.com](mailto:ryans@hts-law.com)

R. James George, Jr.  
State Bar No. 07810000  
Gary L. Lewis  
State Bar No. 12277490  
114 W. Seventh Street, Suite 1100  
Austin, Texas 78701  
(512) 495-1400  
(512) 499-0094 (FAX)  
[rjgeorge@georgeandbrothers.com](mailto:rjgeorge@georgeandbrothers.com)  
[gllewis@georgeandbrothers.com](mailto:gllewis@georgeandbrothers.com)



**BEASLEY HAUSER KRAMER  
LEONARD & GALARDI, P.A.**

James W. Beasley, Jr.  
Florida Bar No. 145750  
Joseph G. Galardi  
Florida Bar No. 0180572  
Flagler Center, Suite 1500  
505 South Flagler Drive  
West Palm Beach, Florida 33401  
(561) 835-0900  
(561) 835-0939 (FAX)  
[galardi@beasleylaw.net](mailto:galardi@beasleylaw.net)

**BLACKNER, STONE & ASSOCIATES**

Lesley Blackner, Esquire  
Florida Bar No. 654043  
123 Australian Avenue  
Palm Beach, FL 33480  
(561) 659-5754  
(561) 659-3184 (FAX)  
[lblackner@aol.com](mailto:lblackner@aol.com)

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By: \_\_\_\_\_/s/\_\_\_\_\_  
Guy M. Hohmann

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NORTHERN DISTRICT OF TEXAS  
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SECURITIES AND EXCHANGE COMMISSION	§	
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Plaintiffs,	§	CASE NO. 3:09-cv-00298-N
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vs.	§	
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STANFORD INTERNATIONAL BANK, LTD.,	§	
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Defendants.	§	

**ORDER GRANTING MOTION FOR LEAVE TO FILE NOTICE OF CERTAIN CLASS ACTION PLAINTIFFS' OBJECTION TO RECEIVER'S MOTION FOR ENTRY OF SECOND AMENDED ORDER APPOINTING RECEIVER AND BRIEF IN SUPPORT THEREOF**

The Court, having considered the Class Representatives' Motion for Leave to File Notice of Certain Class Action Plaintiffs' Objection to Receiver's Motion for Entry of Second Amended Order Appointing Receiver and Brief in Support thereof has determined that the Class Representatives' Motion should be granted.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the Class Representatives' Motion for Leave to File Notice of Certain Class Action Plaintiffs' Objection to Receiver's Motion for Entry of Second Amended Order Appointing Receiver and Brief in Support thereof is hereby GRANTED.

Further, the Class Representatives shall file their brief in support of their Motion within 7 business days of the date of the filing of their Motion.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
PRESIDING JUDGE