

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PASHA ANWAR, et al.,)
))
Plaintiffs,)
))
v.)
))
FAIRFIELD GREENWICH LIMITED, et al.)
))
Defendants.)
))
This Document Relates to:)
Da Silva Ferreira v. EFG Capital International)
Corp., et al., 11-CV-813(VM))
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Master File No. 09-CV-118 (VM)

**APPLICATION FOR ISSUANCE OF A LETTER OF REQUEST FOR THE
EXAMINATION OF WITNESSES IN SWITZERLAND PURSUANT TO
THE HAGUE EVIDENCE CONVENTION**

Plaintiffs, Lorrene Da Silva Ferreira and Arlete Da Silva Ferreira, individually and on behalf of all others similarly situated, by their attorneys, respectfully apply for the issuance by the Court of a Letter Request in the form attached hereto as Exhibit “A”, addressed to the Central Authority and/or the applicable Canton in Switzerland, for the examination of Lawrence Howell and Mats Pehrsson, residents of Switzerland. This Application is made pursuant to, and in conformity with, The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, T.I.A.S. 7444, 23 U.S.T. 255, *reprinted in* 28 U.S.C.A. § 1781, (“Hague Evidence Convention”), which is in force between the United States and Switzerland.

Issuance of the Letter of Request under The Hague Evidence Convention is a proper method for the taking of testimony of persons residing abroad. Rule 28(b), Fed. R. Civ. P.; *Pain v. United Technologies Corp.*, 637 F. 2d 775, 788-90 (D.C. Cir. 1980).

Plaintiffs request that the Court approve and sign the attached Letter of Request. Plaintiffs further request that after the Court has signed the Letter of Request, that the Clerk of this Court authenticate the Court's signature under the seal of this Court, and that the Letter of Request be thereafter returned by the Clerk to counsel for the Plaintiffs. Counsel will promptly cause the Letter of Request to be translated into the German language, as required by Art. 4 of the Hague Evidence Convention, and will transmit the Letter, together with the translation, to the Swiss Central Authority and/or appropriate Canton for execution in conformity with Art. 2 of the Convention.

Dated: March 22, 2011.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on **March 22, 2011**, I filed the foregoing document with the Clerk of the Court using the CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By /s/ Jason Kellogg
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