This is **Exhibit "L"** referred to in the
Second Affidavit of Peter R. Wiltshire
sworn before me, this 16th day of January, 2015.

A. Gardiner

Alastair Gardiner

A Commissioner, notary, etc.

TAB 1

1. Applicant
2. Marcus A. Wide
3. 1st Affidavit
4. Sworn: 10th June, 2010
5. Filed: 11th June, 2010

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA

Claim No. ANUHCV 2009/0149

In the Matter of Stanford International Bank Limited (In Liquidation)

-and-

In the Matter of the International Business Corporations Act, Cap 222 of the Laws of Antigua and Barbuda

-and-

In the Matter of an Application for the Removal of the Liquidators

---

FIRST AFFIDAVIT OF MARCUS A. WIDE

I, **MARCUS A. WIDE**, Senior Vice President, Financial Advisory Services, of PricewaterhouseCoopers Inc., 1601 Lower Water Street, Suite 400, Halifax, Nova Scotia B3J 3P6, Canada, duly sworn, **MAKE OATH and SAY** as follows:

A. The Deponent.

1. I am a Senior Vice President, Financial Advisory Services, of PricewaterhouseCoopers Inc., the insolvency arm of PricewaterhouseCoopers LLP ("PwC").

2. The contents of this Affidavit are true.

B. The Purpose of this Affidavit.

3. I understand that this Honourable Court made an Order on Tuesday, 8th June 2010 granting the Application of Alexander M. Fundora ("Removal Application") seeking the removal of Messrs. Nigel Hamilton-Smith and Peter Wastell as Joint Liquidators of Stanford International Bank Limited (in Liquidation) ("SIB"). It is my understanding that this Court has directed Mr. Fundora to make available to the Court the names of three candidate nominee and successor liquidators who are qualified insolvency practitioners, and from which this Court intends to select a new liquidator(s).

4. I have been contacted by the solicitors for Mr. Fundora who have invited me to put my name forward as one of the three candidates for the position as successor liquidator of the estate of SIB.

C. The Deponent's Professional Training and Experience.

5. I am a Chartered Accountant, initially qualifying in the United Kingdom in 1971 and obtaining the designation in Canada in 1984. I am also a Trustee in Bankruptcy under the Canadian *Bankruptcy and Insolvency Act* pursuant to which both corporate and individual insolvency and restructuring are conducted since 1982. I am a Certified Insolvency and Restructuring Practitioner and a member of the Insolvency Institute of Canada. I have practiced in the insolvency and related forensic accounting fields full time for 36 years.

6. Now produced, shown to me and marked Exhibit **"MAW-1"** is a copy of my current *Curriculum Vitae* for perusal by this Honourable Court. My work experience specifically appropriate to qualify me to act as liquidator of SIB is highlighted herein.

7. Since 1999 my professional activities have been almost exclusively engaged in the offshore financial sector across the Eastern Caribbean. I have conducted the examination and liquidation of approximately 33 offshore banks and other financial enterprises, including substantial forensic work required to trace and recover assets across international boundaries, and to support civil actions against principals, officers, directors and shadow directors.

8. I have served the Eastern Caribbean Supreme Court as a Liquidator, Provisional Liquidator, and Receiver on a number of occasions and I have acted as a Controller of various offshore banks under Ministerial appointment. Now produced, shown to me and marked Exhibit **"MAW-2"** is a copy of a representative list of Eastern Caribbean jurisdictions and my appointments therein where I served as a Liquidator and officer of the Eastern Caribbean Supreme Court.

9. I have experience in recovering assets from in excess of 30 jurisdictions spanning Europe, Africa, Asia and the Americas and with specific relevance to this matter I have recovered assets from Switzerland, the United Kingdom, the United States, Canada and Latin America.

10. I have been recognized as a foreign representative under Chapter XV of the US Bankruptcy Code (and its predecessor Section 304), under Part XIII of the Canadian *Bankruptcy and Insolvency Act*, and have used the UNCITRAL Model

law in jurisdictions that subscribe to that process in order to administer multijurisdictional insolvencies. I have initiated local bankruptcy proceedings in Switzerland and Austria in order to recover assets located in those jurisdictions and I have obtained recognition and established necessary protocols in Latin America where no supporting legislation or protocol previously existed.

11. I have experience in cases involving office holders appointed in different jurisdictions apparently competing for the same asset pool (and specifically US receivers appointed at the behest of the Securities and Exchange Commission and UK liquidators) and have completed those assignments in both cooperative and litigious processes.

12. My engagements have included the investigation and unravelling of massive Ponzi schemes with international scope. I have given *viva voce* and provided written evidence in numerous civil asset tracing proceedings and have testified in related criminal proceedings, having appeared in courts in the United States, the United Kingdom, Austria, Canada, Netherlands Antilles, Latin America and throughout the Eastern Caribbean.

13. The staff available to me include experts in computer forensics and forensic investigations, certified fraud examiners, and Fellows of INSOL International. They have been involved in many cross-border insolvency assignments and specifically substantial bank related forensic engagements in the Caribbean and Latin America leading to asset recovery actions, civil actions for recovery of damage claims from third parties, and in support of criminal prosecutions. Together we have managed global claims administration processes for the benefit of thousands of creditors.

14. Under my appointments by the Eastern Caribbean Supreme Court I have partnered with my colleagues across the PwC "C8 Region" which includes the Eastern Caribbean, Cayman, and BVI all of whom have expertise in financial services liquidations and serve as a pool of local resources of approximately 27 partners (plus their professional staff) including those resident in Antigua. It is anticipated that utilization of these local resources will serve to reduce travel and associated costs in the administration of the SIB estate should I be appointed as liquidator of SIB.

15. If additional expertise and resources are required to meet the professional demands of the SIB liquidation, these can be obtained from other member firms of PwC International, for example, members of the UK firm presently engaged in Lehman Brothers International (Europe) in Administration. Further through the PwC International network, I have access to professionals in every country which has SIB depositors, or where action for recovery of assets may be required. As a result, I am able to marshal the necessary and appropriate resources (from both a cost and expertise perspective) to conduct the administration of the SIB estate.

16. Now produced, shown to me and marked Exhibit **"MAW-3"** is a copy of my letter to Mr. Martin Kenney dater 18th February 2010 attaching my proposed rate schedule.

D. Consent to Act.

17. I hereby consent to act as the new or successor liquidator of SIB.

18. Now produced, shown to me and marked Exhibit **"MAW-4"** is a copy of my Consent of Person to Act as Liquidator signed and dated 2nd November 2009 and filed previously in these proceedings.

E. Affidavits of Support Filed by Creditors.

19. I understand that this Court, at paragraph [247] of its removal Judgment dated 8th June 2010 in these proceedings, found that I am the Applicant Fundora's "preferred Liquidator."

20. The Removal Application had the support of a number of other creditors of SIB who also expressed their wishes to replace the Joint Liquidators of SIB with me. The table below sets out the names of those who filed Affidavits in support and the corresponding amounts of the principal sums invested.

Affiant	**Amount (Principal)**
Alexander Fundora	US$2,779,526.57
Ricardo Delvalle	US$361,760.46
Raul Ribeiro	US$170,000.00
Gina de Umaña	US$600,000.00
Gina Maria Umaña de Morales	US$671,095.97
Palma Gisela Tar Levay	US$392,255.22
Arnoldo Lacayo	US$1,649,436.26
Patrick Kelly	In excess of US$66,000,000.00
Total =	**In excess of US$72,624,074.48**

21. To clarify, I have never met nor spoken with Mr. Fundora or any of the other creditors of SIB who have previously indicated support for my appointment to office as liquidator of SIB. I was approached on a professional basis to give my consent to act as liquidator of SIB. In my experience it is customary, and often a requirement of the Court, for an application for compulsory liquidation or substitution to be accompanied by such a consent to act. This approach was made and responded to in a manner consistent with my previous experience in such matters. Subsequent to that I have responded to requests from Mr. Fundora, through his counsel, for information that he advised he needed for the assistance of the Court, such as transition issues and proposed schedule of professional rates.

22. Further it is my practice, where permitted by law, to form a committee of representatives of the entire creditor/depositor body so that the interests of all creditors are considered through the winding-up process. My experience in complex multijurisdictional insolvencies and liquidations is that such a committee provides valuable advice and guidance and a high degree of comfort to me that the interests of all creditors are considered which is my duty as a liquidator. It is my understanding that no such committee has yet been formed in the SIB estate.

23. I confirm my independence and impartiality to act in the office in question.

SWORN this 10th day of June)
2010 at Halifax, Nova Scotia)
Canada)
)
Before Me:)
)
_____)
A Notary Public in and for the
Province of Nova Scotia

JUSTIN G. KIMBALL
A Notary Public in and for the
Province of Nova Scotia

_____
MARCUS A. WIDE

1. Applicant
2. Marcus A. Wide
3. 1st Affidavit
4. Sworn: 10th June, 2010
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THE EASTERN CARIBBEAN SUPREME COURT
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In the Matter of the International Business Corporations Act, Cap 222 of the Laws of Antigua and Barbuda

-and-

In the Matter of an Application for the Removal of the Liquidators

---

FIRST AFFIDAVIT OF MARCUS A. WIDE

Nicolette M. Doherty
Legal Practitioner for the Applicant
Attorney at Law and Notary Public
PO Box W1661,
Island House, Newgate Street
St John's, Antigua, West Indies.
Telephone: +1 (268) 462-4468/9
Fax: +1 (268) 561-1056

TAB 2

1. Applicant
2. Hugh Dickson
3. 1st Affidavit
4. Sworn: 10th June, 2010
5. Filed: 11th June, 2010

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
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-and-

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-and-

In the Matter of an Application for the Removal of the Liquidators

---

FIRST AFFIDAVIT OF HUGH DICKSON

I, **Hugh Dickson**, Qualified Insolvency Practitioner, of Grant Thornton Specialist Services (Cayman) Limited, 7 Dr Roy's Drive, George Town, Cayman Islands duly sworn, **MAKE OATH and SAY** as follows:

A. **The Deponent.**

1. I am a partner with Grant Thornton UK LLP and the managing director of its wholly owned Cayman Islands' subsidiary, Grant Thornton Specialist Services

(Cayman) Limited. I also manage and control Grant Thornton (British Virgin Islands) Limited, another wholly owned subsidiary of Grant Thornton UK LLP. Both operations are practices that exclusively perform restructuring and insolvency work, with a particular emphasis on offshore financial services industry related cases.

2. I make this affidavit on behalf of myself and Mr Stephen John Akers, a fellow partner of Grant Thornton UK LLP and a fellow director of Grant Thornton Specialist Services (Cayman) Limited, who has duly authorised me to do so.

B. The Purpose of this Affidavit.

3. I understand that this Honourable Court made an Order on Tuesday, 8th June 2010 granting the Application of Alexander M. Fundora seeking the removal of Messrs. Nigel Hamilton-Smith and Peter Wastell as Joint Liquidators of Stanford International Bank Limited (in Liquidation) ("SIB"). It is my understanding that this Court has directed Mr. Fundora to make available to the Court the names of three candidate nominee and successor liquidators who are qualified insolvency practitioners; and from which this Court intends to select a new liquidator(s).

4. I have been contacted by the solicitors for Mr. Fundora who have invited me to put my name forward, together with a colleague should I believe that a joint appointment is beneficial, as one of the candidates for the position as successor liquidator of the estate of SIB. Grant Thornton's practice is to seek the appointment of joint liquidators on large, complex cases. In our opinion joint appointments provide additional flexibility and resources given the volume of work involved, and cover for the potential unavailability of the liquidator to deal with urgent matters if travelling or if incapacitated.

III. The Deponent's Professional Training and Experience.

5. I hold a joint Masters degree in Economics and Accounting, and I am a qualified chartered accountant with the Scottish Institute. I am qualified as an insolvency practitioner under the UK Joint Insolvency Examination Board provisions and as a Qualified Insolvency Practitioner under Cayman law and insolvency regulations. My career has included working directly for banks and within the banking regulatory field, in the latter case acting as a senior advisor to central banks and banking regulatory authorities around the world on issues of banking intervention, asset seizure and realisation.

6. I currently hold office as an official liquidator on a number of cases under the purview of the BVI and Cayman Courts. My experience within both jurisdictions includes high value fraud cases and Ponzi schemes, as well as large, complex and contentious cross border cases involving asset tracing, recovery and litigation in multiple jurisdictions, including Switzerland, the UK, US and Canada, all relevant jurisdictions for this case. In that capacity I also have direct experience of dealing with onshore regulatory authorities and law enforcement agencies including the UK Financial Services Authority and Serious Fraud Office, and the Canadian Royal Canadian Mounted Police and the Autorité des Marchés Financiers (who initiated my appointment on one such cross border fraud case).

7. Stephen is a senior partner in Grant Thornton's Recovery and Reorganisation department. He is a chartered accountant and member of the Institute of Chartered Accountants in England and Wales; holds a bachelor's degree in mathematics and is licensed by the Institute of Chartered Accountants in England and Wales as an insolvency practitioner. He is a widely experienced

insolvency practitioner, known best for his role as one of the English Liquidators of the Bank of Credit and Commerce International, the largest ever bank insolvency at that time.

8. Additionally, Stephen was appointed as Provisional Liquidator of Madoff Securities International Limited, the UK company involved in the largest ever known fraud; a US$50bn "Ponzi" Scheme.

9. Stephen has extensive experience of successfully negotiating and implementing Cross Border Insolvency Protocols to achieve cooperation between insolvencies in different jurisdictions, especially with officeholders in the United States. He also has extensive experience of working with the SEC, FBI and Department of Justice, as well as criminal investigating agencies in other jurisdictions.

IV. **Consent to Act.**

10. As noted above, I have only recently been approached and asked to consider accepting the appointment. Whilst the appropriate conflict of interest checks have been immediately initiated and clearances obtained from our member firms and operations in the US, Canada, UK, Cayman and British Virgin islands, and to date neither I nor Mr Akers have any knowledge of a conflict of interest that would prevent us from acting, it has not been possible within the timeframe available to obtain a definitive response from all parts of the Grant Thornton operation that may have interests in the many countries covered by SIB's operations. Grant Thornton's internal conflict check protocols allow member firms up to 3 days to respond to such checks, and it always possible that a late response may emerge between the date of swearing this affidavit and the hearing of this matter.

11. Given my recent involvement I have not had time to fully acquaint myself with the details of the estate's current financial position. However a number of matters have been brought to my attention:

a. As we understand it there is no definitive statement of unencumbered assets under the control of the liquidators available. Conversely the existing liquidators are likely to have incurred substantial expenses, including but not limited to their own fees and those of their legal agents;

b. Substantial proportions of the asset base may be subject to conflicting claims, and/or in jurisdictions where the former liquidators appointment and authority is either not yet recognised or contested;

c. Even where such authority has been recognised, it has not been confirmed whether that recognition will apply to the new liquidator(s);

d. Whilst we are advised that the estate holds substantial unencumbered real estate holdings in Antigua, there may be competing claims against these assets, the assets themselves may not be fully under the control of the present liquidators, and the assets are not immediately liquid. Whilst it may be possible to borrow funds for the liquidation's immediate needs utilising such assets as security, this has not as yet been resolved. We would assume that the terms of such borrowing would have to be agreed by this Honourable Court, and any monies lent may not be on a non recourse basis and require some undertaking or commitment by the liquidators personally; and

e. There are a number of legal actions already underway in which the estate is a plaintiff or defendant, where costs, particularly those of legal counsel, will continue to accrue and where there may be limited flexibility to suspend proceedings without undue damage to the estate pending the new liquidators ensuring that the estate has adequate

resources available to meet such costs on a timeous and comprehensive basis.

12. Mr Akers and I have a consequent concern over the immediate ability of the estate to finance current ongoing activities initiated by the previous incumbents, or to prosecute further lines of enquiry and activity that myself, Mr Akers and our firm would ordinarily consider desirable and in the best interests of the estate. Whilst the same issues will be faced irrespective of the identity of the new liquidator, in the interests of full disclosure we wish this Honourable Court to understand that, should it appoint Mr Akers and/or myself, our initial freedom of action may, if these concerns are substantiated once we have a better understanding of the estate's financial position, be limited by the availability of funding until such time as it proves possible to secure assets and realise funds from them.

13. Subject to the above caveats, I hereby consent to act as the new or successor liquidator of SIB, and can affirm that Mr Akers has confirmed to me his consent to act as my joint liquidator on a joint and several basis, should the Honourable Court be minded to so appoint us. For the avoidance of doubt I am also prepared to act as the successor liquidator on a sole basis, if the Honourable Court so orders.

V. *Curriculum Vitae.*

14. Now produced, shown to me and marked HD 1 is a copy of our credentials and our experience for perusal by this Honourable Court. My current *Curriculum Vitae* is at pages 1 to 2 of HD-1. A copy of Mr Stephen Akers current *Curriculum Vitae*, which he has confirmed to me represents an accurate and up to date reflection of his experience and qualifications, is at pages 3 to 4.

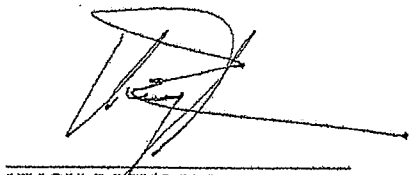
15. Whilst I understand the Honourable Court has asked for the personal details of the proposed liquidators, an assignment of this size will necessitate considerable resources being applied by any appointed liquidator. I therefore wish to comment briefly on the resources that I and my fellow appointee, should the Honourable Court be minded to appoint us, can bring to bear.

16. The Grant Thornton Cayman and BVI operations are run in close coordination with the Grant Thornton UK LLP specialist insolvency operation. The common ownership and management structure facilitates seamless access to GTUK staffing and resource (some 37 partners, 19 directors and circa. 620 staff specialising in insolvency and restructuring cases) sufficient to service even the largest or more specialist assignments, coupled with a specialist knowledge of the offshore financial services industry, local insolvency laws and a familiarity with operating in the Caribbean. Our team includes partners with prior insolvency appointments in Antigua, as well as elsewhere within the Eastern Caribbean Circuit. It also offers direct access to our specialist Forensic and Investigations team, who specialise in asset tracing and recovery, particularly in cases involving economic crime, as well as the support of the BVI office within a short travelling distance of Antigua (a 30 minute flight).

17. The common ownership and management structure, which I believe to be unique amongst the major insolvency firms operating in the region, also avoids any commercial issues over work allocation and resource sharing that can affect other firms. I consider my firm's structure invaluable in addressing an assignment of this scale, where the international reach and complexity clearly requires liquidators who have the resource capacity and access to specialist resources to tackle the challenges involved.

18. Pages 5 to 17 of HD -1 contain a short statement on the resources of Grant Thornton available for this case, should partners in our firm be appointed as the replacement liquidators, and a note of relevant credentials and experience held by members of the team that will work on the engagement.

19. The contents of this Affidavit are true to the best of my knowledge, information and belief.



HUGH DICKSON

SWORN this 10th day of June)
2010 at George Town,)
Cayman Islands)
)
)
Before Me:)
)
)

Notary Public

MADHAVI MATHURA
NOTARY PUBLIC
CAYMAN ISLANDS

1. Applicant
2. Hugh Dickson
3. 1st Affidavit
4. Sworn: 10th June, 2010
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-and-

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Liquidators

FIRST AFFIDAVIT OF Hugh Dickson

Nicolette M. Doherty
Legal Practitioner for the Applicant
Attorney at Law and Notary Public
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Telephone: +1 (268) 462-4468/9
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-and-

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-and-

In the Matter of an Application for the Removal of the Liquidators

---

CERTIFICATE OF EXHIBIT TO THE FIRST AFFIDAVIT OF HUGH DICKSON

I hereby certify that these are the documents referred to in the First Affidavit of **Hugh Dickson** marked "**HD-1**" and sworn on the 10th day of June 2010.

Before me:

.....

Notary Public

MADHAVI MATHURA
NOTARY PUBLIC
CAYMAN ISLANDS

Grant Thornton

Hugh Dickson

CA (Member of the Scottish Chartered Accountants)
Qualified Insolvency Practitioner (JIEB)
MA (Economics & Accountancy), Edinburgh University

RECOVERY and REORGANISATION PARTNER

Hugh has been a Recovery & Reorganisation partner with Grant Thornton since 2006. He has 25 years experience in restructuring, insolvency, and the financial sector. His experience includes roles for the IMF, World Bank, and EU, as well as advising 8 governments on restructuring, insolvency, financial sector intervention and related legislation. He currently specialises in offshore insolvencies, with a focus on financial sector insolvencies and frauds.

Current Sector Experience

- Liquidator of a number of investment companies and banks involved in a multi billion dollar group collapse, with allegations of a $9 billion dollar fraud and misappropriation of assets. The case involves complex issues of cross border investigation and asset tracing/recovery across 10 countries, as well as the coordination of legal and insolvency proceedings in multiple jurisdictions.
- Liquidator of a Cayman entity involved in a multi jurisdiction Ponzi scheme involving the Caymans, St Vincent, Bahamas and Canada. Case involves over $115 million throughput in the last 7 years. Hugh's team are pursuing asset tracing, recovery actions for fraudulent and unfair preferences, breach of fiduciary duty against directors and officers, and possible damages actions against the entity's bankers, who administered the funds of a number of entities engaged in the misappropriation of assets. The team are also assisting the RCMP in their investigations.
- Liquidator of two British Virgin Islands based entities at the centre of a Ponzi scheme, defrauding an estimated 10,000 European and Asian retail investors. The fraud then used the retail investors' monies to obtain substantial amounts of leverage from major investment banks, with total losses estimated at over $600m.
- Liquidator of a Cayman entity indirectly invested in the Madoff funds, with consequent issues involving attempted claw back claims by the US SIPC trustee.
- Liquidator of several BVI based hedge funds heavily invested in the US "Petters" fraud. Investigating value of investments, and options for asset recoveries, securing assets in intermediate funds and potential causes of action.
- Liquidator of a Cayman hedge fund with a claimed NAV of over $500m shortly prior to its collapse. Alleged breaches of investment guidelines, preferences in paying redemptions and the realisation of illiquid assets are features of the case. The liquidators are also investigating allegations of fraudulent assets being used to disguise trading losses, and the potential for litigation against directors and service providers..

Banking advisory experience

- Advisor to a national Caribbean full service bank undergoing liquidity and operational challenges. Provided advice on the major issues affecting the bank, the risks of regulatory intervention and necessary changes to its financing and operational approach.
- Working directly for a major Turkish banking group, assisted the group to reach a settlement with the Banking Restructuring Authority over $5bn in debt and their shareholding in the third and fifth largest banks in Turkey; resolution of which avoided an intervention by the authority and was a structural benchmark for the IMF program.
- Advisor to a major South Korean bank on the creation of a work out department, and the recovery and

realisation of its non performing asset portfolio, including exposures in excess of $1 billion.

- Advisor to Romania's second largest bank on the development of in house operational manuals and procedures for the credit function.
- Review of major UK bank's structured finance book, with particular emphasis on risk management and asset recovery.

Financial Sector Intervention & Regulatory Assignments

- Led the team that set up the Thai Financial Sector Restructuring Authority, responsible for the Thai government's intervention into the financial sector during the Asian financial crisis. Hugh's team helped determine which fincos to intervene, designed and controlled the no notice simultaneous intervention into 56 institutions seizing over $20 billion in assets, and subsequently manage the asset realisation to defray the costs of the intervention and creditors settlement process.
- Technical advisor to the IMF on intervention and subsequent non-performing loan resolution process in Turkey during the 2001 banking crisis. Working directly for the IMF assisted both the Turkish governments Bank Restructuring Authority (regulatory and intervention body) and the Savings Deposit Insurance Fund (asset realisation/intervention cost mitigation)
- Advisor to the Korean Financial Services Commission during the Korean banking crisis, advising initially on banking intervention and latterly on designing a banking bail out system (through bad asset acquisition) that would encourage banks to clean up their balance sheets and allow recapitalisation whilst cushioning loss recognition.
- Headed projects for the Central Bank of Egypt to establish a Banking Supervision Department and provisions on advice on Foreign Reserves Management
- Headed team assisting the Indonesian Bank Restructuring Authority with their asset management and realisation of in excess of $40 billion of intervened banking assets, including banking mergers as well as straight realisation.
- Ran training program for banking intervention for the Thai Central Bank.
- Technical advisor to the Government of Malaysia on the design and implementation of Danaharta, their vehicle for bank restructuring. Over 51% of non-performing loans ($2.8B) were secured by property collateral ranging from raw land to retail developments, making a real estate strategy central to Danaharta's success.

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Grand Cayman KY1-1108
Cayman Islands

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M: +345 916 8872
E: hugh.dickson@gtuk.com

Grant Thornton

Steve Akers

Partner - Recovery & Reorganisation

Steve is a senior partner in Grant Thornton's Recovery and Reorganisation department having joined the firm in September 2002. Before joining the firm he had been a Reorganisation Services partner in Deloitte & Touche for 13 years, where he headed up the Large Complex Insolvency team.

He is a widely experienced insolvency practitioner with particular expertise in complex multi-jurisdictional insolvency and litigious matters. Since he became a partner in 1987, Steve has led many assignments investigating the viability of large corporate entities on behalf of UK regulators and banks. Where the future viability of the corporate entity could not be achieved by way of a restructuring or refinancing, he has acted as Receiver, Administrator or Liquidator of the insolvent corporate. Most of these large corporate entities have had significant operations that needed to be dealt with in other countries, such as the United States, France, Germany, Italy, Spain, Luxembourg, Switzerland, Australia and Hong Kong.

Steve is perhaps best known for his role as one of the English Liquidators of Bank of Credit and Commerce International, the largest ever bank insolvency at that time. One of Steve's primary roles in this case was to lead a number of the teams pursuing asset recovery through litigation and sensitive negotiations. This involved him in managing and directing teams of lawyers, insolvency, and forensic staff working across many different jurisdictions, including the United States, United Kingdom, Jersey, Cayman Islands, British Virgin Islands, Saudi Arabia, India, Pakistan, Hong Kong, Canada and UAE. This work led to recoveries of several billion dollars.

From October 1998 to December 1999, he acted as project team leader on two consecutive World Bank funded contracts in South Korea setting up and advising workout units in Hanvit Bank and Chohung Bank following economic crises there. The projects involved working closely with the Financial Supervisory Commission, the government regulator, as well as bank senior management to educate, train, and implement an approach to handling problem loans.

Other major cases Steve has been involved with include acting as Joint Provisional Liquidator of Drake Insurance, the last major UK motor insurer failure and advising the FSA with regard to the solvency of Equitable Life.

