| Case 3:09-cv-00721-N | Document 1 | Filed 04/20/2009 | Page 1 of 3 | |
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| | x : | CLE | J.S. DISTRICT (| OURT |
| In re | : | Chapter 15 | | |
| Stanford International Bank, Ltd., | : : | Case No. 09 | () | |
| Debtor in a Foreign I | Proceeding. : | | | |
| | : X | 3-(| 09CV072 | 7 - M |

MOTION TO REFER PETITION FOR RECOGNITION PURSUANT TO CHAPTER 15 OF THE BANKRUPTCY CODE AND RELATED PLEADINGS TO THE BANKRUPTCY COURT

Messrs. Nigel Hamilton-Smith and Peter Wastell (collectively, the "Liquidators"), individuals and citizens of the United Kingdom acting in their capacity as the duly-appointed liquidators of Defendant Stanford International Bank, Ltd. ("SIB"), an international bank formed pursuant to the laws of Antigua and Barbuda, respectfully request that the Court enter an order referring the Liquidators' Official Form Petition, Petition for Recognition of Foreign Main Proceeding Pursuant to Chapter 15 of the Bankruptcy Code, Memorandum of Law in Support of Petition for Recognition of Foreign Main Proceeding Pursuant to Chapter 15 of the Bankruptcy Code and Declaration of Nigel Hamilton-Smith in Support of the Petition for Recognition of a Foreign Main Proceeding Pursuant to Chapter 15 of the Bankruptcy Code (collectively, the "Chapter 15 Pleadings") to the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the "Bankruptcy Court").

Although bankruptcy petitions and related pleadings are typically filed in the bankruptcy court, the Liquidators have initially filed the Chapter 15 Pleadings in this Court because of the provisions in this Court's Amended Receivership Order (the "Amended Order") that enjoin

parties from (a) filing a chapter 15 petition without leave of this Court, and/or (b) seeking relief from that provision for 180 days. The Chapter 15 Pleadings are a necessary predicate for the Liquidators to appear in, and seek the cooperation of, U.S. courts, and the Liquidators are concurrently requesting that the provisions of the Amended Order enjoining the filing of a chapter 15 petition be vacated. Because chapter 15 petitions are typically considered in the first instance by bankruptcy courts, however, the Liquidators request that the Court refer the Chapter 15 Pleadings to the Bankruptcy Court.

Although this Court has original and exclusive jurisdiction of all bankruptcy cases, this Court also has the authority to refer bankruptcy cases to the bankruptcy courts. 28 U.S.C. § 157. Indeed, there is a standing order in the Northern District of Texas automatically referring all bankruptcy cases to the bankruptcy courts in the district. Misc. Order No. 33. Referral is particularly appropriate in the context of a chapter 15 petition, because Congress specifically intended that bankruptcy courts serve as the initial arbiter of whether recognition should be granted to foreign insolvency proceedings and foreign representatives. *Iida v. Kitahara (In re Iida)*, 377 B.R. 243, 257 (B.A.P. 9th Cir. 2007) ("Congress specifically intended that control of these questions be concentrated in the bankruptcy court.").

For these reasons, the Liquidators respectfully request that the Court enter an order referring the Chapter 15 Pleadings to the Bankruptcy Court.

Dated: April 20, 2009.

Respectfully submitted,

Weston C. Loegering

State Bar No. 12481550

Gregory Gordon

State Bar No. 08435300

Craig F. Simon

State Bar No. 00784968

Greg Weselka

State Bar No. 00788644

Daniel P. Winikka

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JONES DAY

2727 N. Harwood St.

Dallas, Texas 75201

Telephone: (214) 220-3939 Facsimile: (214) 969-5100

ATTORNEYS FOR THE LIQUIDATORS

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

| | X | | |
|------------------------------------|---|-------------|---|
| In re | : | Chapter 15 | |
| Stanford International Bank, Ltd., | : | Case No. 09 | (|
| Debtor in a Foreign Proceeding. | : | | |
| | X | | |

[PROPOSED] ORDER GRANTING REFERRAL OF BANKRUPTCY PLEADINGS TO BANKRUPTCY COURT

On this day the Court considered the Motion to Refer Petition for Recognition Pursuant to Chapter 15 of the Bankruptcy Code and Related Pleadings to the Bankruptcy Court filed by movants Nigel Hamilton-Smith and Peter Wastell, individuals and citizens of the United Kingdom acting in their capacity as the duly-appointed Liquidators of Stanford International Bank, Ltd., an international bank formed pursuant to the laws of Antigua and Barbuda. The Court has concluded that the motion is well taken and should be granted.

It is therefore ORDERED that the Liquidators' Official Form Petition, Petition for Recognition of Foreign Main Proceeding Pursuant to Chapter 15 of the Bankruptcy Code, Memorandum of Law in Support of Petition for Recognition of Foreign Main Proceeding Pursuant to Chapter 15 of the Bankruptcy Code and Declaration of Nigel Hamilton-Smith in Support of the Petition for Recognition of a Foreign Main Proceeding Pursuant to Chapter 15 of the Bankruptcy Code shall be referred to the United States Bankruptcy Court for the Northern District of Texas, Dallas Division.

Nothing in this Order shall limit the Liquidators' right to seek further or additional relief to which they may be entitled.

Dated: April ___, 2009.

UNITED STATES DISTRICT JUDGE

DLI-6246019v3

| B.1 (Official Form (1) 21 20 3:09-CV-0072 | 1-IN | Docume | nt 1-3 | Filed 04/2 | 20/2009 | Page 1 | 01.3 |
|--|-----------------|---|--|---|--|-------------------------------|-------------------------------------|
| United Stat Northern I | | | | | | | ary Petition |
| | | | Nar | Name of Joint Debtor (Spouse) (Last, First, Middle): | | | |
| All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): None | | | All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names): | | | | |
| Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN. (if more than one, state all): N/A | | | Last four digits of Soc. Sec. or Individual-Taxpayer I.D. (ITIN) No./Complete EIN. (if more than one, state all): | | | | |
| Street Address of Debtor (No. & Street, City, State & | Zip Code | :): | Stre | et Address of Joi | int Debtor (No. & | Street, City, | State & Zip Code): |
| No. 1 Pavilion Drive PO Box W1753 St. John's, Antigua, West Indies | | | | 3-09 | 9 C V O | 72 | 1 - N |
| | | ZIP CODE N/A | | | | | ZIP CODE |
| County of Residence or of the Principal Place of Busi St. John's, Antigua | | | 1 | II O | or of the Princip | | |
| Mailing Address of Debtor (if different from street ad | dress): | | M | directable is of the control of the | Ethor (Frantsele DISTRICT (TLED | hldiBin street OF TEXA | addiess): |
| | Z | ZIP CODE | - | API | R 2 0 2000 | | ZIP CODE |
| Location of Principal Assets of Business Debtor (if di | fferent fro | om street addre | ss above): | | MB 00 | | |
| Time of Dukks | 1 | No.4 AT | | LERK, U.S. | DISTRICT | CUIMT VW | ZIP CODE |
| Type of Debtor (Form of Organization) | | Nature of Bus (Check one bo | | | hapter of Bankı Deputy | | |
| (Check one box.) Individual (includes Joint Debtors) | | th Care Business | | ☐ Chapter 7 | Les Chapter 15 | | |
| See Exhibit D on page 2 of this form | 11 Ŭ | le Asset Real Esta .S.C. § 101 (51B) | | ☐ Chapter 9 ☐ Chapter 11 | Main Proce | | |
| Corporation (includes LLC and LLP) Partnership | ☐ Railr | oad obroker | | ☐ Chapter 12 ☐ Chapter 13 | | n of a Foreign | |
| ☐ Other (If debtor is not one of the above entities, check | | modity Broker | | | Nonmain F | ure of Debts | |
| this box and provide the information requested below.) | l | ring Bank | | | | ure of Debts leck one box) | |
| | Othe | | | ☐ Debts are prindebts, defined | | | Debts are primarily business debts. |
| | | Tax-Exempt I Check Box, if app | • | § 191(8) as "i | ncurred by an imarily responsible t | | outaines devis. |
| | ☐ Debt | or is a tax-exemp or Title 26 of the U | t organization Jnited States | | rily, or household pu | | |
| Filing Fee (Check on | | ine mema Re | venue Code.) | | - | ter 11 Debto | rs |
| Elling Fee attached. | | | | l . | mall business debto | | 11 U.S.C. § 101(51D). |
| Filing Fee to be paid in installments (Applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in | | | | Debtor is not Check if: | t a small business de | ebtor as defined | l in 11 U.S.C. § 101(51D). |
| installments. Rule 1006(b). See Official Form 3A. Filing Fee waiver requested (Applicable to chapter 7 individuals only). Must attach signed | | | □ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190.00. | | | | |
| application for the court's consideration. See Official Form 3B. | | | | Check all applicable boxes: ☐ A plan is being filed with this Petition. ☐ Acceptances of the plan were solicited prepetition from one or more classes of | | | |
| Statistical/Administrative Information | | | | creditors, in | accordance with 11 | U.S.C. § 1126 | THIS SPACE IS FOR COURT USE |
| Debtor estimates that funds will be available for distrib | ution to un | | | | | · | ONLY |
| | | | nenses naid the | e will be no funds a | available for | | |
| Debtor estimates that, after any exempt property is exc distribution to unsecured creditors. | luded and a | administrative ex | penses para, mei | | | | |
| Debtor estimates that, after any exempt property is exc distribution to unsecured creditors. Estimated Number of Creditors (on a consolidated base) | | | | | | | |
| Debtor estimates that, after any exempt property is exc distribution to unsecured creditors. | sis) | 5,001- | 10,001- | E 25,001- | □ 50,001- | □ Over | |
| Debtor estimates that, after any exempt property is exedistribution to unsecured creditors. Estimated Number of Creditors (on a consolidated based of the constant of the con | sis) | | | E | | | |
| Debtor estimates that, after any exempt property is exc distribution to unsecured creditors. Estimated Number of Creditors (on a consolidated based of the property of the pr | sis) | 5,001- | 10,001- | E 25,001- | □ 50,001- | Over | |
| Debtor estimates that, after any exempt property is exc distribution to unsecured creditors. Estimated Number of Creditors (on a consolidated based b | sis) 0- 0 | 5,001- 10,000 | 10,001- 25,000 | 25,001- 50,000 | 50,001- 100,000 | Over 100,000 | |
| Debtor estimates that, after any exempt property is exc distribution to unsecured creditors. Estimated Number of Creditors (on a consolidated based b | sis) 0- 0 | 5,001- 10,000 | 10,001- 25,000 | 25,001- 50,000 | 50,001- 100,000 | Over 100,000 | |

