

IN THE

Supreme Court of the United States

WELLS OF COLORADO, INC., WELLS GROUP
HOLDINGS LIMITED, WELLS LIMITED,
BOWEN, MICHELE & BERT, INC. AND
SEL INVESTMENTS COMPANY,

Petitioners,

v.

SAMUEL PROCTOR, *et al.*,

Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Fifth Circuit.

BRIEF IN OPPOSITION

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APR 16, 2012

QUESTION PRESENTED

Whether the United States Supreme Court has jurisdiction to consider the petition for writ of certiorari of SEI Investments Company ("SEI") based upon the prior ruling of this Court in *Kircher v. Putnam Funds Trust*, 547 U.S. 633 (U.S. 2006), after the claims of the *Roland* and *Farr* Plaintiffs against SEI were remanded to the Nineteenth Judicial District Court, Parish of East Baton, State of Louisiana by the United States Fifth Circuit Court of Appeals on April 27, 2012?

PARTIES TO THE PROCEEDING

The *Roland* and *Farr* Respondents are: James Roland; Susan Roland; Michael J. Giambrone; Thomas E. Bowden, individually and on behalf of The Thomas E. Bowden SEP IRA; T.E. Bowden, Sr. RET. TRUST; G. Kendall Forbes, individually and on behalf of G. Kendall Forbes IRA; Deborah S. Forbes, individually and on behalf of The Deborah S. Forbes IRA; William Bruce Johnson on behalf of The Benton Bruce Johnson Trust #1; William Bruce Johnson on behalf of The Mark Calvin Johnson Trust #1; William Bruce Johnson on behalf of The Martha J. C. Johnson GEN SKPG TR-SAS; William Bruce Johnson on behalf of The Aimee Lynn Johnson Trust #1-SAS; William Bruce Johnson on behalf of The Benton B. Johnson TEST TR II-SAS; Terence Beven, individually and on behalf of Terence Beven IRA; Thomas J. Moran; Ralph D. D'Amore, individually and on behalf of Ralph D. D'Amore on behalf of FBO Ralph Daniel D'Amore MD A Professional Corp., Ralph D. D'Amore IRA; Daniel P. Landry, individually and on behalf of Daniel P. Landry IRA; Ronald R. Marston, individually and on behalf of Ronald R. Marston IRA; Rodney P. Starkey, individually and on behalf of Rodney P. Starkey IRA; Stephen Wilson, individually and on behalf of Bone And Joint Clinic FBO Stephen Wilson; Jeanne Anne Mayhall, individually and on behalf of Microchip ID Services Inc. Retirement Plan; John Wade, individually and on behalf of Microchip ID Services Inc. Retirement Plan; Lynn J. Philippe, individually and on behalf of Lynn J. Philippe IRA; Leah Farr; Troy Lillie; Kenneth Dougherty; Charles White; Martha Jean Witmer; Sharon Witmer; Olivia Sue Warnock; Clyde J. Chisholm; Ronald McMorris; Arthur Ordoyne; William Dawson; Terry Tullis; James Stegall; Anthony Ventrella; Robert

Smith; Thomas Slaughter; Larry Perkins; William Phillips; Charles Hart; Richard Feucht; Lonnie Ordoyne; Arthur Waxley; Darrell Courville; Merrill Laplante; James Brown; Ira Causey; Jerry Burris; Jacqueline Millet; Louis Mier; Mamie Baumann; Charles Sanchez; Joseph Chustz, Jr.; Robert Bush; Bobby Nix; Claude Marquette; Gwen Fabre; Robert Schwendimann; Wanda Bevis; Terry Tarver; Marcel Dumestre; Ronald Valentine; Bennie O'Rear; Julie Savoy; Laura Lee; Dennis Kirby; Billie Ruth McMorris; Larry Smith; Kenneth Wilkewitz; Murphy Buell; Kerry Kling; Lynn Gildersleeve Michelli; Willa Mae Gildersleeve; Anita Ellen Carter; Fred Demarest; Nancy Gill; Linda Boyd; Virginia Buscheme; Robert Gildersleeve; Walter Stone; Virginia McMorris; Carol Stegall; Monty Perkins; Joan Feucht; Kathleen Mier; Mamie Sanchez; Margaret S. Nix; Margaret Dumestre; Claudia O'Rear; Gordon C. Gill; John Buscheme; Charles Massey; and Gary Magee (collectively referred to herein as the "*Roland* Plaintiffs").

