

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NML CAPITAL, Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	08 Civ. 6978 (TPG) 09 Civ. 1707 (TPG) 09 Civ. 1708 (TPG)
NML CAPITAL, Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	14 Civ. 8601 (TPG)
NML CAPITAL, Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	14 Civ. 8988 (TPG)

(captions continue on following pages)

**SUPPLEMENTAL DECLARATION OF MICHAEL A. PASKIN IN SUPPORT OF
THE REPUBLIC OF ARGENTINA'S MOTION, BY ORDER TO SHOW CAUSE,
TO VACATE THE INJUNCTIONS ISSUED ON NOVEMBER 21, 2012 AND
OCTOBER 20, 2015**

FFI FUND, LTD. and FYI LTD.,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 8630 (TPG)

AURELIUS CAPITAL MASTER, LTD. and ACP
MASTER, LTD.,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

09 Civ. 8757 (TPG)
09 Civ. 10620 (TPG)

AURELIUS OPPORTUNITIES FUND II, LLC and
AURELIUS CAPITAL MASTER, LTD.,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 1602 (TPG)
10 Civ. 3507 (TPG)

AURELIUS CAPITAL MASTER, LTD. and
AURELIUS OPPORTUNITIES FUND II, LLC,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 3970 (TPG)
10 Civ. 8339 (TPG)

BLUE ANGEL CAPITAL I LLC,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 4101 (TPG)
10 Civ. 4782 (TPG)

OLIFANT FUND, LTD.,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 9587 (TPG)

PABLO ALBERTO VARELA, *et al.*,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

10 Civ. 5338 (TPG)

PEREZ, *et al.*,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 8242 (TPG)

AURELIUS CAPITAL PARTNERS, LP, *et al.*,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 8946 (TPG)

BLUE ANGEL CAPITAL I LLC,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 8947 (TPG)

EM LTD.,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 8303 (TPG)

LIGHTWATER CORP. LTD.,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 4092 (TPG)

OLD CASTLE HOLDINGS, LTD.,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 4091 (TPG)

SETTIN,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 8739 (TPG)

CAPITAL VENTURES INTERNATIONAL,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 7258 (TPG)

ADAMI, <i>et al.</i> , Plaintiffs, - against - THE REPUBLIC OF ARGENTINA, Defendant.	14 Civ. 7739 (TPG)
CAPITAL MARKETS FINANCIAL SERVICES INC., <i>et al.</i> , Plaintiffs, - against - THE REPUBLIC OF ARGENTINA, Defendant.	15 Civ. 710 (TPG)
FOGLIA, <i>et al.</i> , Plaintiffs, - against - THE REPUBLIC OF ARGENTINA, Defendant.	14 Civ. 8243 (TPG)
PONS, <i>et al.</i> , Plaintiffs, - against - THE REPUBLIC OF ARGENTINA, Defendant.	13 Civ. 8887 (TPG)

GUIBELALDE, *et al.*,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

11 Civ. 4908 (TPG)

DORRA, *et al.*,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 10141 (TPG)

BELOQUI, *et al.*,

Plaintiffs,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 5963 (TPG)

TORTUS CAPITAL MASTER FUND, LP,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

14 Civ. 1109 (TPG)

TORTUS CAPITAL MASTER FUND, LP, Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	14 Civ. 3127 (TPG)
TRINITY INVESTMENTS LIMITED, Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	14 Civ. 10016 (TPG)
MONTREUX PARTNERS, L.P., Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	14 Civ. 7171 (TPG)
LOS ANGELES CAPITAL, Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	14 Civ. 7169 (TPG)

<p>CORDOBA CAPITAL,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>THE REPUBLIC OF ARGENTINA,</p> <p style="text-align: right;">Defendant.</p>	<p>14 Civ. 7164 (TPG)</p>
<p>WILTON CAPITAL, LTD.,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>THE REPUBLIC OF ARGENTINA,</p> <p style="text-align: right;">Defendant.</p>	<p>14 Civ. 7166 (TPG)</p>
<p>MCHA HOLDINGS, LLC,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>THE REPUBLIC OF ARGENTINA,</p> <p style="text-align: right;">Defendant.</p>	<p>14 Civ. 7637 (TPG)</p>
<p>MCHA HOLDINGS, LLC,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>THE REPUBLIC OF ARGENTINA,</p> <p style="text-align: right;">Defendant.</p>	<p>14 Civ. 10064 (TPG)</p>

ANDRAREX LTD., - against - THE REPUBLIC OF ARGENTINA,	Plaintiff, Defendant.	14 Civ. 9093 (TPG)
CLARIDAE, <i>et al.</i> , - against - THE REPUBLIC OF ARGENTINA,	Plaintiffs, Defendant.	14 Civ. 10201 (TPG)
ARAG-A LIMITED, <i>et al.</i> , - against - THE REPUBLIC OF ARGENTINA,	Plaintiffs, Defendant.	14 Civ. 9855 (TPG)
ATTESTOR MASTER VALUE FUND LP, - against - THE REPUBLIC OF ARGENTINA,	Plaintiff, Defendant.	14 Civ. 5849 (TPG)

