

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

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In re REFCO, INC. SECURITIES LITIGATION : 05 Civ. 8626 (GEL)
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LEAD PLAINTIFFS' NOTICE OF MOTION FOR (I) PRELIMINARY APPROVAL OF PARTIAL SETTLEMENT WITH DEFENDANT DENNIS A. KLEJNA, (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 Stipulation and Agreement of Settlement Between Lead Plaintiffs and Defendant Dennis A. Klejna dated December 6, 2007, including exhibits thereto; the accompanying Memorandum of Law; 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 Dennis A. Klejna (“Klejna”); (ii) preliminarily certifying a class for purposes of the partial 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.

DATED: December 7, 2007

GRANT & EISENHOFER P.A.

By: /s James Sabella
Stuart M. Grant (SG-8157)
James J. Sabella (JS-5454)
Jonathan D. Margolis (JM-1128)
485 Lexington Avenue, 29th Floor
New York, NY 10017
Telephone: (646) 722-8500
Facsimile: (646) 722-8501

- and -

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

*Attorneys for Lead Plaintiff Pacific Investment
Management Company LLC and Co-Lead
Counsel for the Putative Class*

**BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP**

By: /s John P. Coffey
John P. Coffey (JC-3832)
Salvatore J. Graziano (SG-6854)
John C. Browne (JB-0391)
Jeremy P. Robinson
David Webber (DW-3876)
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 554-1400
Facsimile: (212) 554-1444

*Attorneys for Lead Plaintiff RH Capital
Associates LLC and Co-Lead Counsel for
the Putative Class*