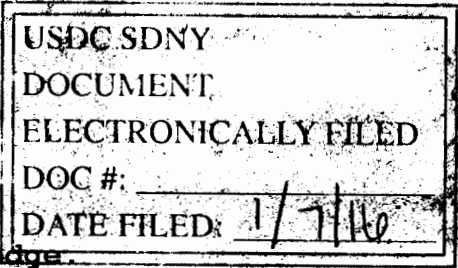


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PASHA S. ANWAR, et al., :
: 09-cv-118 (VM)
Plaintiffs, :
: **ORDER**
-against- :
: 
FAIRFIELD GREENWICH LIMITED, :
et al., :
:
Defendants. :
-----X
VICTOR MARRERO, United States District Judge.

On December 3, 2015, the parties to the Standard Chartered Action¹ informed the Court of an agreement regarding a uniform negligence count. (Dkt. No. 1473 at 1.) The Court then ordered that any of the Standard Chartered Plaintiffs² who seek "to amend the complaint herein solely for the purpose of pleading the uniform negligence claim . . . is directed to do so by December 22, 2015." (Id. at 2.)

On December 22, 2015, one of the Standard Chartered Plaintiffs, Teresa Barbachano ("Barbachano"), filed a proposed Third Amended Complaint to include the uniform negligence count. (Dkt. Nos. 1525, 1526; Ex. 1 to Dkt. No. 1525.)

¹ The Standard Chartered Action describes the 56 cases consolidated in this Court in which claims have been asserted against defendants Standard Chartered Bank International (Americas) Ltd., Standard Chartered International (USA) Ltd., Standard Chartered Bank, and Standard Chartered PLC.

² The term Standard Chartered Plaintiffs denotes the 74 plaintiffs in the Standard Chartered Action.

By letter dated December 29, 2015 ("December 29 Standard Chartered Letter"), defendants Standard Chartered Bank International (Americas) Ltd. and Standard Chartered PLC (collectively, "Standard Chartered Defendants") request that the Court reject Barbachano's proposed Third Amended Complaint because it attempts to re-plead claims that were dismissed by this Court. (Dkt. No. 1532 at 1.) Additionally, the Standard Chartered Defendants ask the Court (1) to order that Barbachano submit an amended complaint dropping all previously dismissed claims and retaining only the uniform negligence count by January 12, 2016 or (2) to deny Barbachano the right to amend and to proceed with remand of the action. (Id. at 1-3.)

By letter dated December 30, 2015 ("December 30 Barbachano Letter"), Barbachano responded to the December 29 Standard Chartered Letter, claiming that the proposed Third Amended Complaint complied with the Court's instruction to amend solely for the purpose of pleading the uniform negligence count. (Dkt. No. 1529 at 2.) Barbachano further argued that although some of the claims included in the proposed Third Amended Complaint had been dismissed by the Court, no portion had been stricken. (Id. at 1.) Barbachano additionally requests that the Court enter partial final judgment pursuant to Rule 54(b) of the Federal Rules of Civil

Procedure ("Rule 54(b)") on the claims that the Court previously dismissed, in order to allow Barbachano to take immediate appeal. (Id. at 2-3.)

In response to the December 30 Barbachano Letter, the Standard Chartered Defendants filed a letter on December 31, 2015 ("December 31 Standard Chartered Letter") requesting that the Court either (1) deny Barbachano's proposed Third Amended Complaint or (2) if the Court allows the proposed Third Amended Complaint to be filed, dismiss several counts and claims previously dismissed by this Court for the reasons set forth in prior orders. (Dkt. No. 1527 at 1-2.) The Standard Chartered Defendants also argue that Barbachano's desire to appeal the Court's decisions dismissing certain claims does not warrant the granting of Rule 54(b) relief. (Id. at 2.)

On January 5, 2016, the Standard Chartered Defendants submitted a proposed remand order for the Barbachano action³ but indicated that the parties agree that any outstanding issues regarding Barbachano's proposed Third Amended Complaint and request for partial final judgment pursuant to Rule 54(b) be resolved prior to remand. (Dkt. No. 1531.)

In response, Barbachano submitted a letter on January 5,

³ The proposed remand order also applies to an additional case in the Standard Chartered Action, which is not relevant here. (See Dkt. No. 1531.)

2016 stating that if the Court grants partial final judgment pursuant to Rule 54(b), Barbachano requests that remand be stayed pending appeal to the Second Circuit. (Dkt. No. 1530.) Alternatively, if the Court denies the request for partial final judgment, Barbachano does not object to the form of the proposed remand order. (Id.)

The Court has examined the parties' correspondence regarding Barbachano's proposed Third Amended Complaint and request for partial final judgment pursuant to Rule 54(b). First, the Court denies Barbachano's request for leave to file her proposed Third Amended Complaint. The Court previously dismissed several of the claims and counts included in the proposed Third Amended Complaint, and there is no compelling reason for the Court to allow Barbachano to re-plead these claims. The Court now grants Barbachano permission to submit a further amended complaint asserting the uniform negligence count, without reference to any previously dismissed claims.

Second, the Court denies Barbachano's request for partial final judgment pursuant to Rule 54(b). Partial final judgment under Rule 54(b) should "not be granted routinely" and only in the "infrequent harsh case where there exists some danger of hardship or injustice through delay which would be alleviated by immediate appeal." Grand River Enters. Six

Nations, Ltd. v. Pryor, 425 F.3d 158, 165 (2d Cir. 2005) (internal citations and quotation marks omitted). The Court is not persuaded that there is "danger of hardship or injustice through delay" and therefore denies Barbachano's request for partial final judgment under Rule 54(b). See Grand River Enters. Six Nations, Ltd., 425 F.3d at 165.

ORDER

Accordingly, it is hereby

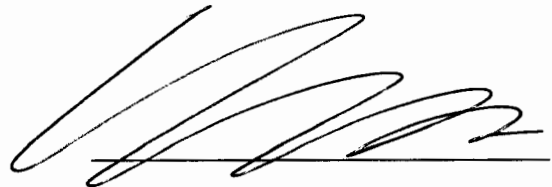
ORDERED that the request of plaintiff Teresa Barbachano ("Barbachano") to file the proposed Third Amended Complaint (Dkt. Nos. 1525, 1526) is **DENIED**; and it is further

ORDERED that Barbachano may file, by January 12, 2016, a further amended complaint incorporating the uniform negligence count and omitting any previously dismissed claims; and it is further

ORDERED that Barbachano's request for partial final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure (Dkt. No. 1529) is **DENIED**.

SO ORDERED.

Dated: New York, New York
7 January 2016

A handwritten signature in black ink, appearing to read 'Victor Marrero', written over a horizontal line.

Victor Marrero
U.S.D.J.