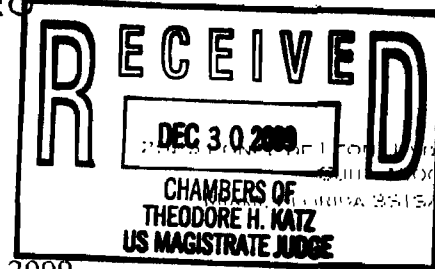


RIVERO MESTRE & CASTRO
ATTORNEYS

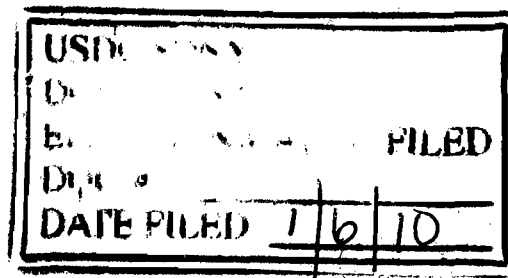
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December 30, 2009

By fax to (212)805-7932

Honorable Theodore H. Katz
United States Magistrate Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007-1312



Re: *Anwar, et al. v. Fairfield Greenwich Limited, et al.,
09-cv-118(VM)(THK)
Headway Investment Corporation v. American Express Bank Ltd., et al.,
09-cv-8500 (S.D. Fla. #1:09-cv-21395 transferred by MDL 2088)*

Dear Judge Katz:

Our firm represents Plaintiff Headway Investment. For the reasons set forth here, Headway respectfully requests a 120-day extension to serve process on the defendants in *Headway* who have not yet been served.

Headway originally filed its complaint in Florida state court on April 6, 2009. The action was subsequently removed to the Southern District of Florida on May 22, 2009. Prior to its removal, Headway was not able to serve all the defendants, including some defendants that are also named in the *Anwar* action. On June 23, 2009, Judge Altonaga of the Southern District of Florida stayed the case as requested in Fairfield Greenwich Advisor's Motion to Stay Proceedings Pending Determination by the Judicial Panel on Multidistrict Litigation of the Proper Venue for this Action.¹

Following the October 6, 2009 Order of the Judicial Panel on Multidistrict Litigation transferring the action to the Southern District of New York, Headway contacted counsel for several of the unserved defendants regarding accepting service of process on behalf of their clients. We have been unable to obtain a waiver of service from all of the unserved defendants.

In accordance with 28 U.S.C. § 1407, at the end of the consolidated pretrial proceedings, *Headway* anticipates remand of its action to Southern District of Florida for trial. Absent an agreement to accept service of Headway's Complaint by the unserved

¹ Headway originally served waiver of service requests, which were not returned by all defendants, when the case was first filed in Florida state court.

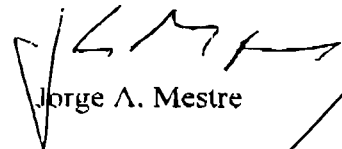
Honorable Theodore H. Katz
December 23, 2009
Page 2

defendants, Headway needs to serve its Complaint (as opposed to the Second Amended Consolidated Complaint in *Anwar*) to foreclose any potential challenge upon remand by these yet unserved defendants that they are not subject to the jurisdiction of the Southern District of Florida or were otherwise not properly served.

The unserved defendants would not be prejudiced by an extension. As this Court knows, discovery has not commenced and the Standard Chartered Plaintiffs' Complaints have not yet been answered.

Accordingly, Headway respectfully requests that the Court set a pre-motion conference on these issues, or grant an extension of 120 days from the endorsement of this letter to perfect service, which should give Headway enough time to either serve or come to an agreement on waiver of service with the unserved defendants.

Respectfully submitted,

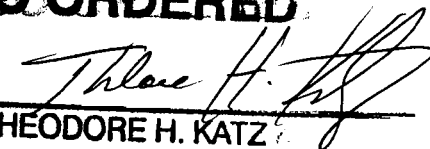

Jorge A. Mestre

cc: Counsel for all parties (by e-mail)

The Court sees no reason why it should take an additional 120 days to resolve services issues, and no justification has been provided. Service issues should be resolved by March 5, 2010

SO ORDERED

July 5, 2010


THEODORE H. KATZ
UNITED STATES MAGISTRATE JUDGE