

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 IN RE HERALD, PRIMEO AND THEMA : Master File No. 09 Civ. 289  
 FUNDS SECURITIES LITIGATION : (RMB) (HBP)  
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 This Document Relates to: All Actions : ECF Case  
 : Electronically Filed  
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 : **NOTICE OF JOINT MOTION TO**  
 : **DISMISS**  
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PLEASE TAKE NOTICE that, upon (1) the Memorandum of Law in Support of Defendants' Joint Motion To Dismiss and Opposition to Plaintiffs' Motion for Leave To Amend Complaints ("Joint Memorandum") and (2) the accompanying declarations, including the exhibits appended thereto, the undersigned Defendants will move this Court at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21B, New York, New York, at a date and time to be determined by the Court, for an order pursuant to Rules 9(b), 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(6), 15 and 44.1 of the Federal Rules of Civil Procedure and pursuant to 15 U.S.C. § 78bb(f)(1) dismissing Plaintiffs' consolidated amended complaints and denying Plaintiffs' Joint Motion for Leave To Amend Complaints. Attached hereto as Exhibit A is a chart setting forth the claims against each Defendant, the portions of the Joint Memorandum in which each Defendant joins and the declarations upon which each Defendant relies.

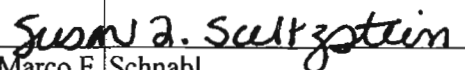
PLEASE TAKE FURTHER NOTICE that, pursuant to this Court's Order at the January 10, 2011 Status Conference, (1) Plaintiffs' reply in further support of the motion to amend and opposition to Defendants' joint motion to dismiss shall be filed on or before September 30, 2011, and (2) Defendants' reply in further support of their joint motion to dismiss and sur-reply in

opposition to Plaintiffs' motion to amend shall be filed on or before October 28, 2011.

Dated: June 29, 2011  
New York, New York

Respectfully submitted,

SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP



Marco E. Schnabl  
Susan L. Saltzstein  
William J. O'Brien  
Jason C. Vigna  
Four Times Square  
New York, New York 10036-6522  
Telephone: (212) 735-3000  
marco.schnabl@skadden.com  
susan.saltzstein@skadden.com  
william.obrien@skadden.com  
jason.vigna@skadden.com

*Attorneys for Defendants  
UniCredit S.p.A., Pioneer Global Asset  
Management S.p.A. and Pioneer Alternative  
Investment Management Ltd.*

ORRICK HERRINGTON &  
SUTCLIFFE LLP

---

Richard A. Martin  
Patryk J. Chudy  
51 West 52nd Street  
New York, New York 10019  
Telephone: (212) 506-5000  
Facsimile: (212) 506-5151  
rmartin@orrick.com  
pchudy@orrick.com

*Attorneys for Defendant Ernst & Young S.A.*

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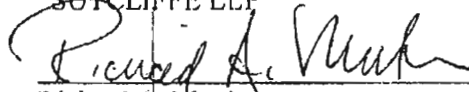
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP

---

Marco E. Schnabl  
Susan L. Saltzstein  
William J. O'Brien III  
Jason C. Vigna  
Four Times Square  
New York, New York 10036-6522  
Telephone: (212) 735-3000  
marco.schnabl@skadden.com  
susan.saltzstein@skadden.com  
wobrien@skadden.com  
jason.vigna@skadden.com

*Attorneys for Defendants  
UniCredit S.p.A., Pioneer Global Asset  
Management S.p.A. and Pioneer Alternative  
Investment Management Ltd.*

ORRICK HERRINGTON &  
SUTCLIFFE LLP

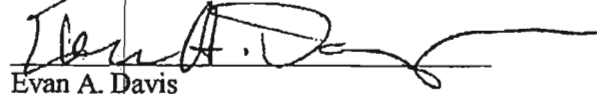


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Richard A. Martin  
Patryk J. Chudy  
51 West 52nd Street  
New York, New York 10019  
Telephone: (212) 506-5000  
Facsimile: (212) 506-5151  
rmartin@orrick.com  
pchudy@orrick.com

*Attorneys for Defendant Ernst & Young S.A.*

CLEARY GOTTLIB  
& STEEN & HAMILTON LLP



Evan A. Davis  
1 Liberty Plaza  
New York, New York 10006  
Telephone: (212) 225-2850  
edavis@cgsh.com

*Attorneys for Defendants  
HSBC Holdings plc, HSBC Securities Services  
(Luxembourg) S.A., Bank of Bermuda  
(Luxembourg) S.A., Bank of Bermuda  
(Cayman) Limited, The Bank of Bermuda  
Limited, HSBC Institutional Trust Services  
(Ireland) Ltd., HSBC Securities Services  
(Ireland) Limited, and Proposed Defendant  
HSBC Bank USA, N.A.*

SULLIVAN & WORCESTER LLP

---

Franklin B. Velie  
Jonathan G. Kortmansky  
Mitchell C. Stein  
1290 Avenue of the Americas  
29<sup>th</sup> Floor  
New York, New York 10104  
Telephone: (212) 660-3000  
fvelie@sandw.com  
jkortmansky@sandw.com  
mstein@sandw.com

