UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

REUEL ANDERSON, GARY GREENE, TIMOTHY RICKETTS, ANDERSON FAMILY COMPANY, LLC, JUNE ANDERSON TESTAMENTARY Q TRUST, KIM GUILLOT AND KAHNE GUILLOT

vs.

THE UNITED STATES OF AMERICA

CIVIL ACTION NO. _____
CLASS ACTION

FEDERAL TORT CLAIMS ACT CLASS ACTION COMPLAINT

Plaintiffs bring this action in their individual capacity, and on behalf of the Class defined below, and, for the Complaint, allege upon knowledge as to themselves, and otherwise upon information and belief, as follows:

This complaint is filed on behalf of the plaintiffs listed below, and on behalf of all persons or entities that lost their investments in Stanford International Bank, Ltd ("SIBL") and that have filed administrative claims. This action is based on the conduct of Securities and Exchange Commission (SEC) employees at the SEC's Fort Worth - Dallas office (FWDO). These employees were at all times material acting within the scope and course of their offices and employment, and under circumstances in which their employer, the United States, if a private person, would be liable to the plaintiffs in accordance with the law of the place where their acts or omissions occurred. SIBL and its related companies, including Stanford Group Company (SFG), were at all times material known by the SEC to be participants in a massive Ponzi scheme. But for the negligence and deliberate misconduct by Spencer Barasch, a

former SEC regional Enforcement Director, and the negligent supervision of Barasch by his SEC supervisors, the plaintiffs would not have made, and would not have lost, their SIBL investments, as the following facts, and admissions by the SEC, show:

PARTIES

1.

The Plaintiffs herein are as follows:

a. Plaintiff Reuel Anderson is a citizen of the United States of America residing in Baton Rouge, Louisiana.

b. Plaintiff Gary Greene is a citizen of the United States of America residing in Baton Rouge, Louisiana.

c. Plaintiff Timothy Ricketts is a citizen of the United States of America residing in Baton Rouge, Louisiana.

d. Plaintiff Anderson Family Company, LLC is an LLC that has its principal place of business in Baton Rouge, Louisiana.

e. Plaintiff June Anderson Testamentary Q Trust is a Trust that has its principal place of business in Baton Rouge, Louisiana.

f. Plaintiffs Kim and Kahne Guillot are citizens of the United States of America residing in Baton Rouge, Louisiana.

2.

The Defendant is the United States of America.

JURISDICTION AND VENUE

3.

This Court has jurisdiction under the Federal Tort Claims Act, 28 U.S.C. 2671 *et seq.* and 28 U.S.C. 1346(b). Pursuant to 28 U.S.C. § 2675(a), each of the plaintiffs

and members of the putative class have filed administrative claims with the SEC, and more than six months has elapsed, with no administrative response, from the filing of these claims.

4.

Venue is proper under 28 U.S.C. 1402(b) as The Middle District of Louisiana is the district of residence for class representatives:

a. Reuel Anderson

b. Gary Greene

c. Timothy Ricketts

d. Anderson Family Company, LLC

e. June Anderson Testamentary Q Trust

f. Kim Guillot

g. Kahne Guillot

SUMMARY

5.

SIBL was affiliated with numerous other companies controlled by Allen Stanford. The hub of Stanford's activities was in Houston, Texas. In February, 2009, based primarily on evidence it had accumulated years earlier, the SEC filed an action in the U.S. District Court for the Northern District of Texas, alleging that Robert Allen Stanford and his companies (collectively, "Stanford") orchestrated an $8 billion fraud that was based on false promises of guaranteed returns related to so-called "certificates of deposit" ("CDs") issued by the Antiguan-based SIBL. OIG Report p. 1. The SEC later filed an amended complaint against Stanford further alleging that

Stanford was conducting a Ponzi scheme. *Idem.* This amendment was also based primarily on evidence accumulated years earlier.

6.

