

Sorting Through the Wreckage

A Quantitative Analysis of the Argentina Bond Cases

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Data & Methodology

- Digitize all the **DOCKETS** for the 272 cases in the Southern District of New York
- Digitize all the 154 available **TRANSCRIPTS** for the hearings held in the Southern District of New York
- Count activity and words spoken
- Study patterns of activity

*Analysis performed with the assistance of Ram Balasubramanian of Maruti Solutions

Example Docket: Header

			CLOSED, APPEAL
	U.S. District Court Southern District of New York (Foley Square) CIVIL DOCKET FOR CASE #: 1:02-cv-03804-LAP	Case Number	
	Lightwater Corp. v. Republic Argentina Assigned to: Judge Loretta A. Preska Demand: \$9,999,000 Related Cases: 1:04-cv-03639-LAP 1:06-cv-15337-LAP 1:02-cv-03808-LAP 1:07-cv-02015-LAP 1:14-cv-04091-LAP 1:07-cv-02016-TPG 1:14-cv-04092-LAP Cause: 28-1332 Diversity-Breach of Contract <u>Plaintiff</u> Lightwater Corporation Limited	Date Filed: 05/17/2002 Date Terminated: 04/16/2003 Jury Demand: None Nature of Suit: 190 Contract: Other Jurisdiction: Federal Question	Date Filed
Plaintiff		represented by David Bruce Gelfarb Moss & Kalish, PLLC 122 E. 42nd Street Ste. 2100 New York, NY 10168 212-867-4488 Fax: 212-983-5276 Email: gelfarb@mosskalish.com LEAD ATTORNEY	
		Mark Leo Kalish Moss & Kalish, PLLC 122 E. 42nd Street Ste. 2100 New York, NY 10168 (212)867-4488 Fax: (212)983-5276 LEAD ATTORNEY	
	V. <u>Defendant</u> The Republic of Argentina	represented by Jonathan I. Blackman Cleary Gottlieb One Liberty Plaza New York, NY 10006 212-225-2000 Fax: 212-225-3499 Email: maofiling@cgs.com LEAD ATTORNEY	
Defendant			

Example Docket: Text

Use computer to
identify and count
meaningful activity

Date Filed	#	Docket Text
05/17/2002	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 439824. (gmo) (Entered: 05/20/2002)
05/17/2002	2	RULE 1.9 CERTIFICATE filed by Lightwater Corp. . (gmo) (Entered: 05/20/2002)
05/17/2002		Magistrate Judge Ronald L. Ellis is so designated. (gmo) (Entered: 05/20/2002)
05/29/2002	3	RETURN OF SERVICE of Summons and Complaint executed as to Republic Argentina by Antonio Lues, compliance officer on 5/17/02 . Answer due on 6/6/02 for Republic Argentina . (yv) (Entered: 06/05/2002)
07/16/2002	4	ANSWER to Complaint by Republic Argentina (Attorney Jonathan I. Blackman from the Firm: Cleary, Gottlieb, Steen & Hamilton) (dj) (Entered: 07/18/2002)
08/23/2002	5	RULE 56.1 STATEMENT filed by Lightwater Corp. (sb) (Entered: 08/28/2002)
08/23/2002	6	NOTICE OF MOTION by Lightwater Corp. for an Order purs. to FRCP 56(a) granting plaintiff judgment on its complaint against defendant. Return Date 9/12/02 at 10:00. 56.1 Statement and Affidavit of J. Richard Evans attached. (sb) (Entered: 08/28/2002)
08/23/2002	7	MEMORANDUM OF LAW by Lightwater Corp. in support of [6-1] motion for an Order purs. to FRCP 56(a) granting plaintiff judgment on its complaint against defendant. . (sb) (Entered: 08/28/2002)
10/18/2002	8	NOTICE OF MOTION by Republic Argentina for an order purs. to Rule 7(b) of the FRCP staying these proceedings . Declarations of Noemi C. LaGreca, Anne-Marie Slaughter and C. Ferdinando Emanuele in support of motion attached. No Return Date indicated. (db) (Entered: 10/24/2002)
10/18/2002	9	MEMORANDUM OF LAW by Republic Argentina in support of [8-1] motion for an order purs. to Rule 7(b) of the FRCP staying these proceedings . (db) (Entered: 10/24/2002)
10/18/2002	10	AFFIDAVIT of Christopher P. Moore by Republic Argentina in support of [8-1] motion for an order purs. to Rule 7(b) of the FRCP staying these proceedings . (db) (Entered: 10/24/2002)
10/28/2002	11	MEMORANDUM OF LAW by Lightwater Corp. in opposition to re: [8-1] motion for an order purs. to Rule 7(b) of the FRCP staying these proceedings, in further support of [6-1] motion for an Order purs. to FRCP 56(a) granting plaintiff judgment on its complaint against defendant. . (pl) (Entered: 10/30/2002)
11/08/2002	12	REPLY AFFIDAVIT of Christopher P. Moore by Republic Argentina in support re: [8-1] motion for an order purs. to Rule 7(b) of the FRCP staying these proceedings . (dle) (Entered: 11/14/2002)
11/08/2002	13	REPLY MEMORANDUM by Republic Argentina in support re: [8-1] motion for an order purs. to Rule 7(b) of the FRCP staying these proceedings . (dle) (Entered: 11/14/2002)
11/13/2002		Transcript of record of proceedings before Judge Thomas P. Griesa for the date(s) of 9/5/02. (Original Doc. # 38 Filed In 02 Civ. 1773). (dt) (Entered: 11/13/2002)
04/14/2003	14	OPINION # 88369, granting [6-1] motion for an Order purs. to FRCP 56(a) granting plaintiff judgment on complaint against defendant; denying [8-1] motion for an order purs. to Rule 7(b) of the FRCP staying these proceedings; except that the execution on plaintiffs' judgments is stayed until 5/14/03. The court's ruling on the Republic's motion for a stay is w/out prejudice to a further application, if events provide a reasonable basis for such application. (signed by Judge Thomas P. Griesa); Sent orig. doc. to the Judgment Clerk. (ae) Modified on 04/14/2003 (Entered: 04/14/2003)