*Attorneys for Defendant  
UniCredit Bank Austria AG*

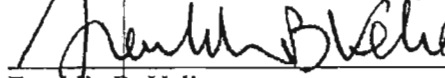
CLEARY GOTTLIB  
STEEN & HAMILTON LLP

---

Evan A. Davis  
1 Liberty Plaza  
New York, New York 10006  
Telephone: (212) 225-2850  
edavis@cgsh.com

*Attorneys for Defendants  
HSBC Holdings plc, HSBC Securities Services  
(Luxembourg) S.A., Bank of Bermuda  
(Luxembourg) S.A., Bank of Bermuda  
(Cayman) Limited, The Bank of Bermuda  
Limited, HSBC Institutional Trust Services  
(Ireland) Ltd., HSBC Securities Services  
(Ireland) Limited, and HSBC Bank USA, N.A.*

SULLIVAN & WORCESTER LLP



---

Franklin B. Velie  
Jonathan G. Kortmansky  
Mitchell C. Stein  
1290 Avenue of the Americas  
29<sup>th</sup> Floor  
New York, New York 10104  
Telephone: (212) 660-3000  
fvelie@sandw.com  
jkortmansky@sandw.com  
mstein@sandw.com

*Attorneys for Defendant  
UniCredit Bank Austria AG*

LATHAM & WATKINS LLP

*Maria A. Barton*

Maria A. Barton  
Jeff G. Hammel  
885 Third Avenue  
New York, New York 10022  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864  
maria.barton@lw.com  
jeff.hammel@lw.com

*Attorneys for Defendants*

*Hannes Saleta, Karl E. Kaniak, Alfred Simon,  
Johannes P. Spalek, Dr. Hans-Peter  
Tiefenbacher, Declan Murray, Alberto La  
Rocca, and Ursula Radel-Leszczynski*

KIRKLAND & ELLIS LLP

---

Jay P. Lefkowitz, P.C.  
Joseph Serino, Jr.  
David S. Flugman  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
jay.lefkowitz@kirkland.com  
joseph.serino@kirkland.com  
david.flugman@kirkland.com

*Attorneys for Defendants*

*Herald Fund SPC, Franco Mugnai, and  
Friedrich Pfeffer*

LATHAM & WATKINS LLP

---

Maria A. Barton  
Jeff G. Hammel  
885 Third Avenue  
New York, New York 10022  
Telephone: (212) 906-1200  
Facsimile: (212) 751-4864  
maria.barton@lw.com  
jeff.hammel@lw.com

*Attorneys for Defendants  
Hannes Saleta, Karl E. Kaniak, Alfred Simon,  
Johannes P. Spalek, Dr. Hans-Peter  
Tiefenbacher, Declan Murray, Alberto La  
Rocca, and Ursula Radel-Leszczynski*

KIRKLAND & ELLIS LLP

  
Jay V. Lefkowitz, P.C.  
Joseph Serino, Jr.  
David S. Flugman  
601 Lexington Avenue  
New York, New York 10022  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
jay.lefkowitz@kirkland.com  
joseph.serino@kirkland.com  
david.flugman@kirkland.com

*Attorneys for Defendants  
Herald Fund SPC, Franco Mugnai, and  
Friedrich Pfeffer*

CRAVATH, SWAINE & MOORE LLP



Thomas G. Rafferty

Antony L. Ryan

Samira Shah

Worldwide Plaza

825 Eighth Avenue

New York, New York 10019

Telephone: (212) 474-1000

trafferty@cravath.com

aryan@cravath.com

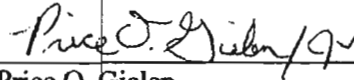
sshah@cravath.com

*Attorneys for Defendant*

*PricewaterhouseCoopers Ireland*

NEUBERGER, QUINN, GIELEN,

RUBIN & GIBBER, P.A.



Price O. Gielen

One South Street, 27th Floor

Baltimore, Maryland 21202

Telephone: (410) 332-8516

*Attorneys for Defendant Sonja Kohn*

ALLEN & OVERY LLP

Patricia M. Hynes

Andrew Rhys Davies

Laura R. Hall

1221 Avenue of the Americas

New York, NY 10020

Telephone: (212) 610-6300

patricia.hynes@allenovery.com

andrew.rhys.davies@allenovery.com

laura.hall@allenovery.com

*Attorneys for Defendants*

*JPMorgan Chase & Co., JPMorgan Chase*

*Bank, N.A., J.P. Morgan Securities LLC and*

*J.P. Morgan Securities, Ltd.*



CRAVATH, SWAINE & MOORE LLP

---

Thomas G. Rafferty  
Antony L. Ryan  
Samira Shah  
Worldwide Plaza  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000  
trafferty@cravath.com  
aryan@cravath.com  
sshah@cravath.com

*Attorneys for Defendant  
PricewaterhouseCoopers Ireland*

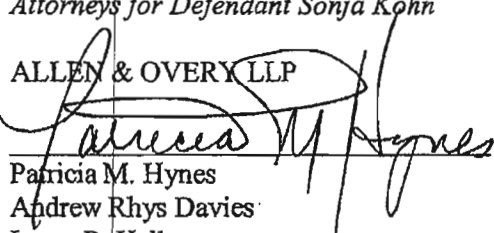
NEUBERGER, QUINN, GIELEN,  
RUBIN & GIBBER, P.A.

