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

SECURITIES AND EXCHANGE COMMISSION,
Plaintiff

v. **Civil Case No. 3:09-cv-00298-N**

STANFORD INTERNATIONAL BANK, LTD. ET AL,
Defendants

DEFENDANT'S (SECOND) MOTION FOR RELIEF FROM VOID JUDGMENT PURSUANT TO RULE 60(b)(4) OF THE FEDERAL RULES OF CIVIL PROCEDURE

Robert Allen Stanford, (Mr. Stanford) a Defendant in the above enumerated case who is proceeding in this matter pro se, herein files this second 'Motion For Relief From Void Judgment' pursuant to Rule 60(b)(4), and submits the following (new) information in support thereof.

"Rule 60(b)(4) provides a means by which a court can relieve a party form a void judgment or order. A judgment is void under Rule 60(b)(4) if the court that rendered it lacked jurisdiction of the subject-matter, or the parties, or it acted in a manner inconsistent with due process of law." *Rismed Oncology Systems, Inc. v. Baron*, 638

Fed Appx. 800; No. 14-15567 (11th Cir. 2015); *Hesling v. CSX Transportation, Inc.* 396 F.3d 641 (5th Cir. 2005) (proof that withheld information that would have altered outcome is not required, because Rule [60(b)(4)] "is aimed at judgments which were unfairly obtained, not at those which are factually incorrect.")

Second Rule 60(b)(4) –

In addition to and without waiving any of the numerous and meritorious arguments presented in his 'first' (and still pending) Motion under Rule 60(b)(4), in this 'second' Rule 60(b)(4) Motion For Relief Mr. Stanford presents a new issue, with equally clear and convincing grounds on which relief could be granted, that has never been presented in this Court, or any other, or heard on its merits.

STATEMENT OF THE CASE

On February 16, 2009, the Fort Worth Office of the Securities and Exchange Commission (SEC) filed a civil enforcement action in this Court in which it alleged that the Certificates of Deposit (CDs), issued from Stanford International Bank, Ltd. in Antigua (SIBL), were fraudulent and being marketed to U.S. citizens through Stanford Group Company (SGC), a domestic broker-dealer regulated by the SEC, in violation of various federal security laws.

In connection with this action the SEC sought a Temporary Restraining Order, and the appointment of an Equity Receiver to take possession of, maintain and preserve, the interests, assets and records of the global Stanford Financial Group, of which Stanford International Bank, Ltd., and Stanford Group Company were a part. For Equity Financial Group, of which Stanford International Bank, Ltd., and Stanford Group Company were a part. For Equity Receiver, the SEC recommended a Dallas lawyer named Ralph S. Janvey.

On the following day (February 17, 2009) this Court appointed Ralph S. Janvey to take control of what, collectively, would be called the 'Stanford Receivership Estate'.

New Grounds –

In this second Rule 60(b)(4) 'Motion For Relief From Void Judgment', Mr. Stanford will show, with convincing proof, that the SEC and this Court, "acted in a manner inconsistent with due process of law" when, after the February 17, 2009 appointment of Ralph S. Janvey as Equity Receiver over the Stanford Receivership Estate, the SEC and this Court failed to oversee, reign in and prevent the Receiver's disregard for the explicit directives in the 'Order Appointing Receiver' (OAR)(Doc. 10).

Additionally, the SEC and this Court also failed to oversee, reign in and prevent the Receiver, Ralph S. Janvey, from violating the directives of Section 64.031 of the Texas Civil Practices and Remedies Code, which prohibits an Equity Receiver from

avoiding the use of a Rule 45 subpoena by issuing his own "supplemental order", therein allowing him to freely obtain SIBL's detailed customer account information in an unchallengeable manner; an action that also violated the explicit Order of the High Court of Antigua & Barbuda, issued by that Court on February 26, 2009, that specifically prohibited the Receiver from accessing or disclosing information which was protected by the bank secrecy laws of Antigua & Barbuda - IBCA 244(1).