Example Transcript: Header

1

65N5CAPA argument

1 UNITED STATES DISTRICT COURT

2 SOUTHERN DISTRICT OF NEW YORK

2 -----x

3 CAPITAL VENTURES

4 INTERNATIONAL,

4 Plaintiff,

5 v. 05 Civ. 4085 (TPG)

6 REPUBLIC OF ARGENTINA,

7 Defendant.

8 -----x

9 May 23, 2006

10 12:00 p.m.

11 Before:

12 HON. THOMAS P. GRIESA,

13 District Judge

14 APPEARANCES

15 WOLF, BLOCK, SCHORR & SOLIS-COHEN

15 Attorneys for Plaintiff

16 BY: KENNETH ROBERTS

16 JENNIFER BELTRAMI

17 CLEARY, GOTTlieb, STEEN & HAMILTON

18 Attorneys for Defendant

18 BY: JONATHAN BLACKMAN

19 CHRISTOPHER MOORE

20 ALSO PRESENT: GUILLERMO GLEIZER

21

22

23

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SOUTHERN DISTRICT REPORTERS, P.C.

(212) 805-0300

Example Transcript: Text

2

65N5CAPA argument

1 (Case called)

2 THE COURT: What do we need to do today?

3 MR. ROBERTS: Good afternoon, your Honor.

4 THE COURT: Good afternoon.

5 MR. ROBERTS: This is on the CVI actions.

6 THE COURT: Right.

7 MR. ROBERTS: At the March 24 hearing your Honor

8 entered two orders of attachment, one order in each of the

9 actions attaching all the assets in all three of the collateral

10 accounts, the principal, interest and distribution accounts.

11 Mr. Blackman raised a concern that it might be

12 confusing to the Federal Reserve Bank and asked for permission

13 to put in clarifying language and now both parties have put in

14 proposed amendments to those two orders.

15 We have actually reconsidered what we have submitted

16 to the Court and I believe that we can come closer to

17 Argentina's position on these new orders and I would like to go

18 through that with you.

19 THE COURT: Look. If you have agreed, fine. If there

20 is an issue, okay. I do not think this is worth spending a

21 huge amount of work on because I don't think there will be

22 anything really recovered on this exercise.

23 I really refreshed my recollection differently. This

24 is a completely different issue than what you came in

25 originally on. You came in originally thinking that there

SOUTHERN DISTRICT REPORTERS, P.C.
(212) 805-0300

Example: Processed Transcript

----- HEADER -----
Transcript File: ARGENTINA LITIGATION CVI SDCNY 05 CV 04085 MAY 23 2006
TRANSCRIPT.pdf
Date: 2006/05/23_2
Judge: THOMASPGRIESA
Location: (Case called)
Plaintiffs: CAPITAL VENTURES;INTERNATIONAL
Cases Listed: 05-cv-4085

Totals presented
in the header

SPEAKER STATS

TYPE	CATEGORY	SPEAKER	#TIMES	#WORDS
COURT	JUDGE	GRIESA	120	3015
DEFENDANT	ARGENTINA	BLACKMAN	62	2318
PLAINTIFF	CVI	ROBERTS	62	2386
PLAINTIFF	GLEIZER	GLEIZER	11	188