---

Price O. Gielen  
One South Street, 27th Floor  
Baltimore, Maryland 21202  
Telephone: (410) 332-8516

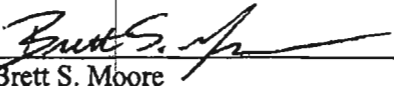
*Attorneys for Defendant Sonja Kohn*

ALLEN & OVERY LLP

  
Patricia M. Hynes  
Andrew Rhys Davies  
Laura R. Hall  
1221 Avenue of the Americas  
New York, NY 10020  
Telephone: (212) 610-6300  
patricia.hynes@allenoverly.com  
andrew.rhys.davies@allenoverly.com  
laura.hall@allenoverly.com

*Attorneys for Defendants  
JPMorgan Chase & Co., JPMorgan Chase  
Bank, N.A., J.P. Morgan Securities LLC and  
J.P. Morgan Securities, Ltd.*

PORZIO, BROMBERG & NEWMAN, P.C.

  
Brett S. Moore  
156 West 56th Street  
Suite 803  
New York, New York 10019-3800  
Telephone: (212) 265-6888  
Facsimile: (212) 957-3983  
bsmoore@pbnlaw.com

*Attorneys for Ferdinand Burg and Carlo Reding,  
Court-Appointed Liquidators for Defendant Herald (LUX) SICAV*

HOGAN LOVELLS US LLP

---

Sanford M. Litvack  
Dennis H. Tracey, III  
Lisa J. Fried  
875 Third Avenue  
New York, New York 10022  
Telephone: (212) 918-3000  
sandy.litvack@hoganlovells.com  
dennis.tracey@hoganlovells.com  
lisa.fried@hoganlovells.com

*Attorneys for Defendant PricewaterhouseCoopers, Chartered Accountants, a Bermuda partnership*

CLEARY GOTTLIB  
STEEN & HAMILTON LLP

---

Lewis J. Liman  
Jeffrey A. Rosenthal  
1 Liberty Plaza  
New York, New York 10006  
Telephone: (212) 225-2000  
lliman@cgsh.com  
jrosenthal@cgsh.com

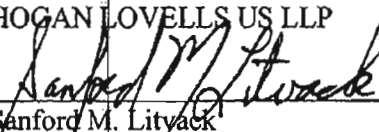
*Attorneys for Defendant The Bank of New York Mellon Corporation*

PORZIO, BROMBERG & NEWMAN, P.C.

---

Brett S. Moore  
156 West 56th Street  
Suite 803  
New York, New York 10019-3800  
Telephone: (212) 265-6888  
Facsimile: (212) 957-3983  
bsmoore@pbnlaw.com

*Attorneys for Ferdinand Burg and Carlo Reding,  
Court-Appointed Liquidators for Defendant Herald (LUX) SICAV*

HOGAN LOVELLS US LLP  


---

Sanford M. Litvack  
Dennis H. Tracey, III  
Lisa J. Fried  
875 Third Avenue  
New York, New York 10022  
Telephone: (212) 918-3000  
sandy.litvack@hoganlovells.com  
dennis.tracey@hoganlovells.com  
lisa.fried@hoganlovells.com

*Attorneys for Defendant  
PricewaterhouseCoopers, Chartered  
Accountants, a Bermuda partnership*

CLEARY GOTTlieb  
STEEN & HAMILTON LLP

---

Lewis J. Liman  
Jeffrey A. Rosenthal  
1 Liberty Plaza  
New York, New York 10006  
Telephone: (212) 225-2000  
lliman@cgsh.com  
jrosenthal@cgsh.com

*Attorneys for Defendant  
The Bank of New York Mellon Corporation*

PORZIO, BROMBERG & NEWMAN, P.C.

---

Brett S. Moore  
156 West 56th Street  
Suite 803  
New York, New York 10019-3800  
Telephone: (212) 265-6888  
Facsimile: (212) 957-3983  
bsmoore@pbnlaw.com

*Attorneys for Ferdinand Burg and Carlo Reding,  
Court-Appointed Liquidators for Defendant Herald (LUX) SICAV*


HOGAN LOVELLS US LLP

---

Sanford M. Litvack  
Dennis H. Tracey, III  
Lisa J. Fried  
875 Third Avenue  
New York, New York 10022  
Telephone: (212) 918-3000  
sandy.litvack@hoganlovells.com  
dennis.tracey@hoganlovells.com  
lisa.fried@hoganlovells.com

*Attorneys for Defendant PricewaterhouseCoopers, Chartered Accountants, a Bermuda partnership*

CLEARY GOTTlieb  
STEEN & HAMILTON LLP



---

Lewis J. Liman  
Jeffrey A. Rosenthal  
1 Liberty Plaza  
New York, New York 10006  
Telephone: (212) 225-2000  
lliman@cgsh.com  
jrosenthal@cgsh.com

*Attorneys for Defendant The Bank of New York Mellon Corporation*

ARNOLD & PORTER LLP



---

Claudius O. Sokenu  
John C. Massaro (admitted *pro hac vice*)  
Arthur Luk  
555 Twelfth Street, NW  
Washington, DC 20004-1206  
Telephone: (202) 942-5000  
Facsimile: (202) 932-5999  
claudius.sokenu@aporter.com  
john.massaro@aporter.com  
arthur.luk@aporter.com

