



USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 4/16/15

**Akin Gump**  
STRAUSS HAUER & FELD LLP

MITCHELL P. HURLEY  
+1 212.872.1011/fax: +1 212.872.1002  
mhurley@akingump.com

April 15, 2015

VIA FACSIMILE

The Honorable Judge Andrew J. Peck  
United States Magistrate Judge  
United States Courthouse, Courtroom 20D  
500 Pearl St.  
New York, NY 10007-1312

Approved. A conference on  
this matter will be held on  
April 27, 2015 at 4:30PM.

SO ORDERED:

*Andrew Jay Peck*  
Hon. Andrew Jay Peck  
United States Magistrate Judge 4/16/15

Re: *Beacon Associates LLCI, et al. v. Beacon Associates Management Corp., Civil*  
Case No: 14-cv-2294 (AJP)

Copies by ECF to:  
All Counsel

Dear Judge Peck

We represent AIJED International Ltd. ("AIJED") in the above-referenced case. We write at the direction of chambers to request permission to make a motion in connection with a stay ("Stay Motion") of the order entered by Your Honor on April 8, 2015 (the "Order") pending determination of AIJED's appeal of the Order to the Second Circuit.

As Your Honor may recall, Beacon withheld approximately \$4.2 million from a distribution it made to investors in January 2015 (of which approximately \$3.5 million was withheld in connection with AIJED's claim) and placed that amount in an interest-bearing escrow account pending resolution of the parties' dispute over how those funds should be distributed. Beacon has agreed it will not distribute the escrowed funds related to AIJED's claim on appeal at least until the Court hears and determines the Stay Motion. In connection with its motion, AIJED will argue that the Order is subject to the non-discretionary stay provided under Federal Rule of Civil Procedure 62(d), or in the alternative, that discretionary relief should be entered. In either case, AIJED will argue that a bond should be waived because, if the Order is stayed, the amount in dispute would remain in an escrow account earning interest and would therefore be available for distribution to Beacon's other investors, with interest, in the event AIJED's appeal is unsuccessful.

The parties have conferred and have agreed to a proposed expedited briefing schedule on the Stay Motion. Specifically, the parties propose that AIJED file its opening brief on Monday, April 20, 2015 by 5:00 p.m.; any parties opposing the Stay Motion file opposition brief(s) on Thursday, April 23, 2015 by 5:00 p.m.; and AIJED file its reply any time on Friday, April 24, 2015. We also respectfully request that any hearing be held on Monday, April 27, 2015 or

**Akin Gump**  
STRAUSS HAUER & FELD LLP

The Honorable Judge Andrew J. Peck  
United States Courthouse  
April 15, 2015  
Page 2

Tuesday, April 28, 2015, as the undersigned will be out of the country for an extended period of time beginning on April 29, 2015.

Thank you for your attention to this matter.

Respectfully submitted,



Mitchell P. Hurley

Cc: (via email)  
Arthur Jakoby  
Max Folkenflik  
Brian Whitely