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September 16, 2009

BY HAND

Honorable Deborah Batts
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

SEP 17 2009

Re: (i) In re J. Ezra Merkin and BDO Seidman Sec. Lit, 08 Civ. 10922 (DAB)
(ii) Croscill, Inc. et al. v. Gabriel Capital, L.P., et al., 09 Civ. 6031 (SWK)
(iii) Morris Fuchs Holdings, LLC v. Gabriel Capital, L.P. et al., 09 Civ. 6483 (SWK)

Dear Judge Batts:

We represent defendants J. Ezra Merkin and Gabriel Capital Corporation in the above-captioned matters. At the suggestion of the Court's law clerk, we write to bring your attention to the above-referenced Croscill and Fuchs matters. The consolidated class action first assigned to this Court. Pursuant to Local Civil Rule 1.6(a) and Rule 15(c) for the Division of Business Among District Judges, by letter dated July 23, 2009 (a copy of which is enclosed) we requested that Croscill and Fuchs be reassigned to you, in order to avoid unnecessary duplication of judicial effort.

New York Law School v. Asst. Prof. David P. Ippolito

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MEMO ENDORSE

By Order dated June 25, 2009, the time for defendants to answer, move or otherwise respond to the consolidated class action was adjourned sine die while plaintiffs' counsel in the consolidated actions litigate the issue of appointment of lead counsel. In connection with the anticipated reassignment and scheduling of Croscill and Fuchs, the parties agreed to adjourn the time for defendants to answer or otherwise respond to the Croscill and Fuchs complaints until September 30, 2009.

Rather than stipulate to an additional adjournment of the time to respond to the Croscill and Fuchs complaints, we respectfully request that these actions be re-assigned to this Court and placed on the same schedule as the consolidated class action.

granted
DAB
9/21/09

MEMO ENDORSE

SO ORDERED

Deborah A. Batts

DEBORAH A. BATTS

UNITED STATES DISTRICT JUDGE