*Attorneys for Defendant  
Ernst & Young Global Limited*

WILMER CUTLER PICKERING  
HALE & DORR LLP

---

Fraser L. Hunter, Jr.  
Brad E. Konstandt  
399 Park Avenue  
New York, New York 10022  
fraser.hunter@wilmerhale.com  
brad.konstandt@wilmerhale.com  
Telephone: (212) 230-8800  
Facsimile: (212) 230-8888

*Attorneys for Defendant  
PricewaterhouseCoopers International Limited*

SEWARD & KISSEL LLP

---

Jack Yoskowitz  
Mandy DeRoche  
One Battery Park Plaza  
New York, New York 10004  
Telephone: (212) 574-1200  
Facsimile: (212) 480-8421

*Attorneys for Defendant Michael Wheaton*

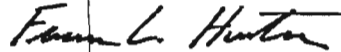
ARNOLD & PORTER LLP

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Claudius O. Sokenu  
John C. Massaro (admitted *pro hac vice*)  
Arthur Luk  
555 Twelfth Street, NW  
Washington, DC 20004-1206  
Telephone: (202) 942-5000  
Facsimile: (202) 932-5999  
claudius.sokenu@aporter.com  
john.massaro@aporter.com  
arthur.luk@aporter.com

*Attorneys for Defendant  
Ernst & Young Global Limited*

WILMER CUTLER PICKERING  
HALE & DORR LLP



---

Fraser L. Hunter, Jr.  
Brad E. Konstandt  
399 Park Avenue  
New York, New York 10022  
fraser.hunter@wilmerhale.com  
brad.konstandt@wilmerhale.com  
Telephone: (212) 230-8800  
Facsimile: (212) 230-8888

*Attorneys for Defendant  
PricewaterhouseCoopers International Limited*

SEWARD & KISSEL LLP

---

Jack Yoskowitz  
Mandy DeRoche  
One Battery Park Plaza  
New York, New York 10004  
Telephone: (212) 574-1200  
Facsimile: (212) 480-8421

*Attorneys for Defendant Michael Wheaton*

ARNOLD & PORTER LLP

---

Claudius O. Sokenu  
John C. Massaro (admitted *pro hac vice*)  
Arthur Luk  
555 Twelfth Street, NW  
Washington, DC 20004-1206  
Telephone: (202) 942-5000  
Facsimile: (202) 932-5999  
claudius.sokenu@aporter.com  
john.massaro@aporter.com  
arthur.luk@aporter.com

*Attorneys for Defendant  
Ernst & Young Global Limited*

WILMER CUTLER PICKERING  
HALE & DORR LLP

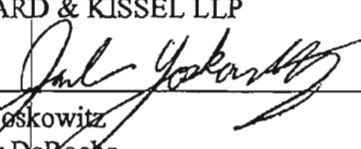
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Fraser L. Hunter, Jr.  
Brad E. Konstandt  
399 Park Avenue  
New York, New York 10022  
fraser.hunter@wilmerhale.com  
brad.konstandt@wilmerhale.com  
Telephone: (212) 230-8800  
Facsimile: (212) 230-8888

*Attorneys for Defendant  
PricewaterhouseCoopers International Limited*

SEWARD & KISSEL LLP

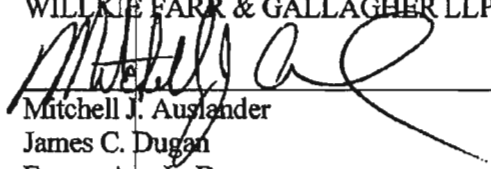
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Jack Yoskowitz  
Mandy DeRoche  
One Battery Park Plaza  
New York, New York 10004  
Telephone: (212) 574-1200  
Facsimile: (212) 480-8421

*Attorneys for Defendant Michael Wheaton*

WILLKIE FARR & GALLAGHER LLP



---

Mitchell J. Auslander  
James C. Dugan  
Emma-Ann L. Deacon  
787 Seventh Avenue  
New York, New York 10019  
Telephone: (212) 728-8000  
mauslander@willkie.com  
jdugan@willkie.com  
edeacon@willkie.com

*Attorneys for Defendant William Fry*

DAVIS POLK & WARDWELL LLP

---

Michael P. Carroll  
James H.R. Windels  
Michael S. Flynn  
James W. Haldin  
450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 701-5800  
michael.carroll@davispolk.com  
james.windels@davispolk.com  
michael.flynn@davispolk.com  
james.haldin@davispolk.com

*Attorneys for Defendant  
PricewaterhouseCoopers LLP*

HUGHES HUBBARD & REED LLP

---

William R. Maguire  
Marc A. Weinstein  
Gabrielle S. Marshall  
Kathryn R. Vogel  
One Battery Park Plaza  
New York, New York 10004  
Telephone: (212) 837-6000

*Attorneys for Defendant  
Ernst & Young Ltd. (Cayman Islands)*



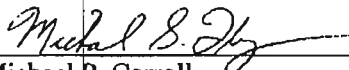
WILLKIE FARR & GALLAGHER LLP

---

Mitchell J. Auslander  
James C. Dugan  
Emma-Ann L. Deacon  
787 Seventh Avenue  
New York, New York 10019  
Telephone: (212) 728-8000  
mauslander@willkie.com  
jdugan@willkie.com  
edeacon@willkie.com

