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April 15, 2015

## VIA E-FILING

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

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

Dear Judge Peck:

We represent plaintiffs Beacon Associates (the “Beacon Fund”) and Andover Associates (the “Andover Fund”) (collectively “Plaintiffs”) in connection with the captioned matter.

The Court entered an Order in this action on April 8, 2015 (the “Order”). We note that the Order provides:

“After reviewing all of the parties’ submissions on this issue  
**(Dkt. Nos. 65, 69-77, 79-90)**, the Court holds that....”  
[Emphasis added].

We write to respectfully advise the Court that Dkt No. **68** is also a relevant submission to the issue decided in the Order. DKT No. 68 contained submissions by Affected Investors Melvin Herman IRA and Roberts and Roberts. These investors distinguished their situation from that of AIJED. In light of the fact that the only party submissions or facts cited by the Court in its Order relate to AIJED-- and the submissions by the non-AIJED parties were not cited -- we have received inquiry from non-AIJED Holdback Affected Investors inquiring whether the Order applies to them. We advised such investors that we do not know the answer to their question but that we would bring this issue to the Court’s attention on their behalf and ask for clarification.

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We thank the Court for its attention to this matter.

Respectfully submitted,

*s/ Arthur G. Jakoby*  
Arthur G. Jakoby

cc: All Parties (via e-file)  
Melvin Herman (via email)  
Alec Roberts (via email)  
Gerry E. Feinberg, Esq. (via email)