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VIA FACSIMILE - 212-805-7933

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

MEMO ENDORSED 7/8/14  
BY APPROVED  
BY ECF  
SO ORDERED:  
Hon. Andrew Jay Peck  
United States Magistrate Judge  
copy to: All Court

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

Dear Judge Peck:

I am writing to respectfully request a change in the existing briefing schedule with respect to the appropriate method of distribution of funds from the Beacon Funds to their investors. No change is requested in the scheduled fairness hearing date of October 7<sup>th</sup>.

The parties to this proceeding, both the Income Plus Funds and Beacon Funds, by their counsel, have agreed to these proposed changes.

Due to an extremely heavy schedule over the past month, including briefing on a petition for writ of certiorari to the Supreme Court, a Second Circuit appeal, a mediation and extensive briefing on critical issues and several arbitrations, it has become very difficult for me to meet the current deadline of July 15<sup>th</sup> for submitting principal briefs on the distribution issue.

In proposing the new schedule I have tried to be sensitive to scheduling issues arising out of the fact that briefing is occurring during the summer. As I advised Your Honor the last time I appeared before the Court, I also have a trial scheduled for August 11, with a number of pretrial submissions due over the next few weeks.

The schedule I propose is initial briefs by Fastenberg and Income Plus now due on July 15<sup>th</sup> shall be adjourned until August 8<sup>th</sup>, opposition briefs now scheduled to be submitted on August 8<sup>th</sup> shall be adjourned until September 5<sup>th</sup>, and investor briefs now scheduled to be submitted on September 12<sup>th</sup> shall be adjourned until September 26<sup>th</sup>. The fairness hearing would remain scheduled for October 7<sup>th</sup>.

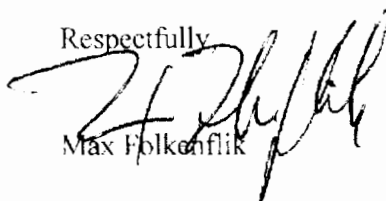
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Hon. Andrew J. Peck  
July 8, 2014

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I am hopeful that this schedule will not provide any inconvenience to the Court preparing for fairness hearing. I am happy to accommodate any adjustments to Court feels would be appropriate in order to eliminate any such inconvenience. If Your Honor approves this new schedule, please Memo Endorse this letter to signify that approval.

Respectfully



Max Folkenflik

cc. Arthur Jakoby, Esq. (via email)  
Brian Whitely, Esq. (via email)  
Leah Kelman, Esq. (via email)

# FAX

**Date** 07/08/2014

**Number of pages including cover sheet:** 3

**To:**

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**REMARKS:**

Please see attached letter.