In the above cited action, the Court found that the Stanford fraud was a Ponzi scheme. *See* Case No. 3:09-CV-0724-N, Doc. 456 at 2 ("The Stanford scheme operated as a classic Ponzi scheme, paying dividends to early investors with funds brought in from later investors."), at 11. ("[T]he Receiver presents ample evidence that the Stanford scheme... was a Ponzi scheme."), and at 13 ("The Court finds that the Stanford enterprise operated as a Ponzi scheme..."). In an opinion filed on December 15, 2010, the Fifth Circuit upheld the Court's findings that the Stanford fraud was a Ponzi scheme. *See Janvey v. Alguire*, No. 10-10617, 2010 WL 5095506, at 1, 17 (5th Cir. December 15, 2010). In particular, the Fifth Circuit made several rulings on the nature of the Stanford fraud, as follows:

> We find that the district court did not err in finding that the Stanford enterprise operated as a Ponzi scheme.
> ***
> The Davis Plea and the Van Tassel Declarations provide sufficient evidence to support a conclusion that there is a substantial likelihood of success on the merits that the Stanford enterprise operated as a Ponzi scheme... The Davis Plea, when read as a whole, provides sufficient evidence for the district court to assume that the Stanford enterprise constituted a Ponzi scheme *ab initio*.
> ***
> The Receiver carried his burden of proving that he is likely to succeed in his prima facie case by providing sufficient evidence that a Ponzi scheme existed . . .
> ***
> Here, the Receiver provided evidence of a massive Ponzi scheme *Id.* at 9-13.

References to "OIG Report" are to the March 31, 2010 Report by the SEC Office of Inspector General ("OIG") titled "Investigation of the SEC's Response to Concerns Regarding Robert Allen Stanford's Alleged Ponzi Scheme." References to exhibits herein are to OIG exhibits, unless otherwise specified. The report and its exhibits can be seen and downloaded at the SEC's website.

7.

Robert Allen Stanford was convicted of engaging in this scheme at a criminal trial in Federal District Court in Houston Texas on March 6, 2012 (no. H-09-342, Southern District of Texas).

8.

On March 31, 2010, the SEC Office of Inspector General (OIG) issued a report of its investigation of the SEC's actions regarding Stanford's companies. The OIG investigation found that the SEC's Fort Worth office ("FWDO") had been aware since 1997 - only two years after Stanford Group Company ("SGC") registered with the SEC - that Stanford likely was operating a Ponzi scheme. OIG Report at 16. The OIG report found that between 1997 and 2005, the SEC's Fort Worth Examination Group conducted four examinations of Stanford, in 1997-1998, 2002, 2003, and 2004-2005, "finding in each examination that the CDs could not have been 'legitimate,' and that it was 'highly unlikely' that the returns Stanford claimed to generate could have been achieved with the purported conservative investment approach." OIG Report at 149. Thus, the Examination group determined on four separate occasions that Stanford was operating a Ponzi scheme. "The only significant difference in the Examination group's findings over the years was that the potential fraud grew exponentially…" OIG Report at 16.

9.

The available information about Stanford warranted SEC enforcement action or, as an alternative, referrals from the SEC to other agencies, such as the NASD (now FINRA), the Texas State Securities Board (TSSB), or the FBI. In 1998 (NASD) and again in 2002 (TSSB) the SEC – through Enforcement Director Spencer Barasch and

others – reached the conclusion that referrals should be made. Barasch himself was designated to perform these tasks. But in fact, these referrals were **not** made, with the effect that Stanford escaped scrutiny by other agencies for years, thus facilitating Stanford's scheme to defraud.

10.

This action is not filed to second-guess the SEC's decision-making processes or the belatedness of its eventual actions regarding Stanford. In addition to the above described negligent supervision, this action is filed because of the negligence and misconduct of one individual, Spencer Barasch, who - as early as 1998 - engaged in acts that were clearly against federal and SEC policies, regulations and statutes. As will be explained, this negligence and misconduct in effect facilitated Stanford's crimes. It also prevented further work on Stanford by SEC employees who have stated that they would have otherwise further pursued the case - because they had been wrongly informed the case (which obviously had merit, as demonstrated by the court's immediate response to the 2009 receivership action and Allen Stanford's criminal prosecution) would be handled elsewhere.

11.

