

BakerHostetler

Baker&Hostetler LLP

45 Rockefeller Plaza
New York, NY 10111

T 212.589.4200
F 212.589.4201
www.bakerlaw.com

Eric R. Fish
direct dial: 212.589.4647
efish@bakerlaw.com

January 23, 2020

VIA ECF AND E-MAIL

Honorable Stuart M. Bernstein
United States Bankruptcy Court
Southern District of New York
One Bowling Green, Room 723
New York, NY 10004-1408

Re: Picard v. HSBC Bank PLC, et al., Adv. Pro. No. 09-01364 (SMB)

Dear Judge Bernstein:

We write on behalf of the Trustee to respectfully request the modification of the schedule for two of the Trustee's motions on file seeking the issuance of letters of request for examinations of foreign witnesses, Brian Pettitt ("Pettitt Motion," ECF No. 526) and Saverio Fiorino ("Fiorino Motion," ECF No. 579). We previously requested that the motions be heard on the omnibus hearing date of February 26, 2020, and Your Honor so-ordered the request earlier today (ECF No. 583). Counsel for HSBC, who is objecting to these motions, is not available on February 26, 2020. We therefore respectfully request that the Pettitt Motion and the Fiorino Motion be rescheduled to be heard on the omnibus hearing date of March 25, 2020. Counsel for HSBC has confirmed their availability for that date.

We also respectfully request a change to the briefing schedule for these two motions. The Trustee initially filed the Pettitt Motion on May 24, 2019, and HSBC and Mr. Pettitt filed their opposition to the Pettitt Motion on June 3, 2019. The parties have agreed that the Trustee may file a reply in further support of the Pettitt Motion on or before February 11, 2020 and that HSBC may file a sur-reply for the Pettitt Motion on or before February 25, 2020. The parties also have agreed that HSBC may file its opposition to the Fiorino Motion on or before February 11, 2020 and the Trustee may file a reply in support of the Fiorino Motion on or before February 25, 2020.

The motions seeking the issuance of letters of request for the examination of other witnesses that are currently on file— Gerald Pistracher (ECF No. 574); Wilhelm Holzer (ECF No. 575); Karim

Honorable Stuart M. Bernstein
January 23, 2020
Page 2

Bibars (ECF No. 577); and Karl Bruck (ECF No. 578)—should remain on Your Honor's calendar for the February 26, 2020 omnibus hearing date.

Respectfully submitted,

/s/ Eric R. Fish

Eric R. Fish

cc: All counsel on attached service list

Service List

Pro Se Defendants

Inter Asset Management Inc.
British Virgin Islands

Defendant Counsel

David Z. Schwartz
Cleary Gottlieb Steen & Hamilton LLP
Email: dschwartz@cgsh.com
Attorney For: HSBC Bank (Cayman) Limited, HSBC Bank Bermuda Limited, HSBC Bank plc, HSBC Bank USA, N.A, HSBC Holdings plc, HSBC Institutional Trust Services (Bermuda) Limited, HSBC Institutional Trust Services (Ireland) Ltd., HSBC Private Bank (Suisse) S.A., HSBC Private Banking Holdings (Suisse) SA, HSBC Securities Services (Bermuda) Limited, HSBC Securities Services (Ireland) Ltd., HSBC Securities Services (Luxembourg) S.A.

Diarra Guthrie
Jessa DeGrootte
Joseph M. Kay
S. Ellie Norton
Thomas J. Moloney
Cleary Gottlieb Steen & Hamilton LLP
Email: dguthrie@cgsh.com
Email: jdegroote@cgsh.com
Email: jkay@cgsh.com
Email: snorton@cgsh.com
Email: tmoloney@cgsh.com
Attorney For: HSBC Bank (Cayman) Limited, HSBC Bank Bermuda Limited, HSBC Bank plc, HSBC Bank USA, N.A, HSBC Fund Services (Luxembourg) S.A., HSBC Holdings plc, HSBC Institutional Trust Services (Bermuda) Limited, HSBC Institutional Trust Services (Ireland) Ltd., HSBC Private Bank (Suisse) S.A., HSBC Private Banking Holdings (Suisse) SA, HSBC Securities Services (Bermuda) Limited, HSBC Securities Services (Ireland) Ltd., HSBC Securities Services (Luxembourg) S.A.

Douglas A. Amedeo
Todd E. Duffy
DuffyAmedeo LLP
Email: damedeo@duffyamedeo.com
Email: tduffy@duffyamedeo.com
Attorney For: Alpha Prime Fund Limited

Frank Velie
Jonathan Kortmansky
Pierce Bainbridge Beck Price & Hecht LLP
Email: fvelie@piercebainbridge.com
Email: jkortmansky@piercebainbridge.com
Attorney For: BA Worldwide Fund Management Ltd.

Mitchell C. Stein
Sullivan & Worcester LLP
Email: mstein@sandw.com
Attorney For: BA Worldwide Fund Management Ltd.

Joseph P. Moodhe
Shannon Rose Selden
Debevoise & Plimpton LLP
Email: jpmoodhe@debevoise.com
Email: srselden@debevoise.com
Attorney For: Thema International Fund plc

Notices of Appearance

Joseph M. Kay
Thomas J. Moloney
Cleary Gottlieb Steen & Hamilton LLP
Email: jkay@cgsh.com
Email: tmoloney@cgsh.com

Douglas A. Amedeo
Todd E. Duffy
DuffyAmedeo LLP
Email: damedeo@duffyamedeo.com
Email: tduffy@duffyamedeo.com

Nicholas F. Kajon
Stevens & Lee P.C.
Email: nfk@stevenslee.com