At a July 1, 2009 Hearing in this Court, held to address the SEC's 'Motion To Modify Receivership Order', the Receiver stated to the Court:

> "I think it's important for everyone to know, not just you, Your Honor, but other people in the Receivership. I work for you. I'm a court-appointed Receiver. I do not work for the SEC. I follow the orders of this Court, and I take them seriously [] As a Receiver, I answer to you. I follow your instructions, your guidance. I want to make sure I follow your instructions and your orders."

By the time the Receiver made these 'obsequious' statements to the Court, he had already (purposefully) disregarded the Court's instructions as outlined in the Order Appointing Receiver, and committed an act of deliberate and willful malfeasance - an act that, in the clearest of manners, and most importantly, violated Mr. Stanford's Fifth Amendment right to due process of law.

With clear and convincing proof of this act, which the SEC and this Court failed to prevent and allowed to occur, Mr. Stanford submits as an "Attachment" to this (second) Rule 60(b)(4) Motion For Relief From Judgment, the Complaint he has now

filed against the Receiver, and others with arguments and supporting facts and evidence that render the Receiver's unlawful act of deliberate and willful malfeasance, indisputable. *Stanford v. Janvey, et al.* (3:18-cv-00165)(Doc. 4)

Void Judgment –

As a result of the actions and inactions of the SEC and this Court as described herein, every action, judgment or order that has followed and flowed from these actions and inactions – including but not limited to this Court's November 30, 2011 Order (Doc. 1483), and the SEC's April 24, 2013 'Summary Judgment Award of $12.6 billion (Doc. 1858) – as well as all "other" actions taken by the Receiver, Ralph S. Janvey, were undertaken, and thus were inconsistent with, due process of law.

Relief from a void judgment or order can be sought at any time. Laches and similar finality principles generally have no effect on void judgments; the courts have held that the mere passage of time will not convert a void judgment into a proper one. *Jackson v. FEI Corp.* 302 F.3d 515, 523-524 (5th Cir. 2002); *Hertz Corp. v. Alamo Rent-A-Car, Inc.* 16 F.3d 126,1130 (11th Cir. 1994)

CONCLUSION

Based on the foregoing submissions, this Court should enter a 'void judgment' on it's November 30, 2011 Order (Doc. 1483) and its April 24, 2013 Order awarding

Summary Judgment in the amount of $12.6 billion to the SEC (Doc. 1858), and all other Orders it has granted which have followed and flowed from the Receiver's unlawful actions.

Respectfully submitted,

R. Allen Stanford

Robert Allen Stanford, pro se
Reg. # 35017-183
FCC Coleman USP II
P.O. Box 1034
Coleman, Florida 33521

CERTIFICATE OF SERVICE

I, Robert Allen Stanford, do hereby swear under penalty of perjury, 28 U.S.C. 1746, that on this 7 day of February, 2018, I placed a copy of this 'second' Rule 60(b)(4) Motion For Relief From Judgment, in the U.S. Mail addressed to:

Securities and Exchange Commission
Fort Worth Regional Office
Burnett Plaza, Suite 1900
801 Cherry Street, Unit# 18
Fort Worth, Texas 76102-6882

R. Allen Stanford

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EXHIBIT

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

ROBERT ALLEN STANFORD,
on behalf of himself and the
Stanford Receivership Estate,
Plaintiff

v.

JURY TRIAL DEMANDED

RALPH S. JANVEY, Receiver,
Karyl Van Tassel, and FTI
Consulting, Inc.,
Defendants

3-18CV0165-N

COMPLAINT

Comes now, Robert Allen Stanford, pro se (Mr. Stanford), on behalf of himself and the Stanford Receivership Estate, who files this action against Ralph. S. Janvey, Receiver, Karyl Van Tassel (former) Senior Managing Director of FTI Consulting, Inc., and FTI Consulting, Inc., pursuant to Federal Civil Rule 3, Rule 17(b)(3)(B), and 28 U.S.C. 959(a).

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INTRODUCTION

This Complaint arises out of an action taken by the court-appointed Receiver of the Stanford Receivership Estate, and his agents or assigns, that deliberately (and purposefully) exceeded the scope and authority of the Order Appointing Receiver, that was issued from this court, the Northern District Court of Texas, Dallas Division, on February 17, 2009.