*Attorneys for Defendant William Fry*

DAVIS POLK & WARDWELL LLP

  
Michael P. Carroll  
James H.R. Windels  
Michael S. Flynn  
James W. Haldin  
450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 701-5800  
michael.carroll@davispolk.com  
james.windels@davispolk.com  
michael.flynn@davispolk.com  
james.haldin@davispolk.com

*Attorneys for Defendant  
PricewaterhouseCoopers LLP*

HUGHES HUBBARD & REED LLP

---

William R. Maguire  
Marc A. Weinstein  
Gabrielle S. Marshall  
Kathryn R. Vogel  
One Battery Park Plaza  
New York, New York 10004  
Telephone: (212) 837-6000

*Attorneys for Defendant  
Ernst & Young Ltd. (Cayman Islands)*

WILLKIE FARR & GALLAGHER LLP

---

Mitchell J. Auslander  
James C. Dugan  
Emma-Ann L. Deacon  
787 Seventh Avenue  
New York, New York 10019  
Telephone: (212) 728-8000  
mauslander@willkie.com  
jdugan@willkie.com  
edeacon@willkie.com

*Attorneys for Defendant William Fry*

DAVIS POLK & WARDWELL LLP

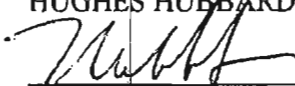
---

Michael P. Carroll  
James H.R. Windels  
Michael S. Flynn  
James W. Haldin  
450 Lexington Avenue  
New York, New York 10017  
Telephone: (212) 450-4000  
Facsimile: (212) 701-5800  
michael.carroll@davispolk.com  
james.windels@davispolk.com  
michael.flynn@davispolk.com  
james.haldin@davispolk.com

*Attorneys for Defendant  
PricewaterhouseCoopers LLP*

HUGHES HUBBARD & REED LLP

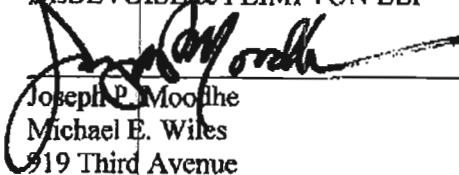
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William R. Maguire  
Marc A. Weinstein  
Gabrielle S. Marshall  
Kathryn R. Vogel  
One Battery Park Plaza  
New York, New York 10004  
Telephone: (212) 837-6000

*Attorneys for Defendant  
Ernst & Young Ltd. (Cayman Islands)*

DEBEVOISE & PLIMPTON LLP

  
 \_\_\_\_\_  
 Joseph P. Moodhe  
 Michael E. Wiles  
 919 Third Avenue  
 New York, New York 10022  
 Tel. (212) 909-6000  
 mewiles@debevoise.com  
 jpmoodhe@debevoise.com

*Attorneys for Defendants  
 Alberto Benbassat, Stephane Benbassat,  
 Genevalor, Benbassat & Cie, Gerald J.P.  
 Brady, Daniel Morrissey, David T. Smith,  
 Thema Asset Management Limited and Thema  
 International Fund plc (for purposes of this  
 motion and other preliminary proceedings)*

BRUNE & RICHARD LLP

\_\_\_\_\_  
 Susan E. Brune  
 David Elbaum  
 One Battery Park Plaza  
 New York, New York 10004  
 Tel: (212) 668-1900  
 Fax: (212) 668-0315  
 sbrune@bruneandrichard.com  
 delbaum@bruneandrichard.com

*Attorneys for Defendant  
 Nigel Fielding*

TO: Francis A. Bottini, Jr.  
 Albert Y. Chang  
 CHAPIN FITZGERALD SULLIVAN & BOTTINI LLP  
 550 West C Street, Suite 2000  
 San Diego, CA 92101

Timothy J. Burke  
 STULL, STULL & BRODY  
 10940 Wilshire Boulevard  
 Suite 2300  
 Los Angeles, CA 90024

DEBEVOISE & PLIMPTON LLP

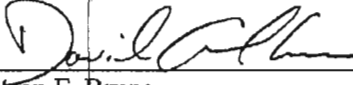
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Joseph P. Moodhe  
Michael E. Wiles  
919 Third Avenue  
New York, New York 10022  
Tel. (212) 909-6000  
mewiles@debevoise.com  
jpmoodhe@debevoise.com

*Attorneys for Defendants  
Alberto Benbassat, Stephane Benbassat,  
Genevalor, Benbassat & Cie, Gerald J.P.  
Brady, Daniel Morrissey, David T. Smith,  
Thema Asset Management Limited and Thema  
International Fund plc (for purposes of this  
motion and other preliminary proceedings)*

BRUNE & RICHARD LLP

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Susan E. Brune  
David Elbaum  
One Battery Park Plaza  
New York, New York 10004  
Tel: (212) 668-1900  
Fax: (212) 668-0315  
sbrune@bruneandrichard.com  
delbaum@bruneandrichard.com

*Attorneys for Defendant  
Nigel Fielding*

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550 West C Street, Suite 2000  
San Diego, CA 92101

