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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

J. EZRA MERKIN AND BDO SEIDMAN
SECURITIES LITIGATION

No. 08 Civ. 10922 (DAB)

MOTION OF DEFENDANT BDO
SEIDMAN, LLP TO DISMISS


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Defendant BDO Seidman, LLP moves to dismiss the action as against it pursuant to Fed. R. Civ. P. 12(b)(6). This motion is based on the affidavit of Ira G. Greenberg, sworn to the 25th day of June, 2009, together with the exhibits thereto. A memorandum of law is also being submitted in support of the motion.

This motion will come on to be heard before Hon. Deborah A. Batts, United States District Judge, at the United States Courthouse, 500 Pearl Street, New

York, NY 10007, on the 14th day of September, 2009, at 9:30 a.m. or as soon thereafter as counsel can be heard.

Dated: New York, NY
June 25, 2009


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