Mr. Stanford further alleges herein, that this deliberate violation of the Receivership Order was an act of willful malfeasance that also violated 28 U.S.C. 754 and 959(a) (which govern Equity Receivers), Section 64.031 of the Texas Civil Practices and Remedies Code (2009)(which prohibits an Equity Receiver from 'supplementing' a court order by issuing an order of his own), 18 U.S.C. 1030(a)(2)(A) (known as the Computer Fraud and Abuse Act), and Section 244(1) of Antigua and Barbuda's International Business Corporations Act (IBCA) (which states in relevant part, that "No person shall disclose any information relating to business affairs of the customer that he has acquired as an officer, employee, agent auditor, solicitor of the banking corporation [...] except "pursuant to an order of a court competent jurisdiction in Antigua and Barbuda.")

Mr. Stanford has standing to sue the Receiver under Rule 17(a) because: (1) he is a 'real party' in the underlying SEC action giving rise to the Receiver's appointment, and (2) at the time of the Defendants unlawful actions he was still an "Officer" as defined under IBCA, and (3) he has a substantial personal and economic interest in the outcome of this Receivership, and can show irreparable harm.

STATUTE OF LIMITATIONS

There are no statute of limitations concerns. While 28 U.S.C. 1658 provides for a "four year" limit on civil actions, equitable tolling applies here because the Order Appointing Receivership remains in effect, and the accrual of this cause of action will therefore continue until the Receivership is terminated.

Moreover, because the allegations of deliberate willful malfeasance present a clear and convincing assault on the integrity of the judicial process, perpetrated by an officer of the court, no time limits apply. See, Fed. Civ. Rule 60(d)

JURISDICTION

The Northern District Court, Dallas Division has exclusive jurisdiction over this action, and venue is proper, because the underlying enforcement action of the Fort Worth Office of the Securities and Exchange Commission was filed in this court on

February 16, 2009 (Securities and Exchange Commission v. Stanford International Bank, Ltd, et al., (3:09-cv-00298-N), and on February 17, 2009 this court appointed Ralph S. Janvey as Receiver of the Stanford Receivership Estate. And because, as of this filing, the court's twice-amended Order Appointing Receiver is still in place. (See, Docs. 10, 157 and 952)

PARTIES OF THIS ACTION

Mr. Stanford - was the sole shareholder/owner of a global network of financial services companies consisting of 175 entities, which included Stanford International Bank, Ltd., Stanford Group Company, and Stanford Capital Management, LLC., the three companies named in the underlying (SEC) enforcement action.

Ralph S. Janvey - of Dallas, Texas, was appointed and currently serves as Equity Receiver for the Receivership Assets, and Receivership Records (collectively, "Stanford Receivership Estate") with the full power of an Equity Receiver under common law, as well as such powers as enumerated in the Order Appointing Receiver (*SEC v. SIBL, Ltd., et al*, 3:09-cv-00298-N)

Karyl Van Tassel, CPA - (former) Senior Managing Director of FTI Consulting, Inc., was engaged by the Receiver prior to the Order Appointing Receiver, on February 15, 2009. Ms. Van Tassel (and her company, FTI) was retained to investigate the

allegations of the SEC, and conduct a forensic auditing of the global Stanford companies, each of which were individually incorporated under the umbrella of Stanford Financial Group, whose headquarters was in St. Croix, USVI.

FTI Consulting, Inc. - is a forensic accounting and technology firm, that also provides litigation consulting and support. FTI was engaged by the Receiver prior to the Order Appointing Receiver, on February 15, 2009, to provide a forensic accounting of the global Stanford companies, which included Stanford International Bank, Ltd in Antigua, and Stanford Group Company with both foreign and domestic locations.

STATEMENT OF FACTS

On February 17, 2009, the Fort Worth Office of the Securities and Exchange Commission filed a civil enforcement action in this court, the Northern District of Texas, Dallas Division, against Stanford International Bank, Ltd, et al., alleging that the Certificates of Deposit (CDs) issued from Stanford International Bank, Ltd., in Antigua, were fraudulent and being marketed to U.S. citizens through Stanford's broker-dealer, Stanford Group Company. A Temporary Restraining Order was issued, and the court appointed Ralph S. Janvey as Equity Receiver over the Stanford Receivership Estate.

