

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO, INC. SECURITIES LITIGATION	:	05 Civ. 8626 (JSR)
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**NOTICE OF (A) LEAD PLAINTIFFS’ MOTION FOR FINAL APPROVAL OF SETTLEMENTS WITH THE THL AND AUDIT COMMITTEE DEFENDANTS AND WITH THE UNDERWRITER DEFENDANTS, FINAL APPROVAL OF PLAN OF ALLOCATION OF SETTLEMENT PROCEEDS AND FINAL CERTIFICATION OF A CLASS FOR SETTLEMENT PURPOSES, AND (B) LEAD COUNSEL’S MOTION FOR AN AWARD OF ATTORNEYS’ FEES AND REIMBURSEMENT OF EXPENSES**

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

**PLEASE TAKE NOTICE** that upon the (i) Joint Declaration of Salvatore J. Graziano and Megan D. McIntyre in Support of (A) Lead Plaintiffs’ Motion for Final Approval of Settlements with the THL and Audit Committee Defendants and with the Underwriter Defendants, Final Approval of Plan of Allocation of Settlement Proceeds and Final Certification of a Class for Settlement Purposes, and (B) Lead Counsel’s Motion for an Award of Attorneys’ Fees and Reimbursement of Expenses and the exhibits thereto; (ii) Lead Plaintiffs’ Memorandum of Law in Support of Motion for Final Approval of Settlements with the THL and Audit Committee Defendants and with the Underwriter Defendants, Final Approval of Plan of Allocation of Settlement Proceeds and Final Certification of a Class for Settlement Purposes; and (iii) Lead Counsel’s Memorandum of Law in Support of Their Motion for an Award of Attorneys’ Fees and Reimbursement of Expenses, being filed concurrently herewith; and all prior proceedings had herein:

(a) Lead Plaintiffs, RH Capital Associates LLC and Pacific Investment Management Company LLC, through their undersigned counsel, will move this Court before the Honorable

Jed S. Rakoff on October 27, 2010 at 4:00 p.m. at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, for entry of (i) Judgments granting final approval to the proposed THL and Audit Committee Settlement,<sup>1</sup> the proposed Underwriter Group Settlement,<sup>2</sup> and the proposed settlement with Sandler O'Neill & Partners LP, and granting final certification of a Settlement Class for purposes of those settlements, and (ii) an Order approving the proposed Plan of Allocation of the settlement proceeds; and

(b) Lead Counsel, Grant & Eisenhofer P.A. and Bernstein Litowitz Berger & Grossmann LLP, will move this Court before the Honorable Jed S. Rakoff on October 27, 2010 at 4:00 p.m. at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007, for entry of an Order awarding attorneys' fees and reimbursement of expenses.

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<sup>1</sup> The THL and Audit Committee Settlement is between Lead Plaintiffs and defendants Ronald L. O'Kelley, Leo R. Breitman, Nathan Gantcher, Thomas H. Lee Equity Fund V, L.P., Thomas H. Lee Parallel Fund V, L.P., Thomas H. Lee Equity (Cayman) Fund V, L.P., Thomas H. Lee Partners, L.P., THL Equity Advisors V, LLC, Thomas H. Lee Investors Limited Partnership, The 1997 Thomas H. Lee Nominee Trust, Thomas H. Lee, David V. Harkins, Scott L. Jaeckel and Scott A. Schoen.

<sup>2</sup> The Underwriter Group Settlement is between Lead Plaintiffs and Credit Suisse Securities (USA) LLC, Banc of America Securities LLC, Deutsche Bank Securities Inc., Goldman, Sachs & Co., Merrill Lynch, Pierce, Fenner & Smith Incorporated, J.P. Morgan Securities Inc., HSBC Securities (USA) Inc., William Blair & Company L.L.C., BMO Capital Markets Corp., Samuel A. Ramirez & Co., Inc., Muriel Siebert & Co., Inc. and The Williams Capital Group, L.P.

Dated: New York, New York  
September 22, 2010

Respectfully submitted,

**GRANT & EISENHOFER P.A.**

**BERNSTEIN LITOWITZ BERGER  
& GROSSMANN LLP**

/s/ Stuart M. Grant  
Stuart M. Grant  
James J. Sabella  
Brenda F. Szydlo  
485 Lexington Avenue, 29th Floor  
New York, NY 10017  
Telephone: (646) 722-8500  
Facsimile: (646) 722-8501

/s/ Salvatore J. Graziano  
Max W. Berger  
Salvatore J. Graziano  
John C. Browne  
Jeremy P. Robinson  
1285 Avenue of the Americas  
New York, NY 10019  
Telephone: (212) 554-1400  
Facsimile: (212) 554-1444

- and -

Megan D. McIntyre  
Christine M. Mackintosh  
1201 North Market Street  
Wilmington, DE 19801  
Telephone: (302) 622-7000  
Facsimile: (302) 622-7100

#481045