

proceeding,² as with an *in personam* proceeding, an exercise of jurisdiction must satisfy the minimum requirements of due process. *See Shaffer v. Heitner*, 433 U.S. 186, 212 (1977) (“We therefore conclude that all assertions of state-court jurisdiction must be evaluated according to the standards set forth in *International Shoe* and its progeny.”); 4A WRIGHT, MILLER & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 1070 (Westlaw current through 2009) (“[*Shaffer*] requires both state and federal courts to examine carefully any action based on quasi-in-rem jurisdiction to make certain that the minimum contacts and fair play and substantial justice standards established by the Supreme Court are met.”).

In this case, the relevant due process inquiry is whether the foreign Stanford entities had sufficient minimum contacts with the United States. *See Luallen v. Higgs*, 277 Fed. App’x 402, 404 (5th Cir. 2008) (“[W]hen a federal court is attempting to exercise personal jurisdiction over a defendant in a suit based upon a federal statute providing for nationwide service of process, the relevant inquiry is whether the defendant has had minimum contacts with the United States.” (quoting *Busch v. Buchman, Buchman & O’Brien*, 11 F.3d 1255, 1258 (5th Cir. 1994))). Here, the Court’s jurisdiction is premised on alleged violations of federal securities statutes, which provide for nationwide service of process.³

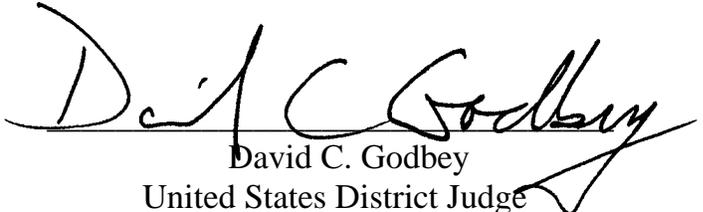
²A receivership proceeding is “in the nature of a proceeding *in rem*.” 12 WRIGHT, MILLER & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 2985 (Westlaw current through 2009).

³*E.g.*, Securities Act of 1933 § 22(a), 15 U.S.C. § 77v(a) (“Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, . . . and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.”).

This Court's exercise of jurisdiction over the foreign Stanford entities satisfies the requirements of due process because they had sufficient minimum contacts with the United States. The Receiver provides four pages of specific facts demonstrating the foreign Stanford entities' contacts with the United States and the state of Texas. *See Reply in Support of Mot. to Compel* [315] at 10-13. Because Loumiet and H&W do not dispute these facts, the Court will not recite them here. In light of the entities' extensive contacts with the United States and this state in particular, the Court's and the Receiver's exercise of jurisdiction over their property is proper.

Accordingly, the Court grants the Receiver's motion to compel. The Court orders Carlos Loumiet and H&W to deliver to the Receiver all files and billing records related to services rendered on behalf of the foreign Stanford entities: Stanford International Bank, Ltd. (Antigua) ("SIB"), Stanford Trust Company Administradora de Fondos y Fideicomisos, S.A. (Ecuador), Stanford Development Company (Grenada) Limited, Stanford Development Company Limited (Antigua), and Stanford International Bank (Panama) S.A.

Signed March 1, 2010.


David C. Godbey
United States District Judge