More recently Steve was appointed by the Cayman Court as Liquidator of a $1bn hedge fund, Basis Yield Alpha (Master), with mainly Australian investors and as Administrator of companies in the Forsyth Partners Group, an investment management business with 39 funds and $1.2bn under management. Three of these appointments are the first ever made in Dubai.

In December 2008 Steve was appointed as Provisional Liquidator of Madoff Securities International Limited, the UK company

involved in the largest known fraud, a $50bn "Ponzi" scheme.

Steve is currently acting as adviser to the Resolution Committee appointed to take control of Kaupthing Bank in Iceland.

Sector Specialisms

- Banking
- Financial Services
- Leisure
- Manufacturing
- Airlines

Career Outline

2002 Joined Grant Thornton.

1987 Became partner in Deloitte & Touche Reorganisations Service and became licensed as an Insolvency Practitioner by ICAEW

1981 Commenced working as an insolvency practitioner.

1980 Qualified as a chartered accountant

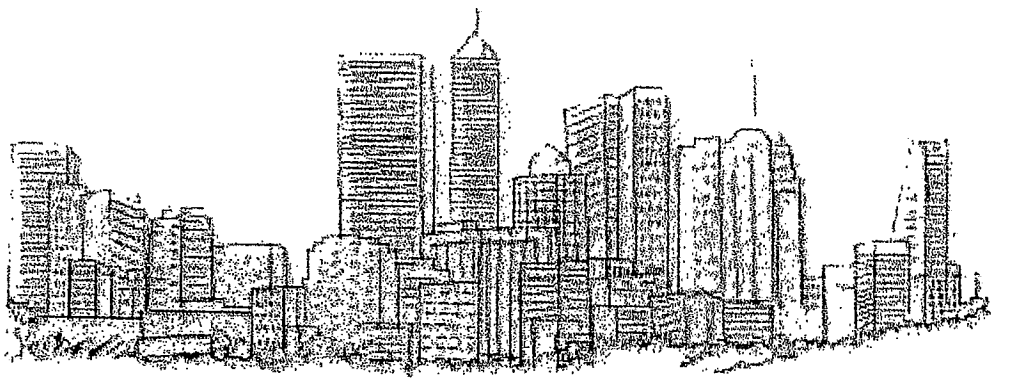
1976 Joined Deloitte & Touche audit department

Qualifications

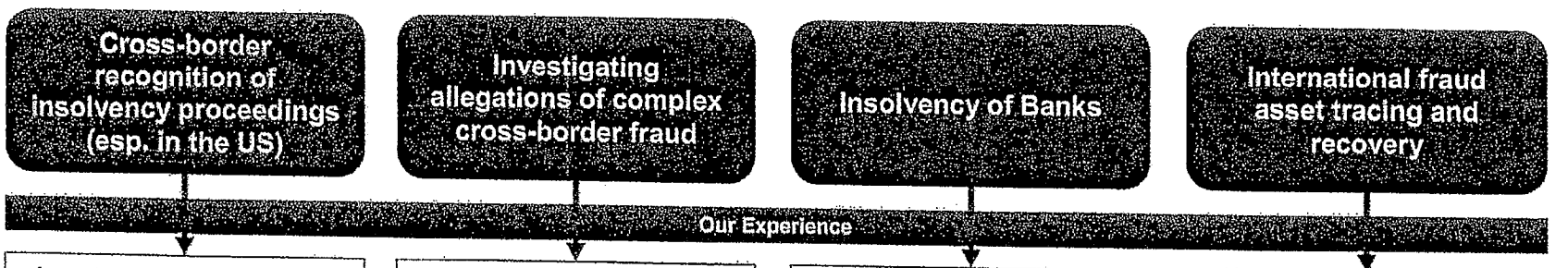
- ACA (Member of the Institute of Chartered Accountants in England and Wales).
- BSc in Mathematics
- Licensed by the Institute of Chartered Accountants in England and Wales as an insolvency practitioner
- FABRP - Member of the Association of Business Recovery Professionals

Grant Thornton

Exhibit 1: Grant Thornton's complex insolvency and forensic services in relation to the financial services sector



Key capabilities to this assignment



- in our Madoff assignment we are currently working in close co-operation with an array of US regulatory authorities, including the Department of Justice, FBI, Securities Exchange Commission and the SEC Receiver
- Steve Akers' BCCI appointment involved negotiating and implementing a cooperative agreement with the Department of Justice in the USA and the Attorney General in the Southern District of New York as well as 15 other agencies

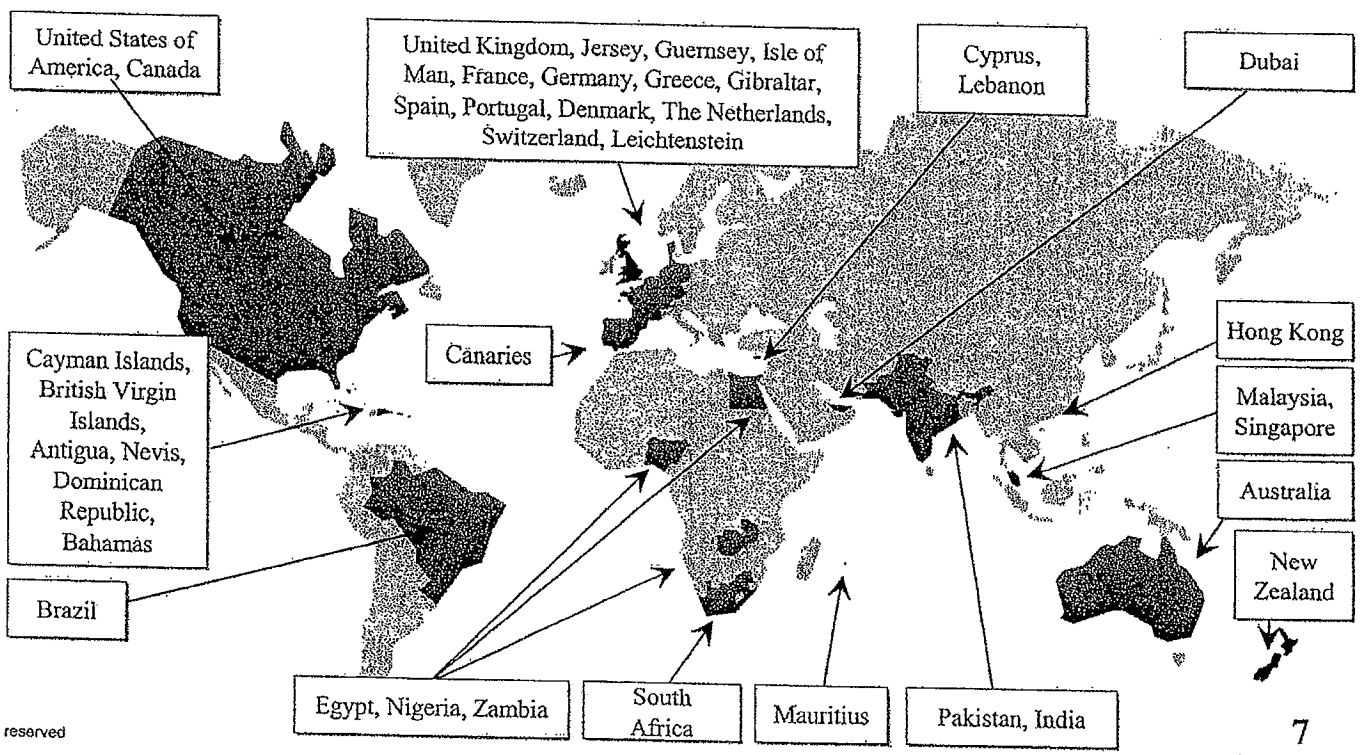
- in our provisional liquidation of Madoff Securities International Ltd, we are investigating part of an alleged $50 billion 'Ponzi' scheme
- in our appointment by the Serious Fraud Office, as an expert we opined on an alleged $400m high yield 'ponzi' investment fraud in the Caribbean and UK
- in our Project Longboat assignment, we are investigating fraud allegations relating to £1.6bn of complex financial instruments on behalf of a major European bank

- Steve Akers' role as liquidator of BBCI SA, the largest ever Bank failure at that time, involved assets of some $10 billion.
- in our liquidation of an Antiguan bank, we dealt with complex trust arrangements which had been subject to an £120m fraud
- Hugh Dickson work for FRA and IBRA involved the intervention into numerous banks and finco's during the Asian financial crisis and realisation of their assets, involving some $42 billion of assets.

- our Recovery & Reorganisation teams have considerable experience of the tracing and recovery of the proceeds of fraud around the globe
- a selection of jurisdictions from which we have recovered the proceeds of fraud and other economic crime is shown overleaf

International fraud asset tracing and recovery

We have recovered the proceeds of fraud and other economic crime from the following countries:



About Grant Thornton

Grant Thornton International

- The Grant Thornton International worldwide network has revenues in excess of USD$2.7bn and representation in over 112 countries across 519 locations employing 21,500 people.
- Although Grant Thornton International is not a worldwide partnership, the firms share a commitment to providing the same high quality service to their clients wherever they do business.

Grant Thornton UK LLP

- Grant Thornton UK LLP is the UK member firm of Grant Thornton International.
- Grant Thornton UK LLP has a turnover of £378m and over 250 partners and 4,000 staff operating from 29 locations in the UK, Cayman and British Virgin Islands.
- It is currently the fifth largest accountancy services firm in the UK in terms of revenues.

Recovery & Reorganisation

- Grant Thornton UK LLP Recovery & Reorganisation has 37 partners and 19 directors, and over 620 staff in 19 locations in the UK, Cayman and British Virgin Islands.
- The complex insolvencies and offshore restructuring team, led by Steve Akers and Hugh Dickson, have a particular expertise in the restructuring and enforcement of complex corporate entities and offshore investment vehicles, particularly those domiciled in the Caribbean.
- The Grant Thornton Cayman and BVI operations are run in close coordination with the Grant Thornton UK insolvency team.
- A common ownership and management structure facilitates seamless access to UK staffing and resource. This common ownership is a unique structure to Grant Thornton.

Forensic & Investigation Services

- Grant Thornton UK LLP's Forensic & Investigation Services team assists business, their legal advisers and regulators on dispute resolution, regulatory investigations, fraud and asset tracing and money laundering investigation.
- The team has 8 Partners, 8 Directors and over 100 professional staff based across the UK and have particular expertise in the financial services sector and are regularly instructed on assignments involving financial institutions where there are complex issues, often involving multi-jurisdictional consequences.
- Hossein Hamedani leads its work in the financial services sector. Experience includes acting as inspector under Jersey Financial Services Law to investigate the split capital market issues, acting as expert or adviser in assignments including Barings Singapore, Lloyds' of London, BCCI, Maxwell Pension Funds.

Experience: Madoff Securities International Limited

Madoff Securities International Limited

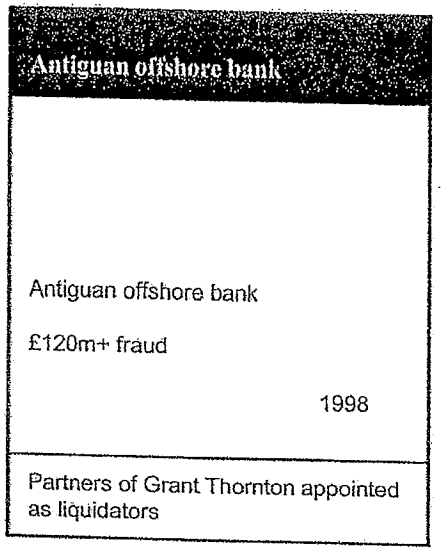
$50bn Investment Fund 'Ponzi' Scheme

2008 - Ongoing

Partners of Grant Thornton UK LLP are acting as provisional liquidators

- In December 2008, Steve Akers, Mark Byers and Andrew Hosking of Grant Thornton UK LLP were appointed Provisional Liquidators of Madoff Securities International Ltd.
- This action, on the petition of the companies directors and with the blessing of the UK FSA, followed the arrest of Bernard Madoff, the former chairman of the NASDAQ stock market, on allegations that his hedge fund was a "Ponzi scheme" and had allegedly racked up $50 billion (£33.5 billion) of fraudulent losses.
- Our role as provisional liquidators of the company is to identify and preserve assets and undertake an investigation into its business affairs in co-operation with the Department of Justice, FBI, SIPC Trustee and SEC Receiver agencies in the US and Serious Fraud Office in the UK.
- we had to step in to help the US SIPA Trustee set up a working relationship with the US Attorney's Office in the Southern District of New York, where the relationship had broken down because two of the insolvency estates (in the USA and UK) were potentially competing for assets. We instigated a resolution of that difference by putting a cooperation and information sharing protocol in place and we further assisted the US Trustee to obtain recognition in the UK
- An SEC Receiver was appointed in the USA and he sought to take control of the UK entity. He was persuaded by us, on our appointment, that his powers did not extend beyond the US and that though proper cooperation between jurisdictions we worked with him to keep him informed of the winding up of the UK entity until his role was replaced by the appointment of a US Trustee.
- As a result, we agreed a way in which assets would be realised and information shared between the two estates as well as the way in which they can cooperate to bring claims against third parties for the benefit of creditors.
- Large amounts of electronic and hard copy data have been secured and is now being reviewed to assist the US and UK authorities with their enquiries under the supervision of the Courts in the UK.

Experience: Antiguan offshore bank



- The company was an Antiguan offshore bank with complex trust arrangements. The bank had been subject to an £120m fraud prior to us being appointed as liquidators by the court.
- We traced and recovered:
  - A US$20m yacht
  - Properties in Italy and the UK
  - Cash and stocks in Switzerland and Jersey
- In this case computer hard disk imaging and reconstruction of records were essential in tracing assets.
- Our international experience was also invaluable when dealing with the Antiguan Government, Swiss prosecutor and Jersey trusts.
- Currently in excess of £25m has been recovered, legal action remains ongoing and the lead perpetrator has been imprisoned and bankrupted.

Experience: BCCI

BCCI

£10bn Retail Bank Failure

1990s

Partners of Grant Thornton UK LLP provided advisory services

Steve Akers acted as one of the English Liquidators of Bank of Credit and Commerce International, the largest ever bank insolvency at that time. One of Steve's primary roles in this case was to lead a number of the teams pursuing asset recovery through litigation and sensitive negotiations. This involved him in managing and directing teams of lawyers, insolvency, and forensic staff working across many different jurisdictions, including the United States, United Kingdom, Jersey, Cayman Islands, British Virgin Islands, Saudi Arabia, India, Pakistan, Hong Kong, Canada and UAE. This work led to recoveries of several billion dollars.

The BCCI appointment involved negotiating and implementing a cooperative agreement with the Department of Justice in the USA and the Attorney General in the Southern District of New York as well as 15 other agencies.

As part of this case, we provided extensive assistance to the Serious Fraud Office, the FBI, the District Attorney of New York and the Department of Justice which led to a number of successful prosecutions and further realisations for victims as a consequence of those prosecutions.

- Separately, Hossein Hamedani advised the government of Abu Dhabi in relation to collapse of BCCI pursuant to allegations of fraud including advice on:

  –regulatory enquiries by the US Government, the Federal Reserve and the UK Government;

  –investigation of losses incurred and defence of shareholder as a victim rather than perpetrator of frauds

  –tracing of losses incurred by the Abu Dhabi Government for the purposes of identification and recovery of any remaining assets, giving evidence in the criminal trial of the perpetrators and demonstrating the position of the majority shareholder as the victim.

  –preparation of claim against advisors, customers, and perpetrators of fraud

  –defence of contribution claims against the Abu Dhabi Government

Experience: Saad Investments Company Limited

Saad Investments Company Limited

Alleged $10bn Investment Fraud

2009 - Ongoing

Partners of Grant Thornton UK LLP are acting as liquidators

- On 5 August 2009, Steve Akers, Hugh Dickson and Mark Byers of Grant Thornton UK LLP were appointed as Joint Provisional Liquidators of Saad Investments Company Limited ("SICL") by the Grand Court of the Cayman Islands on the petition the members of a syndicate of 27 banks.
- The provisional liquidation was then 'converted' to an official liquidation on the 18 September 2009 by the Court.
- SCIL functioned both as a holding company for the wider Saad Group in the Cayman Islands and as a private investment company holding some of the offshore assets of Mr. Al Sanea (who was ranked number 62 in the Forbes' 2009 World Billionaires list).
- Mr. Al Sanea and the Saad Group are accused by fellow Saudi family conglomerate Ahmad Hamad Al Gosaibi and Brothers ("AHAB") that during his time as head of AHAB's financial services arm, the Money Exchange, he falsified documents and committed fraud by diverting billions in AHAB funds to his own Saad companies.
- Our role as liquidators of SICL is to identify and preserve assets and undertake an investigation into its business affairs for the benefit of its creditors.
- Our efforts to date have focussed on gaining recognition for our appointment in various 'challenging' offshore jurisdictions. To date we have identified assets in excess of $2bn and are taking steps (where possible) to secure and realise those assets through further liquidation appointments. An example of this approach has been our appointment as liquidators of Singularis Holdings Limited, a Cayman Islands investment vehicle which allegedly held c.2.7% of the issued share capital of HSBC, worth c.£2.5bn (at the time of writing).
- Cross border recognition proceedings taken in the UK, Jersey, Switzerland, Bermuda, and the Bahamas.

Experience: DD Growth Premium Master Fund

DD Growth Premium Master Fund
Alleged $550m Hedge Fund Fraud 2009 - Ongoing
Partners of Grant Thornton UK LLP are acting as liquidators

- In April 2009, Hugh Dickson and Steve Akers were appointed to DD Growth Premium Master Fund ("the fund"), a $550m hedge fund operated by Dynamic Decisions Capital Management, amid concerns over an apparent collapse in asset value and failure to meet $400m in redemption requests.
- The fund was incorporated in the Cayman Islands but its investment manager Dynamic Decisions Capital Management, an English incorporated entity was authorised by the UK Financial Services Authority, handled all its operations.
- The declared investment objective of the fund was to seek to achieve absolute returns for investors by adopting a highly liquid strategy of investing in long/short pairs in US and European equities with the focus on large capitalisation entities. The unaudited NAV of the master fund on December 31, 2008 indicated a value of $550 million. Allegations were made in respect of the true remaining asset value and the nature of the assets held as the master fund was been unable to pay a number of large redemption requests.
- On the 12th November 2009 the UK's Serious Fraud Office (SFO) launched a criminal investigation into the actions of Dynamic Decisions Capital Management Ltd.
- The liquidators are working with the SFO and continue their investigations into the financial position and affairs of the fund.
- This assignment is ongoing

Experience: K1 Invest Ltd & K1 Global Ltd

K1 Invest Ltd & K1 Global Ltd
Alleged $600m plus Hedge Fund Fraud 2009 - Ongoing
Partners of Grant Thornton UK LLP are acting as liquidators

- In November 2009, Hugh Dickson and Mark McDonald of Grant Thornton UK LLP were appointed as liquidators of British Virgin Islands domiciled K1 Invest Ltd and K1 Global Ltd ("the funds") by the shareholder to the funds.
- The funds are alleged to be associated with the K1 Group, a Germany based hedge fund manager. K1 Group was thrust into the spotlight in October 2009 as allegations emerged that it had allegedly embezzled hundreds of millions of dollars from a number of global investment banks and over 10,000 retail investors, many based in Germany. Retail investors funds were then leveraged using derivative instruments. The exact losses are unknown as the banks have never disclosed their total losses on the derivatives, but are at least US$600 million and may be as high as $1.8 billion.
- The liquidators are working with German authorities and have commenced investigations into the financial position and affairs of the funds. The guiding mind of the scheme is in custody.
- This assignment is ongoing

Experience: Project Longboat

Project Longboat

Investment Fraud & Diversion of Assets

2008 - Ongoing

Partners of Grant Thornton UK LLP are acting as provisional liquidators

- In December 2008, Steve Akers and Hossein Hamedani were appointed by an major European bank to assist on judicial review of action by the UK Government, investigate their largest exposure, offshore structures, potential fraud, appointment of receivers to recover assets and litigation for recovery of the securities and debt due.
- This has involved the Bank's largest exposure of £1.6bn with extensive forensic analysis required for recovery actions could be identified.
- Subsequent insolvency appointments have followed in order to secure assets and protect underlying assets.
- This assignment is ongoing.

About Grant Thornton

Grant Thornton International Ltd

- Member and correspondent firms in over 100 countries
- 500 member firm offices worldwide
- Member firms provide access to over 25,000 employees and 2,400 partners
- Combined member firm revenues of US$3.5 billion

Grant Thornton UK LLP

- Fifth largest accountancy firm in the UK
- Member firm within Grant Thornton International Ltd
- Established in 1924
- 30 locations nationwide
- Service 25,000 individuals and 15,000 corporates
- Comprises 230 partners and over 3,900 staff
- Annual fees income of £378 million
- LexisNexis Tax award 2009
- Top 100 Graduate Employer Times Survey 2009

Grant Thornton

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TAB 3

1. Applicant
2. Marcus A. Wide
3. 2nd Affidavit
4. Sworn: 15 April, 2011
5. Filed: [ ] April, 2011
6. Exhibit "MAW-5"

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA

Claim No. ANUHCV 2009/0149

In the Matter of Stanford International Bank Limited (In Liquidation)

-and-

In the Matter of the International Business Corporations Act, Cap 222 of the Laws of Antigua and Barbuda

-and-

In the Matter of an Application for the Removal of the Liquidators

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SECOND AFFIDAVIT OF MARCUS A. WIDE

I, **MARCUS A. WIDE**, Managing Director of Grant Thornton (British Virgin Islands) Ltd, 171 Main Street, The Barracks, 2nd Floor, PO Box 4259, Road Town, Tortola, British Virgin Islands, VG 1110, duly sworn, **MAKE OATH and SAY** as follows:

A. The Deponent.

1. I am the Managing Director of Grant Thornton (British Virgin Islands) Ltd ("Grant Thornton"). I have practised as a full-time, qualified insolvency practitioner since 1974.

2. The contents of this Affidavit are based upon my personal knowledge save to the extent that they are based upon information and belief and where so stated I set out the source of my information and I verily believe the same to be true.

B. Update to this Court with Respect to my Candidacy as a Prospective Replacement Liquidator.

3. As this Honourable Court is aware, by Order dated 8th June 2010 granting the application of Alexander M. Fundora (the "Removal Order") directing the removal of Messrs Nigel Hamilton-Smith and Peter Wastell (the "Outgoing JLs") as Joint Liquidators of Stanford International Bank Limited (in liquidation) ("SIB"), this Court directed Mr. Fundora to re-submit my name and at least two other alternative candidate replacement Liquidators who are suitably qualified and experienced insolvency practitioners, and from which this Court intends to select a new Liquidator (or set of joint liquidators).

4. I refer to my First Affidavit sworn to in these proceedings and dated 10th June, 2010. At the time of swearing of my First Affidavit, I was a Senior Vice President of Financial Advisory Services of PricewaterhouseCoopers Inc. ("PwC").

5. Intervening events have taken place such that I must update the factual position regarding my candidacy for consideration by this Honourable Court.

6. Since 30th June 2010, I have been an independent consultant, and PwC has been a client. On 31 March 2011, I terminated my contract with PwC, and accepted an offer of full time employment with Grant Thornton as Managing Director of Grant Thornton (British Virgin Islands) Ltd. I am also in the midst of relocating

my residence and principal place of work from Halifax, Nova Scotia to Tortola, BVI. I expect to be a full-time resident of the BVI by May 2011.

7. I confirm my consent and willingness to be appointed to the office of joint liquidator of SIB with Hugh Dickson of Grant Thornton Special Services (Cayman) Limited ("Mr. Dickson"). PwC have waived any conflict that might arise from my previous work with them.

C. The Purpose of this Affidavit.

8. The purpose of this Affidavit is to amend and update the facts and circumstances supporting my candidacy as a replacement liquidator of SIB. For the convenience of this Court, this is intended to be a stand-alone document such that it is unnecessary for the Court to examine my First Affidavit.

D. The Deponent's Professional Training and Experience.

9. I am a Chartered Accountant and a Trustee in Bankruptcy under the Canadian *Bankruptcy and Insolvency Act* pursuant to which both corporate and individual insolvency and restructuring are conducted. I am a Certified Insolvency and Restructuring Practitioner and a member of the Insolvency Institute of Canada. I have practiced in the insolvency and related forensic accounting fields full time for 36 years.

10. Now produced, shown to me and marked Exhibit "MAW-5" is a paginated bundle of copies of documents which I rely upon in support of my Affidavit. At pages 1–11 of "MAW-5" is a copy of my current *Curriculum Vitae* for perusal by this Honourable Court. My work experience specifically appropriate to qualify me to act as liquidator of SIB is highlighted herein.

11. Since 1999 my professional activities have been almost exclusively engaged in the offshore financial sector across the Eastern Caribbean. I have conducted the examination and liquidation of approximately 33 offshore banks and other financial enterprises including substantial forensic work in the tracing and recovery of assets.

12. I have served the Eastern Caribbean Supreme Court as a Liquidator, Provisional Liquidator, and Receiver on a number of occasions and I have acted as a Controller of various offshore banks under Ministerial appointment. At pages 12–14 of **"MAW-5"** is a copy of a representative list of Eastern Caribbean jurisdictions and my appointments therein where I served as a Liquidator and officer of the Eastern Caribbean Supreme Court.

13. I have experience in recovering assets from in excess of 30 jurisdictions in Europe, Africa, Asia and the Americas and with specific relevance to this matter I have recovered assets from Switzerland, the United Kingdom, the United States, Canada and Latin America.

14. I have been recognized as a foreign representative under (a) Chapter 15 of the US Bankruptcy Code (and its predecessor Section 304) and (b) Part XIII of the Canadian *Bankruptcy and Insolvency Act.* I have also used the UNCITRAL Model Law on Trans-Border Insolvencies in jurisdictions that subscribe to that process in order to seek the recognition of my powers across national boundaries and to administer multijurisdictional insolvencies. I have initiated local bankruptcy proceedings in Switzerland and Austria in order to recover assets located in those jurisdictions, and have obtained recognition and established necessary protocols in Latin America where no supporting legislation or protocol previously existed.

15. I have experience in cases where office holders have been appointed in different jurisdictions, apparently competing for the same asset pool (and specifically US receivers appointed at the behest of the Securities and Exchange Commission and UK liquidators), and have completed those assignments in both cooperative and litigious environments. I note that this experience is particularly relevant in the instant case given the apparently contentious litigation in Canada, the US, Switzerland, Antigua, and the UK – such as that which took place in 2009 and 2010 between the Outgoing JLs of SIB in Antigua and SEC Receiver Ralph Janvey; and which appears to continue to this day with the US Department of Justice.

