UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re J. EZRA MERKIN AND GABRIEL CAPITAL CORP. LITIGATION	Consolidated Case Master Docket No. 08 CV 10922 (DAB) 09 CV 2001 (DAB) (*Nephrology* Action) 09 CV 4407 (DAB) (*Finkelstein* Action)

I, Russell S. Miness, hereby certify that on July 6, 2009, I caused a true and correct copy of the (i) *Notice of Motion of Nephrology Associates, PC Pension Plan and Jacob E. Finkelstein CGM IRA Rollover Custodian*; (ii) the *Memorandum of Law in Support of the Motion of Nephrology Associates, PC Pension Plan and Jacob E. Finkelstein CGM IRA Rollover Custodian to Vacate the Consolidation Order and to Appoint Jacob E. Finkelstein CGM IRA Rollover Custodian Lead Plaintiff Over the Ariel Investors' Claims*; (iii) the *(Proposed) Order to Vacate Consolidation Order, For Appointment of Lead Plaintiff, and For Concomitant Selection of Lead Counsel*; and (iv) the *Declaration of Russell S. Miness* and accompanying exhibits to be served electronically on all counsel registered for electronic service for this case.

/S/
Russell S. Miness