The Petitioners are Willis of Colorado, Inc., Willis Group Holdings Limited, Willis Limited, Bowen, Miclette & Britt, Inc., and SEI Investments Company. Only SEI is a party to the *Roland* and *Farr* cases.

Additional defendants in the *Roland* and *Farr* suits include Jason Green, Grady Layfield, Hank Mills, Charles Jantzi, Tiffany Angelle, James Fontenot, Thomas Newland, Gary Haindel, Timothy Parsons, John Schwab, Jay Comeaux, Alvaro Trullenque, Zach Parrish, Bernard Young, Lena Stinson, Rhonda Lear, Jack Bruno, J.D. Perry, Joe Klinglen, Russ Newton, Danny Bogar, Jim Weller, The Stanford Trust Company, Certain Underwriters at Lloyd's of London in Syndicates 2987, 1866, 1084, 1274, 4000 & 1183,

Dirk Harris, Arlen Tiger Blackwell, Ron Clayton, James Keith Cox, Timothy E. Parsons, Charles Rawl, and Michael Word.

Plaintiffs in the *Troice* suit include Samuel Troice, Punga Punga Financial, Limited, Promotora Villa Marino, CA, Daniel Gomez Ferreiro, Manuel Canabal, Martha Diaz, and Paul Gilly-Flores. Additional defendants in the *Troice* suit include Bowen, Miclette & Britt, Inc., Amy S. Baranoucky, and Robert S. Winter.

The Court Appointed Receiver in the Stanford Receivership is Ralph S. Janvey. The Court Appointed Examiner in the Stanford Receivership is John J. Little.

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IN THE
Supreme Court of the United States

No. 12-86

WILLIS OF COLORADO, INC.; WILLIS GROUP
HOLDINGS LIMITED; WILLIS LIMITED;
BOWEN, MICLETTE & BRITT, INC.; AND
SEI INVESTMENTS COMPANY,
Petitioners,

v.

SAMUEL TROICE, *et al.*,
Respondents.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Fifth Circuit**

BRIEF IN OPPOSITION

OPINION BELOW

The Fifth Circuit's March 19, 2012 ruling, which remanded the *Roland* and *Farr* cases to Louisiana state district court, is reported at *Roland v. Green*, 675 F.3d 503 (5th Cir. 2012). An excerpt from this opinion is attached in Appendix A herein and in full at Petitioners' Appendix 1-43.

STATEMENT OF JURISDICTION

This Court has no subject matter jurisdiction over the *Roland* and *Farr* Respondents based upon the case of *Kircher v. Putnam Funds Trust*, 547 U.S. 633 (U.S. 2006), as the *Roland* and *Farr* cases were remanded to the Nineteenth Judicial District Court, Parish of East Baton Rouge, State of Louisiana upon issuance of the mandate by the U.S. Fifth Circuit Court of Appeals on April 27, 2012. These cases are in fact presently pending in the Louisiana state court.

STATUTORY PROVISION INVOLVED

28 U.S.C. § 1447(d) provides:

§ 1447. Procedure after removal generally

* * *

(d) An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise.

INTRODUCTION

Respondents, the *Roland* Plaintiffs, respectfully submit this Brief in Opposition to the Petition for Writ of Certiorari filed with this Honorable Court by SEI on July 18, 2012. In its writ, SEI fails to inform this Court that the *Roland* and *Farr* cases that were part of the consolidated action in front of the United States Fifth Circuit Court of Appeals have been remanded to the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of

Louisiana. As such, this Honorable Court does not have subject matter jurisdiction over the *Roland* and *Farr* suits. See *Kircher v. Putnam Funds Trust*, 547 U.S. 633, 641-642 (U.S. 2006).