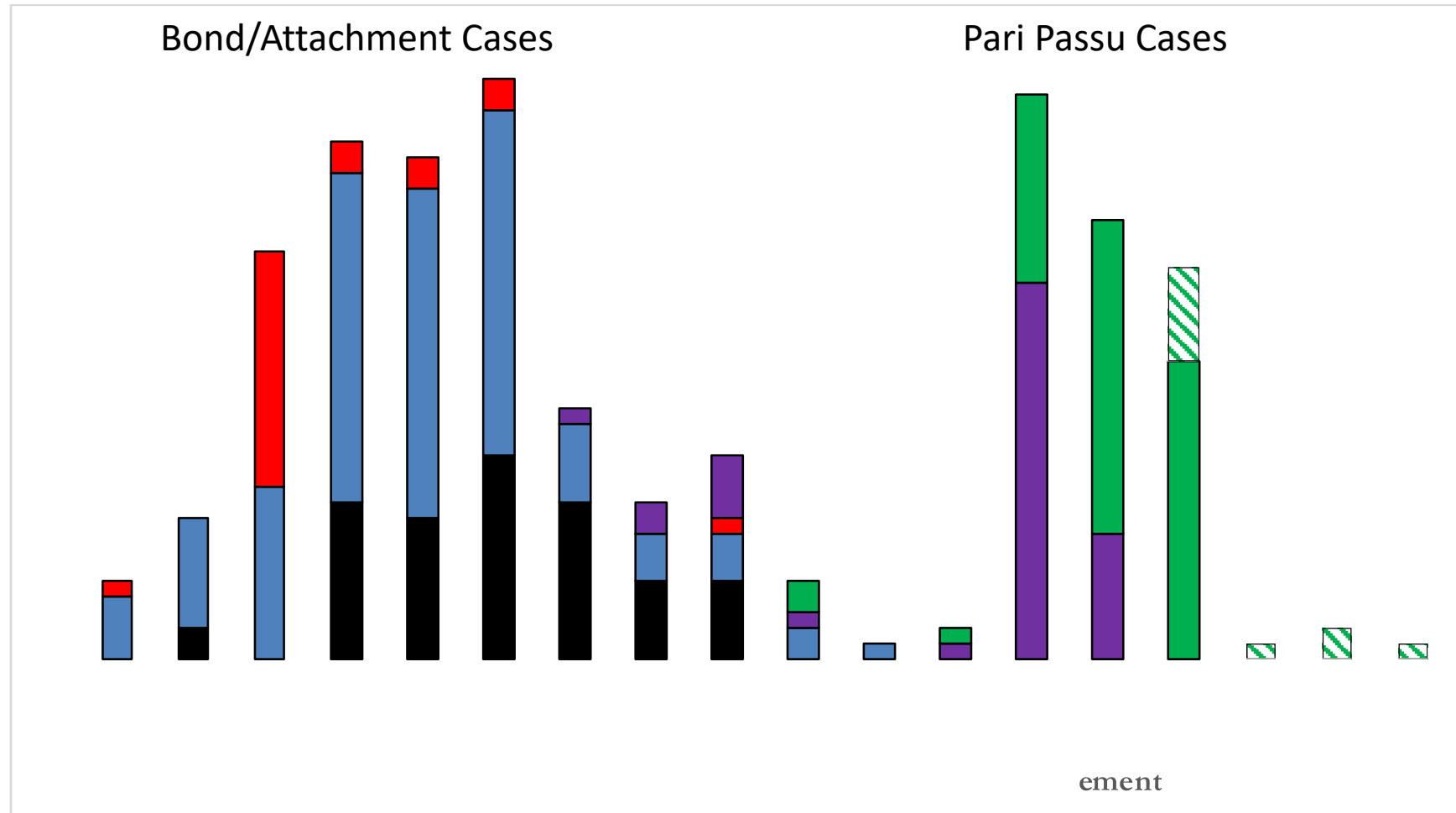
TOTAL WORDS SPOKEN AT HEARING: 7907
PAGES IN ORIGINAL TRANSCRIPT FILE: 42
AVG WORDS PER PAGE: 188

Each text block
parsed and
counted

TRANSCRIPT OF PROCEEDINGS

JUDGE (THOMASPGRIESA): What do we need to do today?
COURT, JUDGE, GRIESA #words:7
ROBERTS: Good afternoon, your Honor.
PLAINTIFF, CVI, ROBERTS #words:4
JUDGE (THOMASPGRIESA): Good afternoon.
COURT, JUDGE, GRIESA #words:2
ROBERTS: This is on the CVI actions.
PLAINTIFF, CVI, ROBERTS #words:6
JUDGE (THOMASPGRIESA): Right.
COURT, JUDGE, GRIESA #words:1
ROBERTS: At the March 24 hearing your Honor entered two orders of attachment, one order in each of the actions attaching all the assets in all three of the collateral accounts, the principal, interest and distribution accounts. Mr. Blackman raised a concern that it might be confusing to the Federal Reserve Bank and asked for permission to put in clarifying language and now both parties have put in proposed amendments to those two orders. We have actually reconsidered what we have submitted to the Court and I believe that we can come closer to Argentina's position on these new orders and I would like to go through that with you .
PLAINTIFF, CVI, ROBERTS #words:107