CAUSE OF THIS ACTION

Ralph S. Janvey, with the assistance of Karyl Van Tassel, and employees of FTI Consulting, Inc., did willfully and unlawfully access and disseminate information contained in a (Temenos) database located in Antigua, that was customer information in a financial institution (Stanford International Bank, Ltd - SIBL) and protected from disclosure by the bank secrecy laws of Antigua and Barbuda.

When seeking to obtain this protected information, the Defendants, acting with scienter, presented and purported to be acting on the authority of the Order Appointing Receiver (OAR), even though no part of that order provided such authority - and to the contrary, made clear that any such production must be provided in a manner that complied with Fed. Civ. Rule 45, and with "the laws of any foreign country where such records are located."

In tandem with this presentation of the OAR (to Stanford IT employee, Sohil Merchant), and instead of utilizing a Rule 45 subpoena as required in Sections 5(d) and 12(c) of the OAR, the Receiver issued his own "supplemental order" that he typed on a plain sheet of paper – and actually acknowledged that the detailed customer account information he was seeking was "protected from certain disclosures under the laws of Antigua" – was neither dated nor ever made part of the

official record, commanding Mr. Merchant to perform a "data-dump" of this Temenos database.

(See, 4:09-cr-00342) *United States v. Robert Allen Stanford*, Doc. 590-4)

In fact, this unlawful accessing of SIBL's privacy law-protected customer account information, by way of this impermissible "supplemental order" did not even surface until three years later when Mr. Merchant approached Mr. Stanford's attorneys in the parallel criminal case.

Mr. Merchant, expressing a "grave concern" that his compliance with the Receiver's demand and performing the requested "data-dump" – after initially voicing his concern to the Receiver at the time of the Receiver's command, and being handed the crudely-crafted "supplemental order" – had been unlawful.

ALLEGATION

Through testimony and records he intends to obtain through the discovery process, and present at trial, Mr. Stanford will show that, when seeking access to the Temenos database located in Antigua and protected by the laws of that country, the Receiver acted with scienter; that the purpose of his disregarding the explicit directives contained in the OAR, by issuing and utilizing his own (unchallengeable)

"supplemental order", was to evade lawful scrutiny...more specifically, to also evade compliance with the laws of the United States and Antigua and Barbuda.

More notably, indirect evidence in this extra-order action makes clear that the Receiver's primary intent – by utilizing a plain sheet of paper instead of a Rule 45-compliant subpoena – was to avoid alerting Mr. Stanford of this unlawful access. That is, had the Receiver complied with the OAR and utilized a Rule 45 subpoena, he would have been required to file that subpoena with the court – at which point Mr. Stanford would have been alerted and, as would have been his responsibility as Chairman of SIBL, under Antigua and Barbuda's IBCA 244(1), he would have quickly moved in this court with a 'Motion To Quash', or for a 'Protective Order' pursuant to Federal Civil Rules 26(b)(5)(B), 26(c)(1)(G), or 45(c)(3)A)(iii) – which provide the recipient of a Rule 45 subpoena with protection from the disclosure of privileged or protected information.

IMMEDIATELY PRECEDING THIS UNLAWFUL ACCESS

On February 26, 2009, nine days after his court-appointment and upon his arrival in Antigua and presentation of the OAR to officials in that country seeking access to SIBL's customer account information, the High Court of Antigua and Barbuda made clear that no such access would be permitted. In a stern warning against any such

disclosure of SIBL's privacy law-protected information, that Court began by making clear to the Receiver that, his order from a district court in the United States was a "dead letter" with "no standing in Antigua and Barbuda". In relevant part, the High Court went further to clarify:

> "(1) No disclosure of customer specific information is authorized without further, or other, Order of this Court, and; (2) no disclosure of information is permitted under the Order to any foreign government or regulatory body unless such disclosure is subject to mutual disclosure obligations. [Mutual Legal Assistance Treaty, or MLATs] For the purposes of the Order, customer specific information means information of sufficient detail to enable the recipient of the information to identify the customer in question, the customer's address or other location and/or the amount of credit balances or other investments of the respondent/defendant."
> (See, *United States v. Robert Allen Stanford* - 4:09-cr-00342)
> (Doc. 589)

