

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MASTER FILE NO. 09-CV-118 (VM) (THK)

PASHA ANWAR, et al.,

Plaintiff,

v.

FAIRFIELD GREENWICH LIMITED,  
et al.,,

Defendants.

This Document Relates to: *All Standard  
Chartered Cases*

**DECLARATION OF LOUIS SMITH  
IN SUPPORT OF MOTION TO  
QUASH SUBPOENA**

LOUIS SMITH hereby declares as follows.

1. I am a Shareholder with Greenberg Traurig, LLP, counsel for American Express Company (“AmEx”). I submit this declaration in support of AmEx’s Motion to Quash Subpoena.

2. Attached here to as Exhibit A is a copy of a subpoena dated September 2, 2011, issued by counsel for Headway Investment Corp. on behalf of the Standard Chartered Plaintiffs Steering Committee and directed to AmEx (the “Subpoena”). The Subpoena demanded documents and set a return date of September 20, 2011, and deposition testimony with a return date of October 11, 2011.

3. After receiving a brief extension, on September 27, 2011, AmEx served its Responses and Objections to Subpoena Duces Tecum. (Attached hereto as Exhibit B). On October 6, 2011, Plaintiffs adjourned the October 11, 2011, deposition date and no new date was set. Exhibit C, October 6, 2011, e-mail from Paul Dans to Louis Smith.

4. Thereafter, counsel for Plaintiffs and AmEx had a series of meet-and-confer discussions. AmEx and Plaintiffs eventually worked through their disagreements regarding document production. *See* Exhibit D, December 16, 2011, letter from Louis Smith to Richard Brodsky. AmEx thereafter produced over twenty-six thousand pages of documents. Exhibit E, March 6, 2012, letter from Jason Kislin to Richard Brodsky.

5. Additionally, on October 17, 2011, counsel for Defendants sent a letter to AmEx in connection with Plaintiffs' request for contact information regarding thirty-nine individuals. Exhibit F, October 17, 2011, letter from Megan Bradley to Louis Smith. AmEx researched that request (and also researched additional names provided directly by Plaintiffs to AmEx) and provided the information it located. Exhibit G, November 11, 2011, letter from Louis Smith to Richard Brodsky (without attachment containing address information).

6. On March 6, 2012, Plaintiffs sent to AmEx a document titled Plaintiffs' Re-Notice of Depositions, which identified a Rule 30(b)(6) deposition for AmEx on April 10, 2012 and referred to the Subpoena. Attached as Exhibit H.

7. AmEx raised with Plaintiffs objections concerning the Re-Noticed Deposition. Exhibit I, March 21, 2012, letter from Louis Smith to Richard Brodsky. Plaintiffs and AmEx subsequently had a meet-and-confer call, but were unable to resolve their differences.

8. On April 5, 2012, Plaintiffs adjourned the April 10, 2012, deposition without date. Exhibit J, April 5, 2012, email from Richard Brodsky to Louis Smith.

I declare under penalty of perjury the foregoing is true and correct.  
Executed on April 6, 2012.

s/Louis Smith  
LOUIS SMITH