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Robert A. Wallner  
Direct Dial: 212-946-9335  
rwallner@milberg.com

November 10, 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.*, 09-118 (VM)

Dear Judge Marrero:

On behalf of New Greenwich Litigation Trustee, LLC, as Successor Trustee of the Greenwich Sentry and Greenwich Sentry Partners Litigation Trusts ("Trustee"), we reply to the parties' November 10, 2015 letters to the Court in response to the Trustee's request to unseal the motion *in limine* papers.

Plaintiffs take no position on the Trustee's request. (*See* Letter of David A. Barrett to the Court). That fact alone warrants the unsealing of the papers.

The PricewaterhouseCoopers Defendants ("PwC") oppose the request. (*See* Letter of Timothy A. Duffy to the Court). Through its non-descript "omnibus" motion, PwC improperly requests *in limine* rulings that have never been described in the public record, on the basis of legal arguments that also have never been publicly described. The public right of access to papers setting forth PwC's legal positions cannot be disputed. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 126 (2d Cir. 2006); *United States v. Gerena*, 869 F.2d 82, 85 (2d Cir. 1989). Indeed, because PwC itself has acknowledged "the broad public interest in the Madoff matter" (Dkt. No. 1378, at p. 40 of 53), the public right of access to the papers is especially compelling.

Finally, given PwC's argument that the Trustee already has access to the underlying discovery materials, there is no justification for withholding the motion papers from the Trustee.

Respectfully,

Robert A. Wallner

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.**

11-13-15

DATE VICTOR MARRERO, U.S.D.J.



The Honorable Victor Marrero  
November 10, 2015  
Page 2

cc (via email):

David A. Barrett, Esq.  
Sarah L. Cave, Esq.  
Timothy A. Duffy, Esq.  
Robert C. Finkel, Esq.  
Andrew G. Gordon, Esq.  
Victor E. Stewart, Esq.