After the Antiguan Court's denial of any and all access, the Receiver and his agents and assigns, Karyl Van Tassel and FTI, then approached Stanford IT employee Sohil Merchant to "hack" into SIBL's Temenos database. Wielding his OAR like a "writ of assistance", when Mr. Merchant expressed serious concerns about the legality of this ad hoc action, the Receiver and the other Defendants drafted the circumventive "supplemental order...commanding Mr. Merchant to perform a "data-dump" of the Temenos database; a Receiver-issued "supplemental order" that violated Section 64.031 of the Texas Civil Practices and Remedies Code (2009), and was never entered into the official record or subject to any challenge, and instead was discretely

provided directly to Mr. Stanford's defense counsel, by Mr. Merchant himself, just prior to the start of his criminal trial.

KARYL VAN TASSEL AND FTI CONSULTING, INC.

On December 5, 2011 (and on previous occasions), Karyl Van Tassel stated that..."On February 16, 2009 [...] the Receiver retained FTI (of which she was a Senior Managing Director) to perform a variety of services, including assisting in the capture and safeguarding of electronic accounting and other records of the Stanford entities..." (*SEC v. SIBL, et al*, 3:09-cv-00298-N) (Doc. 2642-1, at 3)

Prior to this statement of Ms. Van Tassel, at a June 25, 2009 detention hearing before the Honorable Frances Stacey, when the prosecution called to the witness stand FTI's lead forensic auditor Jeffrey Ferguson, this FTI employee stated:

> **Mr. Pelletier (DOJ):** Tell us, would you please, what records you used to analyze the obligations of Stanford International Bank to its customers, the CD depositors, in February of 2009.
> **Mr. Ferguson (FTI):** We reviewed financial statements of the Bank, of Stanford International Bank. We reviewed a database, a Stanford International bank customer account database.

Later in this same June 25, 2009 detention hearing, FTI employee Jeffrey Ferguson went on to acknowledge that, shortly thereafter this database review (and Mr. Merchant's "data-dump") when bank regulators in Antigua discovered the breach of

SIBL's computer security firewall – and therein the blatant violation of the February 26, 2009 Order of the High Court – that unlawful access was immediately interrupted and terminated.

THE IRREPARABLE HARM THAT RESULTED FROM THE DEFENDANT'S DELIBERATE ACT OF WILLFUL MALFEASANCE

After taking possession of the illegal "data-dump' of all SIBL's customer account information, when contrary to the SEC's claim of "insolvency" Ms. Van Tassel's 'liabilities versus assets' analysis revealed otherwise, she and the other Defendants "forensically manipulated" this data to fit the SEC's allegations, and its "Ponzi scheme" narrative.

This forensic manipulation, presented in a 'Declaration' compiled by Ms. Van Tassel, was accomplished by excluding from the asset totals valuable private equity investments in Tier 2, significant cash reserves in Tier 3, undervaluing (or excluding) billions of dollars in market value assets held around the world, and all foreign assets accounts that were lost to knee-jerk "nationalizations".

And overarching all, this 'manipulated' asset analysis was conducted by Ms. Van Tassel and her company (FTI) during the worst financial crisis since the Great Depression.

On July 25, 2011, Mr. Alton Davis, president of Commercial Damage Analysis, LLC., in Texas, was retained by the law firm of Stanley Frank & Rose to address the solvency analysis in Ms. Van Tassel's July 27, 2009 'Declaration'. This law firm was representing clients in an ancillary matter brought by the Receiver, Ralph S. Janvey. In sum, it was the expert opinion of Mr. Davis, an Accredited Valuation Analyst with 31 years of experience in finance and accounting, that:

> "The solvency analysis that Ms. Van Tassel performed is critically flawed. She ignored asset values which are significant, and which eliminate the deficit she reported to this court [Northern District Court of Texas, Dallas Division]. The values of the investments significantly exceed SIB's alleged deficit that was presented in Ms. Van Tassel's Declaration." (*United States v. Robert Allen Stanford*, 4:09-cr-00342) (SEALED Doc. 850-1)

