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August 29, 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)
Your letter dated August 27, 2004

Dear Mr. Lender,

The letter I wrote to you was not dated August 24, 2004, as you said. It was dated August 25, 2004.

With regard to the other statements in your letter of August 27, 2004:

a. Please provide plaintiff with a listing of the filings Weil made with the Court wherein Weil "repeatedly" stated that Weil represented the CITISTREET, and State Street defendants.

b. To the contrary, my recollection has it that you repeatedly stated, that Weil represented the CITIGROUP and State Street defendants, not the CITISTREET and State Street defendants.

c. You say there was an error in the transcript of the July 17, 2004 hearing, yet you failed to identify what the error was.

d. The audio has you clearly saying when the Court asked for our appearances: "David Lender from the law firm of Weil, Gotshal & Manges, representing the Citistreet and State Street defendants".

e. There is no material error in this part of the transcript.

f. The transcript was available. It was posted to the docket by the Court on August 5, 2004.

g. If there was a material error in the transcript, it would have been normal to bring the error to everyone's attention.

h. Your letter failed to address the fact that docket entry number 118, dated 7/15/2004, made the day before the hearing, shows that you filed papers in opposition to plaintiff's motion to disqualify Magistrate Judge Pohorelsky, on behalf of the Weil clients.

i. Weil included the name of the defaulted defendant CITISTREET twice in this filing, yet Weil never appeared on their behalf. Weil knows that CITISTREET deliberately defaulted herein. Weil can not have it both ways.

j. Weil orchestrated the deliberate default by CITISTREET. Then Weil contested the CITISTREET default. Now Weil says they are appearing on behalf of CITISTREET. Weil can not have it three ways.

k. Weil Gotshal denies the existence of the joint venture known as CITISTREET, yet Weil appears on their behalf. Weil can not have it both ways.

l. Weil asserts that CITISTREET is really CITISTREET LLC. This is but a smoke screen to shield CITISTREET from the consequences of its default.

m. In plaintiff's papers in support of his Rule 11 motion against Weil, plaintiff directed Weil to CITISTREET's own website at citistreetonline.com. The press releases posted thereon, by CITISTREET say that CITISTREET is a 50/50 joint venture co-owned by CITIGROUP and STATE STREET CORPORATION. Weil claims that the CITISTREET's own press releases are not 'authenticated'.

n. The foregoing reveals a continued deliberate disregard for the truth by Weil Gotshal, which invites and

justifies the sanctions requested by plaintiff against Weil.

Plaintiff demands that Weil withdraw its improperly imposed opposition to plaintiff's motion for default judgments, and that Weil correct the record immediately.

I realize that this puts Weil Gotshal in conflict with their clients, however their continued deceptions herein, can be a predicate for a \$200,000,000,000 financial Armageddon for some 9,000,000 CITISTREET retirement plan participants. This would make the financial losses suffered in Enron, Worldcom, Parmalat, etc., look like petty cash.

Weil is alleging the fiction, that the massive financial monolith called CITISTREET is not a cognizable legal entity of any sort. This makes Weil Gotshal & Manges LLP complicit with their clients in aiding and abetting the false claims that the joint venture called CITISTREET, the self declared 'CITIGROUP and STATE STREET company' is non-existent.

Weil claims that plaintiff has already served CITISTREET LLC, a Delaware Corporation formed simultaneously with the CITISTREET joint venture. This allows CITISTREET to remain a \$200 billion non-existent entity, flying under the radar as a stealth bomber, immune from regulatory or judicial controls and process.

Weil has misled plaintiff and others who have granted indulgences to Weil and their clients herein. Weil never had any standing to represent CITISTREET and COPELAND ASSOCIATES, INC. As the docket reveals, Weil never appeared on their behalf.

Weil presumes, that if the Court grants their motion under FRCP § 12(b)(6), it will moot the defaults of CITISTREET and COPELAND ASSOCIATES, Inc. Weil wants the Court to deem them included in your motion. This is another indulgence that you are not entitled to. CITISTREET is the primary defendant in this case.

When confronted with the reality of the existence of the joint venture called CITISTREET, Weil had a duty to withdraw from this case, set the record straight and not be a party to such a huge potential financial debacle.

The 9,000,000 CITISTREET retirement plan participants who have about \$200,000,000,000 invested in CITISTREET, and their employers, do not know that CITISTREET is a non-existent legal entity of any sort. Weil Gotshal alleges this to the Court, but does not publicize this to the 9 million plan participants.

CITISTREET does not state on its website that it is really a non-existent entity of any sort. CITISTREET does not say on its web site that it is really CITISTREET LLC. Why should the Court indulge the word of Weil, against the word of CITISTREET itself?

Weil's actions on behalf of the allegedly non-existent entity called CITISTREET are increasing plaintiff's exposure as a de facto and actual fiduciary at LUTHERAN MEDICAL CENTER.

As you know, counsel for the LUTHERAN MEDICAL CENTER has told the Court that CITISTREET is indeed a joint venture. This creates a major conflict between Weil and LMC. LUTHERAN thought that it contracted with CITISTREET to administer its 401(k) and 403(b) retirement plans, but Weil swears that CITISTREET is a non-existent entity of any sort, without regard for DOL regulations.


The fallout and ripple effect of this conflict will have a draconian impact upon LUTHERAN MEDICAL CENTER and all its employees. LUTHERAN forced its employees to deposit their own retirement savings funds with an allegedly non-existent entity known as CITISTREET. The ERISA and common law claims that could arise out of this can bankrupt LUTHERAN MEDICAL CENTER, or any of the other employers of the 9,000,000 employees covered by the non-existent CITISTREET.

I do not know if you sent copies of your 8/27/04 response to my letter dated 8/25/04 to anyone else, so I will enclose a copy of it to those named at the foot hereof.

In addition a copy of the exchange of letters between Weil and this office since 8/25/04 is being sent to the United States Court of Appeals, 2nd Circuit, as a supplement to plaintiff's pending petitions for appropriate writs of mandamus.

Stephen J. Dannhauser, Esq., Chairman of Weil Gotshal & Manges LLP, will be sent a copy of these papers, in order to be sure that the Weil firm at the highest level, is on notice about the fraud that Weil appears to be perpetrating in this matter.

Sincerely,



Henry M. Grubel

cc: U.S. Court of Appeals, 2nd Circuit
U.S. Dist. Court Judge Sterling Johnson, Jr.
Magistrate Judge Viktor V. Pohorelsky
Robert Heinemann, Clerk of the Court
Michael H. Ference, Esq.
David Covey, Esq.
Stephen J. Dannhauser, Esq.