ANGULO, <i>et al.</i> , Plaintiffs, - against - THE REPUBLIC OF ARGENTINA, Defendant.	15 Civ. 1470 (TPG)
LAMBERTINI, <i>et al.</i> , Plaintiffs, - against - THE REPUBLIC OF ARGENTINA, Defendant.	15 Civ. 1471 (TPG)
HONERO FUND I, LLC, Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	15 Civ. 1553 (TPG)
TRINITY INVESTMENTS LIMITED, Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	15 Civ. 1588 (TPG)

<p>BANCA ARNER S.A., <i>et al.</i>,</p> <p style="text-align: right;">Plaintiffs,</p> <p style="text-align: center;">- against -</p> <p>THE REPUBLIC OF ARGENTINA,</p> <p style="text-align: right;">Defendant.</p>	<p>15 Civ. 1508 (TPG)</p>
<p>TRINITY INVESTMENTS LIMITED,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>THE REPUBLIC OF ARGENTINA,</p> <p style="text-align: right;">Defendant.</p>	<p>15 Civ. 2611 (TPG)</p>
<p>TRINITY INVESTMENTS LIMITED,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>THE REPUBLIC OF ARGENTINA,</p> <p style="text-align: right;">Defendant.</p>	<p>15 Civ. 5886 (TPG)</p>
<p>MCHA HOLDINGS, LLC,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">- against -</p> <p>THE REPUBLIC OF ARGENTINA,</p> <p style="text-align: right;">Defendant.</p>	<p>15 Civ. 2577 (TPG)</p>

MCHA HOLDINGS, LLC,

Plaintiff,

- against -

15 Civ. 5190 (TPG)

THE REPUBLIC OF ARGENTINA,

Defendant.

ERCOLANI, *et al.*,

Plaintiffs,

- against -

15 Civ. 4654 (TPG)

THE REPUBLIC OF ARGENTINA,

Defendant.

FAZZOLARI, *et al.*,

Plaintiffs,

- against -

15 Civ. 3523 (TPG)

THE REPUBLIC OF ARGENTINA,

Defendant.

STONEHILL INSTITUTIONAL PARTNERS, L.P., *et al.*,

Plaintiffs,

- against -

15 Civ. 4284 (TPG)

THE REPUBLIC OF ARGENTINA,

Defendant.

WHITE HAWTHORNE, LLC,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

15 Civ. 4767 (TPG)

VR GLOBAL PARTNERS, LP,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

11 Civ. 8817 (TPG)

HONERO FUND I, LLC,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

15 Civ. 6702 (TPG)

PROCELLA HOLDINGS, L.P.,

Plaintiff,

- against -

THE REPUBLIC OF ARGENTINA,

Defendant.

15 Civ. 3932 (TPG)

BYBROOK CAPITAL MASTER FUND LP, <i>et al.</i> , Plaintiffs, - against - THE REPUBLIC OF ARGENTINA, Defendant.	15 Civ. 7367 (TPG)
BYBROOK CAPITAL MASTER FUND LP, <i>et al.</i> , Plaintiffs, - against - THE REPUBLIC OF ARGENTINA, Defendant.	15 Civ. 2369 (TPG)

**SUPPLEMENTAL DECLARATION OF MICHAEL A. PASKIN IN SUPPORT OF
THE REPUBLIC OF ARGENTINA'S MOTION, BY ORDER TO SHOW CAUSE,
TO VACATE THE INJUNCTIONS ISSUED ON NOVEMBER 21, 2012 AND
OCTOBER 20, 2015**

Michael A. Paskin hereby declares as follows:

1. I am a member of the Bar of this Court and a partner at the law firm of Cravath, Swaine & Moore LLP, counsel to defendant the Republic of Argentina (the "Republic") in the above-captioned actions.

2. I make this Supplemental Declaration in further support of the Republic's Motion, By Order to Show Cause, to Vacate the Injunctions Issued on November 21, 2012, and October 30, 2015 (*e.g.*, 08 Civ. 6978 (TPG), Dkt. 861; 14 Civ. 8601 (TPG), Dkt. 41).


3. Attached as Exhibit A is a true and correct copy of the February 3, 2016, Agreement in Principle between the Republic and Montreux Partners, LP (for itself and any affiliated or related entities) (“Montreux”).¹

4. Attached as Exhibit B are true and correct copies of the documents comprising the February 3, 2016, Agreement in Principle between the Republic and EM Limited.²

5. The settlement amounts reflected in the Republic’s Agreements in Principle with Montreux and EM Limited are equal to or less than what those respective bondholders would be entitled to receive pursuant to the public settlement proposal issued by the Republic on February 5, 2016, which is described in greater detail in the Republic’s Memorandum of Law (*e.g.*, 08 Civ. 6978 (TPG), Dkt. 863, at 9-10) and my prior Declaration, dated February 11, 2016, (*e.g.*, 08 Civ. 6978 (TPG), Dkt. 864 ¶ 14, Ex. J) in support of the Motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 17, 2016.