STATEMENT OF THE CASE

Two groups of Louisiana investors, represented by the same counsel, filed separate lawsuits in the Nineteenth Judicial District Court, East Baton Rouge Parish on August 19, 2009—*Roland v. Green* and *Farr v. Green*.¹ In those actions, each set of plaintiffs sued the SEI Investments Company ("SEI"), the Stanford Trust Company (the "Trust"), the Trust's employees, and the Trust's investment advisors (collectively, the "SEI Defendants") for their alleged role in the Stanford Ponzi scheme. The plaintiffs alleged violations of Louisiana law including breach of contract, negligent representation, breach of fiduciary duty, unfair trade practices, and violations of the Louisiana Securities Act.

The plaintiffs in the *Roland* and *Farr* actions (the "*Roland* Plaintiffs") allege that Stanford International Bank ("SIB") sold certificates of deposit ("CDs") to the Trust (located in Baton Rouge, Louisiana), which in turn served as the custodian for all individ-

¹ The procedural background of the case is set forth in the opinion of the Fifth Circuit Court of Appeals, which is reproduced at Petitioners' App. 7-9; see also *Roland v. Green*, 675 F.3d 503, 508-509 (5th Cir. 2012); see also *James Roland, et al. v. Jason Green, et al.*, Docket No. 3:09CV686, U.S. District Court, Middle District of Louisiana and Docket No. 3:10CV224, U.S. District Court, Northern District of Texas, Dallas Division; see also *Leah Farr, et al. v. Jason Green, et al.*, Docket No. 3:09CV678 U.S. District Court, Middle District of Louisiana and Docket No. 3:10CV225, U.S. District Court, Northern District of Texas, Dallas Division.

ual retirement account ("IRA") purchases of CDs. According to the plaintiffs, the Trust contracted with SEI to have SEI be the administrator of the Trust, thereby making SEI responsible for reporting the value of the CDs. Plaintiffs finally allege misrepresentations by SEI induced them into using their IRA funds to invest in the CDs.

The SEI Defendants sought removal to the United States District Court for the Middle District of Louisiana on the basis that the Securities Litigation Uniform Standards Act of 1998, 15 U.S.C. § 78bb ("SLUSA"), precluded the state court from entertaining the suits. In September 2009, the *Roland* and *Farr* Plaintiffs filed a motion to remand. The Multi-District Litigation ("MDL") Panel subsequently transferred the cases to the Northern District of Texas (Judge Godbey) where the separate *Roland* and *Farr* suits were consolidated.

In conjunction with their opposition to the motion to remand, the SEI Defendants filed a motion to dismiss pursuant to the provisions of SLUSA, claiming that SLUSA gave the federal courts jurisdiction over the claims of the *Roland* and *Farr* Plaintiffs. The Northern District of Texas agreed, denying the motion to remand and granting the motion to dismiss. In its ruling, Judge Godbey also dismissed claims brought by a group of Latin American investors (the "*Troice* Plaintiffs") against, respectively, SIB's insurance brokers (the "*Willis* Defendants") and SIB's lawyers (the "*Proskauer* Defendants").

The *Roland* action was then consolidated on appeal with the *Troice* action and the *Willis* action. The United States Fifth Circuit Court of Appeals reversed the decision of the district court, finding that SLUSA

was not applicable to the claims brought by the *Roland* and *Farr* Plaintiffs against SEI. App. A.

In SEI's statement of the case in its petition for writ of certiorari, SEI omits the most important procedural fact now before this Honorable Court. As a result of finding that SLUSA was not applicable to the claims of the *Roland* and *Farr* Plaintiffs, the case has already been remanded to the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana. *Roland v. Green*, 675 F.3d 503, 524 (5th Cir. 2012).

After denying SEI's motion for rehearing en banc, the Fifth Circuit issued a mandate on April 27, 2012 to the United States District Court for the Northern District of Texas, ordering the district court to proceed according to the terms of the Fifth Circuit's opinion. App. B and C. As a result, the United States District Court for the Northern District of Texas issued an order remanding the *Roland* and *Farr* actions to the Nineteenth Judicial District Court for the Parish of East Baton Rouge, State of Louisiana on May 15, 2012 and May 25, 2012, respectively. App. D and E. Thus, the *Roland* and *Farr* actions are now back where they started - in Louisiana state court. As a result of this, and pursuant to the well-established law of this Honorable Court, SEI has no right seek review of a matter that has been remanded to state court, as the federal courts lack subject matter jurisdiction over the cases. See *Kircher v. Putnam Funds Trust*, 547 U.S. 633, 641-642 (U.S. 2006).²

² A factual recitation of the *Roland* and *Farr* cases is set forth in the opinion of the Fifth Circuit Court of Appeals, which is reproduced at Petitioners' App. 7-9; see also *Roland v. Green*, 675 F.3d 503, 508-509 (5th Cir. 2012).

