

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

PACIFIC WEST HEALTH MEDICAL CENTER  
INC. EMPLOYEES RETIREMENT TRUST, On  
Behalf of Itself and All Others Similarly Situated,

Plaintiff,

vs.

FAIRFIELD GREENWICH GROUP,  
FAIRFIELD GREENWICH LIMITED,  
FAIRFIELD GREENWICH (BERMUDA) LTD.,  
FAIRFIELD GREENWICH ADVISORS LLC,  
WALTER M. NOEL, JR., ANDRES  
PIEDRAHITA, JEFFREY TUCKER, BRIAN  
FRANCOUER, AMIT VIJVERGIYA, YANKO  
DELLAW SCHIAVA, PHILIP TOUB,  
LOURDES BARRENECHE, CORNELIS  
BOELE, MATTHEW C. BROWN, VIANNEY  
D'HENDECOURT, HAROLD GREISMAN,  
JACQUELINE HARARY, DAVID HORN,  
RICHARD LANDSBERGER, DAVID LIPTON,  
JULIA LUONGO, MARK MCKEEFRY,  
MARIA TERESA PULIDO MENDOZO,  
CHARLES MURPHY, SANTIAGO REYES, and  
ANDREW SMITH,

Defendants.

Civil Action No. 09 CV 00134 (UA)

CLASS ACTION

**PLAINTIFF'S NOTICE OF MOTION FOR A TRO AND PRELIMINARY  
INJUNCTION RESTRAINING CERTAIN ASSETS OF DEFENDANTS  
AND APPLICATION FOR EXPEDITED DISCOVERY**

PLEASE TAKE NOTICE that Plaintiff, by counsel and pursuant to Rules 64 and 65 of the Federal Rules of Civil Procedure, will and hereby does move the Court for an Order granting a preliminary injunction freezing certain assets of Defendants and imposing a constructive trust over those assets, as well as requiring an accounting of approximately \$1 billion in proceeds

from placement, management and performance fees (the “Fees”) received by Defendants and an application for expedited discovery related to this Motion.

Plaintiff also seeks an accounting of the current assets and liabilities of the Fairfield Sentry Limited investment fund and a restraint on dissipation of those assets subject to further Order of this Court.

Plaintiffs’ Motion is based upon this Notice of Motion, the Supporting Memorandum dated January 9, 2009, the Declaration of Robert C. Finkel dated January 9, 2009, the Verified Class Action Complaint dated January 8, 2009, and such other matters and argument as the Court may consider in connection with the hearing on this Motion.

Plaintiff respectfully requests that this motion be heard by Order to Show Cause because of the risk of dissipation of assets necessary to secure a judgment in this action.

In support of the motion, Plaintiff requests that Defendants be required to respond to Plaintiffs’ First Set of Interrogatories and Document Requests, annexed as Exhibit B to the Finkel Declaration.

Dated: January 9, 2009

Respectfully submitted,

WOLF POPPER LLP

By:           s/Robert C. Finkel            
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