

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

-----	x	
PASHA ANWAR, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
FAIRFIELD GREENWICH LIMITED, et al.,	)	Master File No. 09-CV-118 (VM)
	)	
Defendants.	)	
	)	
This Document Relates to: <i>Bhatia v. Standard</i>	)	
<i>Chartered Int’l (USA) Ltd.</i> , No. 09-CV-2410;	)	
<i>Tradewaves Ltd. v. Standard Chartered International</i>	)	
<i>(USA) Ltd.</i> , No. 09-CV-9423; <i>Headway Investment</i>	)	
<i>Corp. v. American Express Bank Ltd.</i> , No. 09-CV-	)	
08500; <i>Lopez v. Standard Chartered Bank International</i>	)	
<i>(Americas) Ltd.</i> , No. 10-CV-00919; <i>Maridom Ltd. v.</i>	)	
<i>Standard Chartered Bank International (Americas) Ltd.</i> ,	)	
No. 10-CV-00920; and <i>Valladolid v. American Express</i>	)	
<i>Bank Ltd.</i> , No. 10-CV-00918.	))	
	)	
-----	x	

**SUPPLEMENTAL MOTION TO DISMISS ON THE NEWLY-ARISEN GROUND  
THAT PLAINTIFFS’ COMMON-LAW CLAIMS ARE PREEMPTED BY SLUSA**

Pursuant to the Scheduling Order entered by this Court on January 29, 2010, on March 10, 2010, Standard Chartered Defendants filed a motion to dismiss *Bhatia v. Standard Chartered International (USA) Ltd.*, No. 09-CV-2410, and *Tradewaves Ltd. v. Standard Chartered International (USA) Ltd.*, No. 09-CV-9423 under Rules 12(b)(1), (3) and (6) of the Federal Rules of Civil Procedure and the doctrine of *forum non conveniens*. On the same date, Standard Chartered Defendants filed a motion to dismiss *Headway Investment Corp. v. American Express Bank*, No. 09-CV-08500, *Lopez v. Standard Chartered International (Americas) Ltd.*, No. 10-CV-00919, *Maridom Ltd. v. Standard Chartered International (Americas) Ltd.*, No. 10-

CV-00920, and *Valladolid v. American Express Bank Ltd.*, No. 10-CV-00918 under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

At the time those motions were filed, an additional matter, *Pujals v. Standard Chartered Bank International (Americas) Ltd.*, No. 10-CV-02878 (“*Pujals*”), was before the Judicial Panel on Multidistrict Litigation pending decision on the *Pujals* plaintiffs’ objection to a conditional transfer order. On April 1, 2010, the Judicial Panel on Multidistrict Litigation transferred *Pujals* to this District, and on April 16, 2010, this Court consolidated *Pujals* with *Anwar v. Fairfield Greenwich Group*, No. 09-CV-00118, for all pretrial purposes.

The consolidation of *Pujals* with *Anwar* gives rise to a new and additional ground for dismissal of plaintiffs’ common law claims that was not previously available to the Standard Chartered Defendants. Specifically, with the consolidation of *Pujals*, the cases against the Standard Chartered Defendants now constitute a “covered class action” under the Securities Litigation Uniform Standards Act of 1998 (“SLUSA”), 15 U.S.C. §§ 78bb(f)(1), 78bb(f)(5)(B), 77p(b), 77p(f)(2)(A), and plaintiffs’ common law claims are therefore preempted for the reasons set forth in the accompanying memorandum of law. Standard Chartered Defendants respectfully request permission to supplement their March 10, 2010 motions to include this additional discrete ground for dismissal.

Mindful of not disturbing the Scheduling Orders already in place, Standard Chartered Defendants contacted counsel for plaintiffs in the Standard Chartered Cases in an effort to reach agreement on a proposed briefing schedule that would (i) have plaintiffs’ response due to this supplemental motion on May 28, 2010 and (ii) have Standard Chartered Defendants’ reply due on June 4, the same day defendants’ reply papers are due on the motions submitted on March 10, 2010 under the Court’s April 15, 2010 Amended Scheduling Order. Standard

Chartered Defendants understand that plaintiffs object to this schedule and instead seek a schedule whereby they would first have 72 hours to brief procedural issues and then an additional 10 days from the time the Court addresses procedural issues to address any substantive issues. Standard Chartered Defendants respectfully disagree that it is necessary to bifurcate briefing on plaintiffs' procedural and substantive objections, but do not object to plaintiffs' request for 10 days to incorporate their objections to this additional argument into their opposition papers otherwise due today (with defendants' date to submit their reply papers extended 10 days) if this schedule is acceptable to the Court. A proposed scheduling order is included herewith as Exhibit A.<sup>1</sup>

Dated: May 3, 2010  
New York, New York

/s/ Sharon L. Nelles

Sharon L. Nelles (SN-3144)  
SULLIVAN & CROMWELL LLP  
125 Broad Street  
New York, New York 10004  
Telephone: (212) 558-4000  
Facsimile: (212) 558-3588  
nelless@sullcrom.com

*Attorneys for Standard  
Chartered Defendants*

---

<sup>1</sup> If the Court grants plaintiffs' request for bifurcated briefing, Standard Chartered Defendants do not oppose the 72 hours plaintiffs request and respectfully request 24 hours to submit any response.