REASONS FOR DENYING THE WRIT

I. THE COURT HAS NO SUBJECT MATTER JURISDICTION OVER THE *ROLAND* AND *FARR* ACTIONS

Once a mandate has issued remanding a removed action back to state court, there is no right to appeal this decision or seek review of this decision with a higher court. In the seminal case of *Kircher v. Putnam Funds Trust*, 547 U.S. 633 (U.S. 2006), which is almost exactly on point with the facts now before the Court, this Honorable Court held that once a lower court orders a remand of an action removed from state court pursuant to SLUSA, there is no right of appeal or review by a higher court from that remand order pursuant to 28 U.S.C. §1447(d).

A. The Statutory Limitation Of 28 U.S.C. §1447(d)

The clear statutory language of 28 U.S.C. §1447(d) provides that an "order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise." Here, there is an order remanding the *Roland* and *Farr* actions to the Louisiana state court. App. A, page 3a; App. D and E. Thus, under a plain reading of the statute, there is no right of review of the order of the United States Fifth Circuit Court of Appeals remanding these cases to Louisiana state court. This order was implemented via the mandate of the Fifth Circuit (App. C) and the remand orders of the Northern District of Texas. App. D and E. Thus, the *Roland* and *Farr* actions are now ongoing in Louisiana state court. This application of the statute is affirmed by this Court's decision in *Kircher*.

B. Under The Authority Of *Kircher* And Subsequent Jurisprudence, There Is No Right Of Review Of The Remand Order

In *Kircher*, the plaintiff brought various Illinois state law negligence and breach of fiduciary duty claims against funds, investment advisors, and insurance companies for devaluation of mutual fund holdings against various mutual fund companies, investment advisors and insurers. After removal to federal district court based on allegations that the state law claims were subject to SLUSA, the federal district court ordered that the suits all be remanded, finding that SLUSA did not apply, resulting in a lack of subject matter jurisdiction for the federal court. The United States Seventh Circuit Court of Appeals disagreed, and this Honorable Court granted writs on the question whether 28 U.S.C. §1447(d) bars review of remand orders in cases removed under the SLUSA.

After an extensive review of the jurisprudence interpreting 28 U.S.C. §1447(d) and the jurisdictional and preclusion sections of SLUSA, this Court, relying on the authority of *Thermtron Products, Inc. v. Hermansdorfer*, 423 U.S. 336, 351-352 (1976) found that, however the argument is characterized, once a lower court finds SLUSA not applicable to the claims brought by the plaintiff and remands the matter to state court, there is no review of this decision, appellate or otherwise, available, as the reviewing courts lack subject matter jurisdiction over the claims. *Kircher*, 547 U.S. at 648. In *Kircher*, this Court stated, "We hold that [SLUSA] does not exempt remand orders from 28 U.S.C. §1447(d) and its general rule of nonappealability. We therefore vacate the judgment of the Court of Appeals and remand the

case with instructions to dismiss the appeal for lack of jurisdiction." *Id.*

Such a result is dictated in these cases now before the Court. There is no right of review of the decision of the United States Fifth Circuit Court of Appeals remanding these cases to Louisiana state court. This order was implemented via the mandate of the Fifth Circuit (App. C) and the remand orders of the Northern District of Texas. App. D and E. This action is now ongoing in Louisiana state court and 28 U.S.C. § 1447(d) prevents any review of this action.

