Exhibit 4

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August 16, 2013

Via U.S. Mail and Email

Andrew Gordon, Esq.
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10019-6064

Re: ***Anwar, et al. v. Fairfield Greenwich Limited, et al.***
Master File No. 09-CV-00118 (VM) (FM)

Dear Mr. Gordon:

We write in response to your August 9, 2013 letter concerning Plaintiffs' responses and objections to Citco's contention interrogatories.

Your initial complaint is that Plaintiffs have provided identical responses to the identical interrogatories posed by each of the Citco Defendants. You cite *Cryptography Research, Inc. v. Visa International Service Association*, 2008 WL 346411 (N.D. Cal. 2008), an out-of-circuit patent case, to support your position, but that case does not support the proposition you cite it for, nor does it require any change in Plaintiffs' responses. There, Visa requested information detailing how "Visa infringed, either directly or indirectly, over 140 claims for eight different patents." *Id.* at *1. Rather than answering the interrogatory with any facts supporting its "amorphous, unwieldy, and ever-changing infringement contentions" (*see* case no. C04–04143 JW, DE 371), the plaintiff responded by simply restating its legal conclusions that Visa infringed the various products. *See* C04–04143 JW, DE 371-3, Exh. G. Finding this response inadequate, the court granted Visa's motion to compel a further response.

Here, Plaintiffs' responses detail the false and misleading statements Citco made to Plaintiffs, the duties and obligations Citco owed to Plaintiffs, the facts giving rise to those duties and obligations, the various ways in which Citco breached its duties and failed to perform its obligations, and the facts supporting these responses. Because Citco posed identical interrogatories multiple times, merely substituting one Citco's entity's name with another's, Plaintiffs properly answered the interrogatories in the same way for the simple reason that the answer applies equally to the different Citco entities, as Plaintiffs have made clear is the theory of their case [1] As stated in each response:

[1] For example, Interrogatories 1 through 21 served by Citco Fund Services (Europe) are identical to those served by Citco (Canada) Inc., which are themselves substantively identical to the interrogatories for the other Citco entities.

> Plaintiffs contend that the Citco Defendants' operation was composed of interrelated entities that shared names, information, management, and goals related to the Funds' investors. The examples of principal or material facts and evidence cited in Plaintiffs' Responses show that all Citco entities were aware of the serious issues and concerns raised internally within Citco, and were complicit in Citco's fraud, breach of duties, and other wrongdoing. *See, e.g.,* [redacted]

See, e.g., Plaintiffs' Response to CFSE's Contention Interrogatories, p. 5 n.1. While Citco may continue to indulge in the self-serving fiction that the Citco Defendants were independent entities, unaware of the serious concerns and issues affecting their duties and obligations to Plaintiffs, the facts prove Plaintiffs' allegations that the Citco Defendants were controlled by and acting jointly under the direction of Citco's executive committee. *See, e.g., id.*; *Anwar v. Fairfield Greenwich Ltd.*, 728 F. Supp. 2d 372, 432 (S.D.N.Y. 2010) ("Plaintiffs sufficiently allege that the Administrators were acting as an agent of Citco Group."); *id.* at 436 ("Plaintiffs . . . argue that the SCAC alleges sufficient facts to plead agency. The Court agrees.").

You also take issue with Plaintiffs' responses because they do not catalogue "each" and "every"[2] fact or piece of evidence supporting Plaintiffs' contention, but instead recite the principal or material facts and evidence upon which Plaintiffs rely. Under the law, as set forth in Plaintiffs' objections, this approach is proper. All that is required, according to Judge Marrero, is that Plaintiffs provide "certain principal or material facts, pieces of evidence, witnesses and legal applications" supporting their contentions:

> [W]hile contention interrogatories are a perfectly acceptable form of discovery, Defendants' requests, insofar as they seek every fact, every piece of evidence, every witness, and every application of law to fact—rather than, for example, certain principal or material facts, pieces of evidence, witnesses and legal applications—supporting the identified allegations, are overly broad and unduly burdensome. Similarly, Plaintiffs should not be required to parse through documents that have already been produced to defendants, which defendants are in a position to review themselves, in order to explain the obvious.

Ritchie Risk-Linked Strategies Trading (Ireland), Ltd. v. Coventry First LLC, 273 F.R.D. 367, 369 (S.D.N.Y. 2010) (internal citations and quotations omitted). *Accord Linde v. Arab Bank,*

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[2] *See, e.g.*, CFSB contention interrogatory nos. 4 ("state . . . all facts"), 5 ("Identify every instance . . . and [] all facts"), 6 ("state . . . all facts"); CCI contention interrogatory nos. 5 ("Identify every instance . . . and [] all facts"), 6 ("state . . . all facts"), 7 ("identify all facts and circumstances"); 8 ("identify all facts and circumstances"), 9 ("identify . . . all facts"); 11 ("Identify every instance . . . and all facts"), 12 ("Identify with specificity all acts"), 14 ("Identify every instance . . . and the facts"); CBN contention interrogatory nos. 5 ("Identify every instance . . . and [] all facts"), 8 ("state . . . all facts"), 9 ("Identify every instance . . . and [] all facts"), 10 ("state . . . all facts"), 11 ("identify all facts and circumstances"), 12 ("identify all facts and circumstances").

