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December 19, 2005

VIA FEDERAL EXPRESS & Facsimile

Roseann B. MacKechnie,
Clerk of the Court
U.S. Court of Appeals, Second Circuit
40 Foley Square, Room 1802
New York, NY 10007

Re: No. 05-0609-cv, LoPresti v. Citigroup, Inc.

Dear Ms. MacKechnie::

I represent the plaintiff-appellant in the above matter.

I have two material corrections to make in the brief I filed herein:

1. The last word on line 3, of page 5, should be changed from Citistreet to Citibank, and
2. Line 5 of page 2 should be deleted and changed from "neither appellant nor the Buck defendants were ERISA fiduciaries" to "Plaintiff-Appellant was not a fiduciary of any sort under ERISA.

Further, there are some questions concerning the docket sheet in this matter. I am referring to the Docket as at December 14, 2005 at 8:09 pm, which I downloaded via Pacer on 12/16/05.

a). The docket reveals that David J. Lender, Esq. of Weil Gotshal & Manges, LLP at 767 Fifth Avenue, New York, NY 10153 is appearing in this appeal on behalf of the defendants Citistreet and Copeland Associates, Inc. No one has ever appeared on their behalf. It has been contended by Weil Gotshal that these defendants are not legal entities of any sort. Accordingly, if a notice of appearance on their behalf has been filed in this Court I would appreciate seeing a copy of said notice. On the other hand if this was merely an error I am hopeful that you would correct the error.

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b) The docket fails to reflect the fact that Plaintiff-Appellant filed papers in opposition to the motion made by Defendant-Appellee Citigroup to extend their time to file their briefs herein. Said papers in opposition were delivered to this Court by Federal Express on December 5, 2005. I had also enclosed therewith a prepaid fedex airbill back to this office for you to send back a stamped receipted copy of the subject opposition papers. To date I have not received them from the Court.

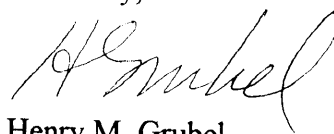
Judging by the letter that was sent to you by counsel for Defendant-Appellee Lutheran Medical Center, Sichenzia Ross Friedman Ference LLP, dated December 16, 2005, it appears that significant ex-parte conversations are taking place that I have been excluded from. I respectfully request that when apparently dispositive issues surrounding the briefing schedule are being argued and made, that I be heard and informed thereof.

Please let me know if there are any other steps I must take to be sure that the brief I submitted has the errors contained therein corrected.

I have enclosed a prepaid Fedex airbill. Please file stamp one copy hereof and return it to me via said Fedex.

Thank you for your assistance herein.

Sincerely,



Henry M. Grubel

cc: all counsel by Fax and First Class Mail.