This result has been continuously followed by the lower courts. As noted by the Fifth Circuit in the recent case of *BEPCO, L.P. v. Santa Fe Minerals, Inc.*, 675 F.3d 466, 470 (5th Cir. 2012), "Any order issued on the grounds authorized by Section 1447(c) is immunized from all forms of appellate review, whether or not that order might be deemed erroneous by an appellate court. *Kircher v. Putnam Funds Trust*, 547 U.S. 633, 640, 126 S.Ct. 2145, 165 L.Ed.2d 92 (2006)." See also *Calabro v. Anika Halal Live Poultry Corp.*, 650 F.3d 163, 165 (2nd Cir. 2011); *Saginaw Housing Com'n v. Bannum, Inc.*, 576 F.3d 620, 624 (6th Cir. 2009); *Moody v. Great Western Ry. Co.*, 536 F.3d 1158, 1164 (10th Cir. 2008) ("While this determination may have been legally erroneous, '[w]here the order is based on one of the [grounds enumerated in 28 U.S.C. § 1447(c)], review is unavailable no matter how plain the legal error in ordering the remand,' *Kircher*, 547 U.S. at 642, 126 S.Ct. 2145").

Thus, the result is clear. This Honorable Court lacks subject matter jurisdiction over the *Roland* and *Farr* actions. The matter has been remanded and

there is no review of this remand pursuant to 28 U.S.C. §1447(d).

C. There Is No Dispute That Remand Has Occurred

As noted above, the decision of the United States Fifth Circuit Court of Appeals remanded these cases to Louisiana state court. This order was implemented via the mandate of the Fifth Circuit (App. C) and the remand orders of the Northern District of Texas. App. D and E. Thus, it cannot be disputed that remand has factually occurred and this action is now ongoing in Louisiana state court. As held in *U.S. v. Rivera*, 844 F.2d 916 (2nd Cir. 1988), jurisdiction follows mandate and the effect of the mandate is to bring the proceedings in the case on appeal to a close and to remove it from jurisdiction of that court, returning it to the forum from which it came. Presently, there is a mandate by the Fifth Circuit returning the action to the Northern District of Texas and an order from the Northern District remanding the cases to Louisiana state court. This Honorable Court has no subject matter jurisdiction as dictated by 28 U.S.C. §1447(d).

REQUEST FOR DAMAGES AND COSTS PURSUANT TO SUPREME COURT RULE 42.2

The *Roland* Plaintiffs seek attorneys fees and costs of filing this brief in opposition, including printing costs, against SEI based upon its meritless petition for writ of certiorari that was filed in total disregard of the existing precedent under *Kircher*. Most of the *Roland* Plaintiffs are retirees, who have little or no financial ability to continue to fund the cost of this litigation. It is sanctionable conduct for SEI to file

the petition for writ of certiorari under another case heading without addressing the adverse case law that exists based upon *Kircher* given the expertise of its counsel.

CONCLUSION

This Court should deny the petition for a writ of certiorari.

Respectfully submitted,

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James Roland, et al.

and Leah Farr, et al.

August 16, 2012

APPENDIX

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APPENDIX A

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

[Filed March 19, 2012]

No. 11-10932

JAMES ROLAND; MICHAEL J. GIAMBRONE;
THOMAS E. BOWDEN, Individually and on Behalf of
Thomas E. Bowden S.E.P. I.R.A.; T. E. BOWDEN, SR.,
Ret. Trust; G. KENDALL FORBES, Individually and
on Behalf of G. Kendall Forbes I.R.A.; ET AL,
Plaintiffs-Appellants

v.

JASON GREEN; CHARLES JANTZI; TIFFANY
ANGELLE; JAMES FONTENOT; THOMAS NEWLAND;
GRADY LAYFIELD; HANK MILLS; JOHN SCHWAB;
RUSS NEWTON; JIM WELLER; SEI INVESTMENTS
COMPANY; CERTAIN UNDERWRITERS AT
LLOYDS LONDON, in Syndicates 2987, 1866,
1084, 1274, 4000 & 1183; ET AL,
Defendants-Appellees

LEAH FARR; ET AL,
Plaintiffs-Appellants

v.

