

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

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

**CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)
ADDENDUM “B”**

This is an appeal from the district court’s order dated April 8, 2015 (the “April Order”) concerning AIJED International, Ltd. (“AIJED”) and AIJED Associates LLC (“Associates”), two separate Beacon investors, with separate Beacon accounts.¹ The issue to be raised on appeal is whether the district court erred in determining the appropriate methodology for determining the “net equity” in AIJED’s account at Beacon.

This Court reviews the district court’s ruling *de novo*. See *Kreisler v. Second Ave. Diner Corp.*, 731 F.3d 184, 187 n.2 (2d Cir. 2013) (internal citation omitted).

¹ The parties to the district court action consented to the magistrate judge’s authority to conduct the proceedings below and enter final judgment. Accordingly, the April Order is directly appealable to the Court of Appeals. See S.D.N.Y. Case No. 1:14-cv-02294-AJP, ECF NO. 13; Feb. 5, 2015 Tr. at 19-20.