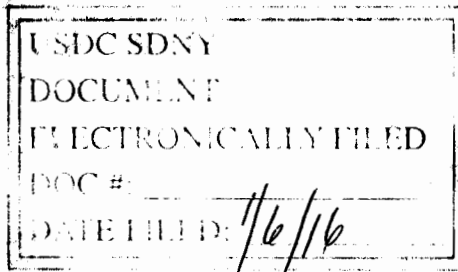


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January 5, 2016

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

Dear Judge Marrero:

On behalf of the Standard Chartered Defendants and pursuant to the Court's request, enclosed please find a proposed remand order for the two Standard Chartered Cases that remain pending at this time: *Headway Investment Corp. v. American Express Bank Ltd., et al.*, No. 09-cv-8500 ("*Headway*") and *Barbachano Herrero v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-3553 ("*Barbachano*").¹ We have conferred with counsel for plaintiffs in *Headway* and *Barbachano* regarding the proposed order. Plaintiff in *Headway* does not object to the form of the proposed order and the parties agree that it may be entered without delay. Plaintiff in *Barbachano* asks that the Court resolve the outstanding issues concerning her proposed Third Amended Complaint and request for entry of a partial final judgment pursuant to Fed. R. Civ. P. 54(b) before suggesting remand to the Judicial Panel on Multidistrict Litigation. (See Dkt. Nos. 1526-27, 1529; December 29, 2015 Letter from Ms. Nelles.) The Standard Chartered Defendants agree that *Barbachano* should not be remanded until those issues are resolved.

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by

Standard Chartered Defendants

SO ORDERED.

1-5-16

DATE [Signature]
VICTOR MARRERO, U.S.D.J.

Respectfully submitted,

[Signature: Sharon L. Nelles]

Sharon L. Nelles

Jorge Mestre, counsel for plaintiff in *Headway* (by e-mail)

H. Eugene Lindsey III, counsel for plaintiff in *Barbachano* (by e-mail)

¹ Pursuant to ECF Rules & Instructions Section 18.3, a copy of the proposed order also is being emailed to the Clerk in Microsoft Word format.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PASHA S. ANWAR, *et al.*,

Plaintiff,

v.

FAIRFIELD GREENWICH LIMITED, *et al.*,

Defendants.

Case No. 09-CV-118
(VM) (FM)

This Document Relates To:

Standard Chartered Cases –

Headway Investment Corp. v. American Express Bank

Ltd., No. 09-CV-8500 and *Joaquina Teresa*

Barbachano Herrero v. Standard Chartered Bank

Int'l (Americas) Ltd., No. 11-CV-3553.

[PROPOSED] ORDER SUGGESTING REMAND TO TRANSFEROR COURTS

WHEREAS, by orders dated October 6, 2009 and May 20, 2011, the Judicial Panel on Multidistrict Litigation (JPML) transferred to this Court the above-captioned actions for coordinated pretrial proceedings with several other actions related to investments in Fairfield Sentry Ltd. and/or Fairfield Sigma Ltd, feeder funds to Bernard L. Madoff's Ponzi scheme.

WHEREAS, Title 28 U.S.C. § 1407, pursuant to which these cases were transferred to this Court, provides in relevant part:

When civil actions involving one or more common questions of fact are pending in different districts, such actions may be transferred to any district for coordinated or consolidated pretrial proceedings. . . . *Each action so transferred shall be remanded by the panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred unless it shall have been previously terminated.*

(emphasis added). Although Section 1407(a) provides that the authority to remand a case rests entirely with the JPML, under JPML Rules the transferee judge may recommend remand of an action. Rule 10.1(b)(i).

WHEREAS, The Court concludes that the purposes behind consolidating these related actions in this Court have now been served. The Court has overseen the completion of discovery and issued rulings on many pretrial issues, including dispositive motions and requests to amend pleadings. At this time, remand to the transferor courts appears to be in the interest of judicial efficiency.

ACCORDINGLY, pursuant to Rule 10.1(b)(i) of the Rules of the JPML, the Court SUGGESTS that the Panel REMAND the following cases to their transferor courts: *Headway Investment Corp. v. American Express Bank Ltd.*, No. 09-CV-8500 and *Joaquina Teresa Barbachano Herrero v. Standard Chartered Bank Int'l (Americas) Ltd.*, No. 11-CV-03553.

IT IS SO ORDERED.

Dated:

Victor Marrero
United States District Judge