

EXHIBIT 9

Case No. 11 Civ 5843 (JPO)

DECLARATION OF JAY WARD BROWN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION TO DISMISS
DEFENDANTS' COUNTERCLAIM

(Letter from R. Spinogatti to Dep't of Ins. (June 26, 2008) [NYDOI/Gilman-00128])

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June 26, 2008

By Federal Express

Mr. David Urban
Senior Insurance Examiner
Consumer Services Bureau, Investigations Unit
State of New York, Insurance Department
One Commerce Plaza
Albany, New York 12257

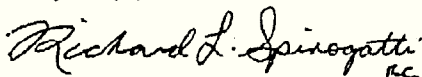
Re: Respondent: William W. Gilman
Dept. File Nos.: CSB-370346 and CSB-489222

Dear Mr. Urban:

Your letter, dated June 18, 2008, requests that my client, William Gilman, return his current broker's license [REDACTED], which expires October 31, 2008. Although the Superintendent of Insurance has the statutory authority, under Insurance Law § 2110(a), to revoke or suspend Mr. Gilman's broker's license under certain enumerated circumstances, the Superintendent's authority may only be exercised "after notice and hearing." Insurance Law §§ 2110(a), (b). As Mr. Gilman's broker's license has not expired and has not been revoked or suspended, your request appears to be either ineffectual, as Mr. Gilman's rights under his license would remain in effect regardless of the physical location of the license itself, or an attempt to circumvent the requirements of the Insurance Law for suspension or revocation.

Accordingly, Mr. Gilman will not return his license.

Very truly yours,


rc

Richard L. Spinogatti

RLS/rc

cc: William W. Gilman (By Fed Ex)