Timothy J. Burke  
STULL, STULL & BRODY  
10940 Wilshire Boulevard  
Suite 2300  
Los Angeles, CA 90024

Jules Brody  
Patrick Slyne  
STULL, STULL & BRODY  
6 East 45th Street  
New York, NY 10017

Brian P. Murray  
Gregory B. Linkh  
MURRAY, FRANK & SAILER LLP  
275 Madison Avenue, Suite 801  
New York, NY 10016

Samuel H. Rudman  
David A. Rosenfeld  
COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP  
52 Duane Street, 7th Floor  
New York, NY 10007

Jack Reise  
COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP  
197 South Federal Highway, Suite 200  
Boca Raton, FL 33432

Steven J. Toll  
Daniel S. Sommers  
Joshua S. Devore  
S. Douglas Bunch  
COHEN MILSTEIN SELLERS & TOLL PLLC  
1100 New York Avenue, N.W.  
Suite 500, West Tower  
Washington, D.C. 20005

Catherine C. Torell  
COHEN MILSTEIN SELLERS & TOLL PLLC  
150 East 52nd Street, 30th Floor  
New York, NY 10022

Jacob Sabo, Esq.  
The Tower  
# 3 Daniel Frisch St.  
Tel Aviv Israel

## **EXHIBIT A**

**CHART OF DEFENDANTS' COUNTS, DEFENSES, AND DECLARATIONS RELIED UPON**

<b>Defendant<sup>1</sup></b>	<b>Counts Named In</b>	<b>Arguments Joined In Joint Memorandum of Law<sup>2</sup></b>	<b>Declarations Relied Upon</b>
Bank Austria	PC: 1, 2, 3, 4, 5 HC: 1, 3, 18, 19, 20, 21	I(A)(1, 2, 3(e), 4), (B), (C) II(A - C), (E - H) III(A), (B)(1, 3, 4, 6, 8) IV	F. Velie (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Bank of Bermuda (Cayman)	PC: 12, 13, 14, 23, 24	All sections except IV. <i>But see</i> footnotes 14 & 27.	E. Davis (attorney) A. Prüm (Luxembourg law) J. Delvaux (Luxembourg law) M. Phillips (Cayman law) J. Bagnall (Cayman law) F. Burg (Luxembourg fact)
Bank of Bermuda (Luxembourg) S.A.	PC: 15, 16, 17, 18, 25, 26	All sections except IV. <i>But see</i> footnotes 14 & 27.	E. Davis (attorney) A. Prüm (Luxembourg law) J. Delvaux (Luxembourg law) M. Phillips (Cayman law) J. Bagnall (Cayman law) F. Burg (Luxembourg fact)

1. The following defendants have not appeared and, accordingly, are not reflected in the chart: BA Worldwide Fund Management Ltd.; Bank Medici; Paul de Sury; Erko, Inc.; Eurovaleur, Inc.; Helmuth E. Frey; Friebling & Horowitz; Richard Goddard; Herald Asset Management Ltd.; John Holliweli; Infovaleur, Inc.; William A. Jones; E. Kohn; Andrew Madoff; Mark Madoff (estate of); Peter Madoff; James O'Neill; Andreas Pirkner; Primeo Executive Fund; Primeo Select Fund; Peter Scheithauer; Gabriel Safdie; Werner Trepolt; Windsor IBC, Inc.

2. Defendants join in the arguments indicated below only to the extent applicable to the Complaints and Counts in which they are named as defendants.

Defendant	Counts Named In	Arguments Joined In Joint Memorandum of Law <sup>2</sup>	Declarations Relied Upon
Bank of Bermuda Ltd.	Named as defendant in PC, but no count specified.	All sections except IV. <i>But see</i> footnotes 14 & 27.	E. Davis (attorney) A. Prüm (Luxembourg law) J. Delvaux (Luxembourg law) M. Phillips (Cayman law) J. Bagnall (Cayman law) F. Burg (Luxembourg fact)
Bank of New York Mellon	TC: 11, 12, 15, and 19	II(A), (B), (C)(1), (D), (G) III(B)	L. Liman (Attorney)
Benbassat, Alberto	TC: 5, 6, 7, 8, 13, 14, 15, 18, 19	I(A), (B) II(A), (B), (C), (D), (E) (subject to the qualification stated in Thema's separate submission) III(A), (B)	M. Wiles (attorney)
Benbassat, Stéphane	TC: 5, 6, 7, 8, 13, 14, 15, 18, 19	I(A), (B) II(A), (B), (C), (D), (E) (subject to the qualification stated in Thema's separate submission) III(A), (B)	M. Wiles (attorney)
Brady, Gerald J.P.	TC: 5, 6, 7, 8, 13, 14, 15, 18, 19	I(A), (B) II(A), (B), (C), (D), (E) (subject to the qualification stated in Thema's separate submission) III(A), (B)	M. Wiles (attorney)
Ernst & Young Ltd. (Cayman Islands)	PC: 8, 9, 10, 21, 22 HC: 1, 3, 10, 11, 18, 19	I(B) II(A), (B), (C)(1), (E), (G) III(A), (B)(1-2, 4, 8)	M. Weinstein (attorney) G. Ritchie (Cayman law) J. Bagnall (Cayman law)



