



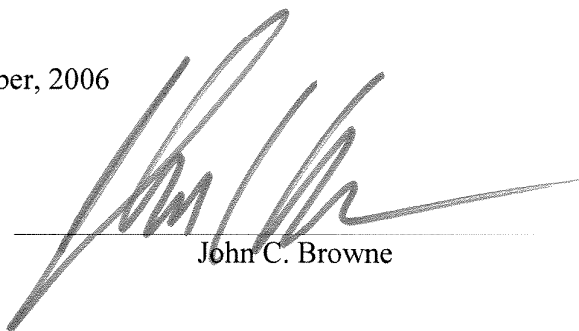
3. On September 8, 2006, Lead Plaintiffs moved this Court for an Order (i) preliminarily approving the BAWAG Settlement; (ii) preliminarily certifying a class for purposes of settlement pursuant to Rule 23 of the Federal Rules of Civil Procedure; (iii) preliminarily approving the form and manner of notice to the class; and (iv) scheduling a hearing on final approval of the partial settlement and Co-Lead Counsel's application for attorneys' fees.

4. If the BAWAG Settlement is given preliminary approval, Lead Plaintiffs will require the names and addresses of Refco's securityholders in order to provide them with notice of the BAWAG Settlement. To obtain this information, Lead Plaintiffs must have access to documents under the control of BONY, Refco's transfer agent.

**Bank of New York**

5. I have contacted counsel for BONY, who has confirmed that BONY is Refco's transfer agent. BONY's counsel also stated that BONY required a subpoena before it would produce documents sufficient to identify the names and addresses of holders of Refco's securities during the Class Period.

Done at New York this 27th day of September, 2006



John C. Browne