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Opposition Due: October 26, 2011
Reply Due: November 2, 2011
Hearing Date: November 10, 2011

*Attorneys for Customers Listed on Exhibit A
to the Chaitman Declaration*

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

IRVING H. PICARD,

Plaintiff,

v.

JAMES GREIFF *et al.*¹,

Defendants.

11-CIV-3775 (JSR)

**NOTICE OF MOTION IN SUPPORT OF
CUSTOMERS' MOTION TO DISMISS THE COMPLAINTS**

¹ This motion was filed on behalf of 313 defendants in 108 separate actions (the "Customers"), as listed on Exhibit A to the October 5, 2011 Declaration of Helen Davis Chaitman. In all of the actions the Trustee makes the identical substantive allegations. At oral argument, the Court properly pointed out that we had not filed motions in each of the 108 separate actions. However, as a practical matter, a holding in the *Greiff* action will be applicable in all of the other actions and we defer to the Court as to the most efficient way to accomplish this result.

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Customers' Motion to Dismiss the Complaints and the October 5, 2011 Declaration of Helen Davis Chaitman, the pleadings and papers on file in this action, and on such other and further evidence as may be presented prior to, and at, the hearing on this motion, the Customers, by their undersigned counsel, will move before the Honorable Jed S. Rakoff, United States District Court Judge, at the United States District Court for the Southern of New York, 500 Pearl Street, New York, New York 10007, on November 10, 2011, at 4:00 p.m., or as soon thereafter as counsel may be heard, for an Order dismissing the complaints against the Customers in their respective proceedings pursuant to Federal Rule of Bankruptcy Procedure 7012 and Federal Rule of Civil Procedure 12(b)(6), and granting such other and further relief as the court deems just and proper.

The Customers have made no prior request to this Court or to any other court for the relief requested by this Motion.

PLEASE TAKE FURTHER NOTICE that papers in opposition to the motion shall be served and filed on October 26, 2011 and the reply in further support of the motion shall be served and filed on November 2, 2011.

Dated: October 5, 2011

BECKER & POLIAKOFF LLP

By: /s/ Helen Davis Chaitman
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*Attorneys for Customers Listed on
Exhibit A to the Chaitman Declaration*