Mr. Barasch was the FWDO Enforcement Director who received the 1998 – 2004 examination staff referrals on Stanford and also letters of complaint about Stanford, from 1998 until he resigned in April 2005. Much can be critically said about Mr. Barasch's conduct, and that of others in his enforcement office, but for the purposes of this action, what needs to be said is that Mr. Barasch, on at least two occasions (1998 and 2002), wrongly informed his staff that it was not necessary for the SEC to open or further pursue investigations of the Stanford Ponzi scheme -

because he, Spencer Barasch, had referred the SEC information on Stanford, or letters of complaint about Stanford, to other agencies for action. Barasch later claimed to investigators that he and his superiors were following a "quick hit" or "statistics driven" SEC policy by referring out a complex case like Stanford. However, his coworkers and superiors believed referrals were happening, but in fact, the OIG found no evidence that Barasch made any of the referrals.

12.

During his SEC tenure Barasch, had contacts with Allen Stanford's lawyers, and, on information and belief, negligently followed their suggestions. Barasch told SEC Examiner Julie Pruett he would not pursue Stanford "because Wayne Secore had told him there was nothing there." OIG report at p. 41. Wayne Secore was a Stanford attorney and a former FWDO district administrator. Two months after leaving the SEC, Barasch revealed that he had been negotiating for direct employment with Stanford. He has been sanctioned for that particular misconduct, but not for the other misconduct set forth herein. Unfortunately, it appears that the SEC (apart from its Office of Inspector General) deliberately arranges what it says in public about Mr. Barasch in an attempt to avoid tort liability (see paragraph 27).

FACTUAL BACKGROUND

13.

As noted above, in 1997 the SEC conducted its first examination of Stanford and determined that Stanford likely was running a Ponzi scheme. Julie Preuitt, then a branch chief in the FWDO Broker-Dealer Examination group, reviewed Stanford's annual audit reports and observed that Stanford had "gone from very little revenue to an incredible amount of revenue" in only two years. OIG Report at 30. Based on this

"extraordinary" revenue, Preuitt suspected that Stanford's CD sales were fraudulent and, accordingly, opened an examination of Stanford. OIG Report at 30. The 1997 Examination Report concluded that an investigation of Stanford for violations of Rule 10b-5 "was warranted" and referred the Stanford matter to Enforcement in September 1997. OIG Report at 33. In August 1998, Barasch closed the Stanford file. OIG Report at 37. 14. In explanation of this closure, Barasch told the OIG that he recalled deciding to refer the Stanford matter to the National Association of Securities Dealers ("NASD"). OIG Report at 37. The OIG, however, found no evidence that Barasch referred the investigation to the NASD in 1998. OIG Report at 37 n.18.

14.

Barasch further informed the OIG investigators that (a) he had called the SEC's Office of International Affairs ("OIA") in 1998 and asked how hard it would be to get documents located in Antigua, and (b) that OIA had responded that it would be "almost impossible." But the OIG found no evidence that Barasch or any enforcement staff member contacted OIA or sought assistance or information about obtaining documents from Antigua before closing the 1998 Stanford MUI (Matter Under Inquiry). Moreover, OIA staff has no record or recollection of any contact by the FWDO regarding Stanford before December 2004. OIG Report at 39. Had Mr. Barasch called or written OIA, he would have learned that the United States in fact was negotiating an "MLAT" (mutual legal assistance treaty) in 1998, and such a treaty was in place with Antigua in 1999. Documents or other evidence obtained by such procedural means, such as true investment data, could have exposed the Stanford fraud.

Other SEC representatives were subsequently (2002) in contact with FINRA about Stanford.

15.

Between 1998 and 2002, Stanford's operations had grown significantly, and, in 2002, the SEC conducted a second examination of Stanford. Once again, the Examination found numerous red flags indicating that Stanford might be running a Ponzi scheme, including "high returns" that were inconsistent with legitimate investments.

16.

During the course of this Examination, the SEC also received a letter from an accountant whose 75-year-old mother was an investor in Stanford, in which the accountant raised concerns similar to those raised by the Examination staff. OIG Report at 53. SEC staff viewed these concerns as legitimate, and a staff member drafted a response letter requesting additional information. OIG Report at 55. This response letter, however, was never sent. The staff member who drafted the response letter was told that Spencer Barasch had decided to forward the accountant's letter to the Texas State Securities Board ("TSSB"). According to a tracking report and a notation made on the response letter, the accountant's letter was forwarded to the TSSB "per Barasch" on December 10, 2002. OIG Report at 56.

17.