Defendant <sup>1</sup>	Counts Named In	Arguments Joined In Joint Memorandum of Law <sup>2</sup>	Declarations Relied Upon
Ernst & Young Global Limited	PC: 11, 21, 22 HC: 1, 3, 12, 18, 19	I(B), (C) II(A), (B), (C), (E), (G), (H) III(A), (B)(1-2, 4, 8)	M. Weinstein (attorney) Foreign Law Expert Declarations to the extent referenced in the Arguments Joined
Ernst & Young S.A.	HC: 1, 3, 18, 19	I(B), (C) II(A), (B), (C)(2), (E), (G), (H) III(A), (B)(4, 8)	M. Weinstein (attorney) A. Prüm (Luxembourg law) J. Delvaux (Luxembourg law) F. Burg (Luxembourg law/liquidator)
Fielding, Nigel	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Genevalor, Benbassat & CIE	TC: 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19	I(A), (B) II(A), (B), (C), (D), (E) (subject to the qualification stated in Thema's separate submission) III(A), (B)	M. Wiles (attorney)
Herald Fund (LUX)	HC: 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 20, 21,	I(A)(1-2, 3(d), 4) (B) (C) II(A), (B), (C)(2) III(A), (B)(1, 3-8) IV	F. Burg (Liquidator) J. Delvaux (Luxembourg law) (in part) A. Prüm (Luxembourg law) (in part)
Herald Fund (SPC)	HC: 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 20, 21	I(A)(1, 2, 3(d), 4), (B) II(A), II(C)(1) III(A), III(B)(1, 3-8) IV	J. Serino (attorney) J. Bagnall (Cayman law) (in part)
HSBC Bank USA, N.A.	TC: 9, 10, 15, 19	All sections except IV. <i>But see</i> footnotes 14 & 27.	E. Davis (attorney) B. Shipsey (Irish law) M. Sanfey (Irish law) (except ¶ 9.1)

Defendant <sup>1</sup>	Counts Named In	Arguments Joined In Joint Memorandum of Law <sup>2</sup>	Declarations Relied Upon
HSBC Holdings plc	HC: 1, 2, 3, 18, 19 TC: 9, 10, 15, 19 PC: Named as defendant in PC, but no count specified.	All sections except IV. <i>But see</i> footnotes 14 & 27.	E. Davis (attorney) D. D'Aubney (Personal Jurisdiction) A. Prüm (Luxembourg law) J. Delvaux (Luxembourg law) W. Bagnall (Cayman law) M. Phillips (Cayman law) F. Burg (Luxembourg fact) B. Shipsey (Irish law) M. Sanfey (Irish law) (except ¶ 9.1)
HSBC Institutional Trust Services (Ireland) Ltd.	TC: 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19	All sections except IV. <i>But see</i> footnotes 14 & 27.	E. Davis (attorney) B. Shipsey (Irish law) S. Daly (Irish fact) M. Sanfey (Irish law) (except ¶ 9.1)
HSBC Securities Services (Ireland) Ltd.	TC: 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19	All sections except IV. <i>But see</i> footnotes 14 & 27.	E. Davis (attorney) B. Shipsey (Irish law) S. Daly (Irish fact) M. Sanfey (Irish law) (except ¶ 9.1)
HSBC Securities Services (Luxembourg) S.A.	HC: 1, 2, 3, 13, 14, 15, 16, 18, 19 PC: 15, 16, 17, 18, 25, 26	All sections except IV. <i>But see</i> footnotes 14 & 27.	E. Davis (attorney) A. Prüm (Luxembourg law) J. Delvaux (Luxembourg law) M. Phillips (Cayman law) J. Bagnall (Cayman law) F. Burg (Luxembourg fact)
JPMorgan Chase & Co.	TC: 11, 12, 15, 19 HC: 1, 3, 17, 18, 19	II(A), (B), (C), (D), (G) III(B)(1-4, 6-8)	P. Hynes (attorney)

<b>Defendant<sup>1</sup></b>	<b>Counts Named In</b>	<b>Arguments Joined In Joint Memorandum of Law<sup>2</sup></b>	<b>Declarations Relied Upon</b>
JPMorgan Chase Bank, N.A.	HC: 1, 3, 17, 18, 19	II(A), (B), (C), (G) III(B)(2-4, 6-8)	P. Hynes (attorney)
J.P. Morgan Securities LLC	HC: 1, 3, 17, 18, 19	II(A), (B), (C), (G) III(B)(2-4, 6-8)	P. Hynes (attorney)
J.P. Morgan Securities Ltd.	HC: 1, 3, 17, 18, 19	II(A), (B), (C), (G) III(B)(2-4, 6-8)	P. Hynes (attorney)
Kaniak, Karl E.	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Kohn, Sonja	HC: 1-8, 18-21 PC: 1-5 TC: 5-8, 13-19	I(A), (B) II(A - G) III(A), (B)(1, 3-8) IV	P. Gielen (attorney)
La Rocca, Alberto	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Morrissey, Daniel	TC: 5, 6, 7, 8, 13, 14, 15, 18, 19	I(A), (B) II(A), (B), (C), (D), (E) (subject to the qualification stated in Thema's separate submission) III(A), (B)	M. Wiles (attorney)
Mugnai, Franco	HC: 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19, 20, 21	I(A)(1-2, 3(a), 4), (B) II(A), (C)(1), (E) III(A), (B)(1, 3-8) IV	J. Serino (attorney) J. Bagnall (Cayman law) (in part)