Time Structure of Filing of Cases in SDNY

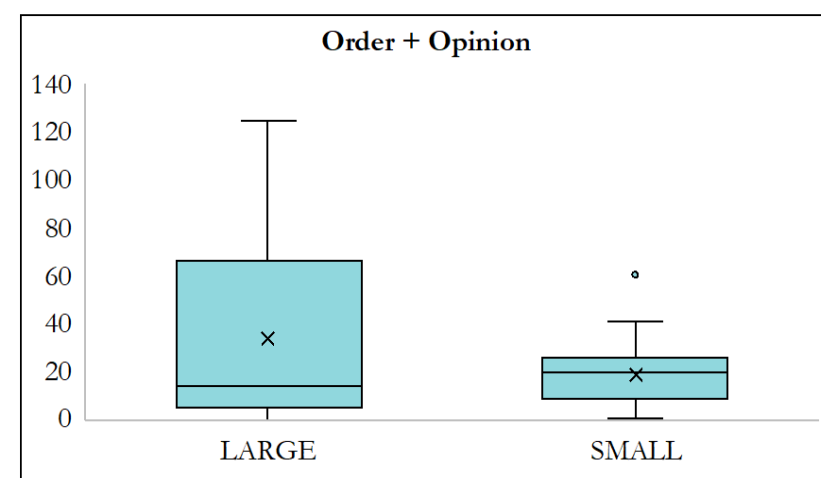
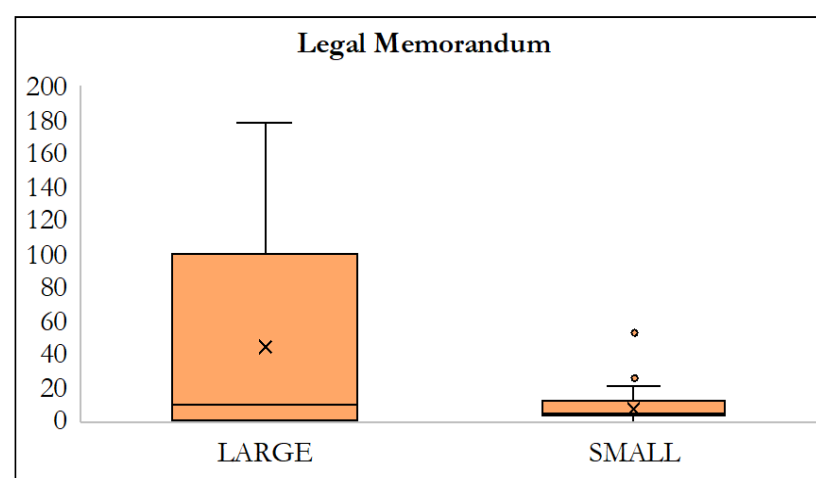
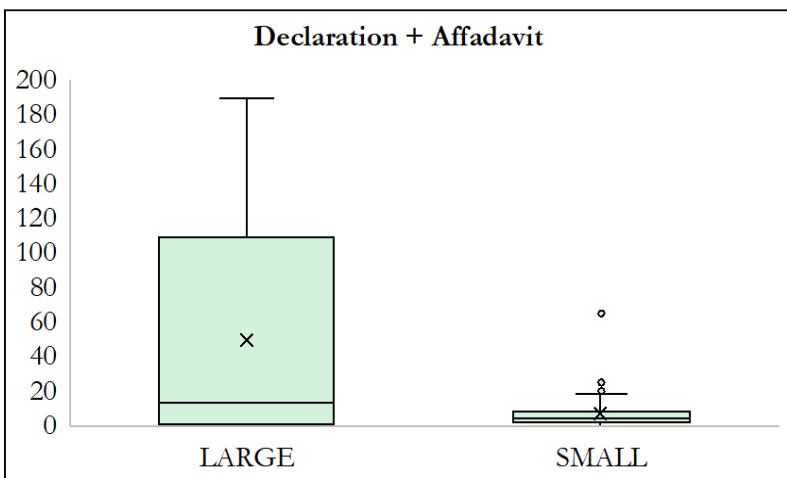
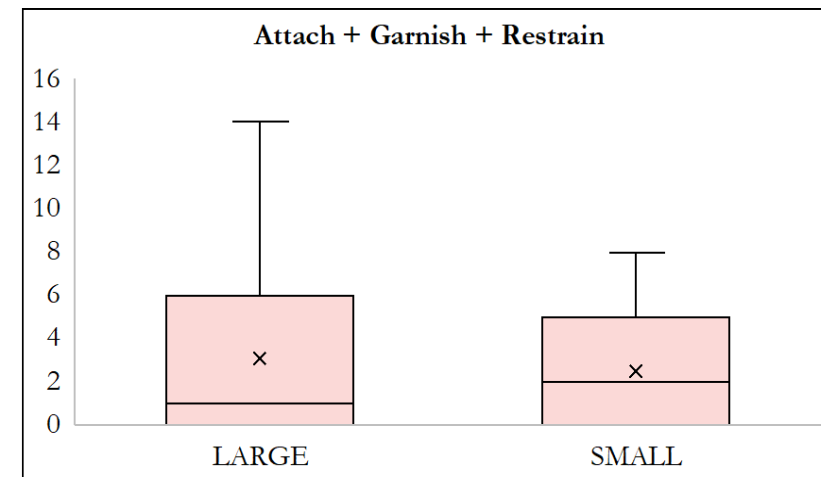
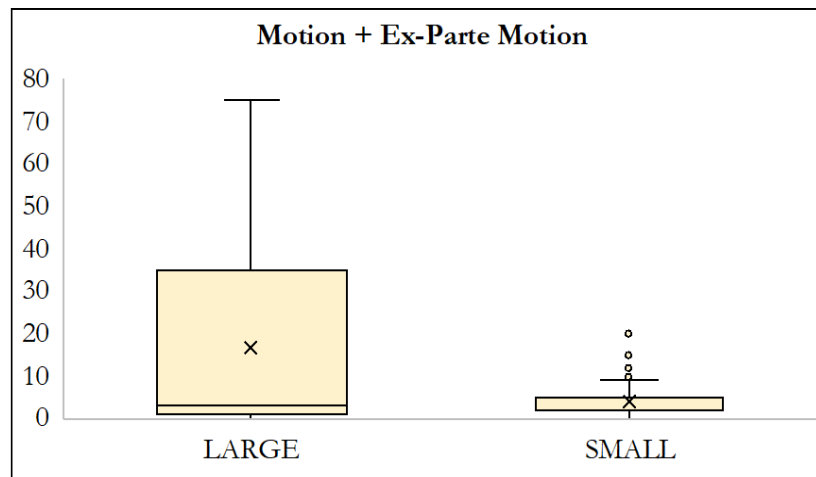
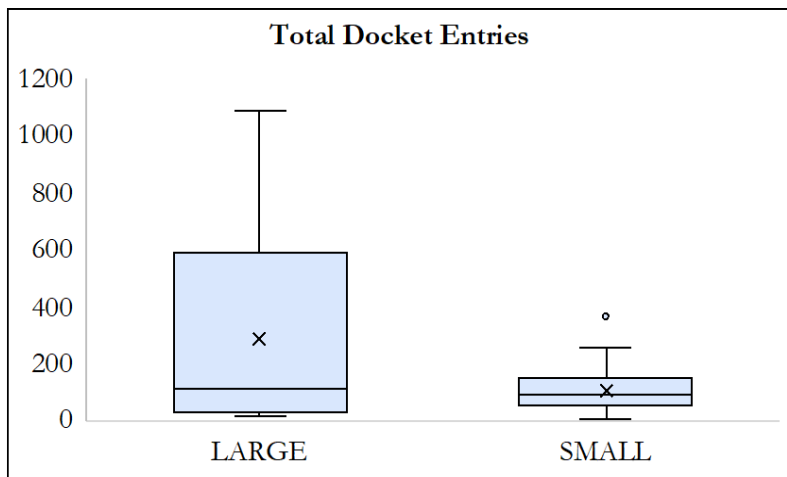


