

EXHIBIT 2

From: Richard E. Brodsky [rbrodsky@thebrodskylawfirm.com]
Sent: Wednesday, December 19, 2012 10:00 PM Eastern Standard Time
To: Smith, Bradley P.
Cc: McGimsey, Diane L.; Nelles, Sharon L.; Berarducci, Patrick B.
Subject: Re: Expert reports

Brad and folks,

You are probably technically correct, but the Scheduling Order says what it says because it presupposes that the parties would abide by its provisions. Our position is that, just as we predicted, you gamed the process by not filing your reports on defenses on which you have the burden of proof in a timely fashion. A prime example is the 14th defense (reliance on 3rd parties).

Our earlier request was not denied in DE 938, as you imply; it was deferred.

We shall be bringing this matter back to the Court. We would consider dropping that issue, however, if you would agree to a rebuttal report on those issues. What is your position? By the way, if you can show us some authority that you do not have the burden of proof on your fourteenth defense, then, by all means, let me know before we resort to motion practice. I am always willing to consider your case law or other authority, as I am in any case.

Best regards for a happy and healthy holiday season and 2013.

Richard E. Brodsky
Attorney at Law
The Brodsky Law Firm, PL
200 South Biscayne Boulevard
Suite 1930
Miami, Florida 33131
786-220-3328 (tele)
305-962-7497 (cell)
rbrodsky@thebrodskylawfirm.com
www.thebrodskylawfirm.com

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Recognized by Best Lawyers in America

On Dec 19, 2012, at 12:39 PM, "Smith, Bradley P." <SmithBr@sullcrom.com> wrote:

Dear Richard,

The Court's scheduling orders do not contemplate additional expert reports. The scheduling matter that I am aware of having been discussed was an agreed extension of the start of the 90-day period for conducting expert depositions, such that the period would begin on January 2, rather than last week, so we would all have a brief hiatus over the holidays. See the attached email exchanges between you, Pat and Diane on this subject. All sides appear to have understood in those messages – as the scheduling order provides – that the 90-day deposition period otherwise would have begun on December 12.

We recognize that you requested on August 24 that Magistrate Judge Maas permit plaintiffs to submit further expert reports once they had an opportunity to view Standard Chartered's reports, but the Court did not grant that request. (Dkt. # 938.) As there are no expert reports currently due, we do not understand your request for additional time. If I have overlooked some separate stream of communication, can you please let us know?

Thanks,

Brad

Bradley P. Smith | Sullivan & Cromwell LLP

Office: +1 (212) 558-1660 | Email: smithBR@sullcrom.com

From: Richard E. Brodsky [<mailto:rbrodsky@thebrodskylawfirm.com>]

Sent: Tuesday, December 18, 2012 3:41 PM

To: McGimsey, Diane L.; Nelles, Sharon L.; Berarducci, Patrick B.; Smith, Bradley P.

Subject: Expert reports

Please let me know if you will agree (as I believe we have discussed) to an extension for rebuttal reports by our experts. We would like an additional three weeks (to 1/23/13).

Thanks.

Best wishes for the holidays.

Richard E. Brodsky
Attorney at Law
The Brodsky Law Firm, PL
200 South Biscayne Blvd.
Suite 1930

Miami, Florida 33131

Tel.: 786-220-3328

Cell: 305-962-7497

Fax: 866-564-8231

rbrodsky@thebrodskylawfirm.com

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From: "Berarducci, Patrick B." <Berarducci@sullcrom.com>

Subject: RE: Anwar v. Fairfield Greenwich Ltd., No. 09-CV-118 (S.D.N.Y.) -- Standard Chartered Cases

Date: November 13, 2012 5:08:55 PM EST

To: "Richard E. Brodsky" <rbrodsky@thebrodskylawfirm.com>, "McGimsey, Diane L." <mcgimseyd@sullcrom.com>

Cc: "lecurran@lecurran.com" <lecurran@lecurran.com>, "jmestre@rmc-attorneys.com" <jmestre@rmc-attorneys.com>, "maquirre@amslawyers.com" <maquirre@amslawyers.com>