JASON GREEN; DIRK HARRIS; TIMOTHY E. PARSONS;
CHARLES JANTZI; TIFFANY ANGELLE; GRADY LAYFIELD;
HANK MILLS; JOHN SCHWAB; RUSS NEWTON; JIM
WELLER; SEI INVESTMENTS COMPANY; CERTAIN

2a

UNDERWRITERS AT LLOYDS LONDON, in Syndicates
2987, 1866, 1084, 1274, 4000 & 1183; ET AL,
Defendants-Appellees

Consolidated with 11-11031

SAMUEL TROICE; HORACIO MENDEZ; ANNALISA
MENDEZ; PUNGA PUNGA FINANCIAL,
LIMITED, individually and on behalf of a
class of all others similarly situated,
Plaintiffs-Appellants

v.

PROSKAUER ROSE, L.L.P.; THOMAS V. SJOBLUM;
P. MAURICIO ALVARADO;
CHADBOURNE AND PARKE, L.L.P.,
Defendants-Appellees

Consolidated with 11-11048

SAMUEL TROICE; MARTHA DIAZ; PAULA GILLY-FLORES;
PUNGA PUNGA FINANCIAL, LIMITED, Individually
and on behalf of a class of all others similarly
situated; PROMOTORA VILLA MARINO, CA;
DANIEL GOMEZ FERREIRO; MANUEL CANABAL,
Plaintiffs-Appellants

v.

WILLIS OF COLORADO INCORPORATED;
WILLIS GROUP HOLDINGS LIMITED; AMY S.
BARANOUCKY; ROBERT S. WINTER; BOWEN,
MICLETTE & BRITT, INCORPORATED; WILLIS LIMITED,
Defendants-Appellees

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Appeals from the United States District Court
for the Northern District of Texas

Before REAVLEY, DAVIS, and PRADO, Circuit
Judges.

EDWARD C. PRADO, Circuit Judge:

* * *

VI

For the foregoing reasons, the judgments are
REVERSED. The *Troice* cases are remanded to the
district court, and the *Roland* case is remanded to the
state court.

REVERSED.

4a

APPENDIX B

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

[Filed 04/19/2012]

No. 11-10932

JAMES ROLAND; MICHAEL J. GIAMBRONE;
THOMAS E. BOWDEN, Individually and on Behalf of
Thomas E. Bowden S.E.P. I.R.A.; T. E. BOWDEN, SR.,
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v.

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ANGELLE; JAMES FONTENOT; THOMAS NEWLAND;
GRADY LAYFIELD; HANK MILLS; JOHN SCHWAB;
RUSS NEWTON; JIM WELLER; SEI INVESTMENTS
COMPANY; CERTAIN UNDERWRITERS AT
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Defendants-Appellees

LEAH FARR; ET AL,
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v.

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CHARLES JANTZI; TIFFANY ANGELLE; GRADY LAYFIELD;
HANK MILLS; JOHN SCHWAB; RUSS NEWTON; JIM
WELLER; SEI INVESTMENTS COMPANY; CERTAIN

5a

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2987, 1866, 1084, 1274, 4000 & 1183; ET AL,
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Consolidated with 11-11031

SAMUEL TROICE; HORACIO MENDEZ; ANNALISA
MENDEZ; PUNGA PUNGA FINANCIAL,
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PUNGA PUNGA FINANCIAL, LIMITED, Individually
and on behalf of a class of all others similarly
situated; PROMOTORA VILLA MARINO, CA;
DANIEL GOMEZ FERREIRO; MANUEL CANABAL,
Plaintiffs-Appellants

v.

WILLIS OF COLORADO INCORPORATED; WILLIS GROUP
HOLDINGS LIMITED; AMY S. BARANOUCKY;
ROBERT S. WINTER; BOWEN, MICLETTE & BRITT,
INCORPORATED; WILLIS LIMITED,
Defendants-Appellees

Appeals from the United States District Court
for the Northern District of Texas

ON PETITION FOR REHEARING EN BANC

Before REAVLEY, DAVIS, and PRADO, Circuit
Judges.

PER CURIAM:

Treating the Petitions for Rehearing En Banc as
Petitions for Panel Rehearing, the Petitions for Panel
Rehearing are DENIED.

No member of the panel nor judge in regular active
service of the court having requested that the court
be polled on Rehearing En Banc (Fed. R. App. P. and
5th Cir. R. 35), the Petitions for Rehearing En Banc
DENIED.

