

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re: MF GLOBAL HOLDINGS LTD, et al., Debtors. ¹	Case No. 11-15059 (MG) Chapter 11 Jointly Administered
MF GLOBAL HOLDINGS LTD., as Plan Administrator; and MF GLOBAL ASSIGNED ASSETS LLC, Plaintiffs, v. ALLIED WORLD ASSURANCE COMPANY LTD., et al., Defendants.	Adv. Case No. 16-01251 (MG) CASE MANAGEMENT AND SCHEDULING ORDER (JOINTLY PROPOSED)

CASE MANAGEMENT AND SCHEDULING ORDER ON THRESHOLD ISSUES²³

This Case Management and Scheduling Order on Threshold Issues is entered by the Court, following a Case Management Conference held on February 23, 2017 in accordance with Fed. R. Civ. P. 16(b) and 26(f).

¹ The debtors in the chapter 11 cases are MF Global Holdings Ltd.; MF Global Finance USA Inc.; MF Global Capital LLC; MF Global Market Services LLC; MF Global FX Clear LLC; and MF Global Holdings USA Inc. The Court entered an order of final decree closing the chapter 11 cases of MF Global Capital LLC, MF Global FX Clear LLC, and MF Global Market Services LLC on February 11, 2016.

² This Case Management and Scheduling Order on Threshold Issues does not apply to Defendant Federal Insurance Company ("Federal"). A separate Case Management and Scheduling Order will be entered as between Plaintiffs and Federal pursuant to the Case Management Conference held on February 23, 2017 in accordance with Fed. R. Civ. P. 16(b) and 26(f).

³ Defendants do not consent to the entry of final orders or judgment by the Bankruptcy Court. See Wellness Int'l Network, Ltd. v. Sharif, 135 S. Ct. 1932, 1948 (2015) (parties may only consent to a bankruptcy court's constitutional jurisdiction knowingly and voluntarily). By entering into this Case Management Order, or any provision thereof, Defendants do not waive their right to contest personal jurisdiction, subject matter jurisdiction, Article III jurisdiction, service of process or their right to arbitrate, or to move to withdraw the reference.

1. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within 60 days after all of the defendants have answered the complaint.

2. In the event of any discovery dispute in this action, counsel shall first meet and confer in an effort to resolve the dispute. If counsel are unable to resolve the dispute, counsel for any party seeking assistance from the Court shall, before filing any discovery motion, arrange a conference call with the Court with all counsel involved in the dispute. The Court will endeavor to resolve the dispute without the filing of any discovery motions. To avoid costly and burdensome discovery, the Parties may agree to stipulate to facts sought through discovery.

3. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure (“FRCP”), the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”) and the Local Rules of the Bankruptcy Court for the Southern District of New York (“Local Bankruptcy Rules”).

A. Rules Governing Motions.

4. All motions and applications shall be governed by the FRCP, Bankruptcy Rules and Local Bankruptcy Rules, including pre-motion conference requirements.

5. Motion papers shall be filed electronically on the Court’s docket, unless as ordered otherwise by the Court. All motions, and courtesy copies of motions, shall include a table of contents listing all affidavits and exhibits. Affidavits and exhibits shall be clearly identified by tabs on both the original and courtesy copies. Exhibits shall be marked sequentially such that no exhibit number or letter repeats, regardless of the affidavit to which it is attached.

Exhibits for plaintiffs should be marked by numbers; exhibits for defendants should be marked by letters.

6. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Omnibus or joint memoranda of law in opposition are limited to 50 pages. Omnibus or joint reply memoranda are limited to 20 pages. All memoranda shall be double-spaced, 12-point font, with 1" margins. Memoranda of 10 pages or more shall contain a table of contents and a table of authorities. Unless otherwise set out herein, all briefs are to conform with the Court's rules absent an order from the Court.

7. Two courtesy copies of all motions papers shall be delivered to chambers as soon as practicable after filing.

8. Prior to filing a motion, counsel for the moving party shall contact the Court's Courtroom Deputy, to obtain a hearing date for the motion.

B. Schedule for Insurance Law § 1213 Motion.

9. MF Global Holdings Ltd. and MF Global Assigned Assets LLC (collectively, "Plaintiffs") shall be entitled to file any motion to compel Allied World Assurance Company, Ltd. ("Allied World") and/or Iron-Starr Excess Agency Ltd., Ironshore Insurance Ltd. and Starr Insurance & Reinsurance Limited's (collectively, "Iron-Starr," and with Allied World, the "Bermuda Insurers") to post a bond pursuant to New York Insurance Law § 1213 ("Bond Motion") on or before **February 24, 2017.**

10. If Plaintiffs file any Bond Motion, Bermuda Insurers shall file any oppositions to any Bond Motion on or before **March 24, 2017**.