PLC, 2012 WL 957970, *1 (E.D.N.Y. 2012) ("Courts generally resist efforts to use contention interrogatories as a vehicle to obtain every fact and piece of evidence a party may wish to offer concerning a given issue at trial. Thus courts do not typically compel responses to interrogatories that seek a catalog of all facts or all evidence that support a party's contentions.") (internal citations omitted); *Pasternak v. Dow Kim*, 2011 WL 4552389, *2 (S.D.N.Y. 2011) ("Courts have stricken contention interrogatories which asked a party to describe 'all facts' that supported various allegations of the complaint, finding that to elicit a detailed narrative is an improper use of contention interrogatories."); *Tribune Co. v. Purcigliotti*, 1997 WL 540810, *2 (S.D.N.Y. 1997) ("Plaintiffs will not be required to parse through documents that have already been produced to defendants, which defendants are in a position to review themselves, in order to explain the obvious. Any specific documents plaintiffs intend to rely upon at trial will be identified in the Pretrial Order.").

The "essential purpose of contention interrogatories, coming at the end of discovery, is to narrow the issues for trial." *Pasternak*, 2011 WL 4552389, at *3. To that end, Plaintiffs need not catalog each and every fact supporting their contentions, but need only provide the principal and material facts, evidence, witnesses, and legal applications so that Citco can be "informed as to whether they are the subject of [certain] allegations, and if so, the basis for those contentions." *Ritchie*, 273 F.R.D. at 369 (Marrero, J.) (quoting *Tribune Co.*, 1997 WL 540810, at *2); *Linde*, 2012 WL 957970, at *1. Plaintiffs' responses more than meet this standard.[3]

Your complaint concerning Plaintiffs' response to subsections (v)-(vii) of Interrogatory No. 2 also is unfounded. Local Rule 33.3(c) provides that contention interrogatories are limited to "seeking the claims and contentions of the opposing party . . . ." Because Plaintiffs are not making any claims or contentions based on any "red flag" that Plaintiffs were or were not aware of, Plaintiffs' responses to these subsections are proper. *See Pasternak*, 2011 WL 4552389, at *2 ("Contention interrogatories should be carefully drafted to obtain "contentions," rather than something more appropriately obtained through other discovery methods, such as depositions.").

Nor is there any merit to your next complaint that Plaintiffs' cross-referencing certain interrogatory responses in other responses is inadequate. Plaintiffs set forth principal and material facts and evidence supporting their contentions, and where the same information supports another contention, Plaintiffs cross-reference their previous responses rather than copying the entirety of an answer into a subsequent response. For example, in response to

[3] The cases cited in your letter miss the mark. For example, in *Unigene Laboratories, Inc. v. Apotex, Inc.*, 2010 WL 2730471, at *6 (S.D.N.Y. 2010), a patent case, the defendant wholly failed to describe an entire claim, thus resulting in the plaintiffs not being apprised *in any way* of the "contours of [the] claim." Likewise, in *Wechsler v. Hunt Health Systems, Ltd.*, 1999 WL 672902, at *3 (S.D.N.Y. 1999), the plaintiff raised a defense to the defendant's claim for the first time at summary judgment. Because the defendant was on notice of this defense, the plaintiff was precluded from relying on it at trial. Here, given Plaintiffs' massive showing of evidence in support of claims that were pleaded years ago, Citco cannot possibly argue that it has no notice as to the "contours" of Plaintiffs' claims.

CFSE's contention interrogatory number 4, Plaintiffs detail facts and evidence related to misstatements and omissions made by Citco. The same misstatements and omissions support Plaintiffs' claims related to negligence, gross negligence, breach of fiduciary duty, and fraud. Accordingly, it is proper under the circumstances of this case to cross-reference the principal and material facts and evidence in subsequent responses.

Moreover, Citco now has Plaintiffs' expert reports. The reports detail substantial principal or material facts, pieces of evidence, and witnesses supporting Plaintiffs' contentions, and they were expressly incorporated by reference in Plaintiffs' interrogatory responses. *See, e.g.*, *Linde*, 2012 WL 957970, at *5 (approving responses to contention interrogatories where "many of the responses also refer to reports prepared by the plaintiffs' experts which provide further detail concerning the facts and evidence to be adduced.").

Your final complaint, likewise without merit, is that Plaintiffs' responses to Interrogatories 6 and 7 are inadequate. Plaintiffs contend that CBN and CGC knew the identity of investors with whom Citco had contact in connection with their investments in the Fairfield funds. Who those investors were, and the individuals who undertook the processing of subscriptions, including the KYC procedures, are reflected in the documents and testimony provided and in Citco's own records. Accordingly, there is no basis to demand any further response. *See, e.g.*, *Ritchie Risk-Linked Strategies*, 273 F.R.D. at 369 ("Plaintiffs should not be 'required to parse through documents that have already been produced to defendants, which defendants are in a position to review themselves, in order to explain the obvious.'") (quoting *Tribune Co.*, 1997 WL 540810); *Pasternak*, 2011 WL 4552389, at *3 ("In response to contention interrogatories, a party is not required to review documents that have already been produced nor will a party be required to identify witnesses and documents where that information will subsequently be supplied in a pretrial order.").

We are available for a meet and confer to discuss further, if necessary.

Sincerely,

Sashi Bach Boruchow

Sashi Bach Boruchow

SBB:asd

cc: All counsel in *Anwar*