16. My engagements have included the investigation and unravelling of massive Ponzi schemes with international scope. I have given *viva voce* evidence in numerous civil asset tracing proceedings and have testified in related criminal proceedings having appeared in courts in the United States, the United Kingdom, Austria, Canada, Netherlands Antilles, Latin America and throughout the Eastern Caribbean.

17. I have led teams that include experts in computer forensics and forensic investigations, and certified fraud examiners, in many cross-border insolvency assignments and specifically substantial bank related forensic engagements in the Caribbean and Latin America, and together we have managed global claims administration processes for the benefit of thousands of creditors.

18. If additional expertise and resources are required to meet the professional demands of the SIB liquidation, these can be obtained from other member firms of Grant Thornton International. As a result, I am able to marshal the necessary

and appropriate resources (from both a cost and expertise perspective) to conduct the administration of the SIB estate with my colleague and proposed co-liquidator, Hugh Dickson of Grant Thornton (Cayman).

E. The Circumstances Facing the SIB Estate.

19. I am familiar with a number of the issues that confront the proper administration and marshalling of assets and value, for the benefit of creditors of the SIB estate. The estate is, it would appear, in urgent need of the appointment of new office holders who are suitably qualified and experienced to take charge of a complex multi-jurisdictional and multi-faceted insolvency matter.

20. I understand that the efforts to recover and to realise value from the principal assets of SIB that have been identified to date will require the immediate attention of the new office holders to be appointed by this Court – and that these assets include the following:

(a) **London, England:** I am informed by Mr. Fundora's lawyers, the public record and media reports, that approximately US$110 million of liquid assets of SIB held by certain financial institutions are said to be frozen and are under contention in London. I understand that the US Department of Justice (the "DOJ"), with the assistance of the Government of the United Kingdom's Serious Fraud Office ("SFO"), has sought to forfeit these funds for onward transmission as the proceeds of crime to the United States and for distribution by the Attorney General of the United States pursuant to US Federal Law. I understand that should the efforts of DOJ/SFO be successful in this regard, a number of the ordinary creditors of SIB (some of whom are unlikely to fall under the US federal law definition of "victim" of the specific crimes charged by the US Grand Jury in the Stanford case) will

likely be deprived of a share of any distribution of these funds. I understand that the DOJ/SFO intend to urgently fix a date for the hearing of their application to have the funds ordered to be transmitted to the United States. The most recent information provided to me by Mr. Fundora's solicitors indicates that a substantive hearing of the DOJ/SFO before the Crown Court to seek an order of transmittal of these funds is likely to take place in early June 2011. This represents an exceptionally narrow time period for any new JLs to be able to sensibly prepare for the same. I understand this hearing is to take place notwithstanding the existence of an outstanding application for leave to appeal to the Supreme Court of the United Kingdom by the Outgoing JLs of SIB (Antigua) of an order of the Court of Appeal of England and Wales which would appear to give some manner of priority in the funds of SIB in London to the DOJ/SFO and over the Antiguan estate of SIB. There would therefore appear to be an urgent need for this now long outstanding application for leave to appeal to be considered with expedition, and, if advised to do so by Counsel, pursued by the new office holders of SIB. Moreover, the urgent Application of the DOJ/SFO to transmit SIB's London funds to the United States must be considered and, if counsel advises, an adjournment sought pending the outcome of the SIB estate's putative appeal to the Supreme Court.

(b) **Switzerland:** I am informed by Mr. Fundora's solicitors that approximately CHF355 million of liquid assets remain frozen in Switzerland. It is my understand that the Regulator of Swiss Financial Institutions has determined that the Antiguan estate of SIB is the location of the COMI of the Bank; and that the funds frozen in Switzerland should therefore be turned over to the Antiguan estate of SIB for administration and distribution to creditors. However, I am also informed that the DOJ has issued a Mutual Legal Assistance Treaty ("MLAT") request to Switzerland to have these funds

forfeited as the proceeds of crime for onward transmission to the DOJ in the United States. (This is confirmed by a recent Report from SEC Receiver Ralph Janvey. See page 67, **"MAW-5".**) This would therefore appear to represent yet another substantial value collision between the interests of the SIB estate and the United States Government. It would appear that there exists an urgent need for the new office holders of SIB to seek legal advice and to develop and pursue an appropriate strategy for the recovery of these funds for the estate in Antigua.

(c) **Canada:** I am informed that approximately CAD20 million of funds of SIB were frozen at TD Bank (Toronto). Apparently, an order has been obtained by the Attorney General of Ontario for the transmittal of these funds to the DOJ in Washington DC in respect of an international asset forfeiture proceeding. These funds may well now be lost to the SIB estate. This matter is in urgent need of investigation.

(d) **Antigua:** I am informed by Mr. Fundora's solicitors that there exists the title to substantial lands in Antigua held beneficially by the SIB estate; but that the land titles of SIB in Antigua are substantially vested in a series of affiliated land title holding companies. The state of title to the relevant lands and of the links between the nominal corporate holders thereof and SIB must be investigated or determined by any new Liquidator. A plan of action and recovery almost certainly needs to be articulated and implemented with alacrity.

(e) **United States:** I am informed by Mr. Fundora's solicitors, the public record and media reports, that certain assets of SIB exist in the United States and Central America. The current status of these assets is in need of investigation.

(f) **Multiple Locations:** I am informed by Mr. Fundora's solicitors that a reported $1 billion in loan proceeds advanced to Allen Stanford by SIB remain to be identified, traced and accounted for.

21. I appreciate that there are many other matters which would require the immediate attention of any new office holders who might be appointed by this Honourable Court to replace the Joint Liquidators who have been removed.

22. For instance, there exists an outstanding Petition under Chapter 15 of the US Bankruptcy Code brought by the current Joint Liquidators of SIB before the US Bankruptcy Court in Dallas, Texas. I am informed that the Outgoing JLs have not been in a position to pursue the hearing of their outstanding Petition for Recognition before such Court. It is important that any new office holder expeditiously seek advice and counsel on the merits of pursuing such a long outstanding Petition. If such Petition was to be successfully pursued on the basis that the Antiguan estate of SIB represents the centre of main interests (the "COMI") of SIB – the assets and value that have been marshalled by SEC Receiver Ralph Janvey of Dallas, Texas, for the benefit of SIB in the United States would need to be turned over to the SIB estate in Antigua for administration here.

F. Available Information from the Outgoing JLs.

23. I understand from Mr. Fundora's solicitors that no schedule of receipts and disbursements has yet been filed with the Court with respect to the status of the affairs of the estate since the date of its inception. It is therefore difficult for me to comment on the precise nature of the value of assets that have been recovered to date and how those assets have been distributed or expended. However, I am

informed by Martin Kenney of Martin Kenney & Co Solicitors ("MKS") of the BVI, which acts for Mr Fundora, that MKS' enquiries indicate that a relatively modest sum, believed to be in the region of US$1 million, was recovered by the Outgoing JLs and expended on the costs of the administration of the estate. No significant assets have therefore been recovered to date. On the other hand, the estate is reportedly facing liabilities in excess of US$7 billion owing to what has also been reported to be an estimated 27,000 creditors.

24. At pages 15–31 of **"MAW-5"** are copies of the Reports to this Honourable Court of the Outgoing JLs which have been provided to me by Mr. Fundora's solicitors and which appear to be dated or filed with this Court on 14 July 2009, 9 October 2009 and 15 April 2010. At pages 32–44 of **"MAW-5"** is a copy of a Report to the Court of the Outgoing JLs dated 16 March 2009. This report was written at the time that they were acting as Joint Receiver-Managers of SIB.

25. I note the following observations from these Reports:

(a) No Schedules of Receipts and Disbursements are included with these reports for the SIB estate.

(b) At page 23 of **"MAW-5"** (or the ultimate page of their report filed with this Court on 14 July 2009), the Outgoing JLs indicate that some US$3.4 million in professional fees were expended by them in the approximate two-month period of 19 February 2009 to 15 April 2009 when they acted, initially, as Joint Receiver-Managers of SIB.

(c) I understand that the Outgoing JLs have incurred substantial professional charges since the date of their appointment as joint Liquidators on 15 April

2009. Based on the JLs' Reports which have been provided to me, it is difficult to understand what the totality of these costs may be to date. However, by his Affidavit sworn 12 February 2010, one of the Outgoing JLs, Nigel Hamilton-Smith, indicated that the "burn rate" for the SIB estate for one eight-month period amounted to "*...roughly $1.1m per month...compared to $5.2m per month (over a seven-month period) for the US Receiver.*" (See page 46, "MAW-5".) The relevance of this is to give this Court some appreciation for the prospective funding requirements of the SIB estate. One frame of reference for doing so is to examine the historical profile of professional fees incurred to date.

(d) In their Report to this Court dated 15 April 2010, the Outgoing JLs report (at page 29 of "MAW-5") that they had received Proofs of Claim from some "*...7,511 investors totalling US$2.8 billion and the adjudication of claims received and enquiries from investors are being processed on a daily basis.*"

(e) In the same 15 April 2010 Report, the Outgoing JLs provide a brief report (At page 29 of "MAW-5") on litigation involving the estate in the UK, Canada, Switzerland, and the United States.

(f) On the issue of funding, the Outgoing JLs, in the same 15 April 2010 Report, state that they had made an application to the UK Courts to seek the release of "*further monies from the funds held in the United Kingdom.*" These funds were said to be "*...essential to allow for the continued operation of the liquidation in Antigua as there will shortly be insufficient funds to continue to meet the ongoing operating costs.*" (See page 30, Exhibit "MAW-5".) I am informed by the solicitors for Mr. Fundora that the SIB estate has had to face a serious problem with the lack of funding since the inception of the estate; that it

would appear that the Outgoing JLs have not received payment of their fees or disbursements; and that this, combined with the Removal Order, has made it extremely difficult for the estate to operate and litigate effectively.

G. SEC Receivership Proceedings.

26. At pages 58 – 83 of "MAW-5" is a copy of SEC Receiver Ralph Janvey's Second Interim Report regarding the status of the Receivership that he is administering in the United States, dated 11 February 2011. The existence of the SEC Receivership has created a source of conflict for the SIB estate of Antigua. At page 14 of this Report (see page 71 of "MAW-5"), the Receiver reports that between the date of inception of the Receivership in February 2009 through to 31 August 2010, he expended approximately $60 million in fees, expenses (albeit approximately some $13.2 million in professional fees and $1.2 million in disbursements have been held back and not yet released to the Receiver and his team). The Report also shows that the SEC Receiver has been seeking to recover assets of the SIB estate in Panama, Ecuador, Peru, Mexico, Venezuela, and elsewhere. I am informed by the solicitors for Mr. Fundora that the Outgoing JLs have not sought to recover any of the assets of SIB located in these jurisdictions. I commend this recent report of SEC Receiver Janvey to this Honourable Court for its review and in order that the Court might have a more full understanding of the broad and complex conspectus that the SIB estate finds itself in. The long-outstanding Petition of the SIB estate for recognition under Chapter 15 of the US Bankruptcy Code before the US Bankruptcy Court in Dallas, Texas, will, if pursued, bring the SIB estate into direct confrontation, again, with SEC Receiver Janvey. An analysis of the costs and benefits of pursuing this Petition to a final resolution needs to be undertaken, as to above.

H. Funding.

27. In the light of the complex litigation which SIB is a party to abroad and the need for immediate retention of Counsel by any new office holder to assess and advise the new office holders on what action ought to be taken to avoid any prejudice for the estate, it is clear that an appropriate level of funding needs to be raised and put into place for the estate to function and operate properly. Under s. 308(1)(f) of the Companies Act of Antigua, I understand that a liquidator of SIB has the power to borrow money and to pledge the assets of the estate as security therefor.

28. I am broadly familiar with the working capital needs of the SIB estate. I am informed by the solicitors for Mr. Fundora that efforts have been undertaken since the date of the Removal Order (8 June 2010) to identify sources of possible funding for the SIB estate, so that it might be placed onto a sound financial footing expeditiously; and to enable the replacement office holders to operate properly and within the present trans-national insolvency recognition and enforcement environment. In this regard, I have been in communication with Mr Jim Little of Baltimore, Maryland, who has sought to identify a source of funding for the estate to be put into place. I understand from Mr. Little that Sorrell Investments Limited, a Guernsey-domiciled company held by two investment funds, has a proposal which will provide the SIB estate with up to $20 million of working capital. The terms on which this capital is to be made available is subject to negotiation with the replacement JLs and 60 days of due diligence by the lender. If final terms satisfactory to both the JL's and Sorrell Investments Limited are concluded approval will be sought from this Court. I concur with the notion that access to working capital for the estate of this order of magnitude appears to be necessary for the estate to conduct its business and

attempt to marshal very substantial value that exists in the name of SIB in Switzerland (CHF355 million), UK (US$110 million) and elsewhere.

I. Investigations – Asset Tracing and Accessory Civil Liability Claims.

29. Within the context of any large-scale insolvency involving apparent malfeasance by management, a host of investigative, analytic, forensic accounting and legal issues must be contended with. It seems tolerably clear that the SIB estate falls within the category of matters requiring sustained investigative and analytical work by a team of experienced professionals.

30. In addition to traditional asset tracing, an effort needs to be undertaken to determine whether the SIB estate holds valuable contingent assets consisting of, in part, the right to seek damages or compensation from any third-party facilitators (such as banks, lawyers, or other professionals) of any breaches of fiduciary duty on the part of the directors of SIB.

31. Limitation periods must be considered. The SIB estate in liquidation commenced with the appointment of the outgoing JLs on 15 April 2009.

J. Transition Issues.

32. The Outgoing JLs have possession of SIB's books and records. I am informed that they also have access to records of their inquiries and work product of the past two years and two months of effort. They have been represented by CMS Cameron McKenna in London; Jones Day in Dallas, Texas; Ogilvy Renault in Montreal; and by other law firms, in respect to the litigation to which the estate of SIB either is or was a party. It is important that any new set of office holders

endeavour to find ways to work sensibly with the Outgoing JLs in the passing over of the said records and information, together with the present claims adjudication system and books of the estate. I am informed by Mr. Little that the prospective funder of the SIB estate is amenable to making funding available for the cost of the Outgoing JLs' professional time and that of their solicitors to help facilitate a hopefully smooth transition (subject, again, to the terms of funding being agreed upon and approved by this Court).

K. Consent to Act.

33. I hereby reconfirm my consent to act as a Joint Liquidator of SIB with Mr Dickson of Grant Thornton (Cayman).

34. Now produced and shown to me marked Exhibit **"MAW-5"** is a copy of my Amended Consent of Person to Act as Joint Liquidator signed and dated on 15 April 2011.

35. I confirm my independence and impartiality to act in the office in question.

SWORN this 15th day of April 2011 at Halifax, Nova Scotia Canada

Before Me:

A Notary Public in and for the Province of Nova Scotia

MARCUS A. WIDE

TAB 4

1. Applicant
2. Hugh Dickson
3. 2nd Affidavit
4. Sworn: 15th April, 2011
5. Filed: [ ] April, 2011
6. Exhibit "HD-2"

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA

Claim No. ANUHCV 2009/0149

In the Matter of Stanford International Bank Limited (In Liquidation)

-and-

In the Matter of the International Business Corporations Act, Cap 222 of the Laws of Antigua and Barbuda

-and-

In the Matter of an Application for the Removal of the Liquidators

---

SECOND AFFIDAVIT OF HUGH DICKSON

I, Hugh Dickson, Qualified Insolvency Practitioner, of Grant Thornton Specialist Services (Cayman) Limited, 7 Dr Roy's Drive, George Town, Cayman Islands duly sworn, MAKE OATH and SAY as follows:

I. The Deponent.

1. I am a partner with Grant Thornton UK LLP and the managing director of its wholly owned Cayman Islands' subsidiary, Grant Thornton Specialist Services

(Cayman) Limited. I also oversee Grant Thornton (British Virgin Islands) Limited, another wholly owned subsidiary of Grant Thornton UK LLP. Both operations are practices that exclusively perform restructuring and insolvency work, with a particular emphasis on offshore financial services industry related cases.

2. I make this affidavit on behalf of myself and my colleague from our Grant Thornton (British Virgin Islands) Limited practice, Mr Marcus A. Wide, who has authorised me to do so. Both I and Mr Wide are experienced and qualified insolvency practitioners.

II. The Purpose of this Affidavit.

3. I understand that this Honourable Court made an Order on Tuesday, 8th June 2010 granting the Application of Alexander M. Fundora seeking the removal of Messrs. Nigel Hamilton-Smith and Peter Wastell as Joint Liquidators of Stanford International Bank Limited (in Liquidation) ("SIB"). It is my understanding that this Court had previously directed Mr. Fundora to re-submit the name of Marcus A. Wide and at least two other names of candidate and successor liquidators who are "suitably qualified and experienced insolvency practitioners"; and from which this Court intends to select a new liquidator(s).

4. In June 2010 I was contacted by the solicitors for Mr. Fundora who invited me to put my name forward, together with a colleague should I believe that a joint appointment was beneficial, as one of the candidates for the position as successor liquidator of the estate of SIB. In that regard I refer the Honourable Court to my First Affidavit, filed on 11 June 2010, in which I put forward my name and that of my colleague and fellow partner Mr Stephen John Akers of London, England.

5. Since the filing of that affidavit our practice has recruited Mr Marcus A. Wide to act as Managing Director of Grant Thornton (British Virgin Islands) Limited. Mr Wide had previously consented to act as Liquidator of the estate of SIB whilst working for his previous employer, PricewaterhouseCoopers (Halifax, Nova Scotia). Mr Wide is in the midst of re-locating from Halifax, Nova Scotia to Tortola, BVI. I believe it appropriate that Mr Wide replace Mr Akers as my joint nominee. I have therefore sworn my Second Affidavit to provide the Honourable Court with a revised affidavit and Amended Consents to Act that reflect the current position. For the convenience of the Honourable Court I have restated my experience within this affidavit.

III. The Deponent's Professional Training and Experience.

6. I hold a joint Masters degree in Economics and Accounting, and I am a qualified chartered accountant with the Scottish Institute. I am qualified as an insolvency practitioner under the UK Joint Insolvency Examination Board provisions and as a Qualified Insolvency Practitioner under Cayman law and insolvency regulations. My career has included, in addition to insolvency work, working within the management of banks and in the banking regulatory field, in the latter case acting as a senior advisor to central banks and banking regulatory authorities around the world on issues of banking intervention, asset seizure and realisation. I am familiar with the practical and technical issues specific to banking, and am currently the liquidator of a Curacao regulated bank.

7. I currently hold office as an official liquidator on a number of cases under the purview of the BVI and Cayman Courts. My experience within both jurisdictions includes the recovery of assets for victims and creditors of high value frauds and Ponzi schemes, as well as large, complex and contentious cross

border cases involving asset tracing, recovery and litigation in multiple jurisdictions, including Switzerland, the UK, US and Canada, all relevant jurisdictions for this case. In that capacity I also have direct experience of dealing with onshore regulatory authorities and law enforcement agencies including the UK Financial Services Authority and Serious Fraud Office, and the Canadian Royal Canadian Mounted Police and the Autorité des Marchés Financiers of the Province of Quebec, Canada (who initiated my appointment on one such cross border fraud case).

8. Mr Wide has been appointed to head Grant Thornton's BVI insolvency practice. Mr Wide has considerable experience of working on insolvency cases in the Eastern Caribbean Circuit and elsewhere in the Caribbean, including major banking and financial services industry cases. His experience includes cases in Anguilla, Antigua, the Bahamas, Barbados, Bermuda, Dominica, the Dominican Republic, Grenada, Jamaica, St. Lucia, St Vincent, Trinidad and Turks and Caicos.

9. In the course of that work he has developed extensive contacts with regulators and enforcement authorities in the West Indies, the USA, the United Kingdom and elsewhere. He has pursued assets and claims in over 30 countries in North, South and Central Americas, Europe (both EU and non-EU countries), Africa, Asia and Australasia. He is familiar with the challenges posed by multi-jurisdictional assignments, including those involving fraud, and complexities of cross border recognition and working with insolvency practitioners or receivers in other jurisdictions.

IV. Urgent Issues Apparently Facing the Estate - Consent to Act.

10. At paragraph 11 of my First Affidavit filed in these proceedings, I said:-

"11. Given my recent involvement I have not had time to fully acquaint myself with the details of the estate's current financial position. However a number of matters have been brought to my attention:

a. As we understand it there is no definitive statement of unencumbered assets under the control of the liquidators available. Conversely the existing liquidators are likely to have incurred substantial expenses, including but not limited to their own fees and those of their legal agents;

b. Substantial proportions of the asset base may be subject to conflicting claims, and/or in jurisdictions where the former liquidators appointment and authority is either not yet recognised or contested;

c. Even where such authority has been recognised, it has not been confirmed whether that recognition will apply to the new liquidator(s);

d. Whilst we are advised that the estate holds substantial unencumbered real estate holdings in Antigua, there may be competing claims against these assets, the assets themselves may not be fully under the control of the present liquidators, and the assets are not immediately liquid. Whilst it may be possible to borrow funds for the liquidation's immediate needs utilising such assets as security, this has not as yet been resolved. We would assume that the terms of such borrowing would have to be agreed by this Honourable Court, and any monies lend may not be on a non recourse basis and require some undertaking or commitment by the liquidators personally; and

e. There are a number of legal actions already underway in which the estate is a plaintiff or defendant where costs, particularly those of legal counsel, will continue to accrue and where there may be limited flexibility to suspend proceedings without undue damage to the estate pending the new liquidators ensuring that the estate has adequate resources available to meet such costs on a timeous and comprehensive basis."

To update the position, I understand that the above description of the circumstances facing the SIB estate remains substantially the same save that

there are now a series of issues of urgency which will need the immediate attention of any new Liquidator of SIB involving ongoing, complex and high value asset recovery litigation to which the estate is a party over (i) US$110 million of frozen liquid assets reportedly held in SIB's name in London, England, (ii) CHF355 million in frozen liquid assets reportedly in SIB's name in Switzerland and (iii) an outstanding yet long adjourned Chapter 15 US Bankruptcy Code Recognition Petition filed by the SIB estate before the US Bankruptcy Court in Dallas, Texas. The immediate need to marshal resources, review and consider the relevant issues with counsel, and to develop an appropriate strategy and plan of action for each of the multi-fold litigations facing the estate, is clear. This is in addition to the other challenges involved with the administration of an estate of a reported 27,000 creditors and $7 billion in apparent liabilities. I am informed that the SIB estate has no funding available to it to conduct its affairs, at present. I have been informed by the solicitors of Mr. Fundora of efforts that have been undertaken since the rendering of the 10th June, 2010 Removal Order of Thomas J, to identify and obtain funding for the new liquidators of SIB, and that these efforts have produced a conditional commitment to provide what would appear to be adequate funding to enable the estate to function properly (subject to terms to be agreed upon by the new liquidators and to be approved by this Court, and subject to a 60 day period of due diligence by the prospective funders). I respectfully submit that funding represents a major issue facing the estate and that it requires the urgent attention of any new officeholder and of this Honourable Court.

11. I hereby consent to act as the new or successor liquidator of SIB, and can affirm that Mr Wide has confirmed to me his consent to act as my joint liquidator on a joint and several basis, should the Honourable Court be minded to so appoint us.

V. *Curriculum Vitae.*

12. Now produced, shown to me and marked HD-2 is a copy of our credentials and our experience for perusal by this Honourable Court. My current *Curriculum Vitae* is at pages 1 to 2 of HD-2. A copy of Mr Marcus Wide's current *Curriculum Vitae,* which he has confirmed to me represents an accurate and up to date reflection of his experience and qualifications, is at pages 3 to 4.

13. I can confirm that appropriate conflict of interest checks were initiated in June 2010. To date I have received no indication of a conflict of interest in response, nor do I have any knowledge of such a conflict emerging subsequent to that check being conducted, that would prevent myself or Mr Wide from acting.

14. Whilst I understand the Honourable Court has asked for the personal details of the proposed liquidators, an assignment of this size will necessitate considerable resources being applied by any appointed liquidator. I therefore wish to comment briefly on the resources that I and my fellow appointee, should the Honourable Court be minded to appoint us, can bring to bear.

15. The Grant Thornton Cayman and BVI operations are run in close coordination with the Grant Thornton UK LLP specialist insolvency operation. The common ownership and management structure facilitates seamless access to GTUK staffing and resource (some 13 partners, 19 directors and circa. 620 staff specialising in insolvency and restructuring cases) to supplement our resources already on site in the Caribbean. The scale of resource is sufficient to service even the largest or more specialist assignment, coupled with specialist knowledge of the offshore financial services industry, local insolvency laws and a familiarity with operating in the Caribbean. Our team includes partners with prior insolvency appointments in Antigua, as well as elsewhere within the

Eastern Caribbean Circuit, and staff with extensive experience in working on cross border insolvency appointments involving Caribbean entities. It also offers direct access to our specialist Forensic and Investigations team, who specialise in asset tracing and recovery, particularly in cases involving economic crime.

16. The common ownership and management structure, which I believe to be unique amongst the major insolvency firms operating in the region, also minimizes any commercial issues over work allocation and resource sharing that can affect other firms which use a common brand name but have separate local ownership. I consider my firm's structure invaluable in addressing an assignment of this scale, where the international reach and complexity clearly requires liquidators who have the resource capacity and access to specialist resources to tackle the challenges involved.

17. Pages 5 to 17 of HD-2 contain a short statement of the resources of Grant Thornton available for this case, should partners in our firm be appointed as the replacement liquidators, and a note of relevant credentials and experience held by members of the team that will work on the engagement.

18. The contents of this Affidavit are true to the best of my knowledge, information and belief.

VI. Hourly Rates.

19. The standard hourly rates which would currently apply for the services of Mr. Wide and me as well as for members of our Cayman Islands and BVI practice staff are set out below. Our rates are subject to periodic revision, usually on our financial year end on 1 July, and exclude the costs of attorneys and other professional assistance, including services provided in other jurisdictions. We

would anticipate in any event our fees and charges being subject to the oversight and approval of a liquidation committee and this Honourable Court.

Grade	GT Cayman US$	GT BVI US$
Partner and Managing Director	675	625
Director	475-550	575
Senior Manager	425	-
Assistant manager - Manager	350 - 395	365
Seniors	260	250 - 300
Administrators and staff	125	150

SWORN this 15th day of April, 2011 at Miami, United States)

Before Me:

Notary Public

REBECCA S. BOYCE
Notary Public - State of Florida
My Commission Expires Jan 29, 2012
Commission # DD 753036
Bonded Through National Notary Assn.