Michael A. Paskin

¹ The Montreux plaintiffs in the above-captioned actions include: Montreux Partners, L.P.; Los Angeles Capital; Cordoba Capital; and Wilton Capital. The Montreux actions can be found at 14 Civ. 7169 (TPG); 14 Civ. 7166 (TPG); 14 Civ. 7164 (TPG); and 14 Civ. 7171 (TPG).

² The EM Limited action can be found at 14 Civ. 8303 (TPG).

Exhibit A

Agreement in Principle


The Republic of Argentina ("Argentina") and Montreux Partners, LP (for itself and any affiliated or related entities, "Montreux") agree in principle as follows:

1. Subject to (a) approval by the Argentine Congress and (b) a decision lifting the injunctions currently in place, Argentina shall pay Montreux 72.5% of Montreux's judgments, such payment presently understood to be approximately \$298,664,000, in freely available, unencumbered, and unrestrained funds denominated in US dollars, to such accounts as may be specified by Montreux.
2. Upon full receipt of such funds, Montreux shall provide Argentina with a full and final release and discharge and a stipulation of dismissal with prejudice of the judgments previously entered against Argentina under docket numbers No. 05 Civ. 4239 (TPG); No. 05 Civ. 10201 (TPG); No. 07 Civ. 2349 (TPG); No. 06 Civ. 5887 (TPG); No. 07 Civ. 1797 (TPG); No. 09 Civ. 401 (TPG).
3. Both parties shall use commercially reasonable efforts and take all such actions as may be reasonably necessary to obtain the approvals referenced in paragraph 1 above, including without limitation by means of Montreux presenting an appropriate motion to the District Court for a dissolution of any injunctive restraints through counsel of its choosing, who shall be to the extent possible a law firm of significant stature and reasonably acceptable to Argentina.
4. The parties will reasonably cooperate with each other with respect to the wording of an initial press release concerning this Agreement in Principle, without prejudice to Argentina's right to disclose the same in such manner as it deems appropriate.

Dated: New York, New York
February 3, 2016

The Republic of Argentina

Montreux Partners, LP

By: 

By: 

Name: Luis Caputo

Name: Michael Straus

Title: Secretary of Finance

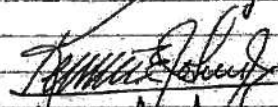
Title: A Managing Member of Its General Partner

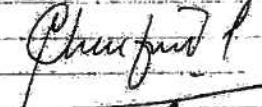
Exhibit B

February 3, 2016


Subject to approval by the Argentine Congress and to the lifting of the injunction, ~~for~~ ~~limited~~ and Argentina agree to resolve all litigation for payment of, between \$842,000,000 and \$848,000,000 as finally determined between them.

The parties agree to cooperate with each other in all respects to accomplish this settlement and to execute all papers necessary to accomplish this objective.


Ken Johns, for ~~ERM~~ Limited


Luis Espino
Secretary of Finance



Re: Interest Rate 
Michael Paskin to: Taft, William
Cc: "Taney, Marisa R."

02/11/2016 11:58 AM

yes

"Taft, William" So to confirm, based on this calculation, the settl... 02/11/2016 11:58:32 AM

From: "Taft, William" <whtaft@debevoise.com>
To: Michael Paskin <MPaskin@cravath.com>
Cc: "Taney, Marisa R." <mrtaney@debevoise.com>
Date: 02/11/2016 11:58 AM
Subject: Re: Interest Rate

So to confirm, based on this calculation, the settlement amount to be paid pursuant to the agreement in principle between EM Limited and Argentina is set at \$849,201,747.38.
Will

On Feb 11, 2016, at 11:53 AM, Taft, William <whtaft@debevoise.com> wrote:

Thank you.

On Feb 11, 2016, at 11:53 AM, Michael Paskin <MPaskin@cravath.com> wrote:

We have confirmed this is acceptable, and your number is correct.

From: "Taft, William" <whtaft@debevoise.com>
To: "'mpaskin@cravath.com'" <mpaskin@cravath.com>
Cc: "Taney, Marisa R." <mrtaney@debevoise.com>
Date: 02/10/2016 11:35 PM
Subject: Interest Rate

Michael,

Please advise whether this is sufficient for your purposes:

=====

28 USC 1961: "(a) Interest shall be allowed on any money judgment in a civil case recovered in a district court. ... Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the

Board of Governors of the Federal Reserve System, for the calendar week preceding the date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges."

EM Limited Amended Final Judgment entered on October 27, 2003.

Weekly average 1-year constant maturity Treasury yield for week ending October 24, 2003 (per <http://www.utd.uscourts.gov/documents/int2003.html>): 1.30%

=====

Thanks,
Will

William H. Taft V
Debevoise & Plimpton LLP
919 Third Ave.
New York, NY 10022
Tel: (212) 909-6877
Fax: (212) 521-7877

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