<mserverson@amslawyers.com>, "evonderosten@riveromestre.com" <evonderosten@riveromestre.com>

<evonderosten@riveromestre.com>, "hel@katzbarron.com" <hel@katzbarron.com>

"Nelles, Sharon L." <Nelles@sullcrom.com>, "Smith, Bradley P." <SmithBr@sullcrom.com>

<SmithBr@sullcrom.com>, "McGimsey, Diane L." <mcgimseyd@sullcrom.com>, "Finn, Andrew J." <Finna@sullcrom.com>

Richard – We agree with using January 2, 2013 as the trigger for the 90-days, but our preference is to wait until the rebuttal reports are in before writing to Judge Maas again.

Best,

Pat

From: Richard E. Brodsky [mailto:rbrodsky@thebrodskylawfirm.com]

Sent: Monday, November 12, 2012 12:55 PM

To: McGimsey, Diane L.

Cc: rbrodsky@thebrodskylawfirm.com; lecurran@lecurran.com; jmestre@rmc-attorneys.com;

maquirre@amslawyers.com; mserverson@amslawyers.com; evonderosten@riveromestre.com; hel@katzbarron.com;

Nelles, Sharon L.; Smith, Bradley P.; McGimsey, Diane L.; Finn, Andrew J.; Berarducci, Patrick B.

Subject: Re: Anwar v. Fairfield Greenwich Ltd., No. 09-CV-118 (S.D.N.Y.) -- Standard Chartered Cases

As you suggested in your email to me last Friday, since the 90 days for conducting depositions "gaps" the holidays, it would make sense to begin the 90-day period on January 2, 2013. Any problem with that?

Sent from my mobile device

Richard E. Brodsky

On Nov 12, 2012, at 12:16 PM, "McGimsey, Diane L." <mcgimseyd@sullcrom.com> wrote:

Please see the attached letter that was faxed to Judge Maas requesting an extension of the deadline for rebuttal expert reports.

This e-mail is sent by a law firm and contains information that may be privileged and confidential. If you are not the intended recipient, please delete the e-mail and notify us immediately.

<11-12-12 Letter to Honorable Frank Maas.PDF>

From: "Smith, Bradley P." <SmithBr@sullcrom.com>
Subject: **FW: Standard Chartered Cases -- rebuttal reports**
Date: December 19, 2012 10:34:06 AM EST
To: "Smith, Bradley P." <SmithBr@sullcrom.com>

From: Richard E. Brodsky [<mailto:rbrodsky@thebrodskylawfirm.com>]
Sent: Friday, November 09, 2012 3:03 PM
To: McGimsey, Diane L.
Cc: Nelles, Sharon L.
Subject: Re: Standard Chartered Cases -- rebuttal reports

We agree. I suggest you prepare a stipulation that recites the reasons for the extension and adjusts the dates as per your email.

On Nov 9, 2012, at 12:51 PM, McGimsey, Diane L. wrote:

Richard,

Will plaintiffs consent to a 3-week extension, to December 12, for Standard Chartered to file its expert rebuttal reports? The reason is that due to the effects of Hurricane Sandy, our offices, and the system hosting our online document database, have been generally inaccessible.

The period for expert depositions is 90 days after the submission of rebuttal reports. Moving the rebuttal reports back to December 12 effectively gives us a little over 2 months for the depositions if folks don't want to do them over the holidays. We think the depositions can be accomplished within that time period, but we would be fine with extending it a few weeks if plaintiffs would prefer the extra time.

Thanks.

Diane

Diane L. McGimsey
Sullivan & Cromwell LLP
1888 Century Park East, Suite 2100

Los Angeles, CA 90067
Tel: 310.712.6644
Fax: 310.407.2666

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Richard E. Brodsky
Attorney at Law
The Brodsky Law Firm, PL
200 South Biscayne Blvd.
Suite 1930

Miami, Florida 33131
Tel.: 786-220-3328
Cell: 305-962-7497
Fax: 866-564-8231

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