HUGH DICKSON

1. Applicant
2. Hugh Dickson
3. 2nd Affidavit
4. Sworn: 15th April, 2011
5. Filed [ ] April , 2011
6. Exhibit "HD-2"

THE EASTERN CARIBBEAN SUPREME COURT
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(In Liquidation)

-and-

In the Matter of the International Business
Corporations Act, Cap 222 of the
Laws of Antigua and Barbuda

-and-

In the Matter of an Application for the Removal of the
Liquidators

SECOND AFFIDAVIT OF Hugh Dickson

Nicolette M. Doherty
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THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA

Claim No. ANUHCV 2009/0149

In the Matter of Stanford International Bank Limited (In Liquidation)

-and-

In the Matter of the International Business Corporations Act, Cap 222 of the Laws of Antigua and Barbuda

-and-

In the Matter of an Application for the Removal of the Liquidators

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CERTIFICATE OF EXHIBIT TO THE SECOND AFFIDAVIT OF HUGH DICKSON

I hereby certify that these are the documents referred to in the Second Affidavit of Hugh Dickson marked "HD-2" and sworn on the 15th day of April 2011.

Before me:

.....

Notary Public

REBECCA S. BOYCE
Notary Public - State of Florida
My Commission Expires Jan 26, 2012
Commission # DD 753038
Bonded Through National Notary Assn.

Grant Thornton

Hugh Dickson

CA (Member of the Scottish Chartered Accountants)
Qualified Insolvency Practitioner (JIEB)
MA (Economics & Accountancy), Edinburgh University

RECOVERY and REORGANISATION PARTNER

Hugh has been a Recovery & Reorganisation partner with Grant Thornton since 2006. He heads up Grant Thornton's Caribbean offshore financial centre insolvency practice. He has over 25 years experience in restructuring, insolvency, and the financial sector. His experience includes roles for the IMF, World Bank, and EU, as well as advising 8 governments on restructuring, insolvency, financial sector intervention and related legislation. He currently specialises in offshore insolvencies, with a focus on financial sector insolvencies and frauds.

Current Sector Experience

- Liquidator of a number of investment companies and banks involved in a multi billion dollar group collapse, with allegations of a $9 billion dollar fraud and misappropriation of assets. The case involves complex issues of cross border investigation and asset tracing/recovery across 10 countries, as well as the coordination of legal and insolvency proceedings in multiple jurisdictions.
- Liquidator of a Cayman entity involved in a multi jurisdiction $115 million Ponzi scheme involving the Caymans, St Vincent, Bahamas and Canada. Hugh's team are pursuing asset tracing, recovery actions for fraudulent and unfair preferences, breach of fiduciary duty against directors and officers, and possible damages actions against the entity's bankers, who administered the funds of a number of entities engaged in the misappropriation of assets. The team are also assisting the RCMP in their investigations.
- Liquidator of two British Virgin Islands based entities at the centre of a Ponzi scheme, defrauding an estimated 10,000 European and Asian retail investors. The fraud then used the retail investors' monies to obtain substantial amounts of leverage from major investment banks, with total losses estimated at over $600m.
- Liquidator of a Cayman entity indirectly invested in the Madoff funds, with consequent issues involving attempted claw back claims by the US SIPC trustee.
- Liquidator of several BVI based hedge funds heavily invested in the US "Petters" fraud. Investigating value of investments, and options for asset recoveries, securing assets in intermediate funds and potential causes of action.
- Liquidator of a Cayman hedge fund with a claimed NAV of over $500m shortly prior to its collapse. Alleged breaches of investment guidelines, preferences in paying redemptions and the realisation of illiquid assets are features of the case. The liquidators are also investigating allegations of fraudulent assets being used to disguise trading losses, and the potential for litigation against directors and service providers.

Banking advisory experience

- Advisor to a Caribbean full service bank undergoing liquidity and operational challenges. Provided advice on the major issues affecting the bank, the risks of regulatory intervention and necessary changes to its financing and operational approach.
- Working directly for a major Turkish banking group, assisted the group to reach a settlement with the Banking Restructuring Authority over $5bn in debt and their shareholding in the third and fifth largest banks in Turkey; resolution of which avoided an intervention by the authority and was a structural benchmark for the IMF program.
- Advisor to the principal creditor of a Caribbean bank placed in provisional liquidation, advising on rescue

plans for the bank and options to enforce against assets covered by charges.

- Advisor to a major South Korean bank on the creation of a work out department, and the recovery and realisation of its non performing asset portfolio, including exposures in excess of $1 billion.
- Advisor to Romania's second largest bank on the development of in house operational manuals and procedures for the credit and work out departments.
- Review of major UK bank's structured finance book, with particular emphasis on risk management and asset recovery.

Financial Sector Intervention & Regulatory Assignments

- Led the team that set up the Thai Financial Sector Restructuring Authority, responsible for the Thai government's intervention into the financial sector during the Asian financial crisis. Hugh's team helped determine which fincos to intervene, designed and controlled the no notice simultaneous intervention into 56 institutions seizing over $20 billion in assets, and subsequently manage the asset realisation and creditors settlement process.
- Technical advisor to the IMF on intervention and subsequent non-performing loan resolution process in Turkey during the 2001 banking crisis. Working directly for the IMF assisted both the Turkish governments' Bank Restructuring Authority (regulatory and intervention body) and the Savings Deposit Insurance Fund (asset realisation/intervention cost mitigation).
- Advisor to the Korean Financial Services Commission during the Korean banking crisis, advising initially on banking intervention and latterly on designing a banking bail out system (through bad asset acquisition) that would encourage banks to clean up their balance sheets and allow recapitalisation whilst cushioning loss recognition.
- Headed projects for the Central Bank of Egypt to establish a Banking Supervision Department and advice on Foreign Reserves Management.
- Headed team assisting the Indonesian Bank Restructuring Authority with their asset management and realisation of in excess of $40 billion of intervened banking assets, including banking mergers as well as straight realisation.
- Ran training program for banking intervention for the Thai Central Bank.
- Technical advisor to the Government of Malaysia on the design and implementation of Danaharta, their vehicle for bank restructuring. Over 51% of non-performing loans ($2.8 billion) were secured by property collateral ranging from raw land to retail developments, making a real estate strategy central to Danaharta's success.

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Grant Thornton

Marcus A. Wide

CA (Member of the Canadian Institute of Chartered Accountants)
CAIRP (Member of Canadian Association of Insolvency and Restructuring Pratitioners)
Insolvency Institute of Canada
Trustee in Bankruptcy

RECOVERY and REORGANISATION PARTNER

Marcus has recently accepted a position as head of Grant Thornton's insolvency and restructuring practice in the British Virgin Islands. He has been a full time insolvency practitioner since 1974 and over the last 15 years has worked extensively throughout the Caribbean including Anguilla, Antigua, the Bahamas, Barbados, Bermuda, Dominica, the Dominican Republic, Grenada, Jamaica, St Lucia, St Vincent, Trinidad and Turks and Caicos.

In the course of his work in the Offshore Banking industry, Mr Wide has developed extensive contacts with regulators and enforcement authorities in the West Indies, the USA, the United Kingdom and elsewhere. This network of contacts enables review, investigation and recovery assignments to be undertaken with access to a wide range of information relevant to the offshore finance industry and potential money laundering issues that are unique in the profession.

Actively pursuing assets and claims in over 30 countries in North, South and Central Americas, Europe (both EU and non-EU countries), Africa, Asia and Australasia. The multi-jurisdictional nature of these assignments have also necessitated dealing with other insolvency practitioners or receivers in other jurisdictions, including Trustees in Bankruptcy in a variety of countries, Chapter 11 appointees, use of chapter XV proceedings, Court Receivers and Liquidators, and UK Administrators. In some cases a co-operative approach has been negotiated to minimise cost and time delays. Whilst a co-operative approach is generally preferable, in some cases litigation has been required.

Caribbean Banking Experience

- Provided oversight to the Antiguan office of the European firm and assistance in the liquidation of an offshore bank, worked in conjunction with the regulatory authority, dealing with heavily litigated competing claims from the Ukraine and US, tracing and recovering assets from a variety of jurisdictions generating cash for depositors in excess of $75 million.
- The controllership (investigation for regulators) or Court Liquidation of approximately 18 offshore banks and other financial service companies in Grenada, ranging in scale from liabilities of hundreds of millions, to minor banks with liabilities of millions or less. These have included acting in other jurisdictions to recovery property of the banks, investigations into fraud and money laundering and pursing litigation against bank directors and officers. Assets were traced and recovered from multiple jurisdictions often in the face of competing claims, including the US, various European countries, the far East and Africa. In conducting these files, Mr Wide worked not only with the Government and its regulatory board but also in co-operation with the law enforcement agencies both in Grenada and overseas, including the FIU, the FBI, the US Treasury, the Serious Fraud Office in the UK and the Lincolnshire Constabulary Fraud Unit.
- Acting as the partner responsible for the investigation and court liquidation of 4 offshore banks/financial institutions in Dominica, including dealing with substantial money laundering issues and assistance to the Financial Investigation Unit in recovering money for the Dominican Treasury, working in cooperation

with other international agencies including the Serious Fraud Office in the UK, the FBI and US Treasury, the Fraud Unit of the Leicester Constabulary, investigative authorities in Germany, and includes providing testimony at trials in the UK and the USA based on the record recovery and forensic work carried out. Recoveries have been effected or are in the process from the US, Austria, UK, Mexico and other EU countries including Greece and Belgium. Many of these recoveries have been contested with local claimants in particular a receiver in the USA.

- Acting as the partner responsible for the receivership or court liquidations of 8 offshore banks in St Vincent and the Grenadines, including recoveries from overseas, extensive litigation for the recovery of assets and in defense of actions taken by bank principals to defer and hinder investigation into possible fraud and other wrong doing. Securing records of the banks in a form that will protect them as a reliable source for continuing litigation and prosecution of officers operating in a fraudulent manner or without due regard for the assets and related liabilities.
- Investigated offshore banks and international business corporations and their interlocking interests in St Vincent and in the Bahamas for depositor clients, with resulting appointments as liquidator in both St Vincent and Bermuda.
- Provided testimony in court in respect of offshore banking issues, and in support of criminal charges in Canada, the USA and UK.
- Provided advice in the sale, equity support and negotiations for the sale of a group of insolvent banks under control of the Government of Jamaica.

Other Global Insolvency Experience

- Mr Wide has extensive experience in other jurisdictions including Guatemala, St Vincent, Canada, Dominica and St Lucia.
- He has also been involved in several industry sectors ranging from hospitality to tourism and real estate.

Representative client list

Bank of Montreal
Canadian Imperial Bank of Commerce
Royal Bank of Canada
Toronto Dominion Bank
National Bank of Canada
Bank of Nova Scotia
Banque Nationale de Paris
First Caribbean International Bank
Chrysler
GE Capital
Royal Bank of Trinidad and Tobago
Government of Canada
Government of the Province of PEI
Government of Jamaica
Government of St Vincent & the Grenadines
Government of Grenada
Government of Dominica
Air Jamaica
Private Lenders and Corporations

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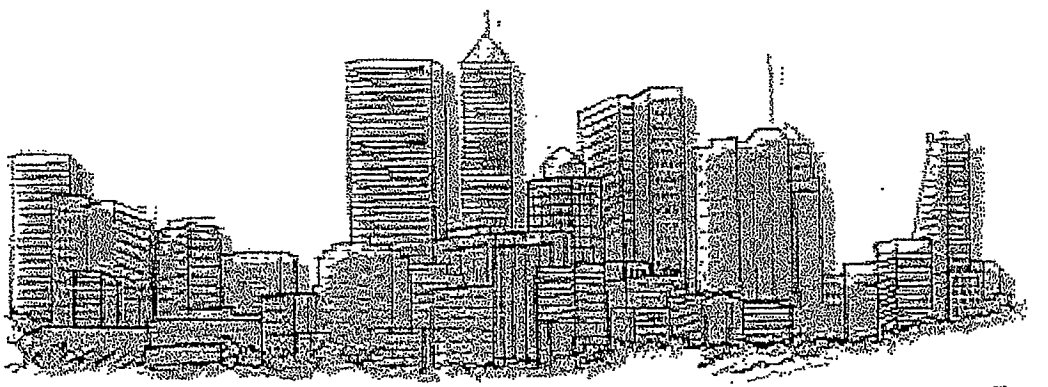
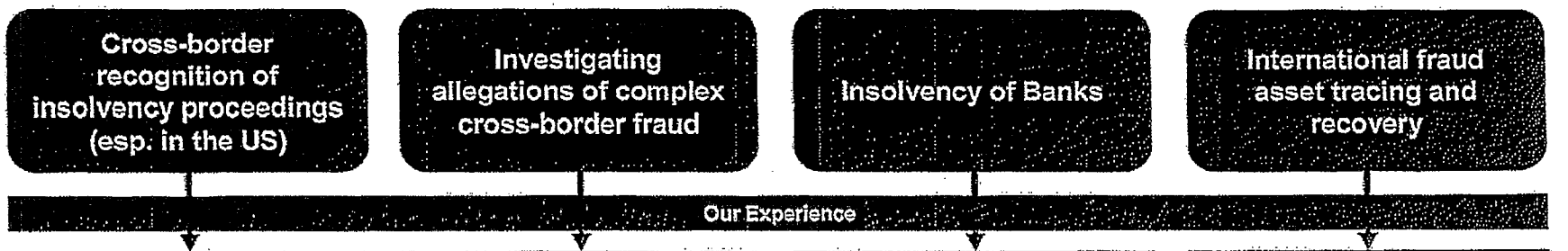
E: marcus.wide@uk.gl.com

Grant Thornton

Exhibit 1: Grant Thornton's complex insolvency and forensic services in relation to the financial services sector



Key capabilities to this assignment



- in our Madoff assignment we are currently working in close co-operation with an array of US regulatory authorities, including the Department of Justice, FBI, Securities Exchange Commission and the SEC Receiver
- Steve Akers' BCCI appointment involved negotiating and implementing a cooperative agreement with the Department of Justice in the USA and the Attorney General in the Southern District of New York as well as 15 other agencies

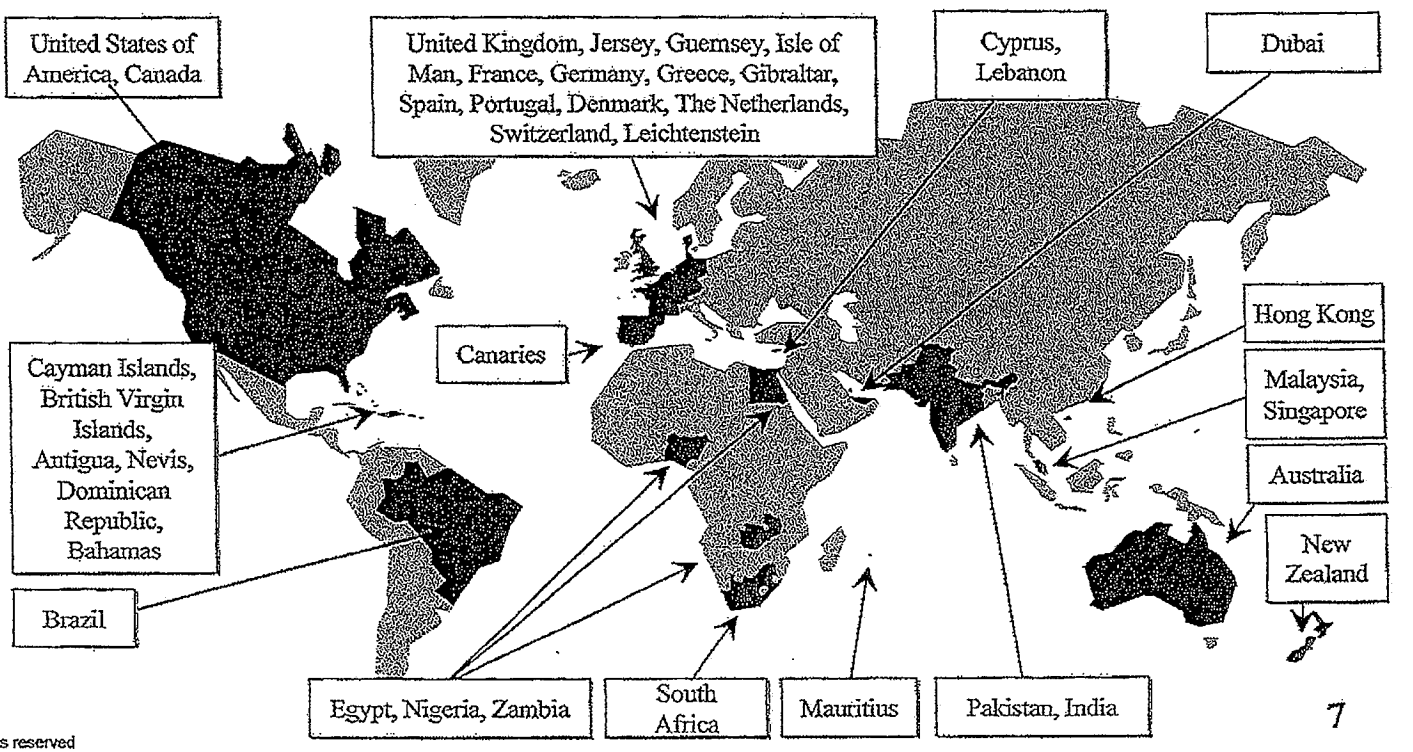
- in our provisional liquidation of Madoff Securities International Ltd, we are investigating part of an alleged $50 billion 'Ponzi' scheme
- in our appointment by the Serious Fraud Office, as an expert we opined on an alleged $400m high yield 'ponzi' investment fraud in the Caribbean and UK
- in our Project Longboat assignment, we are investigating fraud allegations relating to £1.6bn of complex financial instruments on behalf of a major European bank

- Steve Akers' role as liquidator of BBCI SA, the largest ever Bank failure at that time, involved assets of some $10 billion.
- in our liquidation of an Antiguan bank, we dealt with complex trust arrangements which had been subject to an £120m fraud
- Hugh Dickson work for FRA and IBRA involved the intervention into numerous banks and finco's during the Asian financial crisis and realisation of their assets, involving some $42 billion of assets.

- our Recovery & Reorganisation teams have considerable experience of the tracing and recovery of the proceeds of fraud around the globe
- a selection of jurisdictions from which we have recovered the proceeds of fraud and other economic crime is shown overleaf

International fraud asset tracing and recovery

We have recovered the proceeds of fraud and other economic crime from the following countries:



About Grant Thornton

Grant Thornton International

- The Grant Thornton International worldwide network has revenues in excess of USD$2.7bn and representation in over 112 countries across 519 locations employing 21,500 people.
- Although Grant Thornton International is not a worldwide partnership, the firms share a commitment to providing the same high quality service to their clients wherever they do business.

Grant Thornton UK LLP

- Grant Thornton UK LLP is the UK member firm of Grant Thornton International.
- Grant Thornton UK LLP has a turnover of £378m and over 250 partners and 4,000 staff operating from 29 locations in the UK, Cayman and British Virgin Islands.
- It is currently the fifth largest accountancy services firm in the UK in terms of revenues.

Recovery & Reorganisation

- Grant Thornton UK LLP Recovery & Reorganisation has 37 partners and 19 directors, and over 620 staff in 19 locations in the UK, Cayman and British Virgin Islands.
- The complex insolvencies and offshore restructuring team, led by Steve Akers and Hugh Dickson, have a particular expertise in the restructuring and enforcement of complex corporate entities and offshore investment vehicles, particularly those domiciled in the Caribbean.
- The Grant Thornton Cayman and BVI operations are run in close coordination with the Grant Thornton UK insolvency team.
- A common ownership and management structure facilitates seamless access to UK staffing and resource. This common ownership is a unique structure to Grant Thornton.

Forensic & Investigation Services

- Grant Thornton UK LLP's Forensic & Investigation Services team assists business, their legal advisers and regulators on dispute resolution, regulatory investigations, fraud and asset tracing and money laundering investigation.
- The team has 8 Partners, 8 Directors and over 100 professional staff based across the UK and have particular expertise in the financial services sector and are regularly instructed on assignments involving financial institutions where there are complex issues, often involving multi-jurisdictional consequences.
- Hossein Hamedani leads its work in the financial services sector. Experience includes acting as inspector under Jersey Financial Services Law to investigate the split capital market issues, acting as expert or adviser in assignments including Barings Singapore, Lloyds' of London, BCCI, Maxwell Pension Funds.

Experience: Madoff Securities International Limited

Madoff Securities International Limited
$50bn Investment Fund 'Ponzi' Scheme 2008 - Ongoing
Partners of Grant Thornton UK LLP are acting as provisional liquidators

- In December 2008, Steve Akers, Mark Byers and Andrew Hosking of Grant Thornton UK LLP were appointed Provisional Liquidators of Madoff Securities International Ltd.
- This action, on the petition of the companies directors and with the blessing of the UK FSA, followed the arrest of Bernard Madoff, the former chairman of the NASDAQ stock market, on allegations that his hedge fund was a "Ponzi scheme" and had allegedly racked up $50 billion (£33.5 billion) of fraudulent losses.
- Our role as provisional liquidators of the company is to identify and preserve assets and undertake an investigation into its business affairs in co-operation with the Department of Justice, FBI, SIPC Trustee and SEC Receiver agencies in the US and Serious Fraud Office in the UK.
- we had to step in to help the US SIPA Trustee set up a working relationship with the US Attorney's Office in the Southern District of New York, where the relationship had broken down because two of the insolvency estates (in the USA and UK) were potentially competing for assets. We instigated a resolution of that difference by putting a cooperation and information sharing protocol in place and we further assisted the US Trustee to obtain recognition in the UK
- An SEC Receiver was appointed in the USA and he sought to take control of the UK entity. He was persuaded by us, on our appointment, that his powers did not extend beyond the US and that though proper cooperation between jurisdictions we worked with him to keep him informed of the winding up of the UK entity until his role was replaced by the appointment of a US Trustee.
- As a result, we agreed a way in which assets would be realised and information shared between the two estates as well as the way in which they can cooperate to bring claims against third parties for the benefit of creditors.
- Large amounts of electronic and hard copy data have been secured and is now being reviewed to assist the US and UK authorities with their enquiries under the supervision of the Courts in the UK.

Experience: Antiguan offshore bank

Antiguan offshore bank

Antiguan offshore bank

£120m+ fraud

1998

Partners of Grant Thornton appointed as liquidators

- The company was an Antiguan offshore bank with complex trust arrangements. The bank had been subject to an £120m fraud prior to us being appointed as liquidators by the court.
- We traced and recovered:
  - A US$20m yacht
  - Properties in Italy and the UK
  - Cash and stocks in Switzerland and Jersey
- In this case computer hard disk imaging and reconstruction of records were essential in tracing assets.
- Our international experience was also invaluable when dealing with the Antiguan Government, Swiss prosecutor and Jersey trusts.
- Currently in excess of £25m has been recovered, legal action remains ongoing and the lead perpetrator has been imprisoned and bankrupted.

Experience: BCCI

BCCI

£10bn Retail Bank Failure

1990s

Partners of Grant Thornton UK LLP provided advisory services

Steve Akers acted as one of the English Liquidators of Bank of Credit and Commerce International, the largest ever bank insolvency at that time. One of Steve's primary roles in this case was to lead a number of the teams pursuing asset recovery through litigation and sensitive negotiations. This involved him in managing and directing teams of lawyers, insolvency, and forensic staff working across many different jurisdictions, including the United States, United Kingdom, Jersey, Cayman Islands, British Virgin Islands, Saudi Arabia, India, Pakistan, Hong Kong, Canada and UAE. This work led to recoveries of several billion dollars.

The BCCI appointment involved negotiating and implementing a cooperative agreement with the Department of Justice in the USA and the Attorney General in the Southern District of New York as well as 15 other agencies.

As part of this case, we provided extensive assistance to the Serious Fraud Office, the FBI, the District Attorney of New York and the Department of Justice which led to a number of successful prosecutions and further realisations for victims as a consequence of those prosecutions.

- Separately, Hossein Hamedani advised the government of Abu Dhabi in relation to collapse of BCCI pursuant to allegations of fraud including advice on:

  –regulatory enquiries by the US Government, the Federal Reserve and the UK Government;

  –investigation of losses incurred and defence of shareholder as a victim rather than perpetrator of frauds

  –tracing of losses incurred by the Abu Dhabi Government for the purposes of identification and recovery of any remaining assets, giving evidence in the criminal trial of the perpetrators and demonstrating the position of the majority shareholder as the victim.

  –preparation of claim against advisors, customers, and perpetrators of fraud

  –defence of contribution claims against the Abu Dhabi Government

Experience: Saad Investments Company Limited

Saad Investments Company Limited
Alleged $10bn Investment Fraud 2009 - Ongoing
Partners of Grant Thornton UK LLP are acting as liquidators

- On 5 August 2009, Steve Akers, Hugh Dickson and Mark Byers of Grant Thornton UK LLP were appointed as Joint Provisional Liquidators of Saad Investments Company Limited ("SICL") by the Grand Court of the Cayman Islands on the petition the members of a syndicate of 27 banks.
- The provisional liquidation was then 'converted' to an official liquidation on the 18 September 2009 by the Court.
- SCIL functioned both as a holding company for the wider Saad Group in the Cayman Islands and as a private investment company holding some of the offshore assets of Mr. Al Sanea (who was ranked number 62 in the Forbes' 2009 World Billionaires list).
- Mr. Al Sanea and the Saad Group are accused by fellow Saudi family conglomerate Ahmad Hamad Al Gosaibi and Brothers ("AHAB") that during his time as head of AHAB's financial services arm, the Money Exchange, he falsified documents and committed fraud by diverting billions in AHAB funds to his own Saad companies.
- Our role as liquidators of SICL is to identify and preserve assets and undertake an investigation into its business affairs for the benefit of its creditors.
- Our efforts to date have focussed on gaining recognition for our appointment in various 'challenging' offshore jurisdictions. To date we have identified assets in excess of $2bn and are taking steps (where possible) to secure and realise those assets through further liquidation appointments. An example of this approach has been our appointment as liquidators of Singularis Holdings Limited, a Cayman Islands investment vehicle which allegedly held c.2.7% of the issued share capital of HSBC, worth c.£2.5bn (at the time of writing).
- Cross border recognition proceedings taken in the UK, Jersey, Switzerland, Bermuda, and the Bahamas.

