

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DOC #:
DATE FILED: 3/13/12

PASHA S. ANWAR, *et al.*,

Plaintiffs,

v.

FAIRFIELD GREENWICH LIMITED,
et al.,

Defendants.

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

This Document Relates To: Specified
Standard Chartered Cases

**STIPULATION AND ~~PROPOSED~~ SCHEDULING ORDER REGARDING
STANDARD CHARTERED DEFENDANTS' TIME TO RESPOND TO
COMPLAINTS IN SPECIFIED STANDARD CHARTERED CASES**

JSM

WHEREAS, plaintiffs in the following 35 actions (the "Stipulating Actions"), have filed complaints against defendants Standard Chartered Bank International (Americas) Ltd. and Standard Chartered PLC (collectively, "Standard Chartered") arising out of plaintiffs' investments in Fairfield Sentry and/or Fairfield Sigma:

- (1) *Triple R Holdings Ltd., et al. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-897;
- (2) *New Horizon Development Inc., et al. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-898;
- (3) *Salcar Ltd. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-899;
- (4) *Reinaldo Ruiz v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-900;
- (5) *Iston Holdings Ltd., et al. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-901;

- (6) *Ramiro Rendiles v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-902;
- (7) *Alberto Perez v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-903;
- (8) *Auburn Overseas Corp. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-904;
- (9) *Interland Investments Ltd. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-905;
- (10) *Velvor S.A., et al. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-906;
- (11) *5C Investments Ltd. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-907;
- (12) *Jorge Asensio v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-908;
- (13) *Bahia Del Rio, S.A. v. Standard Chartered Bank International (Americas) Limited, et al.*, No. 11-cv-5716;
- (14) *Archangel Resources Limited, et al. v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5717;
- (15) *Blount International v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5719;
- (16) *Esther Diaz de Camara v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5720;
- (17) *John Paul Dougherty v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5721;
- (18) *Jose de Passos Vieira Lima v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5722;
- (19) *Lucrecia Echeverri de Mata v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5723;
- (20) *Eugene Thomas Dougherty Novella v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5724;
- (21) *Richmond Company Ltd. v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5725;

- (22) *Juan Carlos Sabillon v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5726;
- (23) *San Blas S.A., et al. v. Standard Chartered International (Americas) Ltd.*, No. 11-cv-5727;
- (24) *Smerant Corp. v. Standard Chartered International (Americas) Limited, et al.*, No. 11-cv-5728;
- (25) *Manuel Mantecon v. Standard Chartered Bank International (Americas) Limited, et al.*, No. 11-cv-5729;
- (26) *Pharmafoods International C.V., et al. v. Standard Chartered Bank International (Americas) Limited, et al.*, No. 11-cv-5729;
- (27) *Tierra C.V., et al. v. Standard Chartered Bank International (Americas) Limited, et al.*, No. 11-cv-5731;
- (28) *Jose Mizrahi v. Standard Chartered Bank International (Americas) Limited, et al.*, No. 11-cv-6788;
- (29) *Quiroz Stone v. Standard Chartered Bank International (Americas) Limited et al.*, No. 11-cv-7651;
- (30) *Nautical Village, Inc. v. Standard Chartered Bank International (Americas) Limited*, No. 11-cv-7652;
- (31) *Positano Investment Ltd. v. Standard Chartered Bank International (Americas) Ltd., et al.*, No. 11-cv-8371;
- (32) *Maplehurst Holdings Ltd. v. Standard Chartered Bank International (Americas) Limited, et al.*, No. 11-cv-8372;
- (33) *Sand Overseas Limited v. Standard Chartered Bank International (Americas) limited, et al.*, No. 12-cv-148;
- (34) *Rebac Enterprises Ltd. v. Standard Chartered Bank International (Americas) Limited, et al.*, No. 12-cv-03969; and
- (35) *Brea International, Ltd. v. Standard Chartered Bank International (Americas) Limited, et al.*, No. 12-cv-3970;

WHEREAS, the schedule for responding to complaints filed in or transferred to this MDL proceeding is set forth in the Initial Scheduling Order Regarding Standard Chartered

Cases (Dkt. No. 375),¹ as amended by the Second Amended Scheduling Order Regarding Standard Chartered Cases (Dkt. No. 609) and the August 9, 2011 Order Amending the Second Amended Scheduling Order Regarding Standard Chartered Cases (Dkt. No. 695) (collectively, the “Scheduling Orders”);

