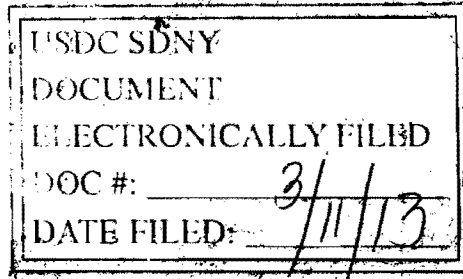


Anwar et al v. Fairfield Greenwich Limited et al  
MILBERG LLPNEW YORK  
LOS ANGELES  
DETROIT Dec. 1079Robert A. Wallner  
Direct Dial: 212-946-9335  
rwallner@milberg.com

March 11, 2013

VIA FACSIMILEThe Honorable Victor Marrero  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007Re: *Anwar v. Fairfield Greenwich Group*, Master File No. 09 CV 0118 (VM)

Dear Judge Marrero:

We represent the *Morning Mist* Derivative Plaintiffs, who have objected to the proposed settlement between the Class Plaintiffs and the FG Defendants. *See* ECF Nos. 1047, 1049. We write to request a pre-motion conference in advance of the March 22 fairness hearing.

As noted in our Objection, the Class Plaintiffs seek to justify the proposed settlement on the ground, *inter alia*, that the settlement has "depleted" the finances of the settling defendants. Objection, ECF No. 1047, at 10; *see* Lead Counsel's Joint Declaration, ECF No. 1035, ¶ 131 (referencing defendants' "depleted finances"); Class Notice at 6, ECF No. 1035-5 (same). Lead Counsel state that they reached this conclusion after reviewing the FG Defendants' "certified financial disclosures." ECF No. 1035, ¶ 131. More recently, however, in opposing the BLMIS Trustee's request to intervene, Lead Counsel have stated that the defendants "will have assets remaining after funding the Settlement." *See* ECF No. 1060, at 3.

Given Lead Counsel's recent statement, we have asked them for copies of the financial disclosures (to be maintained in accordance with the outstanding confidentiality order), but they have refused to respond to our request. Accordingly, we respectfully request that the Court schedule a pre-motion conference to address our request for the disclosures.

Respectfully,

 A handwritten signature in black ink that reads "R. Wallner".
 

Robert A. Wallner

The Honorable Victor Marrero  
March 11, 2013  
Page 2

- cc: David A. Barrett, Esq. (by email)
- Helen V. Cantwell, Esq. (via email)
- Jonathan D. Cogan, Esq. (by email)
- Mark G. Cunha, Esq. (by email)
- Timothy A. Duffy, Esq. (by email)
- Robert C. Finkel, Esq. (via email)
- Andrew G. Gordon, Esq. (via email)
- Mark Kasowitz, Esq. (via email)
- Andrew Levander, Esq. (via email)
- William Maguire, Esq. (via email)
- Sean F. O'Shea (via email)
- Glen Kurtz (via email)
- Edward M. Spiro (via email)
- Victor E. Stewart, Esq. (via email)
- Stephen A. Weiss, Esq. (via email)

*Class Plaintiffs are directed to respond by 3-13-13, by letter not to exceed three (3) pages, to the request of the opposing party Plaintiffs regarding the matter set forth above*

**SO ORDERED:**  
*3-11-13*  
 DATE *[Signature]* VICTOR MARRERO, U.S.D.J.

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MILBERG LLP

