

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

**IN RE STANFORD ENTITIES** §  
**SECURITIES LITIGATION** § **CIVIL ACTION NO. 3-09-MD-2099-N**

---

**SECURITIES AND EXCHANGE** §  
**COMMISSION,** §  
 §  
**Plaintiff,** §  
 §  
**v.** § **CIVIL ACTION NO. 3-09-CV 0298-N**  
 §  
**STANFORD INTERNATIONAL** §  
**BANK, LTD., et al.,** §  
 §  
**Defendants.** §

**FIFTH JOINT REPORT OF  
THE RECEIVER, THE EXAMINER AND THE OSIC  
CONCERNING PENDING LITIGATION  
(FOR THE PERIOD ENDING JUNE 30, 2013)**

The Receiver, the Examiner and the Official Stanford Investors Committee<sup>1</sup> (the “OSIC”) respectfully submit this Fifth Joint Report concerning the status of pending litigation brought by the Receiver and the OSIC. This Fifth Joint Report is submitted pursuant to this Court’s Order dated February 25, 2011 (Civil Action No. 09-298, Doc. No. 1267)<sup>2</sup> and provides an update regarding the status of asset recovery and other

---

<sup>1</sup> The OSIC was created by an Order entered by this Court on August 10, 2010 (Civil Action No. 09-298, Doc. No. 1149).

<sup>2</sup> The Court’s Order dated February 25, 2011 approved of an agreement between the Receiver and the OSIC pursuant to which the OSIC would assume responsibility for the prosecution of certain fraudulent transfer and other claims. The Order directed the Receiver and the OSIC to report to the Court concerning the litigation being pursued.

litigation prosecuted by the Receiver and/or the OSIC for the period from April 1, 2013 through June 30, 2013.

### I. PRELIMINARY STATEMENT

The Receiver, the Examiner and the OSIC have previously filed four Litigation Reports,<sup>3</sup> as follows:

Civil Action No. 09-298, Doc. No. 1416, filed July 27, 2011 (addressing pending litigation as of June 30, 2011);

Civil Action No. 09-298, Doc. No. 1614, filed June 1, 2012 (addressing pending litigation as of March 31, 2012);

Civil Action No. 09-298, Doc. No. 1716, filed October 16, 2012 (addressing pending litigation as of September 30, 2012); and

Civil Action No. 09-298, Doc. No. 1850, filed April 16, 2013 (addressing pending litigation as of March 31, 2013).

This Fifth Joint Report does not undertake to provide a comprehensive overview as to all pending litigation. Among other things, this report does not address certain pending lawsuits that (a) are stayed by the Court's litigation stay; and/or (b) do not directly involve the Receiver, the OSIC, or one of the attorney-members of the OSIC. This Fifth Joint Report is limited to the information required by the Court's Order dated February 25, 2011, Civil Action No. 09-298, Doc. No. 1267, and addresses the period from April 1, 2013 through June 30, 2013. The Receiver, the Examiner and the OSIC

---

<sup>3</sup> The Receiver and the Examiner also filed a Report addressing certain matters that were referred to Magistrate Judge Frost for determination. Civil Action No. 09-298, Doc. No. 1720, filed October 17, 2012.

anticipate filing a more comprehensive report on pending litigation as of September 30, 2013 (similar to the first four Joint Reports previously filed).

**II. REQUIRED INFORMATION<sup>4</sup>**

**A. Settlements Finalized**

**1. Cases Prosecuted by the Receiver.** During the period from April 1, 2013 through June 30, 2013, 22 settlements were finalized in “net winner” cases being prosecuted by the Receiver. In the aggregate, the settling defendants identified below paid the Receiver a total settlement amount of \$2,530,948.56.<sup>5</sup> The finalized settlements are summarized below. The Receiver is continuing to negotiate with other “net winner” defendants and anticipates that additional settlements will be reached.

a. Civil Action No. 09-724 (Janvey v. Alguire, et al.) In this action, the Receiver entered into settlements with the following defendants:

<u>Defendant</u>	<u>Dismissal Order<sup>6</sup></u>
Kevin A. McKenzie and Denise T. McKenzie.	Doc. No. 966
Mary E. Gerry	Doc. No. 967
The Anthony Joseph Antinori Trust, Anthony Joseph Antinori, the Steven James Antinori Trust and Steven James Antinori.	Doc. No. 968
Michael Wheatley and Betty Wheatley	Doc. No. 969

---

<sup>4</sup> The Court’s Order of February 25, 2011 specified certain information that was to be included in each quarterly report. That information is set forth here.