THE PARALLEL CRIMINAL CASE BROUGHT BY THE DEPARTMENT OF JUSTICE

By her own admission, on "three or four" occasions prior to the criminal indictment of Mr. Stanford, Ms. Van Tassel met with members of the Department of Justice (Paul Pelletier, Chief of the DOJ's Fraud Division, AUSA Gregg Costa, lead prosecutor in the Stanford prosecution, and others) to provide them with the "forensically manipulated" SIBL data from the Temenos database, to be used in the criminal case. (See, Oral Depositions of Karyl Van Tassel, August 2, 2011, at pages

100-103, *Janvey v. Fernandez, et al.* (3:10-cv-1002-N), and May 6, 2011, at pages 25-27, *Janvey v. Alguire, et al.* (3:09-cv-0724-N)

Like the Receiver's "supplemental order" to obtain the unlawful "data-dump" of the Temenos database, these "three or four" 'ex parte' meetings, between the forensic accountant in the SEC's civil proceeding, and prosecutors in the parallel criminal proceeding, were never made part of the official record (in either proceeding), and never disclosed to Stanford attorneys.

Later, just prior to the (2012) criminal trial, when Mr. Stanford's attorneys moved to suppress this illegally obtained evidence, which in addition to the aforementioned violations of the laws of United States and Antigua & Barbuda was now also a clear violation of Mr. Stanford's rights under the Fourth Amendment, lead prosecutor AUSA Gregg Costa responded that whether this data had been obtained in a lawful manner, or not, was "moot"...because..."the United States does not intend to use any of that information at trial."

The truth, however, is that the United States did rely on and make specific use of that protected information...on numerous occasions.

Beginning back at the June 25, 2009 detention hearing, after government witness Jeffrey Ferguson (FTI) acknowledged that he had full access to and had utilized this database to analyze and determine obligations of Stanford International Bank, the

prosecution entered a summary of this analysis into evidence as Exhibit 1. (4:09-cr-00342) (Doc. 46, at 25-26)

Then later, on January 6, 2012, just prior to the criminal trial, when Mr. Stanford's counsel moved to suppress, inter alia, this protected and illegally obtained information (Doc. 589), which in addition to the aforementioned violations of the laws of United States and Antigua & Barbuda, was now a violation of...

> (1) The Separation of Powers doctrine, prohibiting the awesome powers of the Executive Branch (DOJ) from joining with the virtually unlimited powers of the Judicial Branch (court-appointed Receiver);
> (2) The Fourth Amendment's protection from unlawful searches and seizures, and;
> (3) The McDade Act, prohibiting the use of information obtained in violation of the Federal Rules Of Evidence, codified under (28 U.S.C.530B)

...the government (in Doc. 613) responded that, because the United States was not using the Temenos information at trial, the validity of that information was a "moot" issue. In support of this "mootness" assertion, the government added that the Temenos database was "routinely accessed by Stanford employees prior to the Receivership" [] "Of course that is how the Receiver was able to access it." (pages 2-3)

This attempt to minimize the unlawful event, by making it appear that "all" Stanford employees were able to access and roam through the Temenos database at will, is mere sleight of hand. Stanford Financial Advisors were able to access a single,

individual customer's account in the database – when and only when they were provided with that individual customer's personal password. The Financial Advisors had no such "routine" access to all accounts in the database, ever. And even when provided with the single customer's personal password, their access was limited to that one customer's account. For access to "all" accounts in the database, as the Receiver was demanding, required the special computer skills of Mr. Merchant, the Stanford IT specialist who had assisted the Panamanian company that designed the database, and implemented the security firewall...the only employee capable of breaching the security firewall.

Moreover, the physical server for the database was located in Antigua, not in the United States, which was outside the limited territorial jurisdiction of a district court-appointed Equity Receiver. (28 U.S.C. 754)

No matter their 'sleight of hand', the truth is that the government did make use of the Temenos database – prior to trial, during trial, and at sentencing. Without it, they would have had no means of obtaining each of the SIBL depositors names, and the detailed information about their CD purchases and accounts.

