



LOWEY DANNENBERG, P.C.

June 13, 2022

VIA ECF

The Honorable J. Paul Oetken
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007-1312

Re: *In re Mexican Government Bonds Antitrust Litigation*, No. 18-cv-2830 (JPO) (S.D.N.Y.)

Dear Judge Oetken:

We represent Plaintiffs in the above-captioned action. We write to request that the Court enter final judgment in this case pursuant to Rule 58(d) of the Federal Rules of Civil Procedure so that Plaintiffs may perfect an appeal.

The Court granted the non-Settling Defendants¹ motions to dismiss in *In re Mexican Gov't Bonds Antitrust Litig.*, No. 18-CV-2830 (JPO), 2020 WL 7046837 (S.D.N.Y. Nov. 30, 2020), and subsequently denied Plaintiffs' motion for reconsideration. *In re Mexican Gov't Bonds Antitrust Litig.*, No. 18-CV-2830 (JPO), 2022 WL 950955 (S.D.N.Y. Mar. 30, 2022). The Court entered final judgment and orders of dismissal on October 29, 2021, as to the Settling Defendants.² See ECF Nos. 273-74. As a result, UBS Bank Mexico, S.A., Institución de Banca Múltiple, UBS Grupo Financiero ("UBS Mexico") is the sole Defendant named in the Second Amended Class Action Complaint (ECF No. 163) that remains in this action.

The Second Circuit has stated that "when there are two or more defendants who have been served and the district court dismisses the action as to fewer than all of them, a final judgment may not be entered reflecting that dismissal unless the court so instructs and makes an 'express determination' that there is no just reason to delay entry of the judgment." *Leonhard v. United States*, 633 F.2d 599, 608 (2d Cir. 1980). However, the Second Circuit has held that district courts may enter final judgments in cases where the claims against all served defendants have been resolved, even if

¹ The non-Settling Defendants are Banco Nacional de México, S.A., Institución de Banca Múltiple, Grupo Financiero Banamex; Banco Santander (México), S.A., Institución de Banca Múltiple, Grupo Financiero Santander México; Bank of America México, S.A., Institución de Banca Múltiple, Grupo Financiero Bank of America; BBVA Bancomer S.A., Institución de Banca Múltiple, Grupo Financiero BBVA Bancomer; Deutsche Bank México, S.A., Institución de Banca Múltiple; and HSBC México, S.A., Institución de Banca Múltiple, Grupo Financiero HSBC.

² The Settling Defendants are JPMorgan Chase & Co.; J.P. Morgan Broker-Dealer Holdings Inc.; J.P. Morgan Securities LLC; JPMorgan Chase Bank, National Association; Banco J.P. Morgan, S.A. Institución de Banca Múltiple, J.P. Morgan Grupo Financiero; J.P. Morgan Securities plc; Barclays PLC; Barclays Bank PLC; Barclays Capital Inc.; Barclays Capital Securities Limited; Barclays Bank México, S.A., Institución de Banca Múltiple, Grupo Financiero Barclays México; and Grupo Financiero Barclays México, S.A. de C.V. See ECF Nos. 273-74.



LOWEY DANNENBERG_{P.C.}

Letter to Judge J. Paul Oetken
June 13, 2022
Page 2 of 2

some unserved defendants remain. *See Cotton v. McCarthy*, 383 F. App'x 26, 27 (2d Cir. 2010) (summary order) (citing *Leonhard*, 633 F.2d at 608).

While attempting to effectuate service on UBS Mexico, Plaintiffs were informed that UBS Mexico has been dissolved. As a result, Plaintiffs have not been able to serve process on UBS Mexico. Accordingly, Plaintiffs respectfully request that the Court enter final judgment in the case pursuant to Rule 58(a) of the Federal Rules of Civil Procedure.

We are of course available at the Court's convenience should your Honor have any questions.

Respectfully submitted,

s/ Vincent Briganti
Vincent Briganti

cc: Counsel of Record (via ECF)