<sup>5</sup> An additional 2 settlements were also executed (but not finalized) during this same period, with \$250,817.81 to be paid over time pursuant to installment plans.

<sup>6</sup> The Dismissal Order number refers to Civil Action No. 09-724.

Jimmy Quebedeaux	Doc. No. 970
Wayland B. Alexander	Doc. No. 976
Davis Revocable Trust	Doc. No. 979
Stephen J. Burnham	Doc. No. 984

b. Civil Action No. 10-366 (*Janvey v. Venger, et al.*) In this action, the Receiver entered into settlements with the following defendants:

<u>Defendant</u>	<u>Dismissal Order</u> <sup>7</sup>
Manuel Antuna and Rosalia Antuna	Doc. No. 355
Joseph W. Strength	Doc. No. 360
Etha V. Ardoin and Estate of Armile Ardoin	Doc. No. 363
Shannon S. Bundick	Doc. No. 367

c. Civil Action No. 10-415 (*Janvey v. Rodriguez Posada, et al.*) In this action, the Receiver entered into a settlement with Ralph Yaffe and Carol Yaffe. That settlement was finalized and a dismissal order was entered on June 14, 2013. Civil Action No. 10-415, Doc. No. 101.

d. Civil Action No. 10-478 (*Janvey v. Gilbe Corp., et al.*) In this action, the Receiver entered into a settlement with John Cop, Jr. and Laverne D. Cop. That settlement was finalized and a dismissal order was entered on May 24, 2013. Civil Action No. 10-478, Doc. No. 94.

---

<sup>7</sup> The Dismissal Order number refers to Civil Action No. 10-366.

e. Civil Action No. 10-528 (Janvey v. Buck's Bits Service, Inc., et al.)

In this action, the Receiver entered into a settlement with J. William Lovelace. That settlement was finalized and a dismissal order was entered on April 26, 2013. Civil Action No. 10-528, Doc. No. 70.

f. Civil Action No. 10-931 (Janvey v. Dokken, et al.) In this action, the

Receiver entered into a settlement with John G. Adams and Rebecca N. Adams. That settlement was finalized and a dismissal order was entered on May 24, 2013. Civil Action No. 10-931, Doc. No. 125.

g. Civil Action No. 10-1002 (Janvey v. Fernandez, et al.) In this

action, the Receiver entered into settlements with the following defendants:

<u>Defendant</u>	<u>Dismissal Order</u> <sup>8</sup>
Kenneth L. Twiss	Doc. No. 174
Donald Passwaters and Maria V. Passwaters	Doc. No. 175
Stephen Bearman	Doc. No. 178
D. Mills and M. Mills Trust <sup>9</sup>	Doc. No. 181
Cynthia Hampton and William Jerry Hampton	Doc. No. 182
James M. Hubbard and Geneva M. Hubbard	Doc. No. 183

---

<sup>8</sup> The Dismissal Order number refers to Civil Action No. 10-1002.

<sup>9</sup> This Trust is also known as the David Pipes Mills and Marguerite Harrell Mills Trust for the benefit of Plains Presbyterian Church.

2. **Cases Jointly Prosecuted by the Receiver and the OSIC.** During the period from April 1, 2013 to June 30, 2013, one settlement was finalized in the cases being jointly prosecuted by the Receiver and the OSIC.

In *Janvey v. Courtney N. Blackman*, Civil Action No. 11-00302, the Receiver, the OSIC and Mr. Courtney Blackman reached an agreement in early March 2013, to settle the claims asserted against Mr. Blackman. Pursuant to that agreement, \$45,000.00 was to be paid to the Receiver by Mr. Blackman's wife, Gloria Blackman, after the agreement was approved by the Bankruptcy Court in Mr. Blackman's bankruptcy proceedings. A motion to approve the settlement was filed in the Bankruptcy Court on March 5, 2013, and no timely objections to the motion to approve were filed. The Bankruptcy Court entered its Order approving the settlement on April 22, 2013, and the settlement amount was paid to on June 20, 2013.

