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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

VS.

STANFORD INTERNATIONAL BANK, LTD., STANFORD GROUP COMPANY, STANFORD CAPITAL MANAGEMENT, LLC, R. ALLEN STANFORD, JAMES M. DAVIS and LAURA PENDERGEST-HOLT,

Defendants.

NO. 3:09-CV-0298-N

# RANDI STANFORD'S MOTION FOR LEAVE TO FILE A SUPPLEMENT TO HER RESPONSE IN OPPOSITION TO RECEIVER'S MOTION FOR ORDER TO SHOW CAUSE WHY RANDI STANFORD SHOULD NOT BE HELD IN CONTEMPT

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#### TO THE HONORABLE JUDGE GODBEY:

COMES NOW, Randi Stanford, by and through undersigned counsel, who now makes this special appearance before this Court, and respectfully asks this Court to allow her leave to file a very limited supplement to her Response in Opposition to the Receiver's Motion for Order to Show Cause Why Randi Stanford Should Not Be Held in Contempt, and, to that end, states as follows:

On August 3, 2009, Randi Stanford filed her response in opposition to the Receiver's Motion for Order to Show Cause Why Randi Stanford Should Not Be Held in Contempt [Doc. #666]. In her response, Miss Stanford asserts, *inter alia*, that (1) she holds equitable title to 2121 Kirby Drive, Unit 16 NE, Houston Texas ("the Property"), the Property that is the subject of the Receiver's motion, or alternatively (2) if the Court finds evidence that the property was in part purchased with fraudulently obtained funds and orders that the Property be sold, she and her mother are entitled to

reimbursement for their proportionate share of the sale proceeds. Consistent with her claim to equitable title, Miss Stanford used her own personally earned funds to make the down payment on the condominium. She makes reference to these funds, in particular, \$20,000.00, in her affidavit made an exhibit to her response. *See* Randi Stanford's Response [Doc. #666], Exhibit D, ¶5. When the response was filed, Miss Stanford could not locate the check evidencing her payment. She has since ordered and received from her bank, Bank of America, a copy of the cancelled check.

Randi Stanford now respectfully seeks leave to supplement her response to include a copy of the cancelled check in the record before the Court. Leave should be granted as Miss Stanford has sought leave prior to the Receiver's deadline for filing a reply, only seeks to supplement the evidence before the Court with a check that could not be found when the response was filed and was diligent in seeking leave soon after she received a copy of the check. She does not seek to expound on the arguments previously made, and no party will be prejudiced if this Court allows Randi Stanford leave to file the attached supplemental affidavit and exhibit. Such evidence is relevant to issues before this Court on Receiver's motion.

For the foregoing reasons, Randi Stanford respectfully requests that this Court grant her leave to file the supplemental affidavit and exhibit attached hereto.

Respectfully Submitted,

/s/ Joe Kendall

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ATTORNEY FOR RANDI STANFORD

### **CERTIFICATE OF CONFERENCE**

Elizabeth M. Carmody hereby certifies that, in accordance with LR 7.1, and this Court's April 20, 2009, Order appointing an Examiner, on August 13, 2009, I notified: counsel for (i) the Securities and Exchange Commission; (ii) the IRS; (iii) the Receiver; (iv) the Examiner; and (v) the defendants of Randi Stanford's intention to seek the relief requested in this Motion. The Securities and Exchange Commission, Receiver, and Defendants Allen Stanford, the Stanford entities and James Davis have no objection to the relief requested. I have left messages with, but have not heard back from counsel for the IRS, the Examiner or Defendant Laura Pendergest-Holt with respect to the relief requested.

> /s/ Elizabeth Carmody ELIZABETH M. CARMODY

## **CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of August, 2009, I electronically filed the foregoing Motion for Leave to File a Supplement to Randi Stanford's Response in Opposition to the Receiver's Motion for Order to Show Cause Why Randi Stanford Should Not Be Held in Contempt with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record in this case who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Elizabeth Carmody

ELIZABETH M. CARMODY