

SULLIVAN & CROMWELL LLP

TELEPHONE: 1-212-558-4000
 FACSIMILE: 1-212-558-3588
 WWW.SULLCROM.COM

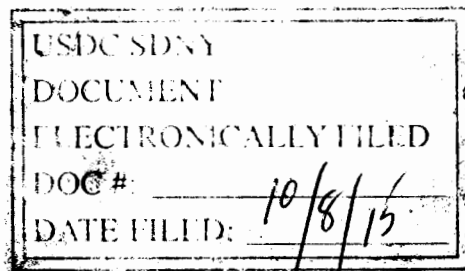
125 Broad Street
New York, NY 10004-2498

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October 7, 2015

By Facsimile

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

Re: *Anwar, et al. v. Fairfield Greenwich Ltd., et al.*, No. 09-CV-118
 (S.D.N.Y.) -- *Caso v. Standard Chartered Bank International*
(Americas) Ltd., et al., No. 10-CV-9196 (S.D.N.Y.)

Dear Judge Marrero:

We write on behalf of Standard Chartered plc and Standard Chartered Bank International (Americas) Ltd. ("SCBI," and together with Standard Chartered plc, the "Bank") to request a pre-motion conference concerning dismissal of the case captioned *Ricardo Rodriguez Caso v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 10-CV-9196 (S.D.N.Y.) ("*Caso*").

As the Court will recall, Mr. Caso filed a putative class action complaint against the Bank on December 9, 2010. (See Dkt. No. 1, No. 10-CV-9196.) On May 18, 2012, the Court granted the Bank's motion to compel Mr. Caso to arbitrate his individual claims, and ordered that the *Caso* action be "stayed pending completion of arbitration." (Dkt. No. 882.) One year later, on May 7, 2013, Mr. Caso initiated an arbitration before the American Arbitration Association (the "AAA") asserting putative class claims.¹ On June 12, 2013, in response to the

¹ The arbitration case docket is https://www.adr.org/aaa/faces/services/disputeresolutionservices/casedocket/casedocketdetails?doc=ADRSTAGE20152111&_afLoop=129731809126400&_afWindowMode=0&_afWindowId=6tzora2xf_64#%40%3F_afWindowId%3D6tzora2xf_64%26_afLoop%3D129731809126400%26doc%3DADRSTAGE20152111%26_afWindowMode%3D0%26_adf.ctrl-state%3D6tzora2xf_141.


Honorable Victor Marrero

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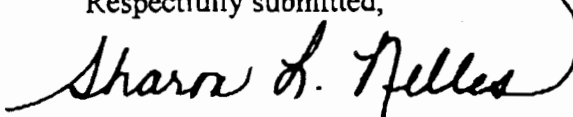
Bank's motion to enforce the May 18, 2012 Order, the Court precluded Mr. Caso from arbitrating his claims on a class basis. *Anwar v. Fairfield Greenwich Ltd.*, 950 F. Supp. 2d 633, 637 (S.D.N.Y. 2013).²

On June 20, 2013, in light of the Court's Order, the AAA terminated the class action proceeding. (June 20, 2013, E-mail of Jonathan Weed, attached as Exhibit A at 2.) The notice of termination allowed Mr. Caso, at his request, "two weeks to consider the ramifications of the court's ruling" and indicated that the AAA would "await further word from Claimant on or before July 5, 2013." (*Id.*) More than six months later, on January 29, 2014, counsel for Mr. Caso informed the AAA that Mr. Caso would "pursue any further proceedings in individual arbitration and this matter may be closed," which it was. (January 29, 2014, E-mail of Jonathan Weed, Exhibit A at 1.) Mr. Caso thereafter did not pursue individual arbitration against the Bank.

Because Mr. Caso's putative class arbitration was terminated and closed by the AAA more than a year-and-a-half ago, and because no individual arbitration was commenced, there is no need to maintain this action under Section 3 of the Federal Arbitration Act. *See* 9 U.S.C. § 3 (authorizing a stay of a federal action "until such arbitration has been had in accordance with the terms of the agreement"). Further, because there are no class claims to be adjudicated by this Court, there is nothing more to be done in this matter. *See Oklahoma Firefighters Pension & Retirement Sys.*, 951 F. Supp. 2d 479, 493-94 (S.D.N.Y. 2013) (dismissal of class action appropriate where no named plaintiff with standing). As such, the Bank respectfully requests that the Court lift the stay and dismiss the *Caso* action.

Plaintiff <u>Ricardo Caso</u> is directed to respond by <u>10-13-15</u> , by letter not to exceed <u>two</u> pages, to the matter set forth above by <u>defendants SCBI</u> , showing cause why the relief requested should not be granted.	
SO ORDERED.	
10-8-15	
DATE	VICTOR MARRERO, U.S.D.J.
(Attachments)	

Respectfully submitted,



Sharon L. Nelles

cc: Gaytri D. Kachroo (by e-mail)
David Stone (by e-mail)
Standard Chartered Plaintiffs' Steering Committee (by e-mail)

² Mr. Caso moved for reconsideration of the Court's June 12, 2103 Order, which the Court denied on July 23, 2013. (Dkt. No. 1166.)

