

**HISCOCK & BARCLAY<sup>LLP</sup>**

Brian E. Whiteley  
Partner

February 24, 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 LLC I, et al. v. Beacon Associates Management Corp., et al.*  
Civil Case No.: 14-cv-2294 (AJP)

Dear Judge Peck:

On behalf of Income-Plus Investment Fund (“Income-Plus”), I write in advance of the discovery conference scheduled for tomorrow, February 25, 2015 at 10:00 a.m., in the above-referenced matter. The conference principally concerns discovery disputes between the Plaintiffs and AIJED International, Ltd. (“AIJED”), as set forth in letters to the Court dated February 20, 2015 from counsel for Plaintiffs (Dkt. No. 58) and counsel for AIJED (Dkt. No. 59).

In short, AIJED has requested by letter dated February 16, 2015 that Beacon produce, among other things, “[a]ll investor information that the Beacon Fund previously produced to the Challenging Investors or their counsel.” AIJED has requested this same information from Income-Plus, as well as from certain investors represented by Max Folkenflik. With regard to AIJED’s request to Income-Plus, all counsel have been informed that Income-Plus will not produce documents provided to it by Beacon in the Fall of 2014 given Beacon’s objections, which are outlined in its February 20 letter to the Court. As such, I respectfully request that the Court resolve the issue on the basis of the objections of the Beacon Fund.

In light of the fact that the discovery matters to be resolved at the conference do not directly involve Income-Plus, and because I am in Syracuse for meetings today and tomorrow and thus currently unavailable to attend the conference, I do not plan to attend.

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Thank you for your continued attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Br Whiteley". The signature is stylized with a large, sweeping initial "B" and a long horizontal stroke at the end.

Brian E. Whiteley

cc: Counsel of Record (Via ECF)