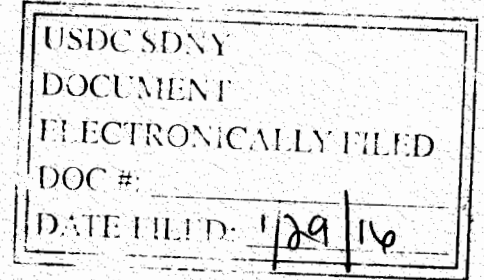


NEW YORK
LOS ANGELES
DETROIT

Robert A. Wallner
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January 29, 2016



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:

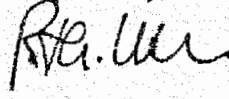
On behalf of New Greenwich Litigation Trustee, LLC, as Successor Trustee ("Trustee") of the Greenwich Sentry and Greenwich Sentry Partners Litigation Trusts, I reply to yesterday's letters of Mr. Duffy and Mr. Barrett.¹ PricewaterhouseCoopers International Ltd. ("PwCIL"), a previously-dismissed defendant, neither submitted nor joined in any letter.

As shown in my January 25, 2016 letter, the settlement agreement requires PwCIL's signature. PwCIL's failure to sign, without more, renders the agreement void and unenforceable under New York law.

Mr. Duffy's argument that class action settlements can release non-signatories (Duffy Ltr. at 2) underscores an additional problem here. The settlement contemplates not simply the Class's release in favor of PwCIL, but PwCIL's affirmative waiver of rights that favor the Trustee and the Class. Accordingly, even if the agreement were otherwise enforceable against the two PwC signatories, PwCIL still would get the benefits of the settlement (*i.e.*, the Class's release) while *the Trustee and the Class*, to their prejudice, would not get the benefits that PwCIL is supposed to provide under the settlement.

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, LLC.
SO ORDERED.
1-29-16
DATE  VICTOR MARRERO, U.S.D.J.

Respectfully,


Robert A. Wallner

¹ The Court had directed the parties to submit a joint letter. Doc. No. 1541 at 3.



The Honorable Victor Marrero
January 29, 2016
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cc (via email):

David A. Barrett, Esq.
Sarah L. Cave, Esq.
Timothy A. Duffy, Esq.
Robert C. Finkel, Esq.
Fraser L. Hunter, Jr., Esq.
Victor E. Stewart, Esq.