272 Cases Through
April 2016

6-Year Statute of
Limitations Explains
Fall-Off of Suits After
2007

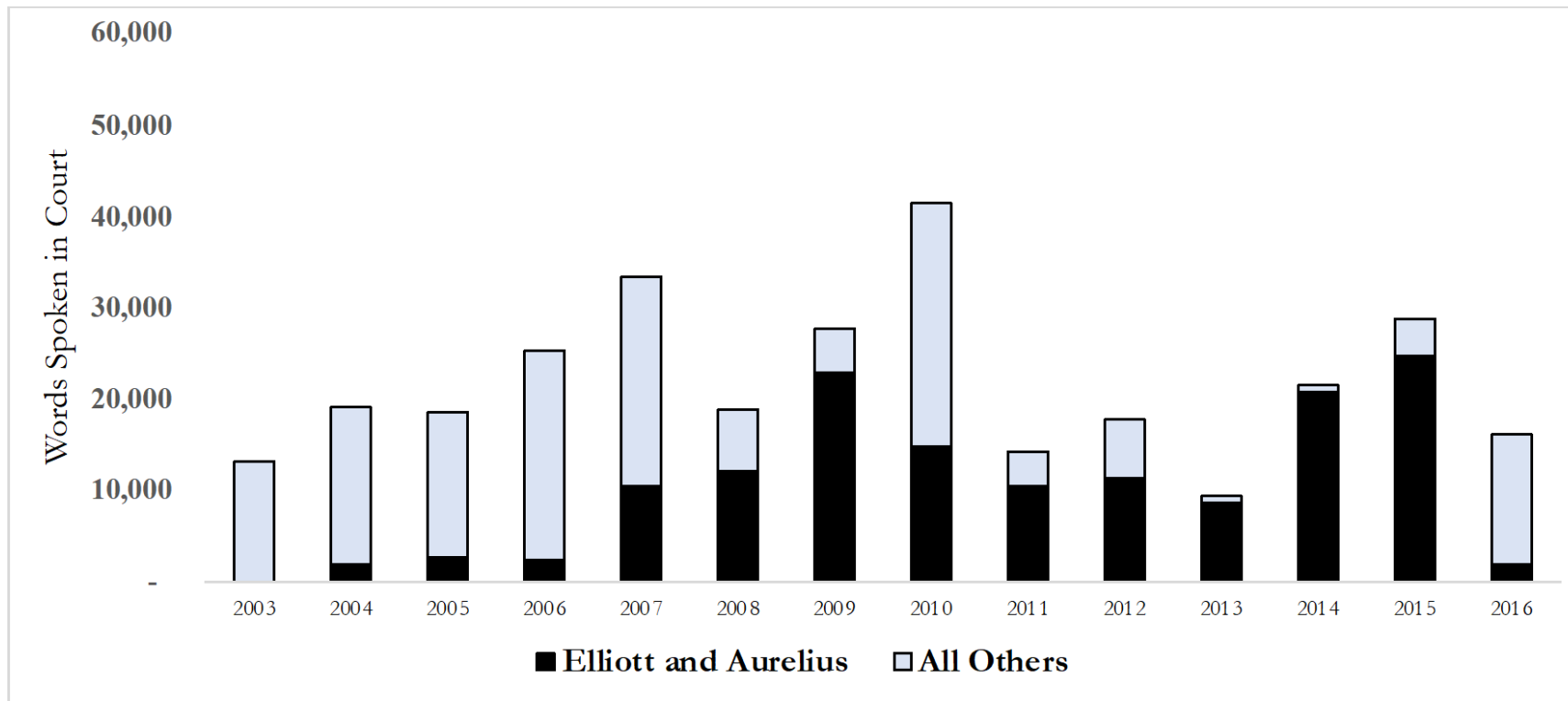
Docket Entries by Type, Large and Small Investors

