

UNITED STATES DISTRICT COURT
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 SETTLEMENT WITH DEFENDANT
SANDLER O'NEILL PARTNERS, L.P., AND (II) PRELIMINARY
CERTIFICATION OF CLASS FOR PURPOSES OF SETTLEMENT**

TO: All counsel of record

PLEASE TAKE NOTICE that upon the accompanying Declaration of James J. Sabella and its attached Stipulation and Agreement of Settlement Between Lead Plaintiffs and Defendant Sandler O'Neill Partners, L.P. dated October 10, 2008, the accompanying Memorandum of Law; and all other papers and proceedings herein, Lead Plaintiffs will move this Court, at a 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 Sandler O'Neill Partners, L.P.; and (ii) preliminarily certifying a class for purposes of the settlement pursuant to Rule 23 of the Federal Rules of Civil Procedure.

DATED: October 27, 2008

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