Also in December 2002, the Examination group referred the 2002 Examination to Mr. Barasch's enforcement staff. OIG Report at 57-59. On December 16, 2002, an enforcement staff attorney wrote in an email that before he learned of the investigation, "Spence [Barasch] had already referred it to the TSSB based on a complaint... We decided to let the state continue to pursue the case." OIG Report at 57. 19. On this matter, the OIG investigation report concluded: "contrary to what

the Examination staff was told, the Stanford matter was not referred to the TSSB…" OIG Report at 59. Denise Crawford, head of TSSB, and two other key TSSB employees to whom the letter would have been presented, informed OIG that they had never seen the letter before. OIG report, footnote 35. Furthermore, the SEC files contain no referral letter or other evidence of a referral sent to TSSB, and there is no cover or referral letter in TSSB files indicating that it had been received from the SEC.

18.

Footnote 34 to the OIG report reads as follows:

On December 11, 2002 (IA examiner 1) e-mailed Wright the draft response and stated, (staff Acct 2) and I have come up with this draft response to the lady in Mexico. It should at least get the ball rolling on responding. Let us know what you want us to do." See December 11, 2002 E-mail from IA Examiner 1 to Hugh Wright, attached as Exhibit 79. The draft response was circulated to ENF BC4, a branch chief in Enforcement, who responded, "*I want to spend more time with this. It may make sense after we look at everything. The letter should come from the enforcement attorney.*" Id.

To the tremendous detriment of Stanford Investors, the task of sending the referral was not performed.

19.

Barasch told the OIG that he did not recall even having seen the accountant's letter. Barasch Interview Tr. at 23-25, 35-36, 40, 43-44. But on December 16, 2002, Barasch was copied with an email confirming that he had said he had referred the Stanford matter to TSSB (exhibit 82 to the OIG report). He did nothing in response, and by doing so kept the knowledge of the Ponzi scheme "in house." This conduct

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"The lady in Mexico" is the accountant who wrote the letter.

Hence any reasserted claim by him of in fact referring the letter to TSSB in 2002 - would, at this juncture, be merely self-serving.

effectively prevented the passing on of critical information to other agencies that also had authority to act. Action by either state or other federal agencies would have exposed the scheme in 2003 instead of 2009.

20.

Mr. Barasch left the SEC in April of 2005. Only two months later, on June 20, 2005, Barasch emailed the SEC stating that he had been "approached" to represent Stanford, and - incredibly - that he was "not aware" of any conflicts that such representation might present. The OIG report goes on to detail Mr. Barasch's subsequent maneuverings and paid employment by Stanford.

21.

The statement that he was "not aware" of any conflict was patently false. When interviewed by OIG, Barasch made the following statement about his post-SEC employment with Stanford: "Every lawyer in Texas and beyond is going to get rich over this case. Okay? And I hated being on the sidelines." Barasch Interview at 61.

SEC AND FEDERAL POLICY

22.

The OIG Report summarized provisions from various sources of law that govern the conduct of the SEC and its employees, including the following provisions:

Conflicts-of-interest: As discussed above, federal conflict-of-interest laws impose on former government employees a lifetime ban on making a communication to or appearance before a federal agency or court "in connection with a particular matter – (A) in which the United Sates… is a party or has a direct and substantial interest, (B) in which the person participated personally and substantially as such officer or employee, and (C) which involved a specific party or specific parties at the

time of such participation, shall be punished as provided in section 216 of this title.

18 U.S.C. § 207(a)(1).

In discussing when a person will be found to have participated personally and substantially in a matter, the regulations include the following example:

> Agovernment employee participated in internal agency deliberations concerning the merits of taking enforcement action against a company for certain trade practices. He left the Government before any charges were filed against the company for certain trade practices. He has participated in a particular matter involving specific parties and may not represent another person in connection with the ensuing administrative or judicial proceedings against the company.

Comment 1 to 5 C.F.R. § 2641.201(h)(4).

23.

Standard of Ethical Conduct for Employees of the Executive Branch: The Standards of Ethical Conduct for Employees of the Executive Branch include the following general principles that apply to every federal employee:

> (1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
>
> . . .
>
> (5) Employees shall put forth honest effort in the performance of their duties.
>
> . . .
>
> (14) *Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.* Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

5 C.F.R. § 2635.101(b) [emphasis added].

Perforce, actual violations of federal laws and regulations are against both federal and SEC policy, and clearly, the language above was included in the OIG Report to identify misconduct by Spencer Barasch in violation of SEC policy.