Cases filed Jan. 2002 – Oct. 2010



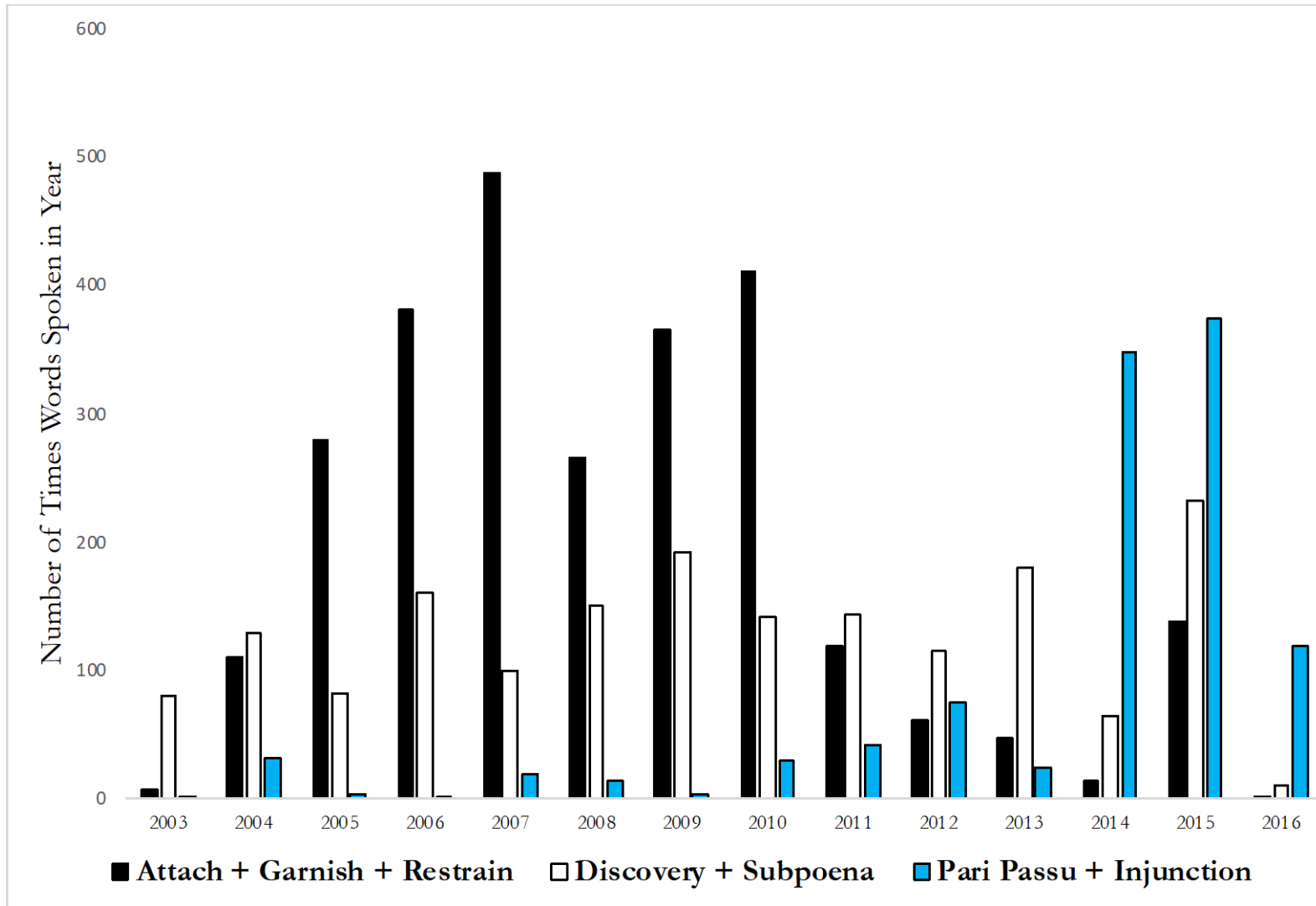
Words Spoken in Court by Year

2003 - 2016



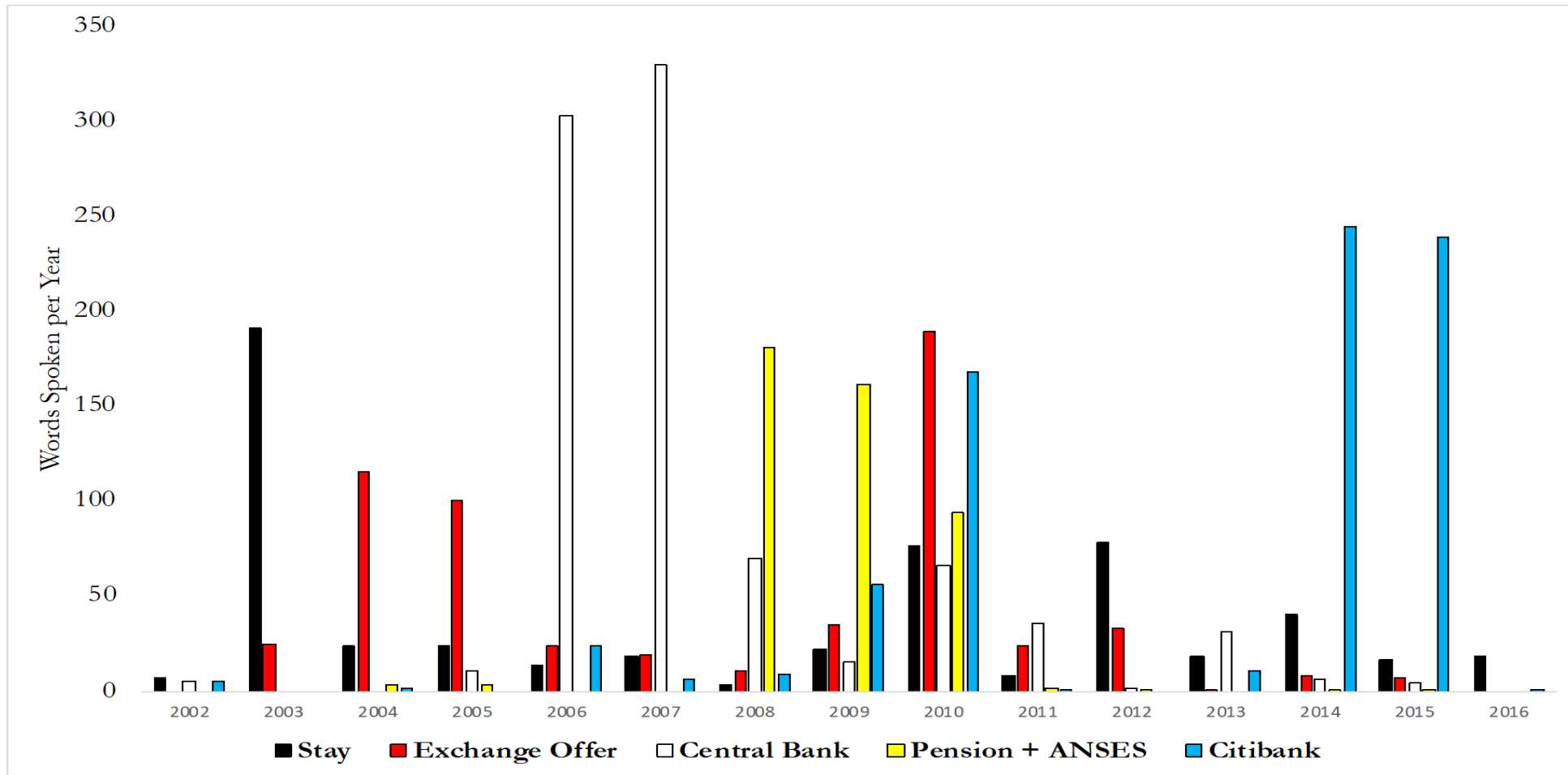
The Themes In Court Changed Over Time

2003 - 2016



Other Themes....

