

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

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

STANFORD INTERNATIONAL BANK, LTD., *et al.*,

Defendants.

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Civil Action No. 3:09-CV-0298-N

MOTION: (i) TO INTERVENE; (ii) TO AMEND OR MODIFY CERTAIN PORTIONS OF THIS COURT’S AMENDED RECEIVERSHIP ORDER; (iii) IN SUPPORT OF THE ANTIGUAN RECEIVERS-LIQUIDATORS’ REQUEST TO COORDINATE PROCEEDINGS UNDER CHAPTER 15 OF THE BANKRUPTCY CODE; AND (iv) IN THE ALTERNATIVE, FOR EXTENSION OF TIME TO APPEAL

Dr. Samuel Bukrinsky, Jaime Alexis Arroyo Bornstein, and Mario Gebel (the “Movants”), respectfully move this Court for an Order:

- (i) permitting the Movants to intervene in this action;
- (ii) amending or modifying paragraph 11 of the Court’s Amended Receivership Order (“Amended Order”) (Dkt. #157);
- (iii) in the alternative, (a) granting the Movants leave to intervene for the limited purpose of prosecuting an appeal; and (b) to the extent it may be necessary, extending and/or reopening the time for the Movants to appeal the Receivership Order; and
- (iv) granting such other relief as this Court deems just and proper.

As discussed more fully in the accompanying Brief in Support of the Motion, and the Declaration of Peter D. Morgenstern, the Movants have an enormous stake in the outcome of

these proceedings. These victims of one of the largest financial frauds in history have a right to participate in proceedings that will determine their rights as creditors and determine the manner in which their claims will be adjudicated, and the timing and amount of distributions that they may receive from the defendants' estates. Congress has determined that complex liquidations in cases such as this one, and the adjudication of creditor claims of the sort held by the Movants, should be conducted according to the comprehensive system embodied in the Bankruptcy Code and Federal Rules of Bankruptcy Procedure.

The Movants, therefore, respectfully request that this Court amend or modify paragraph 11 of the Court's Amended Receivership Order so that they are no longer enjoined from seeking relief from paragraph 10(e) of this Court's order, which currently enjoins creditors from filing an involuntary bankruptcy petition against any of the Defendants.

Dated: May 11, 2009

Respectfully submitted,

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AND

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By: /s/ Paul Lackey

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Counsel for the Movants

CERTIFICATE OF CONFERENCE

Peter D. Morgenstern hereby certifies that, in accordance with LR 7.1, and this Court's April 20, 2009, Order appointing an Examiner, on May 8 2009, I notified: (i) counsel for the Securities and Exchange Commission; (ii) counsel for the IRS; (iii) counsel for the Receiver; (iv) the Examiner; (v) counsel for the Antiguan Receivers-Liquidators; and (vi) counsel for the individual defendants of the Movants' intention to seek the relief requested in this Motion. Agreement could not be reached among the parties concerning the relief requested in this Motion. Specifically, on May 8, 2009, Kevin Sadler, Esq., counsel for the Receiver, notified me that the Receiver did not consent to the relief requested herein. On the same date, Manuel P. Lena, Jr., Esq., counsel for the IRS, notified me that the IRS did not consent to the relief requested herein. Counsel for the other parties have not yet responded.

/s/ Peter D. Morgenstern
Peter D. Morgenstern

CERTIFICATE OF SERVICE

I hereby certify that on May 11, 2009, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Paul Lackey
Paul Lackey