24.

Federal statutes also impose criminal sanctions for violations of the conflict of interest regulations. Given his conflict of interest and what he knew about Stanford, Mr. Barasch's attempts to assist Stanford in resisting SEC action are astounding, and are evidence of wrongful intent on his part.

25.

In addition to the canons and regulations listed in the OIG report, the conduct of Spencer Barasch, if intentional, violated 18 U.S.C. § 1519, a federal criminal statute (effective June 30, 2002), which reads as follows:

> § 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy
>
> Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

Examples of entries in SEC files that Barasch caused to be made are as follows:

a. OIG Exhibit 80 (attached): "per Barasch, referred to…" (blanked out, but clearly a reference to TSSB);

b. OIG Exhibit 82: "You should be aware that, before you brought this matter to my attention, Spence had already referred it to the TSSB based on a complaint…"

THE SEC'S GUILTY KNOWLEDGE

26.

In its more recent conduct, the SEC itself has exposed its own guilty knowledge of liability to Stanford investors. Senator David Vitter of the Senate Banking Committee conducted a hearing on Stanford in Baton Rouge in the summer of 2009, which many Stanford investors attended. At that point in time, the extent of the SEC's involvement with Stanford was not known to the investors. At the hearing, the then-director of the SEC's FWDO (her departure from the SEC was announced on March 9, 2011) gave a prepared statement, purportedly to inform the investors about the SEC's involvement. In fact, she misled them, because her statement began and ended without any acknowledgement that the SEC had been aware of the Ponzi scheme since 1997, the four fraud referrals presented by the Examinations office to Enforcement Director Spencer Barasch, Barasch's claimed referrals to other agencies, or any knowledge or activities at all regarding Stanford while Barasch was in office.

27.

The misleading nature of the director's conduct in Baton Rouge was later pointed out at a Senate hearing on September 22, 2010 in Washington, D.C. Also at that hearing, the SEC chairperson, Mary Shapiro, was quoted as having said regarding the Baton Rouge hearing: "any disclosure that is made now is meant to be quite narrow and was not meant to expose the agency." September 22, 2010 hearing of the Senate Committee on Banking, Housing and Urban Affairs, page 94. This amounts to both an admission of SEC knowledge of liability and an attempt to cover up that liability.

IV. CLAIMS

28.

The claims here set forth are predicated on: a) the negligent and willful misconduct of Spencer Barasch; and b) the negligent supervision of Barasch by his superiors in failing to identify and rectify his negligence and misconduct. Plaintiffs assert the following counts of intentional tort and negligence:

Count 1: Intentional Tort.

It is clear that the OIG report found violations of federal laws and regulations by Barasch. He violated those rules and duties to the investing public in general and to these plaintiffs in particular. In addition, Barasch may have committed multiple criminal violations of 18 U.S.C. § 1519 as well as other violations that facilitated Stanford's crimes and obstructed federal investigations. Had Barasch not done as he did, none of the plaintiffs would or even could have invested with SIBL – it's doors would have been shut - and the damages suffered by the plaintiffs would have been completely avoided. Like the federal employees in *Limone v United States*, 497 F. Supp. 2d 143 (D. Mass 2007); 579 F 3d 79 (*2d* 2009), who engaged in subornation of perjury and obstruction of justice in the course of their duties as federal agents, Spencer Barasch has by his conduct rendered the United States liable to the plaintiffs.

Count 2: Negligence

Alternatively, the conduct of Spencer Barasch referred to herein was negligent.

Count 3: Negligent supervision

Additionally, the failure of Barasch's superiors to properly review and supervise his conduct – simply put, to find out that he was not making outside

referrals as he said he was - was negligence, not an exercise of law enforcement discretion or policy discretion. They did not "decide to allow" this conduct. Rather, they should have discovered it and negligently failed to do so. Had they identified Barasch's misconduct, there is no doubt that the SEC and other agencies would then have acted differently and effectively against Stanford.

29.

