

Stuart A. Krause (SK-3847)  
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Attorneys for Defendant  
Skadden, Arps, Slate, Meagher & Flom, LLP

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANGULO CAPITAL CORP. and GERARD  
ANGULO,

Plaintiffs,

- against -

SKADDEN, ARPS, SLATE, MEAGHER &  
FLOM, LLP,

Defendant.

Civil Action No.: 04 CV 3114 (KMW)

**ATTORNEY STATEMENT  
OF STUART A. KRAUSE**

STUART A. KRAUSE, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am a member of Zeichner Ellman & Krause LLP, counsel for defendant Skadden, Arps, Slate, Meagher & Flom, LLP (“Skadden”), and am a member of the bar of this Court.

2. I submit this Attorney Statement in support of Skadden’s motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(1) and 12(b)(6).

3. Attached as Exhibit A is a copy of the Decision, Order, and Judgment entered by the Honorable Shirley Werner Kornreich, J.S.C., on November 21, 2003, in Skadden, Arps, Slate, Meagher & Flom, LLP v. Angulo, Index No. 600814/03 (the “State Court Action”).

4. Attached as Exhibit B is a copy of my letter to the Honorable Richard M. Berman, U.S.D.J., dated February 26, 2003, in Skadden, Arps, Slate, Meagher & Flom, LLP v. Angulo, Civ. No. 02-9322 (RMB) (the “Prior Federal Action”).

5. Attached as Exhibit C is a copy of a letter from Eric W. Berry, Esq., to Judge Berman dated February 28, 2003, in the Prior Federal Action.

6. Attached as Exhibit D is a copy of the Stipulation and Order of Dismissal entered by Judge Berman on March 8, 2003, in the Prior Federal Action..

7. Attached as Exhibit E is a copy of the Summons and Complaint filed in the State Court Action on March 14, 2003.

8. Attached as Exhibit F is the Answer and Counterclaim filed by Gerard Angulo in the State Court Action on April 11, 2003.

9. Attached as Exhibit G is the Affidavit of Gerard Angulo dated June 25, 2003, in the State Court Action.

10. Attached as Exhibit H is the Affirmation of Eric W. Berry, Esq., dated June 25, 2003, in the State Court Action.

11. Attached as Exhibit I is the Affirmation of Eric W. Berry, Esq., dated January 5, 2004, in the State Court Action (“Berry Affirmation II”).

12. Attached as Exhibit J is the Transcript of argument on Gerard Angulo's motions for the recusal of Justice Kornreich and for reargument, dated March 25, 2004, in the State Court Action.

13. Attached as Exhibit K is the Complaint in the instant action.

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

Executed on June 10, 2004.  
New York, New York

/s/Stuart A. Krause  
STUART A. KRAUSE (SK-3847)

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