In fact, contradicting this claim of "mootness", on page 3 of this same document (613), the government admitted that...

> "On a few occasions, the FBI or Department of Justice requested Temenos account information for victims it had already identified as potential witnesses."

Worst of all, however, concerning the irreparable harm caused by the Defendants, is the fact that once the information in this Temenos database was "forensically manipulated" and provided to the DOJ (during these "three or four" ex-parte and unrecorded meetings between Ms. Van Tassel and the various DOJ officials), the Defendants moved this database to a warehouse in distant Washington, D.C. (See, 'Confidential Memorandum', SEALED Doc. 603) – sequestering the truth of SIBL's alleged "insolvency" a thousand miles away from the reach of Mr. Stanford's CJA-funded attorneys...in violation of *Brady v. Maryland*, 373 U.S. 83 (1963) (holding government has a constitutional duty to disclose material evidence of an exculpatory or impeaching nature)

PRAYER FOR RELIEF

As the facts presented herein establish with convincing clarity, but for the Defendants...

> (1) deliberate disregard for the explicit directives in the Order Appointing Receiver,
> (2) the unlawful "supplemental order" issued to Stanford IT technician Sohil Merchant to obtain a complete "data-dump" of all the privacy law-protected customer account information in SIBL's Temenos database,
> (3) the "forensic manipulation" of the analysis of its CD depositor liabilities versus its assets, to achieve the falsely reported "insolvency",
> (4) the ex parte provision of this altered data to the DOJ, and

(5) the sequestering of the Temenos database to a warehouse in Washington, D.C.

... the SEC's civil enforcement action against Mr. Stanford and his companies would ultimately have been dismissed for lack of prosecution, and the DOJ's criminal indictment of Mr. Stanford would never have occurred.

And further, because each of these deliberate acts of willful malfeasance were committed by the Defendants, and did occur, by proclaiming that none of this unlawfully obtained information was later used as evidence at Mr. Stanford's criminal trial (and thus was never provided to Mr. Stanford for the purpose of challenging it), the DOJ was able to successfully circumvent the constitutional protections as clarified in *Brady v. Maryland*, 373 U.S. 83 (1963) and obtain the (wrongful) conviction of Mr. Stanford, and his term of imprisonment.

DAMAGES SOUGHT IN THIS ACTION

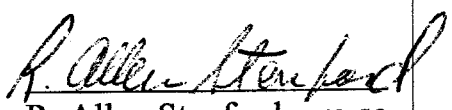
For the reasons herein, which establish 'proximate cause', as compensation for the unlawful and unscrupulous "validating" of the allegations of the SEC and DOJ, which resulted in the (1) total loss of Mr. Stanford's global group of financial services companies (2) the interference and resulting prevention of honoring his obligations to the depositors in SIBL, (3) the SEC's $12.6 billion 'Summary Judgment' award,

and (4) Mr. Stanford's wrongful conviction in both the civil and criminal proceedings, he seeks the sum certain amount of $18.5 billion.

This amount includes the estimated market value of the Stanford Financial Group of companies as of January 1, 2018, and true value of its investments and holdings, as well as the total amount owed to SIBL depositors as of February 16, 2009, and for the loss of Mr. Stanford's personal net worth as of February 16, 2009, the date of the SEC's wrongful action, as well as the nine years of his wrongful imprisonment.

In order to preserve and maintain the status quo of all assets of the Defendants, for the purposes of securing satisfaction of the eventual judgment, and in order to preserve the power of the court to award such judgment, Mr. Stanford intends to seek a pre-judgment remedy under separate cover, as provided under Rule 64(b).

Respectfully submitted,



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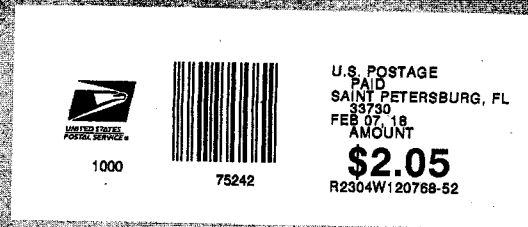

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