2003 - 2016



Observations: Activity

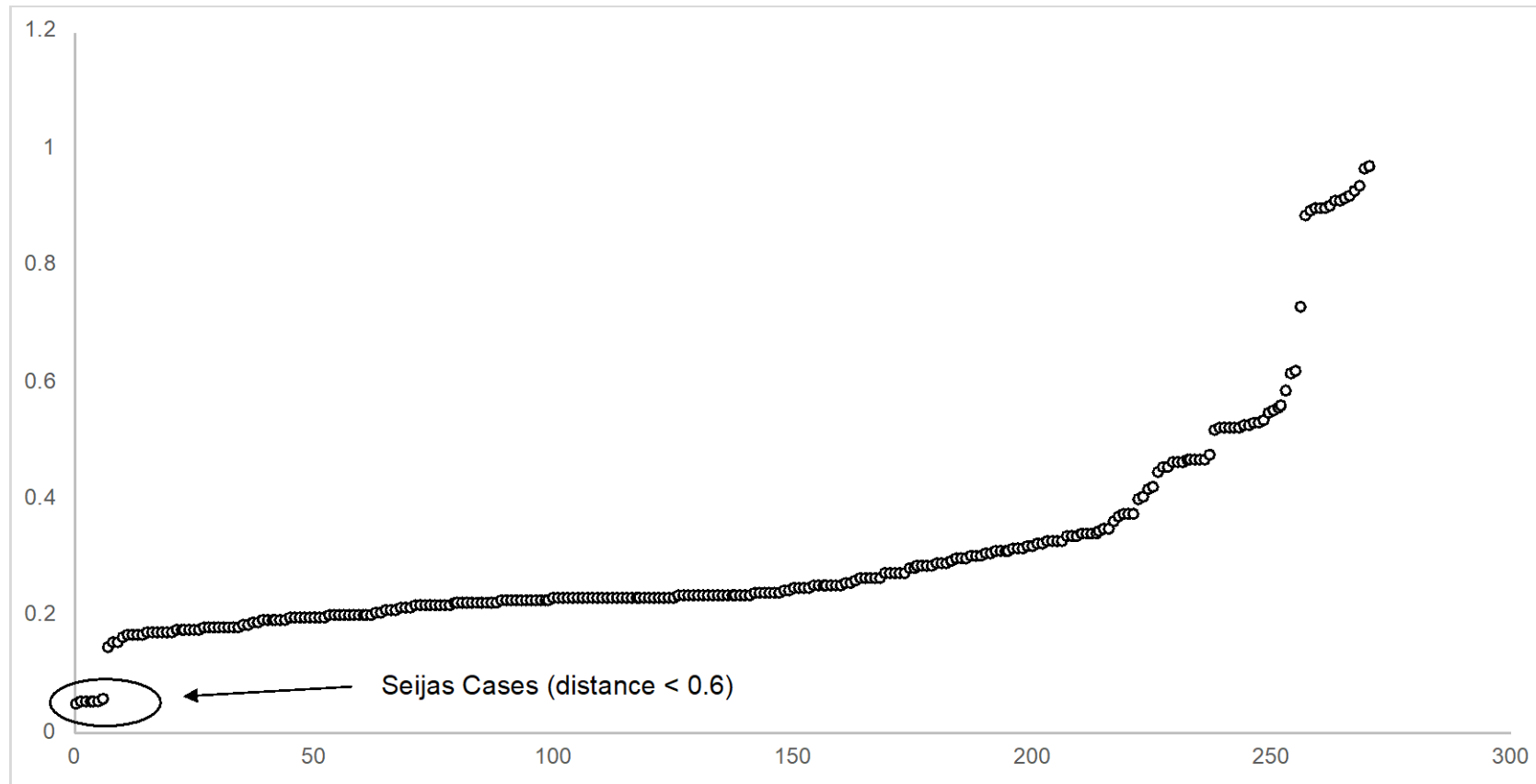
- It wasn't just *Elliott v. Argentina* – it was mass sovereign debt litigation
- It wasn't just *pari passu* – a lot of other litigation took place

