

President, Christina Kirchner, has said that Argentina “will not give in [to the] *vulture funds*” and *will not pay them in any way*” (Cohen Decl. Exs. PP, SS), even though Argentina has “*sufficient funds, including over \$40 billion in foreign currency reserves*, to pay plaintiffs the judgment they are due.” *NML Capital Ltd. v. Republic of Argentina*, Docket No. 12-105(L) (2d. Cir. Oct. 26, 2012). In an open letter dated November 8, 2012, to Paul Singer, the principal of NML’s parent, Elliot Capital, Argentina’s Ambassador to the United States, Jorge Argüello, wrote:

The entire world is watching ever more closely how this confrontation will evolve: a confrontation between a law-abiding country and government that honor their debts and pay them as they are due, and a group of speculators who insist on flapping their wings like vultures. Yet things are changing. The vultures no longer soar over a moribund Argentine economy, and the rest of the world is becoming aware that, in order to recover from the crisis, it needs real investors and entrepreneurs. Not vultures.

Cohen Decl. Ex. NN

**THE DUANE MORRIS INDIVIDUAL PLAINTIFFS ARE NOT
“VULTURE FUNDS”**

Although the identity of the bondholders should not change the outcome, it should be noted that not all of the bondholders who rejected Argentina’s exchange offers are hedge funds that bought the defaulted bonds at a discount, *i.e.*, the so-called “vulture funds.” Indeed, the Duane Morris Individual Plaintiffs are all individuals who purchased the Argentine bonds at par value, and who have found themselves in the position of having their liquidity frozen for more than ten years with the government and officials of Argentina vowing non-compliance with the orders of the courts of this country.

Argentina's recent comments suggest that Argentina has been resisting payment of its ongoing obligations only because the holders of the defaulted bonds are all "vulture funds" who took "usurious bets" and have "spurious interests." [Cohen Decl. Ex. NN]. While it is not for Argentina to pick and choose which bondholders to service, we wish to bring to the Court's attention that a group of bondholders – who purchased the Argentine bonds at the time of issue – purchased the bonds *not* as bets or hedges, but as "secure" investments to fund their retirements.

The Duane Morris Individual Plaintiffs are a group of individuals who purchased the bonds at par value, hoping to reap the benefits of their investment through interest payments and, upon maturity, full repayment of principal. Indeed, most of the bondholders of the defaulted bonds are retirees who had hoped to fund their retirements through investment in the Argentine bonds. Some of them have already passed away.

In 2001, Argentina unilaterally repudiated its obligation to pay. Since the default, the Duane Morris Individual Plaintiffs have not received any interest payments, and their investments have become illiquid. As they had the right to do, the Duane Morris Individual Plaintiffs refused to accept the exchange offers, which would have yielded only a small percentage of their actual investments. Despite its proclaimed ability to pay, Argentina has steadfastly refused to make the payments that are due under the defaulted bonds – even to the individuals who are not "vultures." Argentina's refusal to pay the individual investors who purchased the bonds at par (or, in Ambassador Argüello's nomenclature, the "real investors"), makes clear that Argentina's refusal to pay, despite its ability to do so, is not predicated upon any

principled reason relating to identity of the bondholders, but is a boldfaced and blatant repudiation of its obligations and disobedience to the Courts of the United States.³

The Duane Morris Individual Plaintiffs have suffered a complete loss of liquidity and their investments in the Argentine bonds have been completely frozen for over ten years. Accordingly, any order that the Court issues requiring payment to the plaintiffs in the actions at issue here, should take account of the fact that many individual investors have been deprived of cash for more than a decade, and no stay should be extended.

THE DUANE MORRIS INDIVIDUAL PLAINTIFFS SUPPORT
THE POSITION OF NML

As a general matter, the Duane Morris Individual Plaintiffs adopt the arguments advocated by NML in the Brief filed on November 13, 2012. NML has endorsed a reading of the “ratable payment formula” to mean “[i]f Argentina pays any installment currently due under the Exchange Bonds in full, it must pay in full the amount it currently owes the plaintiffs.” It appears that the formula being advanced in the Plaintiffs’ brief is a fair and equitable resolution, given the Republic’s long-standing recalcitrance. Further, the Duane Morris Individual Plaintiffs also oppose an extension of the stay.

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³ In a shameless display of bravado, Argentina has sought from this Court – and obtained, in many instances – rulings that protect it from judgment creditors’ attempts to execute against Argentine assets. To our knowledge, none of these rulings have been disobeyed by any judgment creditor. At the same time, Argentina continues to openly proclaim that it will not obey orders of this Court with which it disagrees. This comportment makes a mockery of our judicial process and must not be countenanced.

