

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANWAR, et al.,

Plaintiffs

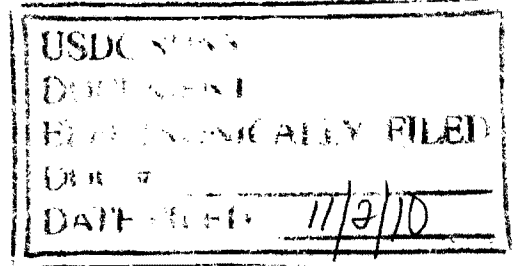
-against-

FAIRFIELD GREENWICH LIMITED, et al.,

Defendants

This documents relates to: All Actions

Master File No. 09-cv-118(VM)



~~PROPOSED~~ AMENDED CASE MANAGEMENT PLAN AND SCHEDULING ORDER

WHEREAS, on March 11, 2009, this Court entered a Case Management Plan and Scheduling Order;

WHEREAS, on September 29, 2009, Plaintiffs filed a Second Consolidated Amended Complaint which asserted claims which triggered a discovery stay under the Private Securities Litigation Reform Act until the disposition of motions to dismiss;


WHEREAS, pursuant to two Decisions and Orders filed on July 29, 2010 and August 18, 2010, the Court denied in part and granted in part motions to dismiss filed by Defendants (except Defendant Bowes, who was served thereafter); and

WHEREAS, the parties have conducted a supplemental Rule 26(f) Conference¹ and submitted an Amended Rule 26(f) Discovery Plan to the Court;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Case Management Plan and Scheduling Order (“CMO”) is supplemented and amended as follows:

1. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed within 14 days from the Court’s entry of a Confidentiality Order, except for any Defendant served with the Second Consolidated Amended Complaint on or after September 1, 2010, whose initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed within 45 days from the later of service or the Court’s entry of a Confidentiality Order.

2. Fact discovery shall commence immediately and be completed within 15 months from the entry of the Confidentiality Order, ^{- March 2, 2012} The parties may serve written discovery, including document requests and subpoenas *duces tecum* for documents directed to the merits and class certification, and the parties may take depositions, by notice or subpoena, provided that no person shall be deposed more than once absent good cause and the assigned Magistrate Judge shall resolve any objections to the timing of a deposition.



3. Limitations on the number, type and substance of interrogatories and on the number of depositions provided for under the Federal Rules and Local Rules shall not apply, without prejudice to a party’s ability to seek a limitation on the number, type and substance of interrogatories and on the number of depositions for good cause, on which the parties shall meet and confer prior to seeking intervention by the Court. Notwithstanding the foregoing, the parties agree not to serve contention interrogatories before the time provided in the Local Rules without leave of the Court. The parties shall confer and agree to the extent possible on efficient means

¹ Defendant Bowes did not participate in the supplemental Rule 26(f) conference because he had not yet been served.

for the taking of depositions, including the maintenance of a common deposition calendar and the use of common exhibits.

4. The parties shall confer and agree to the extent possible on efficient means for exchange of paper and electronic discovery materials, including the format and timing of such production, and the use of agreed search terms for electronic discovery.

5. The parties further agree to exercise best efforts, through interim co-lead counsel for Plaintiffs and designated counsel for Defendants, to coordinate discovery in this action with discovery in all actions consolidated in this Consolidated Action. In addition, to the extent appropriate, the parties agree to provide notice of this Order to counsel in, and to exercise best efforts for coordination of discovery in, *Ferber v. Fairfield Greenwich Group*, No. 600469/2009 (N.Y. Sup. Ct.); *Pierce v. Fairfield Greenwich Group*, No. 600498/2009 (N.Y. Sup. Ct.); *Morning Mist Holdings Limited v. Fairfield Greenwich Group*, No. 10-3765 (BRL) (Bankr. S.D.N.Y.) if and when the stay of *Morning Mist* is lifted; *Stephenson v. Citco Group Ltd.*, No. 09-716 (S.D.N.Y.); *Fairfield Sentry Limited v. Fairfield Greenwich Group*, No. 10-03800 (BRL) (Bankr. S.D.N.Y.) and related proceedings; *Picard v. Fairfield Sentry Limited*, No. 09-01239 (BRL) (Bankr. S.D.N.Y.) and related proceedings, and with any other current or future proceeding involving funds associated with Fairfield Greenwich entities that held investments, directly or indirectly, in BLMIS (collectively, the "Other Actions"), and to work in good faith with counsel for the parties in these cases to avoid duplicative and unduly burdensome discovery activities. Nothing in this paragraph shall be construed as granting the parties in this action grounds to avoid or delay complying with discovery requests authorized under this Order, or as granting the parties in any of the Other Actions rights to discovery from any of the parties in this action to which they would not otherwise be entitled.

6. Additional plaintiffs (but not class representatives) may be joined in the action, pursuant to the stipulation of the parties previously approved by the Court, until the filing of Plaintiffs' reply in support of the motion for class certification.

Class Certification Motion & Discovery

7. Plaintiffs shall serve and file a motion for class certification pursuant to Fed. R. Civ. P. 23 within 105 days of the Court's entry of a Confidentiality Order.

8. Fact discovery directed to class certification shall be completed within 120 days of service of the motion for class certification. The parties shall meet and confer regarding a period for expert class discovery and submission of expert reports on class discovery.

9. Defendants shall serve and file papers in opposition to the class certification motion within 30 days from the conclusion of the period for fact and expert class certification discovery. Plaintiffs shall reply to any such opposition within 30 days.

Expert Witness Disclosures & Discovery

10. The required disclosures under Fed. R. Civ. P. 26(a)(2) regarding expert testimony on each issue to which a party bears the burden of proof at trial shall be made not later than 30 days after completion of the period for fact discovery. Rebuttal reports pursuant to Fed. R. Civ. P. 26(a)(2) shall be served within 45 days after the other parties' disclosures. The period for expert witness depositions shall commence upon the filing of rebuttal experts reports and shall conclude 90 days thereafter.

11. The parties will meet and confer on the scope of expert document discovery.

Discovery Disputes

12. Discovery disputes requiring resolution by the magistrate judge shall be presented as provided by Local Rule 37.2. The written request for an informal conference shall set forth

the nature and substance of the discovery dispute. A response to the request for an informal conference shall be submitted within ~~five (5)~~ ^{three (3)} business days. If relevant, copies of interrogatories or document requests that are in dispute shall be provided to the Court. A discovery or non-dispositive pretrial dispute shall not be submitted to the Court until the attorneys for the affected parties have attempted to confer in good faith in an effort to resolve the dispute. Failure to bring discovery disputes to the Court's attention promptly and sufficiently in advance of the discovery deadline will result in a waiver of remedies as to such disputes.

T.K.

13. Except as amended above, the provisions of the CMO remain in effect.

~~November~~
October 2, 2010

A joint status report will be submitted to the Court every 3 months.

SO ORDERED:

Thomas H. [Signature]
USMJ