# UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

	)	
	)	File No:
IN RE HERALD, PRIMEO AND THEMA	)	09 Civ. 289 (RMB) (HBP)
FUNDS SECURITIES LITIGATION	)	
	)	
This document relates to: 09 Civ. 2032 (RMB) (HBP)	)	
	)	

#### **NOTICE OF APPEAL**

Notice is hereby given that Lead Plaintiff Dr. Shmuel Cabilly and plaintiff Korea Exchange Bank, as Trustee of the Korea Global All Asset Trust I-1 and Trustee of the KDB Premier Select Private Fund 1 (collectively, "Plaintiffs"), hereby appeal to the United States Court of Appeals for the Second Circuit from the Judgment entered in this action on December 12, 2011 and the Order entered November 29, 2011 granting defendants' motions to dismiss, denying Plaintiffs' motion to amend, and dismissing Plaintiffs' Consolidated Amended Complaint in its entirety with prejudice.

Dated: January 11, 2012

### Respectfully submitted,

## COHEN MILSTEIN SELLERS & TOLL PLLC

By: /s/ S. Douglas Bunch

Steven J. Toll
Lisa M. Mezzetti
Daniel S. Sommers
Joshua S. Devore
S. Douglas Bunch
1100 New York Avenue, N.W.

Suite 500, West Tower Washington, D.C. 20005

Tel.: (202) 408-4600 Fax: (202) 408-4699

Counsel for Lead Plaintiff Dr. Shmuel Cabilly and Plaintiff Korea Exchange Bank and Lead Counsel for the Class

### Of Counsel:

Jacob Sabo, Esq. The Tower # 3 Daniel Frisch St. Tel Aviv, Israel

Tel.: (972) 36078888 Fax: (972) 36078889