Respectfully Submitted,

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Case No.	Case Name	Duane Morris Plaintiffs
03-CV-4693	Francheschi, et al. v. Republic of Argentina	Giovanni Carlotta Raimondo Iallouardo
03-CV-8120	Mazzini, et al. v. Republic of Argentina	Valerio Piacenza
04-CV-3314	Morata, et al. v. Republic of Argentina	Milena Ampalla Antonella Bacchiocchi Filippo Bagolin Giancarlo Bartolomei Corsi Anneliese Gunda Becker Giorgio Bennati Giorgio Bennati and Carla Morata Orsolina Berra Giorgio Bistagnino and Eugenia Re Stefano Bistagnino and Felicina Gaioli Andrea Bonazzi and Mirco Masina and Luca Vitali Stefania Bonpensiere Marcello Calanca and Elettra Casalini Bruno Calmasini and Tarcisia Dalbosco Italia Camato Vincenzo Carbone Marco Cavalli and Valeria Toso Carmelina Censi Gian Francesco Cercato and Barbara Ricchi Silvana Corato and Giulia Greggio Francesco Corso and Giuseppina Corso Laura Cosci Aldo David Antonio De Francesco Francesco Foggiano Rinaldo Frisinghelli and Graziella DaCroce Angiolino Fusato and Gabriele Fusato and Anna Storchi Maddalena Gaioli and Felicina Gaioli Francesco Mauro Ghezzi Francesco Mauro Ghezzi and Maria Luigia Conti Gianfranco Guarini Innovamedica S.p.A. (f/k/a MATIVA S.r.l.) Angelo Leoni and Rachele Bontempi Carmelo Maio Claudio Mangano and Maritza Lenti Romano Marton Mirco Masina and Andrea Bonazzi Guglielmina Massara and Martino Verna Alessandro Morata Maria Rita Moretto and Ugo Lorenzi Bruno Pappacoda and Luisella Guardinceri Adriano Rosato Sante Stefani and Angelina Salmistraro Studio Legale Bennati Renate Tielman Manuelito Toso Mauro Toso Mario Vicini Mario Vicini and Giuseppina Capezzerà
04-CV-6137	Moldes, et al. v. Republic of Argentina	Graziella Bonadiman Italia Camato Salvatore Melchionda Franco Pezze Tiziano Sasselli and Giovanna Ferro
04-CV-6594	Cilli, et al. v. Republic of Argentina	Renata Boscarol and Giampaolo Montino Maurizio Sergi Simona Staccioli
04-CV-7504	Rosa, et al. v. Republic of Argentina	Augusto Arcangeli De Felicis Alberto Compare Manuela De Rosa Kunderfranco and Giovanna Connena and Antonella De Rosa Kunderfranco

Adriana Dell'Era
Gian Carlo Ganapini and Laura Anna Capurro
Fernanda Angela Lovero and Sabrina Parodi
Paola Rosa
Licia Stampfli-Rosa

05-CV-177 Consolini, et al. v. Republic of Argentina

Agostino Consolini
Cesarino Consolini and Agostino Consolini
Mario Giacometti and Verna Gualandi
Hilda Rupprecht

05-CV-2943 Ferri, et al. v. Republic of Argentina

Gianfranco Agostini
Sara Bartolozzi
Roberto Berardocco
Carlo and Susanna Bretti
Anna Ferri
Giovanni Giardina and Vincenza Sabatelli
Franco Pezze
Maria Robbiati

05-CV-3089 Rigueiro, et al. v. Republic of Argentina

Angelo Coltoni and Bruna Mattioli
Alessandra Regoli
Silvia Regoli
Ines Rota
Vito Zancaner
Matteo and Giovanni Zanichelli

05-CV-4299 Bettoni, et al. v. Republic of Argentina

Massimo Bettoni
Carla Marini Arcangeli De Felicis

05-CV-4466 Fedecostante, et al. v. Republic of Argentina

Carifin S.A.
Diego Castagna and Eufrosina De Stefano

05-CV-6002 Lisi, et al. v. Republic of Argentina

Graziano Adami and Monica Crozzoletto
Celestino Goglia
Paolo Lisi
Elide Margnelli
Amato Mori

05-CV-6200 Rossini, et al. v. Republic of Argentina, et al.

Ruggero Rossini and Antonietta Giuseppina Brioschi and Raffaele
Rossini
Simonetta Montanari
Claudio Mori
Alfredo Pelli and Graziella Berchi
Giuseppe Silvio Rossini and Marinella Scalvi
Laura Rossini

05-CV-6599 Klein, et al. v. Republic of Argentina

Adriano Bettinelli
Ruggero Rossini and Antonietta Giuseppina Brioschi

05-CV-8195 Lovati v. Republic of Argentina

Sergio Lovati

05-CV-8687 Botti, et al. v. Republic of Argentina

Alberto Baciucco
Otello Baciucco
Emanuele Botti
Giovanni Botti and Maria Ziliani

05-CV-10636 Pasquali, et al. v. Republic of Argentina

Carlo Farioli

07-CV-00098 Beyer, et al. v. Republic of Argentina

Pier Luigi Lucibello Piani
Franco Trentin and Stefania Trentin

07-CV-5807 Borgra, et al. v. Republic of Argentina

Marco Borgra and Sergio Borgra
Marco Borgra and Donatella Fragonara Zanotti