3. **Cases Prosecuted by the OSIC.** During the period from April 1, 2013 to June 30, 2013, no settlements were finalized in the cases being prosecuted solely by the OSIC.

**B. Fees paid to Counsel retained by the OSIC.**

For the period from April 1, 2013 to June 30, 2013, no professional fees were paid to counsel retained by the OSIC. A payment of fees will be due to counsel for the OSIC as a result of the settlement with Mr. Blackman, but those fees were not paid within the period from April 1 to June 30, 2013.

**C. Fees paid to Experts retained by the OSIC.**

During the period from April 1, 2013 to June 30, 2013, no fees were paid by the Receiver to experts retained by the OSIC.

Dated: July 8, 2013

Respectfully submitted,

**BAKER BOTTS L.L.P.**

By: /s/ Kevin M. Sadler

Kevin M. Sadler

Texas Bar No. 17512450

kevin.sadler@bakerbotts.com

Robert I. Howell

Texas Bar No. 10107300

robert.howell@bakerbotts.com

David T. Arlington

Texas Bar No. 00790238

david.arlington@bakerbotts.com

1500 San Jacinto Center

98 San Jacinto Blvd.

Austin, Texas 78701-4039

(512) 322-2500

(512) 322-2501 (Facsimile)

Timothy S. Durst

Texas Bar No. 00786924

tim.durst@bakerbotts.com

2001 Ross Avenue

Dallas, Texas 75201

(214) 953-6500

(214) 953-6503 (Facsimile)

**ATTORNEYS FOR RECEIVER  
RALPH S. JANVEY**

Respectfully submitted,

/s/ John J. Little

John J. Little

Tex. Bar No. 12424230

LITTLE PEDERSEN FANKHAUSER, LLP

901 Main Street, Suite 4110

Dallas, Texas 75202

(214) 573-2300

(214) 573-2323 [FAX]

**EXAMINER**

Respectfully submitted,

**CASTILLO SNYDER, P.C.**

By: /s/ Edward C. Snyder

Edward C. Snyder

Texas Bar No. 00791699

esnyder@casnlaw.com

Bank of America Plaza, Suite 1020

300 Convent Street

San Antonio, Texas 78205

(210) 630-4200

(210) 630-4210 (Facsimile)

**BUTZEL LONG, P.C.**

By: /s/ Peter D. Morgenstern

Peter D. Morgenstern

(*admitted pro hac vice*)

pmorgenstern@mfbnyc.com

885 Third Avenue

New York, New York 10022

(212) 750-6776

(212) 750-3128 (Facsimile)



**STRASBURGER & PRICE, LLP**

By: /s/ Edward F. Valdespino

Edward F. Valdespino  
[edward.valdespino@strasburger.com](mailto:edward.valdespino@strasburger.com)  
Andrew L. Kerr  
[andrew.kerr@strasburger.com](mailto:andrew.kerr@strasburger.com)  
300 Convent Street, Suite 900  
San Antonio, Texas 78205  
(210) 250-6000  
(210) 250-6100 (FACSIMILE)

**NELIGAN FOLEY, LLP**

By: /s/ Douglas J. Buncher

Nicholas A. Foley  
Texas State Bar No. 07208620  
[nfoley@neliganlaw.com](mailto:nfoley@neliganlaw.com)  
Douglas J. Buncher  
Texas State Bar No. 03342700  
[dbuncher@neliganlaw.com](mailto:dbuncher@neliganlaw.com)  
325 N. St. Paul, Suite 3600  
Dallas, Texas 75201  
(214) 840-5320  
(214) 840-5301 (Facsimile)

**ATTORNEYS FOR THE OFFICIAL  
STANFORD INVESTORS COMMITTEE**

### **CERTIFICATE OF SERVICE**

On July 8, 2013, I electronically submitted the foregoing document to 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 all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ John J. Little  
John J. Little