

Ira G. Greenberg
Florence A. Crisp
EDWARDS ANGELL PALMER & DODGE LLP
Attorneys for Defendant BDO Seidman, LLP
750 Lexington Avenue, 8th floor
New York, NY 10022
(212) 308-4411

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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No. 08 Civ. 10922 (DAB)

In re

J. EZRA MERKIN AND BDO SEIDMAN
SECURITIES LITIGATION

MOTION OF DEFENDANT BDO-
SEIDMAN, LLP TO DISMISS

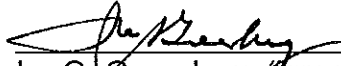
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Defendant BDO Seidman, LLP moves to dismiss the action as against it pursuant to Fed. R. Civ. P. 12(b)(6). This motion is based on the declaration of Ira G. Greenberg, dated the 12th day of April, 2010, together with the exhibits thereto. A memorandum 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 a date and at a time that the Court may designate.

Dated: New York, NY
April 12, 2010.



Ira G. Greenberg (greenberg@eapdlaw.com)
Florence A. Crisp (fcrisp@eapdlaw.com)
EDWARDS ANGELL PALMER & DODGE LLP
Attorneys for Defendant BDO Seidman, LLP
750 Lexington Avenue, 8th floor
New York, NY 10022
(212) 308-4411

TO:

ABBEY SPANIER RODD ABRAMS
& PARADIS LLP
Attorneys for Plaintiffs
212 East 39th Street
New York, NY 10016
(212)889-3700

DECHERT, LLP
Attorneys for Defendants Merkin and
Gabriel Capital Corp.
1095 Avenue of the Americas
New York, NY 10036
(212) 698-3500

WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP
Attorneys for Defendants Jacob E.
Finkelstein and Nephrology Associates
270 Madison Avenue
New York, NY 10017
(212) 545-4693

SCHULTE ROTH & ZABEL, LLP
Attorneys for Ascot Partners, L.P. and
Gabriel Capital, L.P.
919 Third Avenue
New York, NY 10022
(212) 756-2000

ALLEN & OVERY
Attorneys for Fortis
1221 Avenue of the Americas
New York, NY 10020
(212) 610-6300