

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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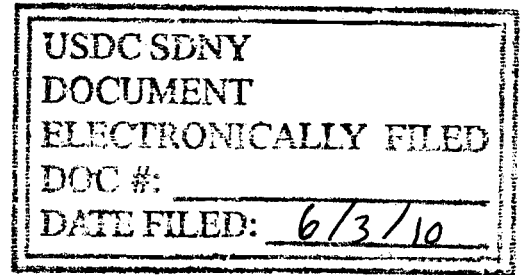
IN RE HERALD, PRIMEO and THEMA :
FUNDS SECURITIES LITIGATION :

09 Civ. 289 (RMB) (HBP)

This Document relates to 09 :
Civ 2032 (RMB) (HBP) :

ORDER

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PITMAN, United States Magistrate Judge:

Judge Berman referred this matter to me for General Pretrial Supervision on June 2, 2010.

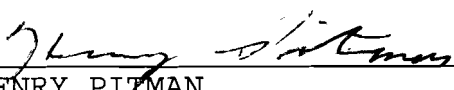
Also on June 2, 2010, Judge Berman's chambers forwarded to me six requests for international judicial assistance. The six requests seek assistance with respect to service of the summons and consolidated amended complaint on Bank Medici, Bank Austria, Alfred Simon, Hannes Saleta, Karl Kaniak and Joannes Spalek. The cover letter from the firm of Cohen Milstein Sellers & Toll, PLLC ("Cohen Millstein") does not indicate that copies of the cover letter or the enclosures have been provided to counsel for the defendants that have appeared to date.

Although it is difficult to imagine any valid objections to the requests, I believe that Fed.R.Civ.P. 5 requires that the papers be served on counsel for all parties who have appeared unless there is a valid basis for an ex parte application. Cohen Millstein is directed to promptly serve copies of

their cover letter and the letters of request on counsel for all parties that have appeared to date and to advise me when that has been accomplished. If Cohen Millstein believes that such service is not necessary, it is directed to promptly advise me of the basis for its belief with citation to appropriate legal authority. Cohen Millstein is also directed to advise me whether it wishes me to cross out Judge Berman's name below the signature line on each request and substitute my own or whether it wishes to submit revised requests with my name typed below the signature line; it is my understanding that some attorneys prefer to submit "clean" letters of request to foreign judicial authorities to avoid any potential issues.

Dated: New York, New York
June 3, 2010

SO ORDERED


HENRY PITMAN
United States Magistrate Judge