# Exhibit 36

From:

Georgette Wong

To:

Samantha Hojo

Subject:

n/a

Date:

09/06/2005 15:39:13 (GMT-05:00)

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Attachments:

Bayou\_Talking Points\_DRAFT.doc;image001.gif



# POTENTIAL TALKING POINTS DRAFT AS OF [DATE]

- 1. Original Bayou Talking Points from 8/25/05
- 2. Letter to Investors (draft attached)
- 3. [Johnny's memo re: Bayou redemption]
- 4. [possible questions]

## R. C. AULETTA AND COMPANY, LLC. 59 EAST 54T STREET NEW YORK, NY 10022 TEL (212) 355-0400

FOR YOUR APPROVAL Draft #1

# TALKING POINTS TO INVESTORS REGARDING BAYOU FUND

- We redeemed our investments in the Bayou Funds in early February 2005.
- We redeemed because Bayou seemed to be drifting away from its shortterm trading focus which was the reason we had invested with them.
- We pride ourselves on doing extreme due diligence with all our investments to protect our investors and will continue to do so.

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[From 12:01 p.m. today – insert final copy here] September 9, 2005

Sterling Stamos 575 Fifth Avenue, 40<sup>th</sup> Floor New York, NY 10017

Dear Partner:

As you know, we called you this week to inform you about Bayou Management LLC ("Bayou"). As we shared with you, we redeemed our investments in Bayou as a result of an investment style change that we considered unacceptable for our funds. At the time of our redemption, our funds were subject to a hold back.

While the possibility of retrieving the outstanding capital still exists, we have decided to take a conservative approach and write down the outstanding balance as a loss. The accounts of investment partners who invested with us as of March 1, 2005 will not be affected, as we were no longer invested in Bayou. Investment partners who were invested with Sterling Stamos prior to March 1 will receive restated account balances from February 2005 forward reflecting the write down. In the event any outstanding capital is recovered, Sterling Stamos will return a pro rata share of the funds to all those affected.

Guided by our firm's principles of partnership, trust, and service, we will continue to put our investment partners' interests first. We are concerned by the questions being raised about Bayou and its management and are taking action to protect our investment partners now and in the future.

Please feel free to contact XX with any questions you may have.

As always, thank you for the privilege of being your investment partner.

Best regards,

Peter S. Stamos CEO

[hold for Johnny's memo re: Bayou redemption]

#### Possible additional questions:

When did you know about the lawsuits regarding Bayou?

Our answer to Ueda: "I will try and gather more information to address this question."

What happened: We first learned about the Westervelt family lawsuit against Bayou last December when we completed background checks on Sam Israel III and Dan Marino.

When did you first make an investment in Bayou?
 Our first investment in Bayou was Oct 1, 2003. (our answer to Ueda that was based on the Portfolio Team's investment memorandum.)

[According to Finance's inflows and outflows, our actual first investment in Bayou was April 03. See attached sheets]

- 3. How much did Sterling Stamos invest? Total amount invested was approximately \$60M.
- 4. How much did you invest in each fund? Please see attached sheets.
- 5. How much do you still have in holdback? The holdback varies per fund. In aggregate, we have approximately \$6.5M in holdback.
- 6. What other managers are you concerned with? How are you making changes to your portfolio?

[KO please fill in]

7. What is your due diligence process? Has anything changed in your process due to Bayou?

[KO to complete]

### From finance's "Bayou Workpapers"

| OFFSHORE        |           |         |          |           |  |
|-----------------|-----------|---------|----------|-----------|--|
|                 | Liquidity | Growth  | Security | Levered   |  |
| 2/1/05 AUM      |           |         | REDACTED |           |  |
| Bayou 10%       | •         |         |          |           |  |
| Holdback        | 81,168    | 328,865 | 619,849  | 2,023,121 |  |
| 100% Write-off  |           |         |          |           |  |
|                 | REDACTED  |         |          |           |  |
| 8/1/05 Est. AUM |           |         |          |           |  |
| Bayou 10%       |           |         |          |           |  |
| Holdback        | 81,168    | 328,865 | 619,849  | 2,023,121 |  |
| 100% Write-off  |           | 1       | REDACTED |           |  |

