

2. The Relief Defendants in this suit are similarly situated to the investor Relief Defendants named in Case No. 03:09-CV-0724-N who have accounts frozen at Pershing, JP Morgan and SEI. Indeed, all of the Relief Defendants herein have accounts frozen at Pershing.

3. For the reasons stated in the attached motions, which are incorporated herein, the Receiver requests similar relief as to the Relief Defendants herein as he requests with regard to the Relief Defendants in Case No. 03:09-CV-0724-N who have frozen Pershing, JP Morgan and SEI accounts.

PRAYER

Accordingly, the Receiver respectfully requests orders from the Court:

- (1) Granting expedited consideration of the Receiver's request for continued account freeze over the Relief Defendants' Pershing accounts;
- (2) Directing that assets in the Relief Defendants' accounts at Pershing equal to the value of CD Proceeds – purported principal redemptions and interest payments – the Relief Defendants received from SIB CDs shall remain frozen at Pershing;
- (3) Directing that the following procedures and schedule be followed in addressing the Receiver's Motion for Disgorgement herein:
 - (a) The Receiver shall serve counsel for the Relief Defendants with this filing;
 - (b) On the same date the Examiner is required to file his response to the Receiver's Motion for Disgorgement in Case No. 03:09-CV-0724-N, the Relief Defendants herein shall file a response to the Receiver's Motion for Disgorgement in this case;
 - (c) On the same date the Receiver is required to file his reply to the Examiner's response to the Motion for Disgorgement in Case No. 03:09-

CV-0724-N, the Receiver shall file a reply to the response filed by the Relief Defendants in this case;

- (4) Directing that assets in the frozen Pershing accounts of the Relief Defendants equal to the value of CD Proceeds – purported CD principal redemptions and interest payments – they received from SIB CDs shall remain frozen pending this Court’s final adjudication of the Receivership Estate’s rights to the assets;
- (5) Directing that the SIB CD Proceeds paid directly or indirectly to the Relief Defendants are subject to a constructive trust for the benefit of the Receivership Estate;
- (6) Identifying the specific amount of ill-gotten CD Proceeds received by each Relief Defendant;
- (7) Providing that each of the Relief Defendants is liable to the Receivership Estate for an amount equaling the amount of CD Proceeds he or she received;
- (8) Allowing the Receiver to withdraw the assets contained in the Pershing accounts in the names of or controlled by the Relief Defendants and add those assets, up to the amounts of fraudulent CD Proceeds received by the Relief Defendants, to the assets of the Receivership Estate;
- (9) Requiring the Relief Defendants to pay to the Receiver the difference between the amounts contained in their Pershing accounts and the total amount of fraudulent CD proceeds received by the Relief Defendants; and
- (10) Such other and further relief as the Court deems proper under the circumstances.

Dated: July 28, 2009

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ Kevin M. Sadler

Kevin M. Sadler, Lead Attorney

Texas Bar No. 17512450

kevin.sadler@bakerbotts.com

Robert I. Howell

Texas Bar No. 10107300

robert.howell@bakerbotts.com

David T. Arlington

Texas Bar No. 00790238

david.arlington@bakerbotts.com

98 San Jacinto Blvd., Suite 1500

Austin, Texas 78701-4078

Telephone: 512.322.2500

Facsimile: 512.322.2501

Timothy S. Durst

Texas Bar No. 00786924

tim.durst@bakerbotts.com

2001 Ross Avenue, Suite 600

Dallas, Texas 75201-2980

Telephone: 214.953.6500

Facsimile: 214.953.6503

ATTORNEYS FOR RECEIVER

RALPH S. JANVEY

CERTIFICATE OF CONFERENCE

I hereby certify that on July 28, 2009 counsel for the Receiver contacted counsel for the Relief Defendants herein, Jackie Scott, and Ms. Scott indicated she is opposed to the relief sought herein. Accordingly, the motion is opposed.

/s/ Kevin M. Sadler

Kevin Sadler

CERTIFICATE OF SERVICE

On July 28, 2009, I electronically submitted the foregoing motion and appendix, along with proposed orders, with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served counsel for the Relief Defendants electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Kevin M. Sadler

Kevin M. Sadler