ENTERED FOR THE COURT:

/s/ Edward C. Prado
United States Circuit Judge

P.S. Chief Judge Jones and Judges Smith and
Haynes did not participate in the consideration of the
rehearing en banc.

APPENDIX C

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

[Filed March 19, 2012]

No. 11-10932

D.C. Docket No. 3:10-CV-224
D.C. Docket No. 3:10-CV-225

JAMES ROLAND; MICHAEL J. GIAMBRONE;
THOMAS E. BOWDEN, Individually and on Behalf of
Thomas E. Bowden S.E.P. I.R.A.; T. E. BOWDEN, SR.,
Ret. Trust; G. KENDALL FORBES, Individually and on
Behalf of G. Kendall Forbes I.R.A.; ET AL,
Plaintiffs-Appellants

v.

JASON GREEN; CHARLES JANTZI; TIFFANY ANGELLE;
JAMES FONTENOT; THOMAS NEWLAND;
GRADY LAYFIELD; HANK MILLS; JOHN SCHWAB;
RUSS NEWTON; JIM WELLER; SEI INVESTMENTS
COMPANY; CERTAIN UNDERWRITERS AT
LLOYDS LONDON, in Syndicates 2987, 1866,
1084, 1274, 4000 & 1183; ET AL,
Defendants-Appellees

LEAH FARR; ET AL,
Plaintiffs-Appellants

v.

JASON GREEN; DIRK HARRIS; TIMOTHY E. PARSONS;
 CHARLES JANTZI; TIFFANY ANGELLE; GRADY LAYFIELD;
 HANK MILLS; JOHN SCHWAB; RUSS NEWTON;
 JIM WELLER; SEI INVESTMENTS COMPANY; CERTAIN
 UNDERWRITERS AT LLOYDS LONDON, in Syndicates
 2987, 1866, 1084, 1274, 4000 & 1183; ET AL,
Defendants-Appellees

Appeal from the United States District Court for the
 Northern District of Texas, Dallas

Before REAVLEY, DAVIS, and PRADO, Circuit
 Judges.

JUDGMENT

This cause was considered on the record on appeal
 and was argued by counsel.

It is ordered and adjudged that the judgment of the
 District Court is reversed, and the cause is remanded
 to the District Court for further proceedings in
 accordance with the opinion of this Court.

IT IS FURTHER ORDERED that defendants-
 appellees pay to plaintiffs-appellants the costs on
 appeal to be taxed by the Clerk of this Court.

ISSUED AS MANDATE:

A True Copy
 Attest

Clerk, U.S. Court of Appeals, Fifth Circuit

By: _____

Deputy

New Orleans, Louisiana

APPENDIX D

[Posted May 15, 2012]

Clerk of Court

East Baton Rouge

Re: #581479 19th District Court,
 Parish of East Baton Rouge

Per judgment and opinion from the 5th Circuit
 United States Court of Appeals, This case is being
 remanded back to your court. Please contact our
 Court if you need additional information.

Best regards

Sonia VanCamp
 CV/CR Appeals Clerk
 U.S. District Court
 Northern District of Texas
 sonia_vancamp@txnd.uscourts.gov
 (214) 753-2174

RECEIVED

MAY 15, 2012

DEPUTY CLERK OF COURT

APPENDIX E

UNITED STATES DISTRICT COURT
Northern District of Texas

[Posted May 29, 2012]

Karen Mitchell
Clerk of Court

Dallas Division

[Received May 25, 2012]

East Baton Rouge Parish Clerk of Court
P.O. Box 1991
Baton Rouge, LA 70821-1991

RE: 581,480

Style: Leah Farr, et al v. Jason Green et al

Dear Clerk:

Enclosed is a certified copy of an Order and/or Judgment remanding the above captioned case back to the 19th DC, Parish of East Baton Rouge, 581,480 "26" along with a copy of the docket sheet.

If you have any questions regarding this matter, I may be reached at 214-753-2174.

Sincerely,
Karen Mitchell, Clerk

By: /s/ S. VanCamp
Deputy Clerk