

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-310-712-6600
FACSIMILE: 1-310-712-8800
WWW.SULLCROM.COM

MEMO ENDORSED

1888 Century Park East
Los Angeles, California 90067-1725

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December 3, 2013

12/3/13

By Facsimile

The Honorable Frank Maas,
United States Magistrate Judge,
Daniel Patrick Moynihan United States Courthouse,
500 Pearl Street,
New York, New York 10007.

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

As requested,
my order dated
11/15/13 (ECF No. 1222)
is vacated.
Maas, USMJ,
12/3/13

Dear Judge Maas:

We write on behalf of the Standard Chartered Defendants (“Standard Chartered”), and with the consent of plaintiffs Emilio Diaz, Bernardo J. Rosental, Lyac Venture Corporation, Sara Boltvinik de Uziel, TRE-C, S.A. and Skyworth Products Limited, concerning the November 15, 2013 Order for Conference Pursuant to Rule 16(a) (Dkt. No. 1222) (the “Order”), which schedules a case management conference for six cases (the “Actions”) that are part of this MDL proceeding.¹ The parties respectfully submit that a case management conference is unnecessary at this time because the Actions are “Standard Chartered Cases” that are subject to the schedules already in place in this consolidated proceeding.

The Second Amended Scheduling Order Regarding Standard Chartered Cases (Dkt. No. 609), states that the schedule established therein applies to “all actions involving the Standard Chartered Defendants that are now or that subsequently shall be filed in this Court, or transferred to this Court pursuant to 28 U.S.C. § 1407(3), for pretrial proceedings that are consolidated and/or coordinated with the *Anwar* Action.” (Second Amended Scheduling Order, Dkt No. 609 at 3.) The Actions involve the Standard Chartered Defendants, were transferred to

¹ These cases are *Rosental v. Standard Chartered Bank International (Americas) Ltd.*, 12 Civ. 9421; *Diaz v. Standard Chartered Bank International (Americas) Ltd.*, 12 Civ. 9146; *Lyac Venture Corp. v. Standard Chartered Bank International (Americas) Ltd.*, 12 Civ. 9422; *De Uziel v. Standard Chartered Bank International (Americas) Ltd.*, 12 Civ. 9423; *Skyworth Products Ltd. v. Standard Chartered Bank International (Americas) Ltd.*, 12 Civ. 9427; and *TRE-C, S.A. v. Standard Chartered Bank International (Americas) Ltd.*, 12 Civ. 9425.

The Honorable Frank Maas

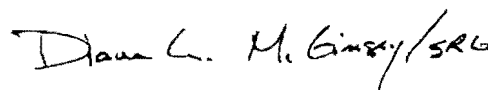
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this Court pursuant to 28 U.S.C. § 1407(3) (*see* Finalized Conditional Transfer Order, *In re: Fairfield Greenwich Grp. Sec. Litig.*, 09-md-2088 (Dec. 27, 2012) (Dkt. No. 169)), and have been consolidated with the *Anwar* action for pretrial proceedings (Order, dated Jan. 3, 2013 (Dkt. No. 1018)).

In keeping with the schedule established in the Court's prior orders, the parties to the Actions have stipulated that certain claims asserted by plaintiffs in the Actions required dismissal under the Court's prior decisions. (Stipulation and Order Striking Allegations and Deferring Discovery in Specified Standard Chartered Cases, dated Sept. 18, 2013, at 2, 4-5 (Dkt. No. 1193).) With respect to discovery, although general fact discovery in the Standard Chartered Cases closed on May 4, 2012, under the Scheduling Orders plaintiffs will receive the benefit of prior fact discovery and ongoing expert discovery conducted on their behalf by the Standard Chartered Plaintiffs' Steering Committee, which was appointed to "represent the Standard Chartered Plaintiffs in any discovery-related matter"² (Second Amended Scheduling Order at 4). In addition, the parties have stipulated, and Judge Marrero has ordered, that plaintiff-specific discovery will be deferred pending the resolution of dispositive motions regarding a subset of the Standard Chartered Cases as set forth in the March 2, 2012 Stipulation and Order Regarding Discovery in Specified Standard Chartered Cases. (*See* Dkt. No. 1193 at 4-5.)

For the foregoing reasons, the parties respectfully submit that there is no present need for a case management conference as the schedules for the Actions have been established by prior orders. The parties therefore jointly request that the Court vacate the Order. Thank you for your consideration of this matter.

Respectfully submitted,



Diane L. McGimsey

cc: Laurence E. Curran III, Counsel to Plaintiffs in the Actions and Member of the Standard Chartered Plaintiffs' Steering Committee (via e-mail)

² This is confirmed by the Stipulation and Order Appointing Standard Chartered Plaintiffs' Steering Committee, which empowers the Steering Committee to "conduct all discovery on behalf of all plaintiffs in the Standard Chartered Cases," including "cases that have not yet been filed in or transferred to this Court." (Dkt. No. 602 at 1, 3.)