WHEREAS, the Scheduling Orders provide that (i) for any case that was filed in or transferred to this Court between January 1, 2011 and January 1, 2012, Standard Chartered must file any motions to dismiss within “45 days from the entry of a final Decision and Order by th[e] Court on the last pending motion to dismiss” (Dkt. No. 695 ¶ 1), or answer “within 30 days of the date on which a motion to dismiss otherwise would have been required to be filed” (Dkt. No. 609 ¶ 18), and (ii) for any case that was filed in or transferred to this Court between January 1, 2012 and June 31, 2012, Standard Chartered must file any motions to dismiss “within 45 days of [the] 6-month period” beginning January 1, 2012 (Dkt. No. 609 ¶ 16), or answer “within 30 days of the date on which a motion to dismiss otherwise would have been required to be filed” (Dkt. Nos. 609 ¶ 17, 695);

WHEREAS, Standard Chartered understands that the Court entered a final Decision and Order on Standard Chartered’s last pending motion to dismiss on June 28, 2012, (Dkt. No. 899 at 2);

WHEREAS, Standard Chartered understands that, under the Scheduling Orders, it must move against the complaints in 32 of the 35 Stipulating Actions on or before August 13, 2012, or answer the complaints in those cases on or before September 12, 2012 (Dkt. Nos. 609, 695);

¹ All docket citations are to Case No. 09-cv-118, unless otherwise noted.

WHEREAS, Standard Chartered understands that, under the Scheduling Orders, it must move against the remaining three complaints – *Sand Overseas* (No. 12-cv-148), *Rebac Enterprises* (No. 12-cv-03969), and *Brea International* (No. 12-cv-3970) – on or before August 14, 2012, or answer the complaints on or before September 13, 2012 (Dkt. Nos. 609, 695);

WHEREAS, the Scheduling Orders direct the parties to apply the Court’s prior rulings in these consolidated proceedings across all cases to avoid “duplicative motion or pleading practice on matters already considered by this Court” (Dkt. No. 609 ¶ 15), and, in circumstances where the Court’s prior rulings require the dismissal of later-filed claims, to “confer and determine whether they can agree that such claim[s] . . . shall be dismissed pursuant to the bases set forth” in this Court’s prior rulings, subject to plaintiffs’ right to “challenge the dismissal of the claim on appeal” (Dkt. No. 609 ¶ 16(a)(ii) n.3);

WHEREAS, this Court issued two prior orders in these proceedings, on October 4, 2010 and November 2, 2011, dismissing certain claims raised by plaintiffs in those proceedings;

WHEREAS, counsel for the parties to the Stipulating Actions have conferred regarding the application of the Court’s prior rulings to the claims and allegations made in the Stipulating Actions, and expect to submit a stipulation to the Court shortly, pursuant to which certain of the claims in the Stipulating Actions will be dismissed pursuant to the Court’s prior rulings, and Standard Chartered will answer the remaining claims in the Stipulating Actions; and

WHEREAS, counsel for the parties to the Stipulating Actions believe that they would benefit from a brief additional period of time to finalize the contemplated stipulation

before Standard Chartered otherwise would need to move against the complaints in the Stipulating Actions;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for parties in the Stipulating Actions, subject to the approval of the Court, that:

1. The Scheduling Orders are hereby amended to provide that Standard Chartered's deadline to file any motions to dismiss in the Stipulating Actions is extended up to and including August 24, 2012.

DATE: August 10, 2012

CURRAN & ASSOCIATES

By

/s/ Laurence E. Curran

Laurence E. Curran
Attorney for Plaintiffs 5C Investments Ltd.,
Archangel Resources Ltd. *et al.*, Asensio,
Auburn Overseas Corp., Bahia Del Rio
S.A., Blount International S.A., Brea
International Ltd., Diaz de Camara,
Dougherty, Echeverri de Mata, Interland
Investments Corp., Iston Holdings Ltd. *et al.*,
Lima, Mantecon, Maplehurst Holdings
Ltd., Mizrahi, Nautical Village Inc., New
Horizon Development Inc., *et al.*, Novella,
Perez, Pharmafoods International C.V. *et al.*,
Positano Investments Ltd., Quiroz
Stone, Rebac Enterprises Ltd., Rendiles,
Richmond Company Ltd., Ruiz, Sabillon,
Salcar Ltd., San Blas S.A. *et al.*, Sand
Overseas Ltd., Smerant Corp., Tierra C.V.
et al., Triple R Holdings Ltd. *et al.*, and
Velvor S.A. *et al.*

DATE: August 10, 2012

SULLIVAN & CROMWELL LLP

By

/s/ Diane L. McGimsey

Diane L. McGimsey

(Admitted Pro Hac Vice)

Attorney for Defendants Standard
Chartered Bank International (Americas)
Ltd. and Standard Chartered PLC

SO ORDERED this 13th day of August, 2012.



HON. FRANK MAAS
UNITED STATES MAGISTRATE JUDGE