B.1 (Official Form () (198) 3:09-CV-00721-N Document 1-3 Filed 04/20/2009 Page 2 of QRM B1, Page 2 Voluntary Petition Name of Debtor(s): (This page must be completed and filed in every case) Stanford International Bank, Ltd. All Prior Bankruptcy Cases Filed Within Last 8 Years (If more than one, attach additional sheet) Location Case Number: Date Filed: Where Filed: None N/A N/A Location Case Number: Date Filed: Where Filed: N/A N/A N/A Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet) Name of Debtor: Date Filed: Case Number: District: Relationship: Judge: Exhibit A Exhibit B (To be completed if debtor is an individual (To be completed if debtor is required to file periodic reports (e.g., forms 10K whose debts are primarily consumer debts.) and 10Q) with the Securities and Exchange Commission pursuant to Section 13 I, the attorney for the petitioner named in the foregoing petition, declare that I or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, chapter 11.) or 13 of title 11, United States Code, and have explained the relief available under each such chapter. I further certify that I delivered to the debtor the notice required by 11 U.S.C. § 342(b). ☐ Exhibit A is attached and made a part of this petition. Signature of Attorney for Debtor(s) Date Exhibit C Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. ヌ No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition. Information Regarding the Debtor - Venue (Check the Applicable Boxes) Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. Debtor is a debtor in a foreign proceeding and has its principal place of business or principal assets in the United States in this District, or has no principal place of business or assets in the United States but is a defendant in an action or proceeding [in a federal or state court] in this District, or the interests of the parties will be served in regard to the relief sought in this District. Certification by a Debtor Who Resides as a Tenant of Residential Property (Check all applicable boxes.) Landlord has a judgment against the debtor for possession of debtor's residence. (If box checked, complete the following.) (Name of landlord that obtained judgment) (Address of landlord) Debtor claims that under applicable nonbankruptcy law, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after the judgment for possession was entered, and Debtor has included in this petition the deposit with the court of any rent that would become due during the 30-day period after the filing of the petition. Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).

| B.1 (Official Form 1) (1/08) | FORM B1, Page 3 | | | | |
|--|---|--|--|--|--|
| Voluntary Petition (This page must be completed and filed in every case) | Name of Debtor(s): Stanford International Bank, Ltd. | | | | |
| Signatures | | | | | |
| Signature(s) of Debtor(s) (Individual/Joint) | Signature of a Foreign Representative | | | | |
| I declare under penalty of perjury that the information provided in this petition is true and correct. [If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. § 342(b). I request relief in accordance with the chapter of title 11, United States Code, specified in this petition. X Signature of Debtor X Signature of Joint Debtor | I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. (Check only one box.) I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by § 1515 of title 11 are attached. Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached. X (Signature of Foreign Representative) Nigel Hamilton-Smith (Printed Name of Foreign Representative) April 20, 2009 Date | | | | |
| Date | | | | | |
| Signature of Attorney X Signature of Attorney for Debtor Gregory M. Gordon (TX 08435300) Weston C. Loegering (TX 12481550) Daniel P. Winikka (TX 00794873) Greg L. Weselka (TX 00788644) Craig F. Simon (TX 00784968) Jones Day 2727 N. Harwood Street Dallas, Texas 75201 Tel: (214) 969-3939 Fax: (214) 969-5100 April 20, 2009 Date *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the information in the schedules is incorrect. | Signature of Non-Attorney Bankruptcy Petition Preparer I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached. Printed Name and title, if any, of Bankruptcy Petition Preparer Social Security number (If the bankruptcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.) | | | | |
| Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United | Address X | | | | |
| States Code, specified in this petition. | Date | | | | |
| X | Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social Security number is provided above. Names and Social Security numbers of all other individuals who prepared or | | | | |
| Printed Name of Authorized Individual | assisted in preparing this document unless the bankruptcy petition preparer is not an individual: If more than one person prepared this document, attach additional sheets | | | | |
| Title of Authorized Individual Date | conforming to the appropriate official form for each person. A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both (11 U.S.C. § 110; 18 U.S.C. § 156). | | | | |