

CERTIFICATE OF SERVICE

I certify that on the 26th day of June, 2009, I caused a true copy of the attached memorandum to be served on the following by electronic filing and first-class mail:

Arthur N. Abbey, Esq.
Karin Fisch, Esq.
Nancy Kaboolian, Esq.
Stephen Thran Rodd, Esq.
Richard B. Margolies, Esq.
ABBEY SPANIER RODD & ABRAMS LLP
Attorneys for Plaintiffs
212 East 39th Street
New York, NY 10016
(212) 684-5191

Andrew J. Levander, Esq.
Neil A. Steiner, Esq.
DECHERT, LLP
Attorneys for Defendants Merkin and
Gabriel Capital
1095 Avenue of the Americas
New York, NY 10036
(212) 698-3500


DOLORES J. MARSHALL