Experience: DD Growth Premium Master Fund

DD Growth Premium Master Fund
Alleged $550m Hedge Fund Fraud 2009 - Ongoing
Partners of Grant Thornton UK LLP are acting as liquidators

- In April 2009, Hugh Dickson and Steve Akers were appointed to DD Growth Premium Master Fund ("the fund"), a $550m hedge fund operated by Dynamic Decisions Capital Management, amid concerns over an apparent collapse in asset value and failure to meet $400m in redemption requests.
- The fund was incorporated in the Cayman Islands but its investment manager Dynamic Decisions Capital Management, an English incorporated entity was authorised by the UK Financial Services Authority, handled all its operations.
- The declared investment objective of the fund was to seek to achieve absolute returns for investors by adopting a highly liquid strategy of investing in long/short pairs in US and European equities with the focus on large capitalisation entities. The unaudited NAV of the master fund on December 31, 2008 indicated a value of $550 million. Allegations were made in respect of the true remaining asset value and the nature of the assets held as the master fund was been unable to pay a number of large redemption requests.
- On the 12th November 2009 the UK's Serious Fraud Office (SFO) launched a criminal investigation into the actions of Dynamic Decisions Capital Management Ltd.
- The liquidators are working with the SFO and continue their investigations into the financial position and affairs of the fund.
- This assignment is ongoing

Experience: K1 Invest Ltd & K1 Global Ltd

K1 Invest Ltd & K1 Global Ltd
Alleged $600m plus Hedge Fund Fraud 2009 - Ongoing
Partners of Grant Thornton UK LLP are acting as liquidators

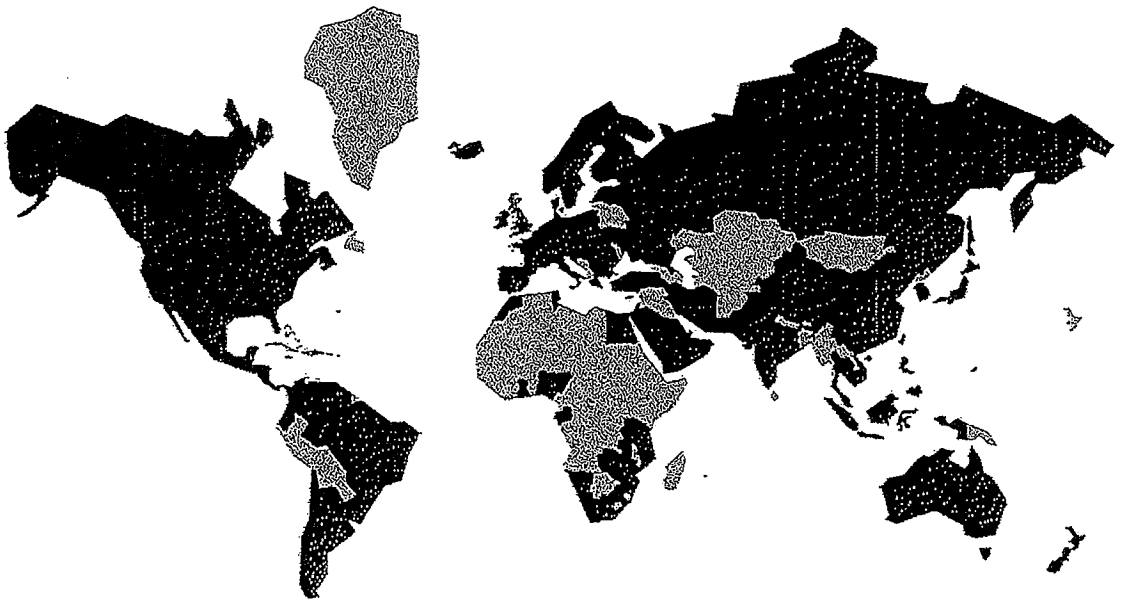
- In November 2009, Hugh Dickson and Mark McDonald of Grant Thornton UK LLP were appointed as liquidators of British Virgin Islands domiciled K1 Invest Ltd and K1 Global Ltd ("the funds") by the shareholder to the funds.
- The funds are alleged to be associated with the K1 Group, a Germany based hedge fund manager. K1 Group was thrust into the spotlight in October 2009 as allegations emerged that it had allegedly embezzled hundreds of millions of dollars from a number of global investment banks and over 10,000 retail investors, many based in Germany. Retail investors funds were then leveraged using derivative instruments. The exact losses are unknown as the banks have never disclosed their total losses on the derivatives, but are at least US$600 million and may be as high as $1.8 billion.
- The liquidators are working with German authorities and have commenced investigations into the financial position and affairs of the funds. The guiding mind of the scheme is in custody.
- This assignment is ongoing

Experience: Project Longboat

Project Longboat
Investment Fraud & Diversion of Assets 2008 - Ongoing
Partners of Grant Thornton UK LLP are acting as provisional liquidators

- In December 2008, Steve Akers and Hossein Hamedani were appointed by an major European bank to assist on judicial review of action by the UK Government, investigate their largest exposure, offshore structures, potential fraud, appointment of receivers to recover assets and litigation for recovery of the securities and debt due.
- This has involved the Bank's largest exposure of £1.6bn with extensive forensic analysis required for recovery actions could be identified.
- Subsequent insolvency appointments have followed in order to secure assets and protect underlying assets.
- This assignment is ongoing.

About Grant Thornton



Grant Thornton International Ltd

- Member and correspondent firms in over 100 countries
- 500 member firm offices worldwide
- Member firms provide access to over 25,000 employees and 2,400 partners
- Combined member firm revenues of US$3.5 billion

Grant Thornton UK LLP

- Fifth largest accountancy firm in the UK
- Member firm within Grant Thornton International Ltd
- Established in 1904
- 30 locations nationwide
- Service 25,000 individuals and 15,000 corporates
- Comprises 230 partners and over 3,500 staff
- Annual fee income of £578 million
- LexisNexis Tax award 2009
- Top100 Graduate employer Times Survey 2009

Grant Thornton

'Grant Thornton' means Grant Thornton UK LLP, a limited liability partnership.

Grant Thornton UK LLP is a member firm within Grant Thornton International Ltd ('Grant Thornton International'). Grant Thornton International and the member firms are not a worldwide partnership. Services are delivered by the member firms independently.

This proposal is made by Grant Thornton UK LLP and is in all respects subject to the negotiation, agreement and signing of a specific contract/letter of engagement.

The client names quoted within this proposal are disclosed on a confidential basis. All information in this proposal is released strictly for the purpose of this process and must not be disclosed to any other parties without express consent from Grant Thornton UK LLP.

www.grant-thornton.co.uk

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
ANTIGUA AND BARBUDA

Claim No.: ANUHCV2009/0149

In the Matter of Stanford International Bank Limited (In Liquidation)

And

In the Matter of the International Business Corporations Act, Cap 222 of the Laws of Antigua and Barbuda

And

In the Matter of an Application for the Removal of the Liquidators

AMENDED CONSENT OF PERSON TO ACT AS JOINT LIQUIDATOR

I, the undersigned, hereby consent to act as joint liquidator of Stanford International Bank Limited with Marcus Allender Wide of Grant Thornton (British Virgin Islands) Ltd.

NAME: HUGH DICKSON

SIGNATURE:

ADDRESS: 7 Dr Roys Drive
George Town
Grand Cayman
Cayman Islands

DATE: 15 April, 2011

OCCUPATION Insolvency Practitioner

This is **Exhibit "M"** referred to in the
Second Affidavit of Peter R. Wiltshire
sworn before me, this 16th day of January, 2015.

A. Carruthers

ALASTAIR CARRUTHERS .
A Commissioner, notary, etc.

TAB 1

Bennett Jones LLP

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Our File No.: 36521.10

March 6, 2009

Via Facsimile – 011-020-7467-4040

Nigel Hamilton-Smith
Vantis Business Recovery Services
London West End Office
66 Wigmore Street
London, UK
W1U 2SB

Via Facsimile – 011-01727-810-057

Peter Wastell
Vantis Business Recovery Services
49 London Road
St. Albans
Hertfordshire, UK
AL1 1LJ

Dear Messrs. Hamilton-Smith and Wastell:

Re: ***Dynasty Furniture Manufacturing Ltd.*, as representative plaintiff v. *Stanford et al.***
Class Proceeding in the Court of Queen's Bench of Alberta, Canada
Action No. 0901-02821

We are solicitors in Canada who have commenced class proceedings in Canada for those Canadians who have investments with Stanford International Bank Ltd. and its affiliated companies. The class proceeding we have commenced also names as defendants Messrs. R. Allen Stanford and James M. Davis, and Ms. Laura Pendergest-Holt. Attached is a copy of the statement of claim we filed on February 25, 2009 in respect of this class proceeding in the Court of Queen's Bench of Alberta in the Province of Alberta, Canada.

We understand that Vantis PLC, and in particular the Vantis Business Recovery Services Division, has been appointed by the Financial Services Regulatory Commission in Antigua and Barbuda as receivers of Stanford International Bank Ltd. and Stanford Trust Company Ltd.

As class counsel for Canadian investors in this matter, we ask that you contact us should there be any developments that affect or that could affect the rights of the investors we represent.

Yours truly,

Bennett Jones LLP

BENNETT JONES LLP

Enclosure

ACTION NO.

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DYNASTY FURNITURE MANUFACTURING LTD., as representative plaintiff

Plaintiff

- and -

STANFORD INTERNATIONAL BANK, LTD., STANFORD GROUP COMPANY, STANFORD CAPITAL MANAGEMENT, LLC, R. ALLEN STANFORD, JAMES M. DAVIS, LAURA PENDERGEST-HOLT, ABC CORP 1 to 9 and JOHN DOE 1 to 9 and JANE DOE 1 to 9 and other entities and individuals known to the Defendants

Defendants

Brought under the *Class Proceedings Act*

STATEMENT OF CLAIM

1. The Plaintiff, Dynasty Furniture Manufacturing Ltd. (hereinafter, the "Representative Plaintiff" or "Plaintiff"), is a corporation incorporated pursuant to the laws of Alberta. The Plaintiff invested approximately U.S. $1,000,000 of its own money in the Investment Scheme (as described below). The Plaintiff brings this action on its own behalf and on behalf of all persons other than the Defendants who invested in any of the Defendant corporations or who purchased investment products offered or promoted by any of the Defendants ("Class Members").

2. The Defendant Stanford International Bank, Ltd. ("SIB"), purports to be a private international bank domiciled in St. John's, Antigua, West Indies. SIB claims to serve clients in 131 countries and to hold U.S. $7.2 billion in assets under management. SIB's Annual Report for 2007 states that SIB has 50,000 clients. SIB is part of a complex web of affiliated companies

that exist and operate under the brand Stanford Financial Group ("SFG"). SFG is described as a privately-held group of companies that has in excess of U.S. $50 billion "under advisement". SIB's multi-billion portfolio of investments is purportedly monitored by SFG's chief financial officer in Memphis, Tennessee (namely, the Defendant James Davis). Unlike a commercial bank, SIB does not loan money. SIB sells certificates of deposit ("CDs") to investors through its affiliated investment advisor (the Defendant Stanford Group Company).

3. The Defendant Stanford Group Company ("SGC"), is a Houston-based corporation, registered with the Securities Exchange Commission (the "SEC") as a broker-dealer and investment advisor. It has 29 offices located throughout the United States. SGC's principal business consists of sales of SIB-issued securities, marketed as CDs. SGC is a wholly-owned subsidiary of Stanford Group Holdings, Inc. ("SGHI"), which in turn is owned by Stanford.

4. The Defendant Stanford Capital Management, LLC ("SCM"), is a registered investment advisor in the United States, which took over management of the SAS program (described below) from SGC in early 2007. SGC markets the SAS program through SCM.

5. The Defendant R. Allan Stanford ("Stanford"), is a U.S. citizen, the Chairman of the Board of SIB, the sole shareholder of SIB and the sole director of SGC's parent company, SGHI. Stanford is and has at all material times been the directing mind behind the Investment Scheme (as described below).

6. The Defendant James M. Davis ("Davis"), is a U.S. citizen and a resident of Baldwin, Mississippi. Davis has offices in Memphis, Tennessee and Tulepo, Mississippi. Davis is a director and the chief financial officer of SFG and SIB. Davis has at all material times been a knowing participant in the Investment Scheme (as described below).

7. The Defendant Laura Pendergest-Holt ("Holt"), is the Chief Investment Officer of SIB and its affiliate SFG. She supervises a group of analysts in Memphis, Tupelo, and St. Croix who "oversee" performance of a portion of the assets (sometimes described internally as Tier 2 assets). Holt has at all material times been a knowing participant in the Investment Scheme (as described below).

8. The Defendants John Doe 1 to 9, Jane Doe 1 to 9 and ABC Corp. 1 to 9 (collectively, the "John Doe Defendants"), are additional individuals and entities involved in the Investment Scheme. Particulars in respect of these individuals and entities are known to the Defendants and will be particularized by the Plaintiff prior to the trial of the action.

9. SIB, SGC, SCM, Stanford, Davis, Holt and the John Doe Defendants are sometimes referred to herein collectively as the Defendants.

THE INVESTMENT SCHEME

10. SIB, acting through a network of SGC financial advisors, including financial advisor Faran Kassam who met with the Plaintiff in Calgary, Alberta, and sold it U.S. $1,000,000 of CDs, has sold approximately U.S. $8 billion of self-styled "certificates of deposit" (*i.e.*, the CDs) by promising high rates of return that exceed those available through true certificates of deposit offered by traditional banks. For example, on November 28, 2008, SIB quoted 5.375% on a 3 year CD, while comparable U.S. bank CDs paid under 3.2%. Recently, SIB quoted rates of over 10% on five year CDs.

11. For almost fifteen years, SIB has represented to the public that it has experienced consistently high returns on its investment of deposits (ranging from 11.5% in 2005 to 16.5% in 1993). Since 1994 SIB claims to have never failed to exceed its targeted investment return of

10% per annum. The returns on the CDs were not as great as SIB represented. The Defendants have refused to cooperate with an investigation by the SEC to confirm the rates of return actually earned.

12. SIB's network of SGC financial advisors has made repeated misrepresentations to the purchasers of CDs in order to induce them into thinking their investment is safe. SIB and its advisors have misrepresented to CD purchasers that their deposits are safe because the bank: (i) re-invests client funds (the "Portfolio") primarily in "liquid" financial investments, (ii) monitors the Portfolio through a team of 20-plus analysts; and (iii) is subject to yearly audits by Antiguan regulators. Moreover, SIB has attempted to calm its investors by claiming the bank has no "direct or indirect" exposure to the recent investment scheme being investigated in respect of Bernard Madoff. None of these representations are true.

13. Contrary to the representations made, the Portfolio was not invested primarily in liquid financial instruments or allocated in the manner described in SIB's promotional material and public reports. Instead, a substantial portion of the Portfolio was placed in illiquid investments, such as real estate and private equity. Further, the vast majority of the Portfolio was not monitored by a team of analysts, but rather by two people – Stanford and Davis. And contrary to SIB's representations, the Antiguan regulator responsible for oversight of the Portfolio – the Financial Services Regulatory Commission – does not audit the Portfolio or verify the assets SIB claims in its financial statements. Moreover, the Portfolio has exposure to the Madoff investment scheme despite SIB's public assurances to the contrary.

14. SGC has failed to disclose material facts to its advisory clients, such as the fact that (i) in recent weeks there has been an alarming increase in the amount of liquidation activity by SIB,

and attempts to wire money out of the Portfolio, and (ii) a major clearing firm – after unsuccessfully attempting to find information about SIB's financial condition and because it could not obtain adequate transparency into SIB's financials – has recently informed SGC that it would no longer process wires from SGC accounts at the clearing firm to SIB for the purchase of SIB issued CDs, even if they were accompanied by customer letters of authorization.

15. The Defendants' fraudulent conduct is not limited to the sale of CDs. Since 2005, SGC advisors have sold more than U.S. $1 billion of a proprietary mutual fund wrap program called Stanford Allocation Strategy ("SAS"), by using materially false and misleading historical performance data. The false data has helped SGC grow the SAS program from less than U.S. $10 million in around 2004 to over U.S. $1.2 billion, generating fees for SGC (and ultimately Stanford) in excess of U.S. $25 million. Also, the fraudulent SAS performance was used to recruit registered financial advisors with significant books of business, who were then heavily incentivized to re-allocate their clients' assets to SIB's CD program.

16. SGC receives 3% based on the aggregate sales of CDs by SGC advisors, and the financial advisors themselves receive a 1% commission upon the sale of the CDs, and are eligible to receive as much as a 1% trailing commission throughout the term of the CDs. This commission structure provides a powerful incentive for SGC financial advisors to aggressively sell CDs to investors.

17. Contrary to the representations made in SIB's 2007 annual reports that its Portfolio was invested in a "well-diversified portfolio of highly marketable securities issued by stable governments, strong multinational companies and major international banks", in fact

approximately 90% of the Portfolio was invested in illiquid investments – namely real estate and private equity.

18. Contrary to the representation that responsibility for SIB's multi-billion dollar Portfolio was "spread-out" among 20-plus people, in fact only Stanford and Davis know the whereabouts of the vast majority of the bank's investments. Without any independent verification, Stanford and Davis alone were aware of where the vast majority of the investments were, and they alone calculated the returns on the aggregated Portfolio. Holt, who has at all material times been responsible for training SIB's Senior Investment Officer and SGC's financial advisors in respect of the CDs, knowingly misled them into telling investors that the entire Portfolio was spread-out among over 20 analysts.

19. The Investment Scheme was a fraudulent means designed and carried out by the Defendants to acquire, for their own benefit, the Plaintiff's and Class Members' funds.

MISREPRESENTATIONS

20. Unbeknownst to the Plaintiff and Class Members, the Investment Scheme, and the resulting investments (collectively the "Investment Agreements") were not legitimate investments. Rather, these transactions were designed by the Defendants for the purpose of converting the Plaintiff's and Class Members' funds to the Defendants' benefit.

21. The representations made by the Defendants to the Plaintiff and Class Members regarding the Investment Scheme and the workings and purpose of the Investment Scheme and the Investment Agreements were untruthful and inaccurate. Further, the Defendants knew such representations were untrue and inaccurate or, alternatively, were willfully blind as to the truth or accuracy of such representations. Such representations were made by the Defendants to the

Plaintiff and Class Members for the purpose of having the Plaintiff and Class Members participate in the Investment Scheme and enter into the Investment Agreements.

22. In the alternative, the said Defendants were negligent as to the truthfulness and accuracy of the representations they made to the Plaintiff and Class Members regarding the Investment Scheme and the Investment Agreements. Such representations were untrue and inaccurate and the said Defendants ought to have known of such untruths and inaccuracies. They were made by the Defendants to the Plaintiff and Class Members in breach of a duty of care owed by the Defendants to the Plaintiff and Class Members.

23. Had the Plaintiff and Class Members known that the said Defendants' representations regarding the Investment Scheme and Investment Agreements were untrue and inaccurate, they would not have participated in the Investment Scheme and, more particularly, would not have entered into the Investment Agreements.

24. As a result of their reliance on the said Defendants' misrepresentations, the Plaintiff and Class Members have suffered loss consisting of the outstanding principal amounts of their respective Investment Agreements and the opportunity to earn a return on those monies.

CONVERSION

25. By means of the illegitimate Investment Agreements, the Defendants have converted the Plaintiff's and Class Members' funds to their own uses and thereby deprived the Plaintiff and Class Members of the benefit of those funds.

26. The Plaintiff and Class Members are entitled to judgment for the recovery of the entire amounts fraudulently converted, namely the unreturned principal investments under the Investment Agreements.

BREACH OF TRUST AND BREACH OF FIDUCIARY DUTIES

27. In receiving the Plaintiff's and Class Members' investment funds, the Defendants stood as trustees, or alternatively constructive trustees, and fiduciaries with respect to those funds and, as such, owed duties to the Plaintiff and Class Members in that regard. The Defendants breached those duties by, among other things:

(a) converting the Plaintiff's and Class Members' funds to their own use;

(b) failing to protect the Plaintiff's and Class Members' funds from conversion or misuse by others;

(c) failing to fully inform the Plaintiff and Class Members of the illegitimate nature of the Investment Scheme and the Investment Agreements; and

(d) such further and other particulars as may be proven at the trial of this Action.

28. As a result of the Defendants' breaches of trust and breaches of fiduciary duties, the Plaintiff and Class Members have suffered losses including the loss of the unreturned principal investments under the Investment Agreements.

UNJUST ENRICHMENT

29. The Defendants have received the benefit of the Plaintiff's and Class Members' funds, to the detriment of the Plaintiff and Class Members and in the absence of any juristic reason.

CONSPIRACY

30. In engaging in all of the foregoing conduct, the Defendants have acted jointly and unlawfully with the common purpose and malicious intention of injuring the Plaintiff and Class Members. Alternatively, the Defendants have acted jointly, their conduct as set out above was directed at the Plaintiff and Class Members, and the Defendants knew or ought to have known that the Plaintiff and Class Members would suffer harm as a result of the Defendants' actions.

31. By virtue of the Defendants' conspiracy, the Plaintiff and Class Members have suffered losses including the loss of the unreturned principal investments under the Investment Agreements. Further, by conspiring in the manner they have, the Defendants are liable jointly and severally to the Plaintiff and Class Members for the entirety of the Plaintiff's and Class Members' collective losses notwithstanding that a particular Defendant may not have conducted a particular act alleged above.

FRAUDULENT CONVEYANCES

32. At various instances, the full particulars of which are only known to the Defendants, the Defendants have transferred assets from themselves to others in order to avoid creditors, including the Plaintiff and Class Members, or alternatively to the payees in preference to other creditors, including the Plaintiff and Class Members (the "Fraudulent Conveyances"). The Fraudulent Conveyances were made at such time as the Defendants knew they were insolvent or knew that, in light of the claims against them, including the potential claims of the Plaintiff and Class Members, they were on the eve of insolvency. All such Fraudulent Conveyances were illegal and contrary to the *Statute of Elizabeth* and the *Fraudulent Preferences Act*, R.S.A. 2000, c. F-24, upon which statutes the Plaintiff and Class Members expressly plead and rely.

33. The Plaintiff and Class Members seek Orders of this Court to set aside the Fraudulent Conveyances and make the assets so transferred available to the Plaintiff and Class Members to satisfy such Judgments as the Plaintiff and Class Members and other investors may obtain against the Defendants.

DISHONEST ASSISTANCE AND KNOWING RECEIPT

34. Each of the actions taken by the Defendants as set out above was contrary to the normal acceptable standards of honest conduct. By engaging in the conduct alleged herein, each of the Defendants has participated in transactions involving conversion, breach of trust, breach of contract and breach of fiduciary duty in which the Defendants, in all of the circumstances, knew or ought to have known that they could not and ought not honestly participate and further or alternatively participated in such transactions when they were or ought to have been suspicious about the validity and propriety of the transactions, and yet made conscious decisions to not inquire about the validity and propriety of such transactions.

35. By acting to assist, facilitate and allow the transactions and matters set out herein to proceed notwithstanding the knowledge and/or suspicions set out above, each of the Defendants facilitated and allowed the Plaintiff's and Class Members' losses and is therefore liable to the Plaintiff and Class Members for such dishonest assistance in the full amount of the Plaintiff's and Class Members' claims herein. Furthermore, by knowingly receiving the proceeds of conduct which the Defendants knew or ought to have known was dishonest, illegal or otherwise wrongful, the Defendants are liable to the Plaintiff and Class Members in the full amount of the Plaintiff's and Class Members' claims herein.

TRACING, FREEZING ASSETS, ACCOUNTING AND DISGORGEMENT

36. As a result of the Defendants' wrongful conduct as set out above, the Plaintiff and Class Members are entitled to trace all amounts received or disbursed by the Defendants as part of or as a result of the Investment Scheme and to recover same. The Plaintiff and Class Members are also entitled to an accounting of the monies belonging to the Plaintiff and Class Members that have come into the possession of the Defendants and to an accounting of any benefit received by the Defendants as a result of the Investment Scheme.

37. The Plaintiff and Class Members are entitled to interlocutory and permanent injunctions restraining the Defendants from disposing of any of their assets wheresoever located and an accounting of all of the Defendants' assets, effects, and property, including any trust account or jointly held assets, any improper disposition thereof, and all money had or received by the Defendants or anyone on their behalf.

38. In order to maximize the recovery to the Plaintiff and Class Members and other investors, the Plaintiff and Class Members require and seek the appointment of a Receiver or, in the interim, an Inspector over the undertaking and assets of the Defendants in order to trace, locate and freeze funds received from the defrauded investors, including the Plaintiff and Class Members.

39. The Defendants are liable to make restitution to the Plaintiff and Class Members and to disgorge any benefits they have received from the Investment Scheme.

40. The Plaintiff and Class Members have incurred significant out-of-pocket expenses and special damages in their detection, investigation and quantification of the fraud and losses suffered and their attempts to recover their losses at the hands of the Defendants in an amount to

be proven at the trial of this Action. The Plaintiff and Class Members claim these amounts from the Defendants.

POOLING OF ASSETS

41. Further, and in the alternative, the Plaintiff and Class Members plead that the Investment Scheme was, by its nature, insolvent from inception, and that any monies paid to individual investors in excess of their contributed capital are monies unlawfully received that ought to be shared *pro rata* by Class Members.

PUNITIVE DAMAGES AND COSTS

42. The Plaintiff and Class Members further plead that they are entitled to recover punitive and exemplary damages in the amount of $500,000.00 as a result of the acts of the Defendants described herein.

43. The Plaintiff and Class Members further state that, as a result of the Defendants' fraudulent and malicious conduct as set out above, the Defendants ought to pay costs of this action on a solicitor and his own client basis.

STATUTES

44. The Plaintiff and Class Members plead and rely upon the provisions of the *Securities Act* R.S.A. 2000, c. S-4, the *Class Proceedings Act* S.A. 2003, c. C-16.5, the *Business Corporations Act* R.S.A. 2000, c. B-9, the *Bank Act*, R.S.C. 1991, c.46, the *Contributory Negligence Act*, R.S.A. 2000 c. C-27, the *Tortfeasors Act*, R.S.A. 2000, c. T-5, the *Statute of Elizabeth* and the *Fraudulent Preferences Act*, R.S.A. 2000, c. F-24.

TRIAL OF THE ACTION

45. The Plaintiff and Class Members propose that the trial of this action be held at the Calgary Courts Centre, in the City of Calgary, in the Province of Alberta. In the opinion of the Plaintiff and Class Members, this action will not likely take more than 25 days to try.

WHEREFORE THE PLAINTIFF AND CLASS MEMBERS SEEK from the Court an Order certifying this action as a class proceeding and appointing the Plaintiff as the Representative Plaintiff of the class.

