

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

PASHA S. ANWAR, *et al.*,

Plaintiffs,

v.

FAIRFIELD GREENWICH LIMITED, *et al.*,

Defendants.

Master File No. 09-CV-118 (VM) (THK)

This Document Relates To: *Moises Lou-Martinez v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 10-CV-8272; *Ricardo Almiron v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 10-CV-6186; and *Carlos Carrillo v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 10-CV-6187.

NOTICE OF UNIFIED MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law of Standard Chartered Bank International (Americas) Ltd., Standard Chartered PLC, and StanChart Securities International, Inc. (together, "Standard Chartered") in Support of Their Unified Motion To Dismiss the operative complaints in *Moises Lou-Martinez v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 10-CV-8272 ("Lou-Martinez"), dated October 19, 2010; *Ricardo Almiron v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 10-CV-6186 ("Almiron"), dated February 19, 2010; and *Carlos Carrillo v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 10-CV-6187. ("Carrillo"), dated

February 19, 2010, Standard Chartered will move this Court, before the Honorable Victor Marrero, at a time and place to be determined by the Court, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure dismissing with prejudice plaintiffs' complaints in their entirety, and for such further and other relief that the Court may deem just and proper.

This motion is filed in accordance with the Second Amended Scheduling Order Regarding Standard Chartered Cases, entered on February 4, 2011. (Doc. No. 602.) Although some of the claims asserted in the *Lou-Martinez*, *Almiron* and *Carrillo* complaints are factually similar to those raised in other Standard Chartered Cases, they each raise new or unique issues of law that were not addressed in this Court's previous Decisions and Orders of September 14, 2010, October 4, 2010, November 16, 2010 and November 23, 2010. Specifically, *Lou-Martinez*, *Almiron* and *Carrillo* raise new or unique issues relating to (i) the pleading requirements of Rule 9(b) of the Federal Rules of Civil Procedure; (ii) common law conversion and fiduciary duty claims arising from alleged unauthorized transactions; (iii) claims under Section 517.301 of Florida's blue sky law; (iv) contradictory and/or inadequate pleading of fraud, gross negligence, negligence, breach of fiduciary duty, breach of duty of care,

and unjust enrichment claims; and (v) claims improperly asserted against StanChart Securities International, Inc. and Standard Chartered PLC.

Dated: New York, New York
March 21, 2011

Respectfully submitted,

/s/ Sharon L. Nelles

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