Exhibit A

From: Jonathan Weed <weedj@adr.org>
Sent: Wednesday, January 29, 2014 5:55 PM
To: Finn, Andrew J.; dstone@stonemagnalaw.com; tbattin@strauss-boies.com;
dstone@stonemagnalaw.com; dmee@stonemagnalaw.com;
dharrison@stonemagnalaw.com; gkachroo@kachroolegal.com;
rmcintyre@kachroolegal.com; mschirmer@strauss-bois.com; Neuhaus, Joseph E.; Nelles,
Sharon L.; McGimsey, Diane L.; Berarducci, Patrick B.; Gallegos, Stanton R.
Subject: Closing file - Caso v. Standard Chartered Bank International (Americas) Ltd -- No. 11
516 Y 653 13

Dear Counsel,

Please note that my contact information has changed. All communications should be directed to weedj@adr.org or my new phone number, (401) 431-4745.

This will confirm a telephone conversation on this date with Ms. McIntyre, wherein she confirmed that Claimant will pursue any further proceedings in individual arbitration and this matter may be closed. Accordingly, the Association has closed its file.

Please note that the physical case file will be destroyed six (6) months after the date of this letter. In the normal course of our administration, the AAA may maintain certain documents in our electronic records system. Such electronic records are not routinely destroyed and do not constitute a complete case file.

A statement will follow reflecting all financial activity in this matter.

We appreciate the opportunity to assist the parties in the resolution of this matter.

Sincerely,



Jonathan Weed
Manager of ADR Services
American Arbitration Association
950 Warren Ave.
East Providence, RI 02914-1414
www.adr.org
T:401 431 4745
F:866 644 0234

The information in this transmittal (including attachments, if any) is privileged and/or confidential and is intended only for the recipient(s) listed above. Any review, use, disclosure, distribution or copying of this transmittal is prohibited except by or on behalf of the intended recipient. If you have received this transmittal in error, please notify me immediately by reply email and destroy all copies of the transmittal. Thank you.

From: AAA Jonathan Weed
Sent: Tuesday, October 01, 2013 8:53 AM

To: 'Finn, Andrew J.'; 'dstone@stonemagnalaw.com'; 'tbattin@strauss-boies.com'; 'dstone@stonemagnalaw.com'; 'dmee@stonemagnalaw.com'; 'dharrison@stonemagnalaw.com'; 'gkachroo@kachroolegal.com'; 'rmcintyre@kachroolegal.com'; 'mschirmer@strauss-bois.com'; 'Neuhaus, Joseph E.'; 'Nelles, Sharon L.'; 'McGimsey, Diane L.'; 'Berarducci, Patrick B.'; 'Gallegos, Stanton R.'

Subject: 10-1-13: Requesting Status - Caso v. Standard Chartered Bank International (Americas) Ltd. -- No. 11 516 Y 653 13

Dear Parties,

At this time, the Association kindly requests the status in this matter. I would greatly appreciate receiving the status in this matter no later than October 8, 2013.

Thank you and should you have any questions, please do not hesitate to contact me.

Sincerely,
Sara Isom on behalf of

From: AAA Jonathan Weed
Sent: Thursday, June 20, 2013 10:05 AM
To: 'Finn, Andrew J.'; 'dstone@stonemagnalaw.com'; 'tbattin@strauss-boies.com'; 'dstone@stonemagnalaw.com'; 'dmee@stonemagnalaw.com'; 'dharrison@stonemagnalaw.com'; 'gkachroo@kachroolegal.com'; 'rmcintyre@kachroolegal.com'; 'mschirmer@strauss-bois.com'; 'Neuhaus, Joseph E.'; 'Nelles, Sharon L.'; 'McGimsey, Diane L.'; 'Berarducci, Patrick B.'; 'Gallegos, Stanton R.'

Subject: RE: Caso v. Standard Chartered Bank International (Americas) Ltd. -- No. 11 516 Y 653 13 - Receipt of court order

Dear Counsel,

This will acknowledge receipt of the below and attached letter and court order from Mr. Niehaus

As directed by the court, the class action proceeding has been terminated and all previously established deadlines in this matter are vacated.

Claimant has requested that they have two weeks to consider the ramifications of the court's ruling. Respondent has advised that they have no objection to this request. Accordingly, we will await further word from Claimant on or before July 5, 2013.

Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Sincerely,

From: Finn, Andrew J. [mailto:FinnA@sullcrom.com]
Sent: Thursday, June 13, 2013 5:56 PM
To: AAA Jonathan Weed
Cc: 'dstone@stonemagnalaw.com'; 'tbattin@strauss-boies.com'; 'dstone@stonemagnalaw.com'; 'dmee@stonemagnalaw.com'; 'dharrison@stonemagnalaw.com'; 'gkachroo@kachroolegal.com'; 'rmcintyre@kachroolegal.com'; 'mschirmer@strauss-bois.com'; 'Neuhaus, Joseph E.'; 'Nelles, Sharon L.'; 'McGimsey, Diane L.'; 'Berarducci, Patrick B.'; 'Gallegos, Stanton R.'

Subject: Caso v. Standard Chartered Bank International (Americas) Ltd. -- No. 11 516 Y 653 13

Dear Mr. Weed,

Please see the attached letter and enclosure.

Regards,

Andrew

Andrew J. Finn | Sullivan & Cromwell LLP
125 Broad Street, New York, N.Y. 10004
☎ (212) 558-4081 | 📠 (212) 291-9468
✉ finna@sullcrom.com | <http://www.sullcrom.com/>