AND WHEREFORE THE PLAINTIFF AND CLASS MEMBERS FURTHER CLAIM as against the Defendants, jointly and severally:

(a) judgment in the amount of the funds invested with or given to the Defendants or any of them for the purposes of investment, together with such further or other amounts as have been converted by the Defendants, all in Canadian Dollars (to be converted either at the time of the investment or such other time as the Court directs);

(b) an accounting and disgorgement of all fees and other expenses paid by the Plaintiff or Class Members to the Defendants or any of them, and judgment for such amounts;

(c) further and/or in the alternative, damages for breach of contract, misrepresentation, fraud, breach of trust, breach of fiduciary duty, conversion, negligence, unjust enrichment and/or conspiracy in respect of the amounts

invested by the Plaintiff and Class Members in an amount to be particularlized prior to the trial of this action;

(d) special damages and out-of-pocket expenses arising out of the detection, investigation, quantification, and recovery of the fraud, losses, and consequential losses suffered by the Plaintiff and Class Members in an amount to be proven at the trial of this action;

(e) the appointment of an interim and permanent Receiver over the undertaking and property of the Defendants;

(f) in the alternative, the appointment of an Inspector;

(g) a declaration that any funds or benefits received by the Defendants from the Investment Scheme are held in trust for the Plaintiff and Class Members and that the Plaintiff and Class Members are entitled to trace the monies that the Defendants received or disbursed as part of or as a result of the Investment Scheme;

(h) a declaration that the Defendants must account to the Plaintiff and Class Members for all monies taken from the Plaintiff and Class Members as part of the Investment Scheme and for any benefit received by the Defendants as a result of the Investment Scheme;

(i) an Order setting aside the Fraudulent Conveyances;

(j) an Order permitting the Plaintiff and Class Members to trace the monies that the Defendants fraudulently obtained from the Plaintiff and Class Members, and from the sale of any goods fraudulently obtained with the Plaintiff's and Class Members' monies into and through any financial institution accounts or deposit facilities in the name of any of the Defendants and into or through any assets purchased by the Defendants with the Plaintiff's and Class Members' monies;

(k) a declaration that any real property owned in whole or in part by the Defendants shall be sold in order to deliver up to the Plaintiff and Class Members the funds which can be traced to those lands;

(l) interlocutory and permanent injunctions attaching the Defendants' assets and restraining the Defendants from disposing of any of their assets, including those held by another person on their behalf, wheresoever located;

(m) exemplary and punitive damages in the amount of $500,000;

(n) pre-judgment and post judgment interest on all amounts awarded to the Plaintiff and Class Members at such rate or rates as may be ordered, compounded annually or monthly, pursuant to the *Judgment Interest Act*, R.S.A 2000, c. J-1, as amended;

(o) the Plaintiff's and Class Members' costs of this action on a solicitor and his own client basis including costs of distributing or administering any award in favour of the Plaintiff and Class Members, or, in the alternative, on such other basis as this Honourable Court may order; and

(p) such further and other relief as this Honourable Court may permit.

DATED at the City of Calgary, in the Province of Alberta, this 25th day of February, 2009, AND DELIVERED BY BENNETT JONES LLP, Barristers and Solicitors, solicitors for the Plaintiff herein whose address for service is in care of the said solicitors at 4500 Bankers Hall East, 855 - 2nd Street S.W., Calgary, Alberta T2P 4K7.

ISSUED out of the Office of the Clerk of the Court of Queen's Bench of Alberta, Judicial District of Calgary, this 25th day of February, 2009.

V.A. BRANDT COURT SEAL

CLERK OF THE COURT

NOTICE

TO: STANFORD INTERNATIONAL BANK, LTD., STANFORD GROUP COMPANY, STANFORD CAPITAL MANAGEMENT, LLC, R. ALLEN STANFORD, JAMES M. DAVIS, LAURA PENDERGEST-HOLT, ABC CORP 1 to 9 and JOHN DOE 1 to 9 and JANE DOE 1 to 9 and other entities and individuals known to the Defendants

You have been sued. You are the Defendants. You have only 15 days to file and serve a Statement of Defence or Demand of Notice. You or your lawyer must file your Statement of Defence or Demand of Notice in the office of the Clerk of the Court of Queen's Bench in Calgary, Alberta. You or your lawyer must also leave a copy of your Statement of Defence or Demand of Notice at the address for service for the Plaintiff named in this Statement of Claim.

WARNING: If you do not do both things within 15 days, you may automatically lose the lawsuit. The Plaintiff may get a Court Judgment against you if you do not file, or do not give a copy to the Plaintiff, or do either thing late.

This Statement of Claim is issued by

BENNETT JONES LLP
Jim Patterson / Lincoln Caylor / Farouk Adatia
Tel: 416.777.6250 / 6121 / 403.298.3342
Fax: 416.863.1716 / 403.265.7219

Solicitors for the Plaintiff and Class Members whose address for service is in care of the said solicitors.

The Defendants reside or carry on business, as the case may be, in or about Calgary, Alberta.

CLERK OF THE COURT
FEB 25 2009
CALGARY, ALBERTA

ACTION NO. ~~0801~~ 0901-02821

IN THE COURT OF QUEEN'S BENCH OF ALBERTA JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DYNASTY FURNITURE MANUFACTURING LTD., as representative plaintiff

Plaintiff

- and -

STANFORD INTERNATIONAL BANK, LTD., STANFORD GROUP COMPANY, STANFORD CAPITAL MANAGEMENT, LLC, R. ALLEN STANFORD, JAMES M. DAVIS, LAURA PENDERGEST-HOLT, ABC CORP 1 to 9 and JOHN DOE 1 to 9 and JANE DOE 1 to 9 and other entities and individuals known to the Defendants

Defendants

STATEMENT OF CLAIM

BENNETT JONES LLP
4500 Bankers Hall East
855 2nd Street SW
Calgary, AB T2P 4K7

Jim Patterson / Lincoln Caylor / Farouk Adatia
Tel: 416.777.6250 / 6121 / 403.298.3342
Fax: 416.863.1716 / 403.265.7219

Solicitors for the Plaintiff, Dynasty Furniture Manufacturing Ltd., as representative plaintiff

Bennett Jones LLP

3400 One First Canadian Place, PO Box 130
Toronto, Ontario, Canada M5X 1A4
Tel: 416.863.1200 Fax: 416.863.1716
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Our File No. 36521.11

April 22, 2009

VIA EMAIL -- jhimo@ogilvyrenault.com

Ms. Julie Himo
Ogilvy Renault
Suite 1100
1981 McGill College Avenue
Montréal, Québec
H3A 3C1

Dear Ms. Himo:

Re: Stanford International Bank Ltd.

By letter dated March 6, 2009 we advised Messrs. Nigel Hamilton-Smith and Peter Wastell (the "UK Receivers") that we had commenced legal proceedings against Stanford International Bank Ltd. and others in Canada. We asked in that letter that the UK Receivers keep us apprised of any developments that might affect Canadian investors. We have received no response from the UK Receivers or, in fact, any communication from them at all.

We have since learned that the UK Receivers have retained your firm and are taking steps to have their receivership recognized in Québec. We understand further that the claim we delivered to them (as it then was), is included in the motion record that was filed for that purpose.

While we have discontinued the class proceedings and commenced in its stead a group action on behalf of five investors (attached is a courtesy copy of that pleading), we would have thought that we would have at least received notice of the motion your clients have brought. Also attached is a courtesy copy of a related claim against Toronto-Dominion Bank.

We ask that you please provide us with a copy of the materials your clients have filed with the courts in Québec, and that you keep us apprised of any further developments concerning this matter.

Yours truly,

Bennett Jones LLP

BENNETT JONES LLP

TAB 2

ACTION NO. 0901- 05677

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DYNASTY FURNITURE MANUFACTURING LTD., SHAFIQ HIRANI, HANIF ASARIA, DINMOHAMED SUNDERJI and 2645-1252 QUEBEC INC.

Plaintiffs

- and -

STANFORD INTERNATIONAL BANK, LTD., STANFORD GROUP COMPANY, STANFORD CAPITAL MANAGEMENT, LLC, R. ALLEN STANFORD, JAMES M. DAVIS, LAURA PENDERGEST-HOLT, FARAN KASSAM, ALAIN LAPOINTE, ABC CORP 1 to 9, JOHN DOE 1 to 9 and JANE DOE 1 to 9 and other entities and individuals known to the Defendants

Defendants

STATEMENT OF CLAIM

1. In this action the Plaintiffs seek recovery from the Defendants for, *inter alia*, the losses and damages they suffered as a result of collectively investing approximately CDN $17.5 million in the Investment Scheme (as described below), based on the misrepresentations and other wrong-doings of the Defendants, the particulars of which are set out below.

The Plaintiffs

2. The Plaintiff, Dynasty Furniture Manufacturing Ltd. ("Dynasty"), is a corporation incorporated pursuant to the laws of Alberta. Dynasty invested approximately CDN $1 million in the Investment Scheme (as described below) in or about June 2008 based on misrepresentations made by the Defendants, and in particular based on misrepresentations made by the Defendant Faran Kassam ("Kassam"), who was a financial advisor acting on behalf of the

corporate defendants. Kassam met with Dynasty in Calgary, Alberta to open an account for Dynasty and to cause Dynasty to make the investment it did.

3. The Plaintiff Shafiq Hirani ("Hirani") is an individual residing in the Province of Alberta. Hirani invested approximately CDN $8 million in the Investment Scheme (as described below) in or about December 2005 based on misrepresentations made by the Defendants, and in particular based on misrepresentations made by the Defendant Kassam. Kassam met with Hirani in Calgary, Alberta to discuss opening an account and making an investment. Hirana later opened an account via email with Kassam and made the investment he did.

4. The Plaintiff Dr. Hanif Asaria ("Asaria") is an individual residing in the Province of Alberta. Asaria invested approximately CDN $1 million in the Investment Scheme (as described below) between about September 2007 and January 2009 based on misrepresentations made by the Defendants, and in particular based on misrepresentations made by the Defendant Kassam. Kassam met with Asaria in Calgary, Alberta to open an account for Asaria and to cause Asaria to make the investments he did.

5. The Plaintiff Dinmohamed Sunderji ("Sunderji") is an individual residing in the Province of Alberta. Sunderji invested approximately CDN $2.3 million in the Investment Scheme (as described below) in or about January 2009 based on misrepresentations made by the Defendants, and in particular based on misrepresentations made by the Defendant Kassam. Kassam met with Sunderji in Calgary, Alberta to open an account for Sunderji and to cause Sunderji to make the investments he did.

6. The Plaintiff 2645-1252 Quebec Inc. ("1252 Quebec") is a corporation incorporated pursuant to the laws of the Province of Quebec. 1252 Quebec invested approximately CDN $5

million in the Investment Scheme (as described below) between about January 2007 and March 2008 based on misrepresentations made by the Defendants, and in particular based on misrepresentations made by the Defendant Alain Lapointe ("Lapointe"), who was the head of the office in Montreal, Quebec for the Defendant Stanford International Bank Ltd. Lapointe met with 1252 Quebec in Montreal, Quebec to open an account for 1252 Quebec and to cause 1252 Quebec to make the investment it did.

7. In deciding to invest their monies in what turned out to be the Investment Scheme (as described below), the Plaintiffs each relied on the misrepresentations made to them that, *inter alia*, the "certificates for deposit" ("CDs") they were buying were safe investments backed by the Defendant Stanford International Bank, Ltd., which was said to be a reputable, long-standing, multi-billion dollar banking institution.

8. Dynasty, Hirani, Asaria, Sunderji and 1252 Quebec are sometimes referred to herein collectively as the Plaintiffs.

The Defendants

9. The Defendant Stanford International Bank, Ltd. ("SIB"), purports to be a private international bank domiciled in St. John's, Antigua, West Indies. SIB claims to serve clients in 131 countries and to hold U.S. $7.2 billion in assets under management. SIB's Annual Report for 2007 states that SIB has 50,000 clients. SIB is part of a complex web of affiliated companies that exist and operate under the brand Stanford Financial Group ("SFG"). SFG is described as a privately-held group of companies that has in excess of U.S. $50 billion "under advisement". SIB's multi-billion portfolio of investments is purportedly monitored by SFG's chief financial officer in Memphis, Tennessee (namely, the Defendant James Davis). Unlike a commercial

bank, SIB does not loan money. SIB sells CDs to investors through its affiliated investment advisor (the Defendant Stanford Group Company).

10. The Defendant Stanford Group Company ("SGC"), is a Houston-based corporation, registered with the Securities Exchange Commission (the "SEC") as a broker-dealer and investment advisor. It has 29 offices located throughout the United States. SGC's principal business consists of sales of SIB-issued securities, marketed as CDs. SGC is a wholly-owned subsidiary of Stanford Group Holdings, Inc. ("SGHI"), which in turn is owned by the Defendant R. Allan Stanford.

11. The Defendant Stanford Capital Management, LLC ("SCM"), is a registered investment advisor in the United States, which took over management of the SAS program (described below) from SGC in early 2007. SGC markets the SAS program through SCM.

12. The Defendant R. Allan Stanford ("Stanford") is a U.S. citizen, the Chairman of the Board of SIB, the sole shareholder of SIB and the sole director of SGC's parent company, SGHI. Stanford is and has at all material times been the directing mind behind the Investment Scheme (as described below).

13. The Defendant James M. Davis ("Davis"), is a U.S. citizen and a resident of Baldwin, Mississippi. Davis has offices in Memphis, Tennessee and Tulepo, Mississippi. Davis is a director and the chief financial officer of SFG and SIB. Davis has at all material times been a knowing participant in the Investment Scheme (as described below).

14. The Defendant Laura Pendergest-Holt ("Pendergest-Holt"), is the Chief Investment Officer of SIB and its affiliate SFG. She supervises a group of analysts in Memphis, Tupelo, and

St. Croix who "oversee" performance of a portion of the assets (sometimes described internally as Tier 2 assets). Pendergest-Holt has at all material times been a knowing participant in the Investment Scheme (as described below).

15. The Defendant Kassam is a financial advisor who promoted CDs to Canadian investors, including the Plaintiffs Dynasty, Hirani, Asaria and Sunderji. Kassam's business card states that he is Director, Private Wealth Management for Stanford Group (Antigua) Limited, which company is part of the Sanford group of companies operating under the SFG brand.

16. The Defendant Lapointe is the head of SIB's office in Montreal, Quebec. Lapointe promoted CDs to Canadian investors, including the Plaintiff 1252 Quebec.

17. The Defendants John Doe 1 to 9, Jane Doe 1 to 9 and ABC Corp. 1 to 9 (collectively, the "John Doe Defendants"), are additional individuals and entities involved in the Investment Scheme. Particulars in respect of these individuals and entities are known to the Defendants and will be particularized by the Plaintiff prior to the trial of the action.

18. SIB, SGC, SCM, Stanford, Davis, Pendergest-Holt, Kassam, Lapointe and the John Doe Defendants are sometimes referred to herein collectively as the Defendants.

THE INVESTMENT SCHEME

19. SIB, acting through a network of SGC financial advisors, including financial advisor Kassam, has sold approximately U.S. $8 billion of self-styled "certificates of deposit" (*i.e.*, the CDs) by promising high rates of return that exceed those available through true certificates of deposit offered by traditional banks. For example, on November 28, 2008, SIB quoted 5.375%

on a 3 year CD, while comparable U.S. bank CDs paid under 3.2%. Recently, SIB quoted rates of over 10% on five year CDs.

20. For almost fifteen years, SIB has represented to the public that it has experienced consistently high returns on its investment of deposits (ranging from 11.5% in 2005 to 16.5% in 1993). Since 1994 SIB claims to have never failed to exceed its targeted investment return of 10% per annum. The returns on the CDs were not as great as SIB represented. The Defendants have refused to cooperate with an investigation by the SEC to confirm the rates of return actually earned.

21. SIB's network of SGC financial advisors has made repeated misrepresentations to the purchasers of CDs in order to induce them into thinking their investment is safe. SIB and its advisors have misrepresented to CD purchasers that their deposits are safe because the bank: (i) re-invests client funds (the "Portfolio") primarily in "liquid" financial investments, (ii) monitors the Portfolio through a team of 20-plus analysts; and (iii) is subject to yearly audits by Antiguan regulators. Moreover, SIB has attempted to calm its investors by claiming the bank has no "direct or indirect" exposure to the recent investment scheme being investigated in respect of Bernard Madoff. None of these representations are true.

22. Contrary to the representations made, the Portfolio was not invested primarily in liquid financial instruments or allocated in the manner described in SIB's promotional material and public reports. Instead, a substantial portion of the Portfolio was placed in illiquid investments, such as real estate and private equity. Further, the vast majority of the Portfolio was not monitored by a team of analysts, but rather by two people – Stanford and Davis. And contrary to SIB's representations, the Antiguan regulator responsible for oversight of the Portfolio – the

Financial Services Regulatory Commission – does not audit the Portfolio or verify the assets SIB claims in its financial statements. Moreover, the Portfolio has exposure to the Madoff investment scheme despite SIB's public assurances to the contrary.

23. SGC has failed to disclose material facts to its advisory clients, such as the fact that (i) in the weeks preceding the legal proceedings taken by the Securities and Exchange Commission in the State of Texas, there had been an alarming increase in the amount of liquidation activity by SIB, and attempts to wire money out of the Portfolio, and (ii) a major clearing firm – after unsuccessfully attempting to find information about SIB's financial condition and because it could not obtain adequate transparency into SIB's financials –informed SGC that it would no longer process wires from SGC accounts at the clearing firm to SIB for the purchase of SIB issued CDs, even if they were accompanied by customer letters of authorization.

24. The Defendants' fraudulent conduct is not limited to the sale of CDs. Since 2005, SGC advisors have sold more than U.S. $1 billion of a proprietary mutual fund wrap program called Stanford Allocation Strategy ("SAS"), by using materially false and misleading historical performance data. The false data has helped SGC grow the SAS program from less than U.S. $10 million in around 2004 to over U.S. $1.2 billion, generating fees for SGC (and ultimately Stanford) in excess of U.S. $25 million. Also, the fraudulent SAS performance was used to recruit registered financial advisors with significant books of business, who were then heavily incentivized to re-allocate their clients' assets to SIB's CD program.

25. SGC receives 3% based on the aggregate sales of CDs by SGC advisors, and the financial advisors themselves receive a 1% commission upon the sale of the CDs, and are eligible to receive as much as a 1% trailing commission throughout the term of the CDs. This commission

structure provides a powerful incentive for SGC financial advisors to aggressively sell CDs to investors.

26. Contrary to the representations made in SIB's 2007 annual reports that its Portfolio was invested in a "well-diversified portfolio of highly marketable securities issued by stable governments, strong multinational companies and major international banks", in fact approximately 90% of the Portfolio was invested in illiquid investments – namely real estate and private equity.

27. Contrary to the representation that responsibility for SIB's multi-billion dollar Portfolio was "spread-out" among 20-plus people, in fact only Stanford and Davis know the whereabouts of the vast majority of the bank's investments. Without any independent verification, Stanford and Davis alone were aware of where the vast majority of the investments were, and they alone calculated the returns on the aggregated Portfolio. Pendergest-Holt, who has at all material times been responsible for training SIB's Senior Investment Officer and SGC's financial advisors in respect of the CDs, knowingly misled them into telling investors that the entire Portfolio was spread-out among over 20 analysts.

28. The Investment Scheme was a fraudulent means designed and carried out by the Defendants to acquire the Plaintiffs' funds for their own benefit.

MISREPRESENTATIONS

29. Unbeknownst to the Plaintiffs, the Investment Scheme, and the resulting investments (collectively the "Investment Agreements") were not legitimate investments. Rather, these transactions were designed by the Defendants for the purpose of converting the Plaintiffs' funds to the Defendants' benefit.

30. The representations made by the Defendants to the Plaintiffs regarding the Investment Scheme and the workings and purpose of the Investment Scheme and the Investment Agreements were untruthful and inaccurate. Further, the Defendants knew such representations were untrue and inaccurate or, alternatively, were willfully blind as to the truth or accuracy of such representations. Such representations were made by the Defendants to the Plaintiff for the purpose of having the Plaintiffs participate in the Investment Scheme and enter into the Investment Agreements.

31. In the alternative, the said Defendants were negligent as to the truthfulness and accuracy of the representations they made to the Plaintiffs regarding the Investment Scheme and the Investment Agreements. Such representations were untrue and inaccurate and the said Defendants ought to have known of such untruths and inaccuracies. They were made by the Defendants to the Plaintiffs in breach of a duty of care owed by the Defendants to the Plaintiffs.

32. Had the Plaintiffs known that the said Defendants' representations regarding the Investment Scheme and Investment Agreements were untrue and inaccurate, they would not have participated in the Investment Scheme and, more particularly, would not have entered into the Investment Agreements.

33. As a result of their reliance on the said Defendants' misrepresentations, the Plaintiffs have suffered losses consisting of the outstanding principal amounts of their respective Investment Agreements and the opportunity to earn a return on those monies.

CONVERSION

34. By means of the illegitimate Investment Agreements, the Defendants have converted the Plaintiffs' funds to their own uses and thereby deprived the Plaintiffs of the benefit of those funds.

35. The Plaintiffs are entitled to judgment for the recovery of all amounts fraudulently converted, namely the unreturned principal investments under the Investment Agreements.

BREACH OF TRUST AND BREACH OF FIDUCIARY DUTIES

36. In receiving the Plaintiffs' investment funds, the Defendants stood as trustees, or alternatively constructive trustees, and fiduciaries with respect to those funds and, as such, owed duties to the Plaintiffs in that regard. The Defendants breached those duties by, among other things:

(a) converting the Plaintiffs' funds to their own use;

(b) failing to protect the Plaintiffs' funds from conversion or misuse by others;

(c) failing to fully inform the Plaintiffs of the illegitimate nature of the Investment Scheme and the Investment Agreements; and

(d) such further and other particulars as may be proven at the trial of this Action.

37. As a result of the Defendants' breaches of trust and breaches of fiduciary duties, the Plaintiffs have suffered losses including the loss of the unreturned principal investments under the Investment Agreements.

UNJUST ENRICHMENT

38. The Defendants have received the benefit of the Plaintiffs' funds to the detriment of the Plaintiffs and in the absence of any juristic reason.

CONSPIRACY

39. In engaging in all of the foregoing conduct, the Defendants have acted jointly and unlawfully with the common purpose and malicious intention of injuring the Plaintiffs. Alternatively, the Defendants have acted jointly, their conduct as set out above was directed at the Plaintiffs, and the Defendants knew or ought to have known that the Plaintiffs would suffer harm as a result of the Defendants' actions.

40. By virtue of the Defendants' conspiracy, the Plaintiffs have suffered losses including the loss of the unreturned principal investments under the Investment Agreements. Further, by conspiring in the manner they have, the Defendants are liable jointly and severally to the Plaintiffs for the entirety of the Plaintiffs' collective losses notwithstanding that a particular Defendant may not have conducted a particular act alleged above.

FRAUDULENT CONVEYANCES

41. At various instances, the full particulars of which are only known to the Defendants, the Defendants have transferred assets from themselves to others in order to avoid creditors, including the Plaintiffs, or alternatively to the payees in preference to other creditors, including the Plaintiffs (the "Fraudulent Conveyances"). The Fraudulent Conveyances were made at such time as the Defendants knew they were insolvent or knew that, in light of the claims against them, including the potential claims of the Plaintiffs, they were on the eve of insolvency. All such Fraudulent Conveyances were illegal and contrary to the *Statute of Elizabeth* and the

Fraudulent Preferences Act, R.S.A. 2000, c. F-24, upon which statutes the Plaintiffs expressly plead and rely.

42. The Plaintiffs seek Orders of this Court to set aside the Fraudulent Conveyances and make the assets so transferred available to the Plaintiffs to satisfy such judgments as the Plaintiffs may obtain against the Defendants.

DISHONEST ASSISTANCE AND KNOWING RECEIPT

43. Each of the actions taken by the Defendants as set out above was contrary to the normal acceptable standards of honest conduct. By engaging in the conduct alleged herein, each of the Defendants has participated in transactions involving conversion, breach of trust, breach of contract and breach of fiduciary duty in which the Defendants, in all of the circumstances, knew or ought to have known that they could not and ought not honestly participate and further or alternatively participated in such transactions when they were or ought to have been suspicious about the validity and propriety of the transactions, and yet made conscious decisions to not inquire about the validity and propriety of such transactions.

44. By acting to assist, facilitate and allow the transactions and matters set out herein to proceed notwithstanding the knowledge and/or suspicions set out above, each of the Defendants facilitated and allowed the Plaintiffs' losses and is therefore liable to the Plaintiffs for such dishonest assistance in the full amount of the Plaintiffs' claims herein. Furthermore, by knowingly receiving the proceeds of conduct which the Defendants knew or ought to have known was dishonest, illegal or otherwise wrongful, the Defendants are liable to the Plaintiffs in the full amount of the Plaintiffs' claims herein.

TRACING, FREEZING ASSETS, ACCOUNTING AND DISGORGEMENT

45. As a result of the Defendants' wrongful conduct as set out above, the Plaintiffs are entitled to trace all amounts received or disbursed by the Defendants as part of or as a result of the Investment Scheme and to recover same. The Plaintiffs are also entitled to an accounting of the monies belonging to the Plaintiffs that have come into the possession of the Defendants and to an accounting of any benefit received by the Defendants as a result of the Investment Scheme.

46. The Plaintiffs are entitled to interlocutory and permanent injunctions restraining the Defendants from disposing of any of their assets wheresoever located and an accounting of all of the Defendants' assets, effects, and property, including any trust account or jointly held assets, any improper disposition thereof, and all money had or received by the Defendants or anyone on their behalf.

47. The Defendants are liable to make restitution to the Plaintiffs and to disgorge any benefits they have received from the Investment Scheme.

48. The Plaintiffs have incurred significant out-of-pocket expenses and special damages in their detection, investigation and quantification of the fraud and losses suffered and their attempts to recover their losses at the hands of the Defendants in an amount to be proven at the trial of this Action. The Plaintiffs claim these amounts from the Defendants.

PUNITIVE DAMAGES AND COSTS

49. The Plaintiffs further plead that they are entitled to recover punitive and exemplary damages in the amount of $500,000.00 as a result of the acts of the Defendants described herein.

50. The Plaintiffs further state that as a result of the Defendants' fraudulent and malicious conduct as set out above, the Defendants ought to pay costs of this action on a solicitor and his own client basis.