Similarity and Clustering: Methodology

- Vectorize text of docket entries
- Compute “distance” between all pairs of cases to measure the similarity of cases to each other (using sum of vector product between the entries of the pair of dockets)
- Apply clustering algorithm to find groups of cases litigated the same way

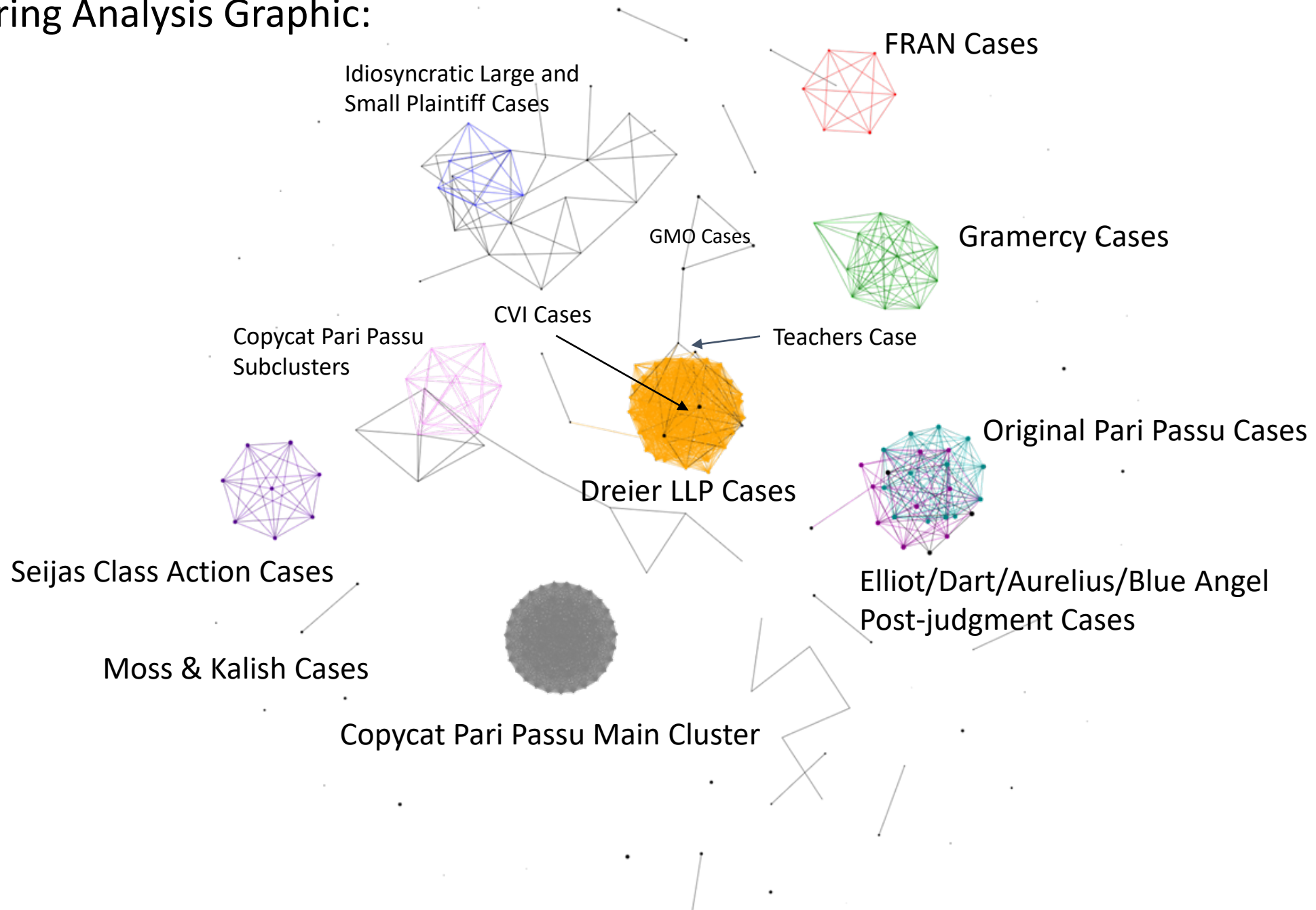
Example of Distance Measure

Distance of Class Action Case 04-cv-0400 to all other class action cases



...the only close cases are the 7 other class action cases jointly litigated with this case

Clustering Analysis Graphic:



Observations: Clustering

- Plaintiffs operated in distinct groups of different character and sizes
- There was significant leader-follower behavior
- Not all litigation was coordinated – some was idiosyncratic

There was a lot more going on than just Elliott v. Argentina and pari passu

Contact Information

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*Please link to me if you want to see the announcement of the release of the full paper