

# **EXHIBIT I**

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X  
PASHA ANWAR, *et al.*,  
Plaintiffs,  
v.  
FAIRFIELD GREENWICH LIMITED, *et al.*,  
Defendants.  
-----X

MASTER FILE NO. 09-CV-0118 (VM)

DECLARATION OF DAWSON BYPASS TRUST IN SUPPORT OF MOTION FOR  
FINAL APPROVAL OF PARTIAL CLASS ACTION SETTLEMENT WITH THE  
FG DEFENDANTS, PLAN OF ALLOCATION, AND AWARD OF ATTORNEYS’  
FEEES AND REIMBURSEMENT OF EXPENSES

I, Michael Wind, declare, under penalty of perjury, as follows:

1. The Dawson Bypass Trust is a proposed class representative in this action. I make this Declaration in support of our motion for final approval of the proposed partial settlement with the FG Defendants,<sup>1</sup> in amount up to \$80.25 million, and in support of Lead Counsel’s application for attorneys’ fees and reimbursement of expenses. I also make this Declaration in support of my own request for reimbursement of lost wages (in the form of lost business opportunities) in the amount of \$25,000.
2. I currently live and work in New York, NY. I went to Lehigh University and graduated in 1957 with a bachelor’s degree in business administration, majoring in accounting. Thereafter, I obtained a master’s degree in taxation from New York University and my law degree from New York Law School.

<sup>1</sup> All undefined capitalized terms shall have the meanings assigned in the accompanying papers in support of the Settlement and Fee Application.

3. I passed the CPA exam and joined the accounting firm of Wind and Wind, Inc. and I am currently a partner at the firm.

4. I served as a trustee for Dawson Bypass Trust and was responsible for investment decisions. I made an investment of \$500,000 in the Greenwich Sentry Partners, L.P. on behalf of the Dawson Bypass Trust on or about March 6, 2008. No redemptions were made.

5. The Dawson Bypass Trust lost the entire \$500,000 in principal which it invested in the Greenwich Sentry Partners, L.P. fund. I consider that a very significant loss.

6. On December 11, 2008, it was reported that Bernard L. Madoff was arrested for perpetrating a Ponzi scheme. I became aware that the overwhelming majority of the Greenwich Sentry Partners, L.P. fund's assets were invested with Madoff resulting in a near total loss of my investment. When I learned that there were potential claims to recover my investment, I sought the advice of and ultimately retained counsel to prosecute this action on my behalf and on behalf of a class of similarly-situated investors in the Funds managed by the FG Defendants.

7. During the course of the litigation, I have reviewed or been advised of the complaints filed in this action, the briefing in opposition to the motions to dismiss the complaint, and the decisions denying, in substantial part, the motions to dismiss. I reviewed the motion for class certification, and produced documents and gave a deposition in support of that motion. I spent significant time reviewing these documents and discussing them with my counsel. I have also regularly communicated with my counsel to keep informed of the activity in the action. Through this process, I

was well-informed of the strengths and weaknesses of our claims against the FG Defendants, as well as the risks of prosecuting those claims through trial and appeal.

8. In 2012, I participated in discussions with respect to the potential partial settlement of this matter through conversations and email with my counsel. In particular, we discussed the potential difficulty of obtaining substantially greater amounts from the FG defendants from judgment or settlement. We also discussed the length of time that it would take to secure a judgment and defend that judgment on appeal and the fact that during this time the FG Defendants would continue to dissipate their assets on legal and personal expenses.

9. After careful consideration and deliberation, I authorized counsel to settle this action for \$80.25 million. The proposed Settlement is a very good recovery for the class under the circumstances. It provides immediate compensation to class members and avoids the risk of no recovery at all.

10. Counsel have explained to me that the Plan of Allocation seeks to allocate the settlement fund on a *pro rata* basis based on the net principal invested and lost by each class member. I believe that the Plan of Allocation is fair and reasonable and should be approved.

11. In determining the fairness of Lead Counsel's fee in this action, I considered the quality of counsel's representation of the class; the size of the recovery on behalf of the class; the difficult, complex and novel issues presented by the litigation, the enormous amount of time and effort devoted to the litigation by counsel with no guarantee of payment; the advancing of costs in excess of \$1.4 million on a contingent basis. Based on these factors, I support Lead Counsel's current fee request

of 25% of the \$50.25 million non-contingent Settlement Fund and for reimbursement of expenses.

12. This action involved both federal securities claims and state common law claims. I have been advised that the Private Securities Litigation Reform Act of 1995 provides for the reimbursement of costs and expenses (including lost wages) incurred or otherwise absorbed by a lead plaintiff in connection with services rendered in the litigation. I further understand that state law allows for the payment of incentive awards to encourage aggrieved persons, such as me, to act as class representative plaintiffs.

13. In fulfillment of my responsibilities as a named plaintiff and a class representative, I conservatively estimate that I devoted approximately 90 hours of time to this litigation including time spent:

- a. Discussing the facts surrounding the Dawson Bypass Trust's investments in the Greenwich Sentry Partners, L.P. fund with counsel, reviewing and discussing complaints, motions and decisions filed in the action. I estimate that I spent approximately 30 hours on these tasks;
- b. I participated in the preparation of the class certification motion, including discussions and correspondence with counsel regarding the declaration submitted on behalf of the Dawson Bypass Trust in support of that motion. I estimate that I spent approximately 10 hours on these tasks;
- c. I also spent a substantial amount of time responding to defendants'

discovery requests, including discussing and reviewing the discovery requests with counsel, search for responsive documents and making copies to provide to counsel, discussions with counsel regarding a search of my electronically-stored information responsive to the defendants' discovery requests; discussions and correspondence with counsel in connection with providing interrogatory responses on behalf of the Dawson Bypass Trust. I estimate that I spent approximately 30 hours on these tasks;

- d. Meeting with counsel in New York to review documents and prepare for a deposition in this action. I estimate that I spent approximately 15 hours on these tasks; and
- e. Consulting with counsel with respect to the settlement discussions and settlement and reviewing documents regarding the settlement. I estimate that I spent approximately 5 hours on these tasks.

14. Based on my records, I believe that 90 hours is a very conservative estimate of the time I spent on this matter to date. That time, could have been devoted to income producing activities at Wind and Wind, Inc. for which I am compensated at \$450 per hour. Assuming that I was compensated for that hourly rate for 90 hours, I would be entitled to \$40,500.

15. Given the foregoing, I consider that \$25,000 is a fair reimbursement for my activities on behalf of the Class and represents a significant discount to the amount of lost wages and lost business opportunities I have foregone during the many hours I spent on this litigation as a class representative and plaintiff.

16. Accordingly, I respectfully request that the \$80.25 million cash settlement be approved as fair reasonable and adequate to the Class, that counsel be awarded their requested fees and expenses, that the Plan of Allocation be approved, and that I be awarded \$25,000 as reimbursement for my lost wages incurred as a result of my representation of the Class and as an incentive award for my efforts in this Action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 30 day of January, 2013 at New York, NY.

Michael Wind

Michael Wind