11. Plaintiffs shall be entitled to file any replies to any opposition to any Bond Motion on or before **April 7, 2017**.

C. Conclusion of Briefing on Pending Motions To Compel Arbitration.

12. Plaintiffs shall file any oppositions to the motions to compel arbitration (see Adv. Dkt. Nos. 13, 19) on or before **March 24, 2017**.

13. The Bermuda Insurers shall file any replies in further support of their motions to compel arbitration on or before **April 7, 2017**.

14. Oral argument on the motions to compel arbitration and any Bond Motion will be heard at **10:00 a.m., April 18, 2017**, in Courtroom 523 of the United States Bankruptcy Court, or as otherwise ordered by the Court.

D. Schedule for Any Barton Doctrine and Contempt Order Remedies.

15. Plaintiffs shall file an application for costs, with a detailed and itemized statement of the basis for any fees and/or costs requested (“Application for Costs”), as to the Court’s January 12, 2017 Order Holding the Bermuda Insurers in Contempt (Adv. Dkt. No. 67) and/or the January 23, 2017 Orders Finding that the Bermuda Insurers Violated the Barton Doctrine and Ordering Relief (Adv. Dkt. No. 78; see also Jan. 23, 2017 Hr’g Tr. at 95-114; Adv. Dkt. No. 99) on or before **April 14, 2017**.

16. Bermuda Insurers must serve any requests for discovery relating to Plaintiffs' Application for Costs on or before **April 28, 2017**. If discovery is sought, counsel shall meet and confer in an effort to reach agreement regarding the necessity, the timing and the scope of such discovery, as well as a schedule for further briefing relating to the Application for Costs. If there is a dispute as to the necessity of discovery that cannot be resolved, the Parties shall file letters with the Court explaining why discovery is or is not necessary. If no discovery is sought by any Bermuda Insurer, the Bermuda Insurers shall file any oppositions to any Application for Costs on or before **May 17, 2017** Plaintiffs shall file any replies on or before **June 2, 2017**.

E. Targeted Bilateral Jurisdictional Discovery.

17. Plaintiffs and each of the two Bermuda Insurers shall serve any Requests for Production and Interrogatories concerning jurisdiction on or before **March 17, 2017**. Any jurisdictional discovery requests shall be targeted in scope to address jurisdiction regarding the Bermuda Insurers.

18. Plaintiffs and each of the two Bermuda Insurers shall serve responses and objections to any Requests for Production and Interrogatories on or before **April 17, 2017**.

19. Plaintiffs shall be entitled to take depositions concerning jurisdiction regarding the Bermuda Insurers. The Bermuda Insurers shall jointly be entitled to take depositions of Plaintiffs concerning jurisdiction regarding the Bermuda Insurers. The Bermuda Insurers reserve all rights as to the number of depositions that may be appropriate in light of the schedule and the other parameters of jurisdictional discovery set forth herein.

20. All jurisdictional discovery, including any depositions, shall be completed on or before **June 16, 2017.**

F. Briefing on Personal Jurisdiction and Service of Process

21. Following jurisdictional discovery, Bermuda Insurers shall file any motions to dismiss for lack of personal jurisdiction and/or improper service of process and opening briefs in support thereof, on or before **June 30, 2017.**

22. Plaintiffs shall file any opposition to the personal jurisdiction motions on or before **July 21, 2017.**

23. Bermuda Insurers shall file any replies to any opposition to the personal jurisdiction motions on or before **July 31, 2017.**

G. Deadlines for the Remainder of the Adversary Proceeding.

24. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed on or before **March 31, 2017.**

25. All counsel must meet face-to-face to discuss settlement or use of alternative dispute resolution (“ADR”) within fourteen (14) days after the date of this Order and, again, within fourteen (14) days after the close of fact discovery. Counsel shall advise the Court promptly if they agree to use ADR to try to resolve some or all of the claims in the case. The use of any ADR mechanism does not stay or modify any date in this Order unless the Court agrees on the application of any party.

26. Before the next Case Management Conference, the relevant parties shall meet and confer regarding submitting a revised joint case management order. The revised case management order shall include a schedule for answers, fact discovery, expert discovery, summary judgment, and related matters.

27. This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend any deadline established by this Order shall be made in a written application no less than 5 days prior to the expiration of the date sought to be extended.

Dated: **March 2, 2017**
New York, New York

/s/ Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge