

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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: 05 Civ. 8626 (GEL)
In re REFCO, INC. SECURITIES LITIGATION :
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LEAD PLAINTIFFS' NOTICE OF MOTION FOR (I) PRELIMINARY APPROVAL OF PARTIAL SETTLEMENT WITH DEFENDANT BAWAG, (II) PRELIMINARY CERTIFICATION OF CLASS FOR PURPOSES OF SETTLEMENT, (III) PRELIMINARY APPROVAL OF FORM AND MANNER OF NOTICE, AND (IV) SCHEDULING OF A FINAL APPROVAL HEARING

TO: All counsel of record

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law; the accompanying Declaration of Megan D. McIntyre dated September 8, 2006 and the exhibits thereto; the accompanying Stipulation and Agreement of Settlement entered September 7, 2006 by and between Lead Plaintiffs and BAWAG, including exhibits thereto; and all other papers and proceedings herein, Lead Plaintiffs will move this Court, at a place and time to be set by the Court, at the United States Courthouse at 500 Pearl Street, New York, New York, for an order (i) preliminarily approving the partial settlement of this securities class action as against defendant BAWAG P.S.K. Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft ("BAWAG"); (ii) preliminarily certifying a class for purposes of settlement pursuant to Rule 23 of the Federal Rules of Civil Procedure; (iii) preliminarily approving the form and manner of notice to the class; and (iv) scheduling a hearing on final approval of the partial settlement and Co-Lead Counsel's application for attorneys' fees.

DATED: September 8, 2006

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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2006, the attached document was filed with the Clerk of Court using CM/ECF which will send notification of such filings to the following parties:

/s/ Megan D. McIntyre

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