<b>Defendant<sup>1</sup></b>	<b>Counts Named In</b>	<b>Arguments Joined In Joint Memorandum of Law<sup>2</sup></b>	<b>Declarations Relied Upon</b>
Murray, Declan	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Pfeffer, Friedrich	HC: 1, 2, 3, 4, 5, 6, 7, 8, 9, 18, 19	I(A)(1-2, 3(a), 4), (B) II(A), (C)(1), (E) III(A), (B)(1, 3-8)	J. Serino (attorney) J. Bagnall (Cayman law) (in part)
Pioneer Alternative Investment Management Ltd.	PC: 1, 2, 3, 4, 5, 7	I(B) II(A), (B), (C), (E), (F), (G) III(A), (B)(1, 3, 5, 6)	M. Schnabl (attorney) J. Bagnall (Cayman law) M. Howard (Irish law)
Pioneer Global Asset Management S.p.A.	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G), (H) III(A), (B)(1-3, 5, 6)	M. Schnabl (attorney) J. Bagnall (Cayman law) M. Howard (Irish law) F. Trevisan (Luxembourg law) R. Yates (personal jurisdiction)
PricewaterhouseCoopers International Limited (“PwCIL”)	TC: 3, 4, 9, 10, 11, 12, 15, 19	I(B) II(A), (B), (C)(1), (D), (E), (G), (H) III(A), (B)(1, 4, 6)	A. Ryan (attorney) M. Sanfey (Irish law) A. Weldon ( <i>forum non conveniens</i> )
PricewaterhouseCoopers, Chartered Accountants, a Bermuda Partnership (“PwC Bermuda”)	TC: 1, 2, 9, 10, 11, 12, 15, 19	I (B) II(A), (B), (C)(1), (D), (E), (G), (H) III(A), (B)(1, 4, 6)	A. Ryan (attorney) M. Sanfey (Irish law) A. Weldon ( <i>forum non conveniens</i> )

Defendant <sup>1</sup>	Counts Named In	Arguments Joined In Joint Memorandum of Law <sup>2</sup>	Declarations Relied Upon
PricewaterhouseCoopers Dublin ("PwC Ireland")	TC: 1, 2, 9, 10, 11, 12, 15, 19	I(A), (B) II(A), (B), (C)(1), (D), (E), (G), (H) III(A), (B)(1, 4, 6)	A. Ryan (attorney) M. Sanfey (Irish law) A. Weldon ( <i>forum non conveniens</i> and specific personal jurisdiction) V. MacMahon (general personal jurisdiction)
PricewaterhouseCoopers LLP ("PwC U.S.")	TC: 1, 2, 9, 10, 11, 12, 15, 19	I(B) II(A), (B), (C)(1), (D), (E), (G), (H) III(A), (B)(1, 4, 6)	A. Ryan (attorney) M. Sanfey (Irish law) A. Weldon ( <i>forum non conveniens</i> )
Radel-Leszczynski, Ursula	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Saleta, Hannes	PC: 1, 2, 3, 4, 5, 6, 19, 20 HC: 1, 3, 4, 5, 6, 7, 8, 9, 18, 19	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Simon, Alfred	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Smith, David T.	TC: 5, 6, 7, 8, 13, 14, 15, 18, 19	I(A), (B) II(A), (B), (C), (D), (E) (subject to the qualification stated in Thema's separate submission) III(A), (B)	M. Wiles (attorney)
Spalek, Johannes	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)
Tiefenbacher, Hans-Peter	PC: 1, 2, 3, 4, 5, 6, 19, 20	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law) A. Prüm (Luxembourg law)

Defendant <sup>1</sup>	Counts Named In	Arguments Joined In Joint Memorandum of Law <sup>2</sup>	Declarations Relied Upon
Thema Asset Management Ltd	TC: 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 18, 19	I(A), (B) II(A), (B), (C), (D), (E) (subject to the qualification stated in Thema's separate submission) III(A), (B)	M. Wiles (attorney)
Thema International Fund PLC	TC: 15, 19	I(A), (B) II(A), (B), (C), (D), (E) (subject to the qualification stated in Thema's separate submission) III(A), (B)	M. Wiles (attorney)
UniCredit S.p.A.	HC: 1, 3, 18, 19, 20, 21 PC: 1, 2, 3, 4, 5 TC: 5, 6, 7, 8, 13, 14, 15, 16, 17, 18, 19	I (B), (C) II (all) III (all) IV	M. Schnabl (attorney) J. Bagnall (Cayman law) M. Howard (Irish law) M. Sanfey (Irish law) F. Trevisan (Luxembourg law) A. Prüm (Luxembourg law)
Wheaton, Michael	PC: 1, 2, 3, 4, 5, 6, 19, 20.	I(A), (B) II(A), (B), (C), (E), (F), (G) III(A), (B)	M. Barton (attorney) J. Bagnall (Cayman law)
William Fry	TC: 15, 19	I(B) II(A) (B) (C) (D) (E) III(A) (B) (4, 6)	J. Dugan (Attorney) M. Sanfey (Irish law)