

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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PASHA S. ANWAR, et al., :

Plaintiffs, :

-against- :

FAIRFIELD GREENWICH LTD, et al., :

Defendants. :

This Document Relates to the :  
Standard Chartered Cases :  
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**ORDER**

09 Civ. 118 (VM) (FM)

**FRANK MAAS**, United States Magistrate Judge.


I have reviewed Mr. Brodsky’s letter dated February 13, 2013, and see no need for a conference. On the plaintiffs’ view of the parties’ respective burdens, the defendants’ rebuttal reports should have been served on August 2, 2012, because they related to affirmative defenses. For reasons previously recited on the record, I do not necessarily agree. If, however, the reports had been served on the schedule the plaintiffs deem appropriate, the plaintiffs would have had to submit opposition reports in order to have their experts testify to any additional opinions not set forth in their experts’ original reports.

The January 10 Order permitted the plaintiffs to submit sur-rebuttal reports. My use of the word “permitted” was intentional. If there is nothing that the plaintiffs expect to proffer in opposition to the defendants’ expert reports that is not contained in their own experts’ initial reports, there is nothing further they need include in a sur-rebuttal report. On the other hand, if there is such additional material, they would be well advised to include it in a further report. Should they fail to do so, they may find that Judge Marrero or I preclude them from proffering testimony that they wish to adduce.

With this ruling in hand, I hope that counsel will be able to work out any scheduling disputes. If they are unable to do so, they should submit a joint letter requesting a scheduling conference.

SO ORDERED.

Dated: New York, New York  
February 13, 2013

  
FRANK MAAS  
United States Magistrate Judge

Copies to:

Hon. Victor Marrero  
United States District Judge

All counsel (via ECF)