

ECF TRANSCRIPTION SHEET



ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: July 13, 2015

Total Number of Pages:7

MEMO ENDORSED:

Beacon is free to distribute the Holdback funds.

Copies by ECF to: All Counsel

MEMO ENDORSED 7/13/15

Beacon is free to distribute the Holdback Funds.

Akin Gump
STRAUSS HAUER & FELD LLP

SO ORDERED:

Hon. Andrew J. Peck
United States Magistrate Judge

July 1, 2015

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AMER. AL COURT

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#
DATE FILED: 7/13/15

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

BY ECF

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

Dear Judge Peck:

We represent AIJED International, Ltd. ("AIJED") in the above-captioned matter. As the Court knows, AIJED appealed the Court's order dated April 8, 2015 (ECF No. 91, the "April Order") to the Court of Appeals for the Second Circuit. On May 22, 2015, the Court entered a "Stay Order" temporarily preventing Beacon¹ from distributing the AIJED Holdback pursuant to the April Order, "[s]ubject to deposit by AIJED of \$100,000. . . into an interest bearing escrow account."

AIJED has since determined not to pursue its appeal, and filed a joint stipulation of dismissal with the Court of Appeals on June 25, 2015 (attached hereto as Exhibit A). Because AIJED has agreed to dismiss the appeal, and therefore has not deposited the Appeal Escrow, AIJED understands that no stay is in place, and that there is no further impediment to Beacon releasing and distributing the AIJED Holdback or any other amounts pursuant to the April Order.

Should Your Honor have any questions or wish to confer regarding the issues described herein, we are available for a call at the Court's convenience.

Respectfully submitted,

Mitchell P. Hurley / RP

Mitchell P. Hurley

¹ All defined terms used and note defined herein shall have the definitions given them in Beacon's letter to the Court dated January 23, 2015 (ECF No. 53) and the April Order.

Exhibit A

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

BEACON ASSOCIATES LLC I,
BEACON ASSOCIATES LLC II,
ANDOVER ASSOCIATES LLC I,
ANDOVER ASSOCIATES (QP) LLC,

vs.

BEACON ASSOCIATES
MANAGEMENT CORP., ANDOVER
ASSOCIATES MANAGEMENT CORP.,
INCOME PLUS INVESTMENT FUND,
DAVID FASTENBERG, TRUSTEE,
LONG ISLAND VITREO-RETINAL
CONSULTANTS 401K FBO DAVID
FASTENBERG, ET AL.

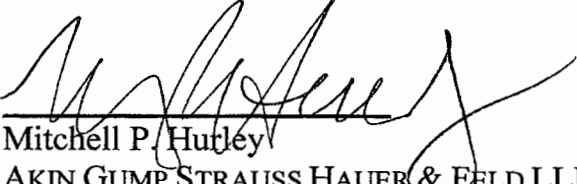
No. 15-1157

**JOINT STIPULATION
TO DISMISS APPEAL**

Pursuant to Federal Rule of Appellate Procedure 42(b), Appellant AIJED International Ltd. and Appellees Beacon Associates LLC I and II; Income Plus Investment Fund; and David Fastenberg, Trustee, Long Island Vitreo-Retinal Consultants 401K FBO David Fastenberg, et al. jointly move to voluntarily dismiss this appeal with prejudice. The parties have agreed that each party will bear its own expenses and costs. No fees are due.

Respectfully submitted,
June 23, 2015

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LLC I and Beacon Associates LLC II*



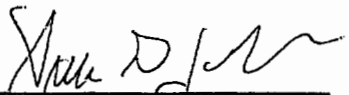
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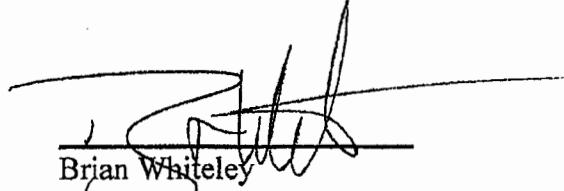
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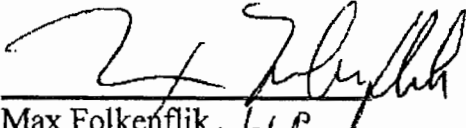
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