STATUTES

51. The Plaintiffs plead and rely upon the provisions of the *Securities Act* R.S.A. 2000, c. S-4, the *Class Proceedings Act* S.A. 2003, c. C-16.5, the *Business Corporations Act* R.S.A. 2000, c. B-9, the *Bank Act*, R.S.C. 1991, c.46, the *Contributory Negligence Act*, R.S.A. 2000 c. C-27, the *Tortfeasors Act*, R.S.A. 2000, c. T-5, the *Statute of Elizabeth* and the *Fraudulent Preferences Act*, R.S.A. 2000, c. F-24.

TRIAL OF THE ACTION

52. The Plaintiffs propose that the trial of this action be held at the Calgary Courts Centre, in the City of Calgary, in the Province of Alberta. In the opinion of the Plaintiffs, this action will not likely take more than 25 days to try.

WHEREFORE THE PLAINTIFFS CLAIM as against the Defendants, jointly and severally:

(a) judgment in the amount of the funds invested with or given to the Defendants or any of them for the purposes of investment, together with such further or other amounts as have been converted by the Defendants, all in Canadian Dollars (to be converted either at the time of the investment or such other time as the Court directs);

(b) an accounting and disgorgement of all fees and other expenses paid by the Plaintiffs to the Defendants or any of them, and judgment for such amounts;

(c) further and/or in the alternative, damages for breach of contract, misrepresentation, fraud, breach of trust, breach of fiduciary duty, conversion, negligence, unjust enrichment and/or conspiracy in respect of the amounts invested by the Plaintiffs in an amount to be particularlized prior to the trial of this action;

(d) special damages and out-of-pocket expenses arising out of the detection, investigation, quantification, and recovery of the fraud, losses, and consequential losses suffered by the Plaintiffs in an amount to be proven at the trial of this action;

(e) a declaration that any funds or benefits received by the Defendants from the Investment Scheme are held in trust for the Plaintiffs and that the Plaintiffs are entitled to trace the monies that the Defendants received or disbursed as part of or as a result of the Investment Scheme;

(f) a declaration that the Defendants must account to the Plaintiffs for all monies taken from the Plaintiffs as part of the Investment Scheme and for any benefit received by the Defendants as a result of the Investment Scheme;

(g) an Order setting aside the Fraudulent Conveyances;

(h) an Order permitting the Plaintiffs to trace the monies that the Defendants fraudulently obtained from the Plaintiffs, and from the sale of any goods

fraudulently obtained with the Plaintiffs' monies into and through any financial institution accounts or deposit facilities in the name of any of the Defendants and into or through any assets purchased by the Defendants with the Plaintiffs' monies;

(i) a declaration that any real property owned in whole or in part by the Defendants shall be sold in order to deliver up to the Plaintiffs the funds which can be traced to those lands;

(j) interlocutory and permanent injunctions attaching the Defendants' assets and restraining the Defendants from disposing of any of their assets, including those held by another person on their behalf, wheresoever located;

(k) exemplary and punitive damages in the amount of $500,000;

(l) pre-judgment and post judgment interest on all amounts awarded to the Plaintiffs at such rate or rates as may be ordered, compounded annually or monthly, pursuant to the *Judgment Interest Act*, R.S.A 2000, c. J-1, as amended;

(m) the Plaintiffs' costs of this action on a solicitor and his own client basis including costs of distributing or administering any award in favour of the Plaintiffs, or, in the alternative, on such other basis as this Honourable Court may order; and

(n) such further and other relief as this Honourable Court may permit.

DATED at the City of Calgary, in the Province of Alberta, this 14 day of April, 2009, AND DELIVERED BY BENNETT JONES LLP, Barristers and Solicitors, solicitors for

the Plaintiff herein whose address for service is in care of the said solicitors at 4500 Bankers Hall East, 855 - 2nd Street S.W., Calgary, Alberta T2P 4K7.

ISSUED out of the Office of the Clerk of the Court of Queen's Bench of Alberta, Judicial District of Calgary, this 17th day of April, 2009.

V.A. BRANDT COURT SEAL

CLERK OF THE COURT

NOTICE

TO: STANFORD INTERNATIONAL BANK, LTD., STANFORD GROUP COMPANY, STANFORD CAPITAL MANAGEMENT, LLC, R. ALLEN STANFORD, JAMES M. DAVIS, LAURA PENDERGEST-HOLT, FARAN KASSAM, ALAIN LAPOINTE, ABC CORP 1 to 9 and JOHN DOE 1 to 9 and JANE DOE 1 to 9 and other entities and individuals known to the Defendants

You have been sued. You are the Defendants. You have only 15 days to file and serve a Statement of Defence or Demand of Notice. You or your lawyer must file your Statement of Defence or Demand of Notice in the office of the Clerk of the Court of Queen's Bench in Calgary, Alberta. You or your lawyer must also leave a copy of your Statement of Defence or Demand of Notice at the address for service for the Plaintiff named in this Statement of Claim.

WARNING: If you do not do both things within 15 days, you may automatically lose the lawsuit. The Plaintiff may get a Court Judgment against you if you do not file, or do not give a copy to the Plaintiff, or do either thing late.

This Statement of Claim is issued by

BENNETT JONES LLP
Jim Patterson / Lincoln Caylor / Farouk Adatia
Tel: 416.777.6250 / 6121 / 403.298.3342
Fax: 416.863.1716 / 403.265.7219

Solicitors for the Plaintiffs whose address for service is in care of the said solicitors.

The Defendants reside or carry on business, as the case may be, in or about Calgary, Alberta.

ACTION NO. 0901- 05677

IN THE COURT OF QUEEN'S BENCH OF ALBERTA JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DYNASTY FURNITURE MANUFACTURING LTD., SHAFIQ HIRANI, HANIF ASARIA, DINMOHAMED SUNDERJI and 2645-1252 QUEBEC INC.

Plaintiffs

- and -

STANFORD INTERNATIONAL BANK, LTD., STANFORD GROUP COMPANY, STANFORD CAPITAL MANAGEMENT, LLC, R. ALLEN STANFORD, JAMES M. DAVIS, LAURA PENDERGEST-HOLT, FARAN KASSAM, ALAIN LAPOINTE, ABC CORP 1 to 9 and JOHN DOE 1 to 9 and JANE DOE 1 to 9 and other entities and individuals known to the Defendants

Defendants

STATEMENT OF CLAIM

BENNETT JONES LLP
4500 Bankers Hall East
855 2nd Street SW
Calgary, AB T2P 4K7

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Solicitors for the Plaintiffs

WSLegal\036521\00010\5198382v1

CLERK OF THE COURT
APR 17 2009
CALGARY, ALBERTA

ACTION NO. 0901- 05717

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DYNASTY FURNITURE MANUFACTURING LTD., SHAFIQ HIRANI, HANIF ASARIA, DINMOHAMED SUNDERJI and 2645-1252 QUEBEC INC.

Plaintiffs

- and -

TORONTO-DOMINION BANK

Defendant

STATEMENT OF CLAIM

1. In this action the Plaintiffs seek an immediate, interlocutory Order to examine: (i) the bank accounts, investment accounts and related banking and credit records and other documents with respect to all accounts, assets, safety deposit boxes and any other assets on deposit with the Defendant or any affiliates of the Defendant, and/or any asset, fund or account whatsoever in which any of the Named Companies (as described below) have a beneficial interest, or in which any or all of them have authority to conduct transactions; and (ii) any agreements, reports, instructions, records, documents and/or other information concerning the Defendant's relationship with the Named Companies, the terms under which the Defendant holds funds for the Named Companies and/or the investors who purchased certificates of deposit offered by the Named Companies, and the Named Companies' use of any such funds.

2. The Plaintiffs further seek an Order that the Defendant provide to the Plaintiffs forthwith copies of all agreements, reports, instructions, documents, banking, investment and credit records for all accounts and things they are permitted to examine pursuant to the above-described Order.

3. The Plaintiffs finally seek an Order declaring that the Defendant holds certain Trust Funds (as described below) in trust for the Plaintiffs. As necessary, the Plaintiffs will seek further relief to trace the Trust Funds, any proceeds of the Trust Funds, and/or declarations of priority over the Trust Funds.

The Plaintiffs

4. The Plaintiff, Dynasty Furniture Manufacturing Ltd. ("Dynasty"), is a corporation incorporated pursuant to the laws of Alberta. Dynasty invested approximately CDN $1 million in the Investment Scheme (as described below) based on misrepresentations made to it by the Named Companies and/or individuals acting on their behalf. Based on the misrepresentations made (the particulars of which are set out in the Related Action, described below), in or about June 2008 Dynasty directed its investment funds to Stanford International Bank Ltd. ("SIB") via Toronto-Dominion Bank ("TD Bank") for the purchase of self-styled "certificates of deposit" ("CDs") offered by the Named Companies.

5. The Plaintiff Dr. Hanif Asaria ("Asaria") is an individual residing in the Province of Alberta. Asaria invested approximately CDN $1 million in the Investment Scheme (as described below) based on misrepresentations made to him by the Named Companies and/or individuals acting on their behalf. Based on the misrepresentations made (the particulars of which are set out in the Related Action, described below), between about September 2007 and January 2009, Asaria directed his investment funds to SIB via TD-Bank for the purchase of CDs offered by the Named Companies.

6. The Plaintiff Dinmohamed Sunderji ("Sunderji") is an individual residing in the Province of Alberta. Sunderji invested approximately CDN $2.3 million in the Investment Scheme (as

described below) based on misrepresentations made to him by the Named Companies and/or individuals acting on their behalf. Based on the misrepresentations made (the particulars of which are set out in the Related Action, described below), in or about January 2009, Sunderji directed his investment funds to SIB via TD-Bank for the purchase of CDs offered by the Named Companies.

7. The Plaintiff 2645-1252 Quebec Inc. ("1252 Quebec") is a corporation incorporated pursuant to the laws of the Province of Quebec. 1252 Quebec invested approximately CDN $5 million in the Investment Scheme (as described below) based on misrepresentations made to it by the Named Companies and/or individuals acting on their behalf. Based on the misrepresentations made (the particulars of which are set out in the Related Action, described below), between about January 2007 and March 2008, 1252 Quebec directed its investment funds to SIB via TD-Bank for the purchase of CDs offered by the Named Companies.

8. The Plaintiff Shafiq Hirani ("Hirani") is an individual residing in the Province of Alberta. Hirani invested approximately CDN $8 million in the Investment Scheme (as described below) based on misrepresentations made to him by the Named Companies and/or individuals acting on their behalf. Based on the misrepresentations made (the particulars of which are set out in the Related Action, described below), in or about December 2005 Hirani directed his investment funds to SIB via HSBC, London, UK for the purchase of CDs offered by the Named Companies. Hirani made regular withdrawals from his SIB account via TD-Bank.

9. In deciding to invest their monies in what turned out to be the Investment Scheme (as described below), the Plaintiffs each relied on the misrepresentations made to them that, *inter*

alia, the CDs were safe investments backed by SIB, which was said to be a reputable, long-standing, multi-billion dollar banking institution.

10. Dynasty, Hirani, Asaria, Sunderji and 1252 Quebec are sometimes referred to herein collectively as the Plaintiffs.

The Defendant

11. The Defendant, TD Bank, is a Schedule I bank pursuant to the *Bank Act*, 1991, R.S.C. c.46 with operations throughout Canada and elsewhere. TD Bank acted as correspondent bank for the Named Companies, and has on deposit almost U.S. $19 million of investor funds related to their purchases of CDs (the "Trust Funds"). TD Bank also has important records concerning those purchases and the Named Companies' receipt and use of the Trust Funds.

The Named Companies

12. SIB purports to be a private international bank domiciled in St. John's, Antigua, West Indies. SIB claims to serve clients in 131 countries and to hold U.S. $7.2 billion in assets under management. SIB's Annual Report for 2007 states that SIB has 50,000 clients. SIB is part of a complex web of affiliated companies that exist and operate under the brand Stanford Financial Group ("SFG"). SFG is described as a privately-held group of companies that has in excess of U.S. $50 billion "under advisement". Unlike a commercial bank, SIB does not loan money. SIB sells CDs to investors through its affiliated investment advisor (Stanford Group Company).

13. Stanford Group Company ("SGC") is a Houston-based corporation, registered with the Securities Exchange Commission (the "SEC") as a broker-dealer and investment advisor. It has

29 offices located throughout the United States. SGC's principal business consists of sales of SIB-issued securities, marketed as CDs.

14. Stanford Capital Management, LLC ("SCM"), is a registered investment advisor in the United States, which took over management of the SAS program from SGC in early 2007. The SAS program is another investment promoted by the Named Companies and believed to be related to the sale of CDs. SGC marketed the SAS program through SCM.

15. SIB, SGC and SCM are referred to herein collectively as the Named Companies.

The Related Action

16. By statement of claim filed April 17, 2009 (Action No. 0901-05677), the Plaintiffs commenced legal proceedings in the Court of Queen's Bench of Alberta for, among other things, the recovery of the amounts they invested in the Investment Scheme (as described below) (the "Related Action"). The Defendants in the Related Action are the Named Companies plus R. Allan Stanford, James M. Davis, Laura Pendergest-Holt, Faran Kassam, Alain Lapointe and as-of-yet-unidentified individuals and corporations described as John Doe 1 to 9, Jane Doe 1 to 9 and ABC Corp. 1 to 9.

17. The Plaintiffs allege in the Related Action that, among other things, SIB, acting through a network of SGC financial advisors, sold approximately U.S. $8 billion of CDs to investors by misrepresenting to them the nature of the investment, including that the CDs were safe, and that the CDs would provide rates of return that exceeded those available through true certificates of deposit offered by traditional banks (the "Investment Scheme").

18. The representations that were made to the Plaintiffs to induce them into purchasing CDs were false. Among other things, the investments were not safe and the returns on the CDs were not as represented.

19. The Plaintiffs further allege in the Related Action that the Investment Scheme was a fraudulent means designed and carried out by the defendants in that action to acquire the Plaintiffs' funds for their own benefit.

20. The Plaintiffs allege in this Action that the funds they invested in the Investment Scheme were received and/or are held by the Defendant herein as all or a portion of the Trust Funds.

The Claim Against This Defendant

21. The Plaintiffs plead that the Defendant TD Bank acted as correspondent banks for the Named Companies and thereby became involved in the tortious acts of those companies so as to facilitate the wrongdoings alleged in the Related Action and summarized herein at paragraphs 16 to 19.

22. The Plaintiffs plead that the Defendant thereby has a duty to assist the Plaintiffs by giving them full information as to: the wrongdoings of the defendants in the Related Action; the location of the funds obtained by those defendants by fraud; and the particulars of any transfer(s) of these fraudulently obtained funds. The Plaintiffs seek such disclosure on an immediate basis so that they may pursue the Related Action as against the Defendants in the Related Action, including the Named Companies, or such other Defendants as may be revealed from the disclosure sought.

23. The Plaintiffs further seek an Order waiving any implied undertaking of confidentiality over the disclosure set out above such that they may use such disclosure in the Related Action or such further actions relating to the matters set out in the Related Action as may be appropriate.

24. The Plaintiffs seek an Order declaring that all or some portion of the Trust Funds are held by the Defendant for the benefit of the Plaintiffs.

TRIAL OF THE ACTION

25. The Plaintiffs propose that the trial of this action be held at the Calgary Courts Centre, in the City of Calgary, in the Province of Alberta. In the opinion of the Plaintiffs, this action will not likely take more than 25 days to try.

WHEREFORE THE PLAINTIFFS CLAIM as against the Defendant:

(a) an immediate, interlocutory Order permitted the Plaintiffs to examine (i) the bank accounts, investment accounts and related banking and credit records and other documents with respect to all accounts, assets, safety deposit boxes and any other assets on deposit with the Defendant or any affiliates of the Defendant, and/or any asset, fund or account whatsoever in which any of the Named Companies have a beneficial interest, or in which any or all of them have authority to conduct transactions, and (ii) any agreements, reports, instructions, records, documents and/or other information concerning the Defendant's relationship with the Named Companies, the terms under which the Defendant holds funds for the Named Companies and/or the investors who purchased certificates of deposit offered by the Named Companies, and the Named Companies' use of any such funds;

(b) an immediate, interlocutory Order directing that the Defendant provide to the Plaintiffs forthwith, copies of all agreements, reports, instructions, documents, banking, investment and credit records for all accounts and things they are permitted to examine pursuant to the above-described Order;

(c) an Order waiving any implied undertaking of confidentiality over the disclosure set out above and permitting the Plaintiffs to use such disclosure in the Related Action or such further actions relating to the matters set out in the Related Action as may be appropriate;

(d) an Order declaring that the Defendant holds all or some portion of the Trust Funds in trust for the Plaintiffs;

(e) an Order permitting the Plaintiffs to further apply to this Honourable Court for such further relief as may be appropriate including, without limitation, Orders to trace any proceeds of the Trust Funds and/or to declare that such Trust Funds are held on the Plaintiffs' behalf in priority to the claims of other creditors; and

(f) such further and other relief as this Honourable Court may permit.

DATED at the City of Calgary, in the Province of Alberta, this 17th day of April, 2009, AND DELIVERED BY BENNETT JONES LLP, Barristers and Solicitors, solicitors for the Plaintiff herein whose address for service is in care of the said solicitors at 4500 Bankers Hall East, 855 - 2nd Street S.W., Calgary, Alberta T2P 4K7.

ISSUED out of the Office of the Clerk of the Court of Queen's Bench of Alberta, Judicial District of Calgary, this 17th day of April, 2009.

V.A. BRANDT COURT SEAL

CLERK OF THE COURT

NOTICE

ACTION NO. 0901- 05717

TO: TORONTO DOMINION BANK

You have been sued. You are the Defendants. You have only 15 days to file and serve a Statement of Defence or Demand of Notice. You or your lawyer must file your Statement of Defence or Demand of Notice in the office of the Clerk of the Court of Queen's Bench in Calgary, Alberta. You or your lawyer must also leave a copy of your Statement of Defence or Demand of Notice at the address for service for the Plaintiff named in this Statement of Claim.

WARNING: If you do not do both things within 15 days, you may automatically lose the lawsuit. The Plaintiff may get a Court Judgment against you if you do not file, or do not give a copy to the Plaintiff, or do either thing late.

This Statement of Claim is issued by

BENNETT JONES LLP
Jim Patterson / Lincoln Caylor / Farouk Adatia
Tel: 416.777.6250 / 6121 / 403.298.3342
Fax: 416.863.1716 / 403.265.7219

Solicitors for the Plaintiffs whose address for service is in care of the said solicitors.

The Defendants reside or carry on business, as the case may be, in or about Calgary, Alberta.

IN THE COURT OF QUEEN'S BENCH OF ALBERTA JUDICIAL DISTRICT OF CALGARY

BETWEEN:

DYNASTY FURNITURE MANUFACTURING LTD., SHAFIQ HIRANI, HANIF ASARIA, DINMOHAMED SUNDERJI and 2645-1252 QUEBEC INC.

Plaintiffs

- and -

TORONTO DOMINION BANK

Defendant

STATEMENT OF CLAIM

BENNETT JONES LLP
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Solicitors for the Plaintiffs

WSLegal\036521\00010\5204069v3

CLERK OF THE COURT
APR 17 2009
CALGARY, ALBERTA

TAB 3

De : Anthony Friend [mailto:FriendA@bennettjones.com]
Envoyé : 2 juin 2009 16:29
À : Himo, Julie
Cc : Michael Mysak
Objet : Stanford

Julie-thanks for your most recent note. You are correct that the Vantis people are accurately described as the Antigua Receiver. In some of the court documents in Alberta the term "U.K. Receiver" has been utilized.

By way of background, we commenced an action in the Court of Queen's Bench of Alberta on behalf of a group of investors who had been defrauded by Stanford. The Plaintiffs include Dynasty Furniture Manufacturing Ltd., and several individuals, as well as 2645-1252 Quebec Inc., a Quebec corporation which invested approximately $5 million in the Stanford investment scheme.

The Defendants in that action include Stanford International Bank Ltd., Stanford Group Company, and other corporate and individuals Defendants.

A copy of the Statement of Claim filed on behalf of Dynasty Furniture et al is attached for your review. As indicated in the claim, Stanford utilized accounts of the Toronto Dominion Bank to handle funds taken from victims of the investment scheme. On behalf of the Alberta victims we wish to examine TD Bank records in order to confirm the flow of funds from our clients through Stanford to the TD Bank accounts in Toronto. These funds as you are aware have now been seized by the Ontario Attorney General.

In order to obtain bank records we have filed an action in the Court of Queen's Bench of Alberta naming the Toronto Dominion Bank as Defendant. A copy of that Statement of Claim is also attached for your review.

Finally, we are attaching another copy of our Notice of Motion, which I believe was previously provided to you, and which was originally to be heard by the Alberta Court on May 20, 2009. The application is now scheduled to be heard before Associate Chief Justice Wittmann on Friday, June 12, 2009.

We also gave notice of our application to the U.S. Receiver which is represented by Oslers in Calgary. The U.S. Receiver advises us that it intends to make a cross-application to the Alberta Court seeking seeking standing to appear in the Alberta action, seeking a stay of the actions, and arguing that Ontario is the appropriate forum for the hearing of our clients' claim and application. We expect to receive a copy of the motion materials of the U.S. Receiver later today and we will provide those to you. It would seem clear that the steps being taken by the U.S. Receiver in Alberta are premised on the assumption that the U.S. Receiver is the proper Receiver for Stanford and should be recognized as the Receiver to deal with Stanford matters in Canada.

The parties will be filing briefs of argument. Our clients will file their brief of argument in support of the application seeking bank documents by this Friday, June 5. The U.S. Receiver is to file a brief in support of its applications for Stanford etc. by Monday, June 8. Reply briefs are to be filed by Wednesday, June 10.

We will provide you with copies of these materials as they are received and you can determine whether you wish to file any materials or argument on behalf of the Antigua Receiver.

We will be fully informing the Alberta Court of the proceedings that are ongoing in Antigua, Quebec and Ontario and copies of pleadings and other materials available from those actions will be available for the Court.

A. L. Friend, Q.C.
Partner

Bennett Jones LLP
T 403 298 3182 / F 403 265 7219 / E frienda@bennettjones.com

TAB 4

Michael D. Mysak
Barrister and Solicitor
Direct Line: 403.298.8143
e-mail: mysakm@bennettjones.com
File No.: 36521-11

May 14, 2009

VIA REGULAR MAIL

Ms. Julie Himo
Ogilvy Renault
Solicitors for Nigel Hamilton-Smith and
Peter Wastell (UK Receiver-Managers)
Suite 1100, 1981 McGill College Avenue
Montreal, Quebec H3A 3C1

Dear Ms. Himo:

Re: Stanford - Norwich Pharmacal

Further to my letter of May 13, 2009, I attach a copy of the backer of the Affidavit of Zaherali (Jim) Sunderji reflecting proof of filing effective May 14, 2009.

Yours truly,

BENNETT JONES LLP

Michael D. Mysak

MM/mp
Enclosure

ACTION NO. 0901-0901-05717

IN THE COURT OF QUEEN'S BENCH
OF ALBERTA JUDICIAL DISTRICT OF
CALGARY

BETWEEN:

DYNASTY FURNITURE MANUFACTURING LTD., SHAFIQ HIRANI, HANIF ASARIA, DINMOHAMED SUNDERJI and 2645-1252 QUEBEC INC.

Plaintiffs

- and -

TORONTO DOMINION BANK

Defendant

AFFIDAVIT OF ZAHERALI (JIM) SUNDERJI

(sworn May 12, 2009)

BENNETT JONES LLP
4500 Bankers Hall East
855 2nd Street SW
Calgary, AB T2P 4K7

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Lawyers for the Plaintiffs

TAB 5

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Our File No. 36521.11

May 19, 2009

BY FACSIMILE

Mr. James McKeachie and Mr. Dan Phelan
MINISTRY OF THE ATTORNEY GENERAL
Legal Services Division
Civil Remedies for Illicit Activities Office (CRIA)
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Mr. Orestes George Pasparakis and Ms. Lynne O'Brien
OGILVY RENAULT LLP
Suite 3800, Royal Bank Plaza, South Tower
200 Bay St., P.O. Box 84
Toronto, ON M5J 2Z4

Dear Sirs/Mesdames:

Re: Receivership of Standford International Bank, Ltd.
Court File No. CV-09-8154-00CL

We are counsel for Dynasty Furniture Manufacturing Ltd., Shafiq Hirani, Hanif Asaria, Dinmohamed Sunderji and 2645-1252 Quebec Inc., in the above-noted action.

We enclose a Notice of Appearance being served upon you pursuant to the *Rules of Civil Procedure*.

Yours truly,

BENNETT JONES LLP

AAP.jlm
Enclosure
WSLegal\036521\00011\5302936v1

Court File No. CV-09-8154-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

BETWEEN:

ATTORNEY GENERAL OF ONTARIO

Applicant

- and -

THE CONTENTS OF VARIOUS FINANCIAL ACCOUNTS HELD WITH THE TORONTO-DOMINION BANK AND T-D WATERHOUSE (IN REM)

Respondent

APPLICATION UNDER the *Civil Remedies Act, 2001*

NOTICE OF APPEARANCE

Dynasty Furniture Manufacturing Ltd., Shafiq Hirani, Hanif Asaria, Dinmohamed Sunderji and 2645-1252 Quebec Inc. intend to respond to this application.

May 19, 2009

BENNETT JONES LLP
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Lawyers for Dynasty Furniture Manufacturing Ltd., Shafiq Hirani, Hanif Asaria, Dinmohamed Sunderji and 2645-1252 Quebec Inc.

TO: **MINISTRY OF THE ATTORNEY GENERAL**
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AND TO: **OGILVY RENAULT LLP**
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AND TO: **OSLER, HOSKIN & HARCOURT**
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John A. MacDonald (LSUC #25884R)
Tel: 416.862.5672

Sonia L. Bjorkquist (LSUC #38973L)
Tel: 416.862.4924
Fax: 416.862.6666

Lawyers for the U.S. Receiver, Ralph S. Janvey

Court File No. CV-09-8154-00CL

ATTORNEY GENERAL OF ONTARIO	-and-	**THE CONTENTS OF VARIOUS FINANCIAL ACCOUNTS HELD WITH THE TORONTO-DOMINION BANK AND T-D WATERHOUSE (IN REM)**
Applicant		Respondent

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

Proceeding Commenced at Toronto

NOTICE OF APPEARANCE

BENNETT JONES LLP
3400 One First Canadian Place
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Fax: 416.863.1716

Lawyers for Dynasty Furniture Manufacturing Ltd., Shafiq Hirani, Hanif Asaria, Dinmohamed Sunderji and 2645-1252 Quebec Inc.

