

Defendants Fairfield Greenwich Limited and Fairfield Greenwich (Bermuda) Limited (the “Settling Defendants”) hereby state that, while they do not agree with all of the characterizations contained in Plaintiffs’ Memorandum of Law in Support of the Motion for Final Approval of the Proposed Partial Settlement and Plan of Allocation, the Settling Defendants support the request for (i) final certification of the Settlement Class for settlement purposes only; and (ii) final approval of the proposed Settlement.

In connection with the Court’s consideration of the Plaintiffs’ Motion for Final Approval of the Proposed Partial Settlement, the Court should also be aware that the Settling Defendants have fulfilled their notice obligations pursuant to 28 U.S.C. § 1715. *See* Decl. of Jeffrey L. Roether, dated Jan. 31, 2013 (the “Roether Decl.”) ¶ 2 and accompanying exhibits. In addition, the Settling Defendants are currently in compliance with their settlement funding obligations set forth in the Stipulation of Settlement (the “Stipulation”) as modified by the Court’s January 24, 2013 so-ordered modification of the Stipulation. *See* Stipulation of Settlement, Nov. 6, 2012, ECF No. 996; Letter from Pls.’ Counsel and Settling Defs.’ Counsel to Judge Victor Marrero (Jan. 23, 2013; so-ordered Jan. 24, 2013), ECF No. 1022; Roether Decl. ¶ 3.

The Settling Defendants respectfully request that the Court finally certify the Settlement Class for settlement purposes only and approve the proposed Settlement.

Dated: January 31, 2013
New York, New York

SIMPSON THACHER & BARTLETT LLP

By: /s/ Mark G. Cunha

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