

NEW YORK  
LOS ANGELES  
DETROIT

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September 3, 2015

**VIA FAX**

The Honorable Victor Marrero  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Anwar v. Fairfield Greenwich Ltd.*, 09-CV-118 (VM)

Dear Judge Marrero:

On behalf of New Greenwich Litigation Trustee, LLC, as Successor Trustee ("Trustee") of the Greenwich Sentry and Greenwich Sentry Partners Litigation Trusts, we briefly respond to the letters submitted today by the Plaintiffs and the Citco Defendants, regarding the Trustee's request for a pre-motion conference concerning the Trustee's proposed motion to intervene for the limited purpose of objecting to the Citco settlement.

The settling parties and the Trustee agree that the proposed settlement does not release the Trustee's claims. *See, e.g.*, Plaintiffs' Letter at 1; Citco Letter at 2 (proposed judgment "in no way 'formally strips' the Trustee of any claim or defense") (quoting *Bhatia v. Piedrahita*, 756 F.3d 211, 218 (2d Cir. 2014)). To the extent, however, that the proposed judgment could be read to somehow "offset" the Trustee's *damages* (thus *enhancing* Citco's defenses in the Trustee's actions), the prejudice to the Trustee as well its standing to object cannot be disputed, even though its claims otherwise remain intact.

Finally, the Trustee's submission of objections will not delay the proceedings, as the Trustee is fully prepared to meet the October 16, 2015 deadline for objections.

Respectfully,


Robert A. Wallner

cc (via email):

David A. Barrett, Esq.  
Sarah L. Cave, Esq.  
Timothy A. Duffy, Esq.

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Robert C. Finkel, Esq.  
Andrew G. Gordon, Esq.  
Victor E. Stewart, Esq.

The Clerk of Court is directed to enter into the public record  
of this action the letter above submitted to the Court by  
*New Greenwich Litigation Trustee*  
**SO ORDERED.**  
*9-8-15*  
DATE  VICTOR MARRERO U.S.D.J.