

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
NOVEL COMMODITIES S.A.,	:	
	:	
Plaintiff,	:	No. 11-cv-6339 (PGG)
	:	ECF CASE
v.	:	
	:	
QBE INSURANCE CORPORATION,	:	
	:	
Defendant.	:	
-----X	:	

**NOTICE OF DEFENDANT QBE INSURANCE CORPORATION'S  
MOTION TO EXCLUDE EVIDENCE OF  
WITNESSES WITHOUT FIRST-HAND KNOWLEDGE**

**PLEASE TAKE NOTICE** that Defendant QBE Insurance Corporation (“QBE”), by and through its attorneys, Clyde & Co US LLP, hereby moves this Court at the United States Courthouse, Courtroom 6B, 500 Pearl Street, New York, New York 10007, before the Honorable Paul G. Gardephe, for an order pursuant to Rule 602 of the Federal Rules of Evidence excluding evidence of Frank Gouverne concerning Novel's intent in entering into the Policy and for such other and further relief as may seem appropriate to the Court.

This motion is based upon QBE's Memorandum of Law in Support of its Motion to Exclude Evidence of Witnesses Without First-Hand Knowledge dated April 30, 2013.

Pursuant to the Court's Order dated March 30, 2013, opposition papers are to be filed by May 14, 2013.

Dated: New York, New York  
April 30, 2013

CLYDE & CO US LLP

By: 

Michael A. Knoerzer

Stephen M. Kennedy

Victoria L. Melcher

The Chrysler Building

405 Lexington Avenue,

16<sup>th</sup> Floor

New York, New York 10174

(212) 710-3900

*Attorneys for Defendant*

*QBE Insurance Corporation*