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August 25, 2004

David Lender, Esq.
Weil Gotshal and Manges, LLP
767 Fifth Avenue
New York, NY 10153

Re: LoPresti v Citigroup Inc. et al.
E.D.N.Y. CV-02-6492 (SJ)(VVP)

Dear Mr. Lender,

On page two line 11 of the transcript of the July 16, 2004 hearing held by Magistrate Judge Pohorelsky on plaintiff's motion that he disqualify himself, you stated on the record, that you were appearing on behalf of CITISTREET.

In an electronic filing you made on July 15, 2004, it is stated that you were appearing for CITISTREET. Docket number 118.

As you know, CITISTREET has deliberately defaulted herein.

Accordingly, you have no standing to now announce that you are appearing on the behalf of the defaulted defendant, CITISTREET.

Demand is made that you do what is necessary to modify the record and have deleted therefrom the references regarding your appearing on behalf of CITISTREET.

In any event, you have finally admitted the reality of the existence of CITISTREET, after having denied this fact to the Court and to all parties from the inception of this case.

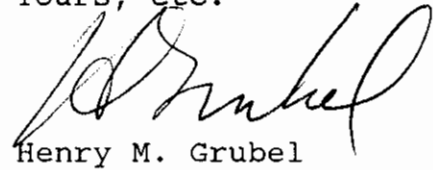
Your insistence that CITISTREET was a non-cognizable legal entity of any sort has been highly prejudicial to plaintiff, both in the costs he has incurred, and in his inability to have the Clerk of the Court note the default of CITISTREET, or to obtain his default judgment against CITISTREET.

I believe you have now mooted your opposition to plaintiff's pending motions for default judgments and for sanctions against your firm under Rule 11.

Your papers in opposition to both motions should be

withdrawn or supplemented, to reflect the fact that you misled the Judge, the Magistrate Judge, the Clerk of the Court, and all the parties herein by insisting that CITISTREET was a non-cognizable and non-existent entity of any sort.

Yours, etc.

A handwritten signature in black ink, appearing to read 'H. Grubel', written in a cursive style.

Henry M. Grubel

cc: Judge Sterling Johnson, Jr.
Magistrate Judge Viktor V. Pohorelsky
Robert Heinemann, Clerk of the Court
Michael H. Ference, Esq.
David Covey, Esq.

Encs-2

1 THE COURT: This is civil action
2 02-CV-6492:
3 LoPresti v. Citigroup, Inc., et al.

4 Would counsel please state their
5 appearances.

6 MR. GRUBEL: Henry Grubel, 37 Prospect
7 Street, Freeport, New York for the plaintiff.

8 MR. LENDER: Good afternoon,
9 your Honor.

10 David Lender from the law firm of
11 Weil, Gotshal & Manges representing Citistreet
12 and Statestreet.

13 MR. COVEY: Good afternoon, Judge.
14 I'm David Covey. I represent Buck
15 Consultants.

16 Someone else here for anybody?

17 No? Okay.

18 THE COURT: All right.

19 This is a hearing scheduled by the
20 Court on the -- oh sorry.

21 MR. SCHUBAUER: My name is David
22 Schubauer and I'm with the law firm of
23 Sichenzie, Ross representing defendants
24 Lutheran Medical Center, Wendy Goldstein,
25 Miles Tucker, William Meyers, Alan Schechter

Subj: **Activity in Case 1:02-cv-06492-SJ-VVP LoPresti v. Citigroup, Inc. et al "Certificate of Service"**
Date: 7/15/2004 3:29:48 PM Eastern Daylight Time
From: ecf_bounces@nyed.uscourts.gov
To: nobody@nyed.uscourts.gov

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**U.S. District Court
Eastern District of New York**

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The following transaction was received from Lender, David entered on 7/15/2004 at 2:56 PM EDT and filed on 7/15/2004

Case Name: LoPresti v. Citigroup, Inc. et al
Case Number: 1:02-cv-6492
Filer: Citigroup, Inc.
Don Goldstein
State Street Corporation
Citistreet
Citistreet Incorporated
Citistreet Associates, LLC
Citistreet Equities, LLC
Citistreet Financial Services, LLC
Travelers Insurance Company
Mayda Casado
Jean Desjardins
Smith Barney Corporate Trust Company
Salomon Smith Barney, Inc.
Citistreet LLC
Sanford I. Weill
David A. Spina

Document Number: 118

Docket Text:

CERTIFICATE OF SERVICE by Mayda Casado, Citigroup, Inc., Citistreet, Citistreet Associates, LLC, Citistreet Equities, LLC, Citistreet Financial Services, LLC, Citistreet Incorporated, Citistreet LLC, Jean Desjardins, Don Goldstein, Salomon Smith Barney, Inc., Smith Barney Corporate Trust Company, David A. Spina, State Street Corporation, Travelers Insurance Company, Sanford I. Weill re [117] Response in Opposition to Motion, *to Disqualify* (Lender, David)

The following document(s) are associated with this transaction: