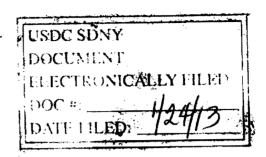
PO Box 20613 Manama Bahrain Tel No. +973 39644273

Clerk of the Court United States District Court, Southern District of New York United States Courthouse 500 Pearl Street New York, NY 10007-1312 U.S.A



10 January 2013

Dear Sirs.

Re. Pashar S. Anwar et al v. Fairfield Greenwich Limited et al Civil Action No. 09-cv-118

I refer to the Notice of a Proposed Settlement recently sent to Investors in the Fairfield funds. I wish to object to the terms of the proposed settlement in accordance with page 12, paragraph 19 of the notice. I object to the settlement for the following reasons:

- 1. The sum proposed to be settled with the FG Defendants, even if the full \$80 million is eventually received, represents a pathetically small sum compared to the hundreds of millions of dollars which Fairfield Greenwich Bermuda (and in particular the defendants, Messrs Noel, Tucker and Piedrahita) earned in management and performance fees over the life of the Fairfield fund. For example, from the audited accounts of Fairfield Sentry approved by the Board of Directors, including Mr Noel, Fairfield Greenwich received management and performance fees of \$183 million for year ended 31/12/2007, \$157 million for year ended 31/12/2006 and \$138 million for the year ended 31/12/2005 or \$478 million of fees for these three years alone and Fairfield had a twenty year relationship with Madoff. A settlement of \$80 million represents less than 17% of the fees earned by Fairfield Greenwich for these three years alone. In comparison investors are being offered a return as a result of this settlement of a less than 2% of the last audited fund value.
- 2. The Board of Directors and in particular the defendant Mr Noel signed off the 31 December 2007 accounts to the effect that \$6.9 Billion of Fairfield Sentry's total assets of \$7.2 Billion were invested in US Treasury Bills when this was clearly totally fictitious. Mr Noel needs to be held fully accountable for his actions, especially as the auditors, PWC, will undoubtedly say that they relied on his assurances that the assets existed.
- 3. On its website Fairfield advertised how strong its "understanding of whether a hedge fund possesses key controls in the areas of portfolio management, conflicts of interest, segregation of duties and compliance. FGG carefully assesses the controls and procedures that managers have in place and seeks to determine actual compliance with those procedures, often suggesting modifications, separations of responsibilities and remedial staff actions". Investors of course relied on assurances of this kind when investing with Fairfield and in turn Fairfield, and in particular Messrs Noel, Piedrehita and Tucker, need to be held fully accountable for their actions and statements.

4. The funds proposed to be paid to the lawyers at 25% of the settlement represent far too high a return compared to the 3 % being offered to investors.

In conclusion I object wholeheartedly to this proposed settlement. Fairfield Greenwich and in particular Messrs Noel, Tucker and Piedrehita and their families made themselves enormously wealthy by taking the decision to invest the plaintiffs savings almost exclusively with Madoff for nearly twenty years. They need to be held fully accountable for those actions. Similarly the lawyers who have taken on this class action on behalf of the investors need to show the stomach to take this fight on against both classes of defendants , i.e. included and excluded defendants; to trial if necessary as many investors have lost everything and it is inconceivable that the FG Defendants did not or should not have known of Madoff's fraud for years.

I also feel that this settlement offer is seriously deficient in terms of the information provided to investors, for example a) how much did Fairfield receive in terms of management and performance fees over the life of the funds and the funds' investment in Madoff compared with b) what was the total net investment lost by investors? I expect that the fees received by Fairfield represent a very substantial proportion, if not the majority, of the amount lost by investors. Similarly how much did Messrs Noel, Tucker and Piedrehita earn from Fairfield over the years? Again I expect it was several multiples of the amounts now being offered as settlement. I feel these numbers need to be provided to investors before any meaningful settlement discussions can be held with these parties.

Yours faithfully,

Alexander B. Richardson

Investor in Fairfield Sentry (proof of holding of 34.97 shares enclosed) with nil redemptions

# CITCO

Citco Fund Services (Burope) B.V.

**ALEXANDER BERNARD RICHARDSON** 

P.O. BOX 79072

DUBAI U.A.E. Date

: Nov-14-2008

randación carc. Fand Id

to: Oct-31-2008

Holder Id

: 00430202

Account Id

: 00387821

Currency

: US DOLLAR

Email

: ABRICH@HOTMAIL.COM

**FAX Number** 

: 00971 4 2833895

ALEXANDER BERNARD RICHARDSON

Account: ALEXANDER BERNARD RICHARDSON

#### **FAIRFIELD SENTRY LIMITED**

FUND NET ASSET VALUES	•	Net Asset Value
Opening Price Sep-30-2008		1,350.6040
Clasing Price Oct-31-2008	•	1.349.7782

ACCOUNT VALUE	NAV Date	voting shares	Net Asset Value	Change in Account
Opening Market Value of Account	Sep-30-2008	34.9700	1,350.6040	47,230.62
Add: Additions		0.0000		0.00
Less: Subtractions	No transactions in period	0.0000		0.00
Closing Market Value of Account	Oct-31-2008	34.9700	1,349.7782	47,201.74
Increase or decrease in market value due to change in the price in the period				-28.88

Note: All trade orders must be submitted in writing. In the event of non-receipt of confirmation within 5 days, please contact Citco immediately.

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by Alexander B. Richardson

SO ORDERED.

- 14-1 DATE

VICTOR MARRERO, U.S.D.J.

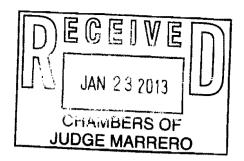
For more information or any inquiries, please contact Citco Investor Relations Group Tel: (31-20) 572 2850 Fax: (31-20) 572 2610 E-mail: amsterdamweb@citco.com

Citco Building Telestone - Teleport Naritaweg 165 1043 BW Amsterdam The Natherlands

www.citco.com

Phone: (31-20) 5722100 Fax: (31-20) 5722610 Chamber of Commerce 33205112

### UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK OFFICE OF THE CLERK 500 PEARL STREET NEW YORK, NEW YORK 10007



### RICHARD WILSON CHIEF DEPUTY CLERK

## **MEMORANDUM**

TO:

Hon. Victor Marrero

FROM:

Richard Wilson

Chief Deputy Clerk

DATE:

January 23, 2013

RE:

Pashar S. Anwar et al v. Fairfield Greenwich Limited et al

09-cv-118

For your review, I am forwarding you a correspondence received from Mr. Alexander B. Richardson, regarding the above referenced matter.

If you have any questions, please contact me at extension 0149.