| ONSHERE         |           |         |           |         |
|-----------------|-----------|---------|-----------|---------|
|                 | Liquidity | Growth  | Security  | F&F     |
| 2/1/05 AUM      |           |         | REDACTED  |         |
| Bayou 10%       |           |         |           |         |
| Holdback        | 584,909   | 828,431 | 1,792,219 | 255,128 |
| 100% Write-off  |           |         |           |         |
|                 |           | R       | EDACTED   |         |
| 8/1/05 Est. AUM |           |         |           |         |
| Bayou 10%       | •         | •       |           |         |
| Holdback        | 584,909   | 828,431 | 1,792,219 | 255,128 |
| 100% Write-off  | •         |         | REDACTED  |         |

|        |           | OFFSHORE - Activ | ity         |              |
|--------|-----------|------------------|-------------|--------------|
|        | Liquidity | Growth           | Security    | Levered      |
| Jul-03 | -         | •                | -           | 3,250,000    |
| Aug-03 | -         | -                | -           | -            |
| Sep-03 | -         | -                | -           | 750,000      |
| Oct-03 | -         | -                | • -         | 1,000,000    |
| Nov-03 | -         | *                | · _         | -            |
| Dec-03 | -         | -                | •           | 500,000      |
| Jan-04 | -         | -                | -           | 3,000,000    |
| Feb-04 | -         | 100,000          | -           | -            |
| Mar-04 | -         | -                | -           | 1,000,000    |
| Apr-04 | -         | 250,000          | -           | 2,000,000    |
| May-   |           |                  |             | İ            |
| 04     | •         | -                | -           | -            |
| Jun-04 | -         | -                | -           | -            |
| Jul-04 | -         | 1,500,000        | -           | 5,000,000    |
| Aug-04 | -         | -                | -           | -            |
| Sep-04 | -         | 1,000,000        | -           | -            |
| Oct-04 | •         | -                | 750,000     | -            |
| Nov-04 | -         | •                | 2,000,000   | -            |
| Dec-04 | -         | -                | 2,000,000   |              |
| Jan-05 | 500,000   | -                | -           |              |
| Feb-05 | 250,000   | -                | 1,250,000   | -            |
| Mar-05 | (760,568) | (3,081,917)      | (6,182,765) | (18,952,321) |

|        |           | ONSHORE   |           |           |
|--------|-----------|-----------|-----------|-----------|
|        | Liquidity | Growth    | Security  | F&F       |
| Apr-03 | -         | -         | 1,250,000 | 750,000   |
| May-   |           |           |           |           |
| 03     | -         | -         |           | 200,000   |
| Jun-03 | -         | -         | -         | -         |
| Jul-03 | -         | -         | -         | -         |
| Aug-03 | -         | •         | 1,500,000 | -         |
| Sep-03 | -         | -         | •         | -         |
| Oct-03 | •         | 1,300,000 | -         | -         |
| Nov-03 | -         | 800,000   | -         | -         |
| Dec-03 | -         | 1,000,000 | •         | 1,000,000 |
| Jan-04 |           |           |           |           |
| Feb-04 | -         | 400,000   |           | -         |
| Mar-04 | -         | 1,250,000 | 1,000,000 | -         |

|   | Apr-04 | -           | 2,000,000   | -            | -           |
|---|--------|-------------|-------------|--------------|-------------|
|   | May-   |             |             |              |             |
| 1 | 04     | -           | -           |              | -           |
| 1 | Jun-04 | -           | -           | -            | -           |
| 1 | Jul-04 | 500,000     | -           | -            | -           |
|   | Aug-04 | 1,500,000   | -           | -            | -           |
| ١ | Sep-04 | -           | -           | -            | -           |
| 1 | Oct-04 | -           | -           | -            | -           |
| 1 | Nov-04 | 1,250,000   | <b>~</b>    | -            | -           |
| 1 | Dec-04 | -           | -           | 7,500,000    | -           |
| 1 | Jan-05 | -           | -           | 4,500,000    | -           |
|   | Feb-05 | 2,000,000   | -           | -            | -           |
| ı | Mar-05 | (5,479,509) | (7,760,932) | (16,789,719) | (2,390,228) |