

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE J. EZRA MERKIN AND BDO
SEIDMAN SECURITIES LITIGATION

08 Civ. 10922 (DAB)

**MOTION FOR CONFIRMATION OF APPOINTMENT OF LEAD
PLAINTIFFS AND LEAD COUNSEL**

PLEASE TAKE NOTICE that, pursuant to this Court's Order dated June 25, 2009, Lead Plaintiffs New York Law School and Scott Berrie hereby move this Court at the United States District Court for the Southern District of New York, located at 500 Pearl Street New York, NY 10007-1312, at a date and time to be determined by the Court, for an Order confirming the appointment of New York Law School and Scott Berrie as Lead Plaintiffs in the above-captioned action for investors in Ascot Partners, L.P. and Gabriel Partners, L.P. Lead Plaintiffs also seek confirmation of the Court's prior approval of Lead Plaintiffs' choice of counsel to represent investors in Ascot and Gabriel.

This Motion is based on the accompanying submission, and all prior pleadings and proceedings herein, and such other written or oral argument as may be permitted by the Court.

Dated: July 24, 2009

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