TAB 6

George Daves

From: Albert Pelletier
Sent: 21 May 2009 4:14 PM
To: jhimo@ogilvyrenault.com
Cc: Jim Patterson; Lincoln Caylor
Subject: Stanford

Ms. Himo:

We have today become aware that your clients, Messrs. Hamilton-Smith and Wastell, have brought a motion in Quebec seeking to have the Quebec Court recognize an order of the High Court of Justice of Antigua and Barbuda dated April 17, 2009 appointing them as Liquidators of Stanford International Bank Limited and Stanford Trust Company Limited. Given our previous correspondence with you and, in particular, our requests that you keep us apprised of any steps your clients are taking in Canada, we fail to understand why we have not been provided with a copy of those motion materials. May we please have a copy of the above-referenced motion materials?

Albert Pelletier

Bennett Jones
T 416 777 4664 / F 416 863 1716 / E pelletiera@bennettjones.com
Suite 3400, 1 First Canadian Place / P.O. Box 130 Toronto, Ontario M5X 1A4

TAB 7

De : Anthony Friend [mailto:FriendA@bennettjones.com]
Envoyé : 3 juin 2009 11:52
À : Himo, Julie
Cc : Michael Mysak
Objet : Stanford - Recognition application

Julie-I will certainly send you a copy of our brief at the end of this week when it is prepared. I will also keep you updated on the cross-examination and other developments in the action in Alberta. Our position on our brief will include the argument that currently the Quebec Order recognizing the Antigua Receiver remains in force, and that the U.S. Receiver at this time has no status to represent Stanford in Canada nor to take a position with respect to our action on behalf of some Alberta victims against the Toronto Dominion Bank seeking production of certain bank records, so that we can attempt to trace funds on behalf our clients. We are not seeking any relief against Stanford at this stage nor against your client nor for that matter against the U.S. Receiver.

A. L. Friend, Q.C.
Partner

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TAB 8

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Our File No. 36521.11

July 10, 2009

VIA EMAIL

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Dear Sirs/Mesdames:

Re: Attorney General of Ontario v. The Contents of Various Financial Accounts Held
Court File No. CV-09-8154-00CL

Given the decision of the Alberta court, our clients intend to proceed with an application in Ontario for disclosure from TD Bank. In that regard we anticipate sending you a draft Notice of Application on Monday, and then booking a 9:30 appointment to appear before Justice Campbell next week to set a schedule.

As the Attorney-General of Ontario did not participate in our clients' motion in Alberta, attached is a copy of Associate Chief Justice Wittmann's reasons for judgment dated June 24, 2009.

Please provide us with your available dates next week for a 9:30 appointment before Justice Campbell.

Yours truly,

Bennett Jones LLP.

BENNETT JONES LLP

Enclosures

Court of Queen's Bench of Alberta

Citation: Dynasty Furniture Manufacturing Ltd. v. Toronto-Dominion Bank, 2009 ABQB 388

Date:
Docket: 0901 05717; 0901 05677
Registry: Calgary

Between:

Dynasty Furniture Manufacturing Ltd.,
Shafiq Hirani, Hanif Asaria, Dinmohamed Sunderji
and 2645-1252 Quebec Inc.

Plaintiffs

- and -

Toronto-Dominion Bank

Defendant

Action No. 0901 05677

And Between:

Dynasty Furniture Manufacturing Ltd. Shafia Hirani,
Hanif Asaria, Dinmohamed Sunderji and 2645-1252 Quebec Inc.

Plaintiffs

- and -

Stanford International Bank Ltd., Stanford Group Company,
Stanford Capital Management, LLC, R. Allen Stanford,
James M. Davis, Laura Pendergest-Holt, Faran Kassam,
Alain Lapointe, ABC Corp. 1 to 9, John Doe 1 to 9
and Jane Doe 1 to 9 and other Entities and Individuals
known to the Defendants

Defendants

Reasons for Judgment
of the
Associate Chief Justice
Neil Wittmann

Background

[1] The same Plaintiffs in two actions are the applicants before the Court. The Plaintiffs are four Alberta investors and one Quebec investor in the Stanford International Bank Ltd. ("SIB"), a corporation that, together with Stanford Group Company, Stanford Capital Management LLC, R. Allen Stanford, James M. Davis and Laura Pendergest-Holt (collectively, "the Stanford Group") is accused of orchestrating one of the larger and more notorious Ponzi schemes in recent history. SIB is headquartered in Antigua and until recently conducted business largely in the United States, but maintained an office in the province of Quebec. The Plaintiffs sued SIB, the Stanford Group and others on April 17th, 2009 (the SIB Action). No defence has been filed.

[2] The Plaintiffs also sued the Toronto-Dominion Bank ("TD Bank"), on April 21st, 2009 (the TD Bank Action). In the TD Bank Action, the Plaintiffs have applied for an order allowing them to review and examine all bank accounts, investment accounts and related bank and credit records and other documents with respect to any assets on deposit with the TD Bank or its affiliates. This type of order is commonly referred to as a *Norwich* order, derived from ***Norwich Pharmacal Co and others v. Commissioners of Customs and Excise***, [1973] 2 All ER 943 (H.L.). The ultimate relief claimed is an order declaring that the TD Bank holds all or some portion of monies the Plaintiffs describe as trust funds invested through the TD Bank as a corresponding bank and in favour of the Plaintiffs.

[3] The Plaintiffs allege that collectively they have invested over $17 million with SIB since 2005. The Stanford Group maintained several TD Bank accounts in Ontario, and recent investigations by SIB receivers appointed by courts in Texas and Antigua revealed some $20 million to be held there. The Plaintiffs have applied to examine TD Bank records in an effort to trace their funds and so have brought an application to compel the Defendant TD Bank to provide, in essence, all of its records relating to the Stanford Group. A cross-motion has been brought by the Receiver appointed by the United States District Court in Texas, who seeks a stay of the TD Bank Action as well as a stay in the SIB Action against, inter alia, the Stanford Group.

Timeline of Proceedings:

[4] On February 16, 2009, the United States Securities and Exchange Commission filed for emergency civil enforcement action in the United States District Court for the Northern District of Texas. District Court Judge Reed O'Connor issued a freeze order and restrained all banks and/or financial institutions holding accounts in the name or for the benefit of the Stanford Group from engaging in any transaction or disbursing any funds without further order of the court. The order also required all banks and financial institutions to take the steps necessary to repatriate to the United States the funds of defrauded investors. In a separate order, Judge O'Connor appointed Mr. Ralph Janvey ("the U.S. Receiver") as receiver to take control and possession of the assets of the Stanford Group companies and the District Court assumed exclusive jurisdiction of the assets wherever located.

[5] On February 19, 2009 the Antiguan Financial Services Regulatory Commission appointed Mr. Peter Wastell and Mr. Nigel Hamilton-Smith ("the Antigua Receivers") receivers of all of the undertakings, property and assets of SIB.

[6] On February 25, 2009 the Plaintiff Dynasty Furniture Manufacturing Ltd. ("Dynasty") filed a class action in this Court against the Stanford Group and a number of other parties, and on March 6, 2009, notice of this action was provided by Dynasty's counsel to the Antiguan and U.S. Receivers. This action was discontinued by Dynasty on March 30, 2009.

[7] On April 6, 2009, upon an ex parte application, the Quebec Superior Court, Commercial Division recognized the appointment of the Antiguan Receivers and appointed them foreign representatives, per s.267 of the *Bankruptcy and Insolvency Act*. The Order of the Quebec Superior Court ("the Quebec Recognition Order") granted the Antiguan Receivers the power to take into custody and control all property, undertakings and other assets of the SIB and Stanford Trust Company Limited.

[8] On April 17, 2009, Justice David Harris of the Eastern Caribbean Supreme Court, upon application by the Antigua Receivers, issued an Order authorizing the liquidation of SIB and appointing the Antigua Receivers the liquidators of SIB ("the Winding Up Order"). Under the Winding Up Order, the Antigua Receivers were empowered to take possession of all of the assets of SIB, wheresoever located. The Winding Up Order further stayed all proceedings against SIB, wheresoever initiated. On the same day, the Plaintiffs filed the SIB Action. The Plaintiffs filed the TD Bank Action, seeking equitable discovery of records in the possession of TD Bank, April 21st, 2009.

[9] On April 24, 2009, the Attorney General of Ontario applied ex parte and obtained a Preservation Order from Justice Campbell of the Ontario Superior Court, under the *Civil Remedies Act, 2001*, requiring funds held by the TD Bank in SIB-related accounts to be paid into Court. More than $20 million was paid, including monies from the two accounts identified by the Plaintiffs as being the accounts into which the Plaintiff Dynasty's funds were wire transferred. The Plaintiffs have obtained an order from Justice Campbell of the Ontario Superior Court, granting them standing in the Ontario proceedings. The U.S. and Antiguan Receivers have filed motions to obtain standing before the Ontario Superior Court. That matter is scheduled to be heard by Justice Campbell on June 24, 2009. Counsel before me indicated an adjournment is likely, because the U.S. Receiver has challenged the Quebec Recognition Order and its motion to overturn that Order is scheduled to be heard by the Quebec Superior Court on August 4 and 5, 2009.

The Applications

[10] The Plaintiffs, in support of their application for a *Norwich* order, filed the Affidavit of Zaherali (Jim) Sunderji, the President of the corporate Plaintiff, Dynasty. Also filed was the cross-examination of Sunderji on his Affidavit by counsel for the U.S. Receiver and the TD Bank. Extensive briefs of law and argument were filed by the Plaintiffs in support of their application as well as by counsel for the TD Bank and the U.S. Receiver.

[11] As the argument evolved, all counsel agreed that a stay in the SIB Action was appropriate, at least as against the Defendants represented by the U.S. Receiver. That position may change depending on the results of the application by the U.S. Receiver challenging the Quebec Recognition Order which, as stated above, is not scheduled to be heard in Quebec Superior Court until August, 2009.

[12] The remaining contested issue before me was whether this Court ought to grant equitable discovery to the Plaintiffs. This issue was vigorously advanced by the Plaintiffs and opposed with equal vigour by counsel for the TD Bank. Counsel for the U.S. Receiver and the Antiguan Receivers both made oral submissions at the hearing but the Antiguan Receivers did not file any written materials.

Submissions of Counsel

[13] The Plaintiffs cited a number of authorities in favour of this Court granting them equitable discovery of the TD Bank records. Foremost amongst them was ***Alberta (Treasury Branches) v. Leahy***, 2000 ABQB 575; ***AB v. CD***, 2008 ABCA 51. The thrust of the opposition included a reference to ***Leahy*** and ***AB v CD***. Specifically, the opposition was that a *Norwich* order is draconian in effect: para. 15 ***AB v. CD***; and that a *Norwich* order should only be granted in Alberta in the circumstances outlined in para. 106 of ***Leahy*** which included a requirement that the order must be granted to "find *and preserve* evidence" (emphasis supplied) and the third party must be the only practicable source of the information available.

Analysis

[14] While it may be that the concepts set forth in para. 106 of ***Leahy*** represent the law in Alberta in terms of the factors to be considered in the exercise of the court's discretion in granting a *Norwich* order, I prefer to rest my decision on more fundamental principles, namely *forum conveniens* and inter-jurisdictional comity.

[15] Where two or more courts in Canada are exercising jurisdiction, and the same relief by the same party is being sought in two or more jurisdictions, it is generally inappropriate for the court in one jurisdiction to make an order affecting the availability of evidence for the use of the party in an application or proceeding in the other jurisdiction.

[16] This is especially so where there is no evidence or logical or rational argument as to why the application for obtaining evidence cannot be made and heard in the jurisdiction where the application will be heard on its merits. The best argument counsel for the Plaintiffs could make in this regard, was to articulate, not without some vagueness, that in this case the Ontario Superior Court would be grateful that another court had enabled the marshalling of evidence before it and that if the Plaintiffs were to await the proceedings in the Ontario Superior Court, they might be delayed in obtaining the equitable discovery they desire. The former assertion is dubious and the latter, although perhaps realistic, is the inevitable result of a court being the

master of its own procedure. It should not, absent unusual circumstances, be subject to the process direction of another court.

[17] Furthermore, there is no evidence before me that any of the records sought are in any way confined to or limited to Calgary or Alberta. Even if some of them are, there is no suggestion the Ontario Superior Court cannot make a direction to the TD Bank for disclosure in accordance with the application before it.

Decision

[18] As a result of proceedings initiated by the Attorney General of Ontario, some $20 million has been paid into Court in that province. The Plaintiffs lay claim to approximately $17.5 million of that money and seek to establish claims of trust and priority over it. The Plaintiffs do not want these funds to become part of the pool of assets distributed to the very substantial number of Stanford Group investors who have suffered losses. This Court is not in a position to decide or comment upon the merits of the Plaintiffs' trust claim.

[19] Presently, there are proceedings pending in Texas, Antigua, Quebec and Ontario. Two receivers have been appointed. The issue of which Receiver is appropriately recognized as the proper foreign representative in Canada will not be determined until it is heard by the Quebec Superior Court on August 4 and 5, 2009.

[20] It is not necessary to decide whether the U.S. Receiver has standing. The Plaintiffs have acknowledged that a stay in the SIB Action is appropriate in view of the proceedings unfolding in Quebec and Ontario and accordingly a stay of that proceeding is ordered pending further order of this Court.

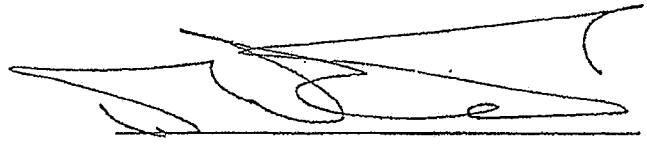
[21] The monies in issue are now within the control of the Ontario Superior Court and all parties have already attorned to that jurisdiction. It is there that the Plaintiffs should pursue their claim for equitable discovery or, possibly discovery of records pursuant to r.30.10 of the Ontario *Rules of Civil Procedure*. The Plaintiffs in argument suggested that an order for equitable discovery from this Court would assist them in obtaining evidence necessary for the advancement of a trust claim before the Ontario Superior Court. They have not provided any compelling reason why this essentially interlocutory order could not, or should not, be obtained from the Ontario Court itself. The efficient resolution of all claims relating to the Stanford Group, including the Plaintiffs' claims, will not be aided by the involvement of another court in another jurisdiction. Indeed, in the circumstances here, it would be seen as interfering in the process of another court, whose jurisdiction is not disputed.

Conclusion

[22] The Plaintiffs' application for a *Norwich* order is dismissed because this Court declines to entertain it in the circumstances.

[23] A stay in the SIB Action, action no. 0901-05677 is ordered and a stay in the TD Bank Action, action no. 0901-05717, is also ordered, pending further order of this Court.

Heard on the 12th day of June, 2009.
Dated at the City of Calgary, Alberta this 24th day of June, 2009.



Neil Wittmann
A.C.J.C.Q.B.A.

Appearances:

A.L. Friend, Q.C.
M.D. Mysak
for the Applicant Dynasty Furniture Manufacturing Ltd.

M.M. Chernos
R.V. Reichelt
for the Respondent Toronto-Dominion Bank

T.J. Mallett
W.W. McLeod
for U.S. Receiver

C.P. Russell, Q.C.
for Antiguan Receivers

TAB 9

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Our File No. 36521.11

July 15, 2009

VIA EMAIL

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Dear Counsel:

Re: Attorney General of Ontario v. The Contents of Various Financial Accounts Held Court File No. CV-09-8154-00CL

Further to our letter dated July 10, 2009, enclosed is our clients' draft notice of application for disclosure from TD Bank. As we have only heard back from Mr. Hall, counsel for TD Bank, we will proceed with booking a 9:30 appointment before Justice Campbell for sometime this week or next (excluding July 17 and 22).

Yours truly,

Bennett Jones LLP

BENNETT JONES LLP

FORM 14E

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

B E T W E E N:

DYNASTY FURNITURE MANUFACTURING LTD., SHAFIQ HIRANI, HANIF ASARIA, DINMOHAMED SUNDERJI and 2645-1252 QUEBEC INC.

Applicants

-and-

TORONTO-DOMINION BANK

Respondent

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicants. The claim made by the applicants appears on the following page.

THIS APPLICATION will come on for a hearing on , , at , at 330 University Avenue, 7th Floor, Toronto, Ontario, M5G 1R7.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a

lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least two days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

DATE: Issued by:

Local Registrar

Address of Court Office:

7th Floor, 330 University Avenue
Toronto, Ontario
M5G 1R7

TO: **TORONTO DOMINION BANK**
Attn: Colin Taylor & David Braunstein
12th Floor – Legal Department
Toronto Dominion Bank Tower
66 Wellington Street West
Toronto, ON M5K 1A2

APPLICATION

1. The applicants, Dynasty Furniture Manufacturing Ltd., Shafiq Hirani, Hanif Asaria, Dinmohamed Sunderji and 2645-1252 Québec Inc. (together, the "Applicants"), make application to a Judge sitting on the Commercial List in Toronto for:

(a) an Order to examine the bank accounts, investment accounts and related banking and credit records and other documents with respect to all accounts, assets, safety deposit boxes and any other assets on deposit with or previously on deposit with the Respondent, Toronto-Dominion Bank or any affiliates thereof (together, the "TD Bank"), and/or any asset, fund or account whatsoever in which any of the Named Companies (as described below) have a beneficial interest, or in which any or all of them have authority to conduct transactions;

(b) an Order to examine any agreements, reports, instructions, records, documents and/or other information concerning the TD Bank's relationship with the Named Companies, the terms under which the TD Bank holds or has held funds for the Named Companies and/or the investors who purchased certificates of deposit offered by the Named Companies, and the Named Companies' use of any such funds;

(c) an Order that the TD Bank provide to the Applicants forthwith copies of all agreements, reports, instructions, documents, banking, investment and credit records for all accounts and things they are permitted to examine pursuant to the above-described Order;

(d) an Order waiving any implied or deemed undertaking of confidentiality over the disclosure set out above and permitting the Applicants to use such disclosure in the AGO Application (described below) or such further applications and/or actions relating to the matters set out in the Related Action (described below) as may be appropriate;

(e) an Order permitting the Applicants to further apply to this Honourable Court for such further relief as may be appropriate including, without limitation, Orders to trace any proceeds of the Trust Funds (described below) and/or to declare that such Trust Funds are held on the Applicants' behalf in priority to the claims of other creditors; and

(f) such further and other relief as this Honourable Court may permit

2. The grounds for the application are:

(a) the Applicant, Dynasty Furniture Manufacturing Ltd. ("Dynasty"), is a corporation incorporated pursuant to the laws of Alberta;

(b) the Applicants Dr. Hanif Asaria ("Asaria"), Dinmohamed Sunderji ("Sunderji") and Shafiq Hirani ("Hirani") are individuals residing in the Province of Alberta;

(c) the Applicant 2645-1252 Québec Inc. ("1252 Québec") is a corporation incorporated pursuant to the laws of the Province of Québec;

(d) based on misrepresentations made to them by the Named Companies and/or individuals acting on their behalf, the Applicants together invested approximately CDN $17.5 million in the Investment Scheme (as described below);

(e) in making their investments, Dynasty, Asaria, Sunderji and 1252 Québec directed their investment funds to Stanford International Bank Ltd. ("SIB") via TD Bank for the purchase of self-styled "certificates of deposit" ("CDs") offered by the Named Companies;

(f) the Applicant Hirani directed his investment funds to SIB via HSBC, London, UK for the purchase of CDs offered by the Named Companies. Hirani made regular withdrawals from his SIB account via TD-Bank;

(g) in deciding to invest their monies in what turned out to be the Investment Scheme (as described below), the Applicants each relied on the misrepresentations made to them that, *inter alia*, the CDs were safe investments backed by SIB, which was said to be a reputable, long-standing, multi-billion dollar banking institution;

(h) the Respondent, TD Bank, is a Schedule I bank pursuant to the *Bank Act*, 1991, R.S.C. c.46 with operations throughout Canada and elsewhere. TD Bank acted as correspondent bank for the Named Companies;

(i) pursuant to an Order of this Honourable Court dated April 24, 2009 obtained by the Attorney-General of Ontario (*i.e.*, the Preservation Order described below), TD Bank paid into court the investor funds it had on deposit in connection with investor purchases of CDs (over CDN $20 million) (the "Trust Funds");

(j) TD Bank has important records concerning investor purchases of CDs, and the Named Companies' receipt and use of the Trust Funds;

The Named Companies

(k) SIB purports to be a private international bank domiciled in St. John's, Antigua, West Indies. SIB claims to serve clients in 131 countries and to hold U.S. $7.2 billion in assets under management. SIB's Annual Report for 2007 states that SIB has 50,000 clients. SIB is part of a complex web of affiliated companies that exist and operate under the brand Stanford Financial Group ("SFG"). SFG is described as a privately-held group of companies that has in excess of U.S. $50 billion "under advisement". Unlike a commercial bank, SIB does not loan money. SIB sells CDs to investors through its affiliated investment advisor (Stanford Group Company);

(l) Stanford Group Company ("SGC") is a Houston-based corporation, registered with the Securities Exchange Commission (the "SEC") as a broker-dealer and

investment advisor. It has 29 offices located throughout the United States. SGC's principal business consists of sales of SIB-issued securities, marketed as CDs;

(m) Stanford Capital Management, LLC ("SCM"), is a registered investment advisor in the United States, which took over management of the SAS program from SGC in early 2007. The SAS program is another investment promoted by the Named Companies and believed to be related to the sale of CDs. SGC marketed the SAS program through SCM;

(n) SIB, SGC and SCM are referred to herein collectively as the Named Companies;

The AGO Application

(o) in April 2009 the Attorney-General of Ontario brought an *ex parte* application before this Honourable Court for an Order pursuant to the *Civil Remedies Act* (Ontario) to have the Trust Funds paid into court on the basis that those funds are proceeds or instruments of unlawful activity. By Order dated April 24, 2009, this Honourable Court ordered TD Bank to pay the Trust Funds into court (the "Preservation Order");

(p) TD Bank has paid in excess of CDN $20 million into court pursuant to the Preservation Order;

(q) by Order dated June 23, 2009, this Honourable Court extended the Preservation Order until further Order of the court;

(r) in its Notice of Application in the AGO Application, the Attorney-General of Ontario seeks to have the Trust Funds forfeited to the Crown on the basis that those funds are proceeds or instruments of unlawful activity;

(s) in May 2009 the Applicants filed a Notice of Appearance to appear in the AGO Application. The Applicants' position in the AGO Application is that they are the legitimate owners of the Trust Funds, and that their status as legitimate owners

will be proved by tracing once they obtain and review the disclosure sought from the TD Bank in this proceeding;

(t) also to file Notices of Appearance in the AGO Application are (i) Messrs. Nigel Hamilton-Smith and Peter Wastell, who were appointed in February 2009 by the High Court of Antigua and Barbuda to serve as receivers (later liquidators) to liquidate SIB, and (ii) Mr. Ralph Janvey, who was appointed in February 2009 by the United Stated District Court for the Northern District of Texas to serve as receiver over, among other things, the assets and things of SIB and certain related entities and individuals;

(u) without the disclosure requested herein, the Applicants will not be able to trace the monies they invested in the Investment Scheme to the Trust Funds, which would likely result in the Trust Funds being paid to parties who are not the legitimate owners of those funds;

Unknown Defendants

(v) the Applicants require the disclosure sought herein not only to trace the monies they invested in the Investment Scheme to the Trust Funds, but also to identify such other defendants as may be revealed from the disclosure sought;

The Related Action

(w) by statement of claim filed April 17, 2009 (Action No. 0901-05677), the Applicants commenced legal proceedings in the Court of Queen's Bench of Alberta for, among other things, the recovery of the amounts they invested in the Investment Scheme (as described below) (the "Related Action"). The Defendants in the Related Action are the Named Companies plus R. Allan Stanford, James M. Davis, Laura Pendergest-Holt, Faran Kassam, Alain Lapointe and as-of-yet-unidentified individuals and corporations described as John Doe 1 to 9, Jane Doe 1 to 9 and ABC Corp. 1 to 9;

(x) the Applicants allege in the Related Action that, among other things, SIB, acting through a network of SGC financial advisors, sold approximately U.S. $8 billion of CDs to investors by misrepresenting to them the nature of the investment, including that the CDs were safe, and that the CDs would provide rates of return that exceeded those available through true certificates of deposit offered by traditional banks (the "Investment Scheme");

(y) the representations that were made to the Applicants to induce them into purchasing CDs were false. Among other things, the investments were not safe and the returns on the CDs were not as represented;

(z) the Applicants further allege in the Related Action that the Investment Scheme was a fraudulent means designed and carried out by the defendants in that action to acquire the Applicants' funds for their own benefit;

(aa) the Applicants allege in this application that the funds they invested in the Investment Scheme were received and/or are held by TD Bank as all or a portion of the Trust Funds;

(bb) by reasons for decision dated June 24, 2009, the Related Action was stayed (as of the date hereof no Order had yet been taken out);

The Claim Against TD Bank

(cc) the Applicants plead that TD Bank acted as correspondent banks for the Named Companies and thereby became involved in the tortious acts of those companies so as to facilitate the wrongdoings alleged in the Related Action and summarized herein at paragraphs 2(w) to 2(bb);

(dd) the Applicants plead that TD Bank thereby has a duty to assist the Applicants by giving them full information as to: the wrongdoings of the defendants in the Related Action; the location of the funds obtained by those defendants by fraud; and the particulars of any transfer(s) of these fraudulently obtained funds. The

Applicants seek such disclosure on an immediate basis so that they may pursue their claim to the Trust Funds in the AGO Application, and actions and/or applications as against such other defendants as may be revealed from the disclosure sought;

(ee) the Applicants further seek an Order waiving any implied or deemed undertaking of confidentiality over the disclosure set out above such that they may use such disclosure in the AGO Application or such further actions and/or applications relating to the matters set out in the Related Action as may be appropriate; and

(ff) Rules 14.05(3)(g) and (h) of the *Rules of Civil Procedure*.

3. The following documentary evidence will be used at the hearing of the application:

(a) the affidavit of Zaherali (Jim) Sunderji, sworn • and the exhibits referred to therein; and

(b) such further and other material as counsel may advise and this Honourable Court may permit.

DATED: July •, 2009

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Lawyers for the Applicant

MARCUS A. WIDE, et al.
Plaintiffs

v.

THE TORONTO-DOMINION BANK
Defendant

Court File No. CV-12-9780-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

SECOND AFFIDAVIT OF
PETER R. WILTSHIRE
(Sworn January 16, 2015)

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