The plaintiffs purchased the investments shown below, which have been determined to be without value by the Stanford Receiver. The government is therefore liable to the plaintiffs in the amounts shown below:

a. Reuel Anderson $1,295,481.37

b. Gary Greene $443,302.09

c. Timothy Ricketts $353,216.31

d. Anderson Family Company, LLC $369,299.88

e. June Anderson Testamentary Q Trust $746,851.43

f. Kim and Kahne Guillot $284,439.46

The damages set forth above correspond to the plaintiffs' SIBL accounts now deemed worthless. As further damages for loss of their opportunities to earn on their investments, the plaintiffs also claim as damages the interest that investments in legitimate cd accounts would have earned since the date the receivership was filed, until paid.

V. CLASS ACTION ALLEGATIONS

30.

Plaintiffs bring this case on behalf of themselves and on behalf of all persons or entities who have suffered losses of investments with Stanford International Bank,

Ltd., and filed administrative claims with the SEC, more than six months having elapsed with no administrative response, excluding any class member who timely elects to be excluded from the Class ("the Class"). Plaintiffs allege that all such class members were damaged or sustained investment losses as a proximate cause and result of the negligence and deliberate misconduct by Spencer Barasch and the negligent supervision of Barasch by the SEC.

31.

As of the present date, the United States of America has the administrative ability to identify all members of the Class, as it has received their claims.

32.

This action is properly brought as a Class Action under Rule 23 of the Federal Rules of Civil Procedure for the following reasons.

33.

Membership in the Class is so numerous as to make it impractical to bring all Class Members before the Court. The exact number of Class Members is unknown, but can be determined from the United States of America's claim records. Plaintiffs reasonably estimate and believe that there are approximately two thousand (2,000) in the Class. Although Plaintiffs do not presently know the names of all Class Members, their identities and addresses can be readily ascertained from the United States of America's records.

34.

The Plaintiffs are members of the Class described herein.

35.

There are numerous and substantial questions of law and fact common to all of the Members of the Class that control this litigation and that predominate over any individual issues. The common questions raised by Plaintiffs claims include:

a. whether the United States of America through the SEC and its employee, Spencer Barasch, committed acts which were negligent or willful and caused investment losses to the Plaintiffs and the Class;

b. whether the United States of America, through the SEC, was negligent in its supervision of its employee (Spencer Barasch) in allowing his negligence and misconduct;

c. whether the Class is entitled to damages and other equitable relief against the United States of America.

36.

Plaintiffs claims are typical of those of the Class. The Plaintiffs and all Class Members purchased investments from Stanford International Bank, Ltd. which have been determined to be without value by the Stanford receiver. Thus, Plaintiffs and all Class Members have suffered similar damages as a result of the negligence and intentional misconduct of the United States of America's employee, Spencer Barasch, as well as the negligent supervision of its employees of the U.S. Government.

37.

Plaintiffs have no interest adverse to those of Members of the Class. Plaintiffs will fairly and adequately protect the interests of the Class and have retained counsel experienced and competent in the prosecution of class actions, fraud, government employee misconduct, and other complex litigation.

38.

A class action is superior to other available methods for the fair and efficient adjudication of this litigation, since individual joinder of the class is impracticable.

Even if individual class members were able to afford individual litigation, it would be unduly burdensome to the Courts in which the individual litigation would proceed. The United States of America has subjected the entire class to the same intentional, negligent and/or deceptive conduct.

39.

Accordingly, class certification is appropriate under Rule 23 because common issues of law and fact regarding the United States of America's uniform intentional, negligent and/or deceptive conduct predominate over individual issues, and class certification is a superior method of resolving those claims.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment against the United States of America as follows:

a. Determining that the action is a proper class action, certifying an appropriate plaintiff Class and appointing Plaintiffs as Class representatives;

b. Finding the United States of America liable under each of the legal theories pleaded above;

c. Awarding Plaintiffs and Class Members damages, including for loss of the interest that investments in legitimate cd accounts would have earned since the date the receivership was filed, until paid.

d. Awarding Plaintiffs and Class Members their costs and disbursements incurred in connection with this action, including reasonable attorneys' fees, expert witness fees, expenses of suit, and other costs as they may be allowed by law;

e. Awarding Plaintiffs' attorneys' fees pro rata for Class Members under the common fund doctrine or any other applicable law;

f. Granting such other and further relief as the Court deems just and proper.

/s/ Edward J Gonzales III

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