

In support of its motion, Marquette Plaintiffs contemporaneously file their Memorandum in Support of their Motion to Clarify Scope of the Antisuit Injunction, or, in the Alternative, for Leave to Initiate Nonparty Arbitration Against Pershing, LLC.

WHEREFORE, Marquette Plaintiffs respectfully move this Court for entry of an Order either clarifying that the antisuit injunction contained in the Court's March 12, 2009 Amended Order Appointing Receiver does not apply to Marquette Plaintiffs' arbitration with Pershing, or granting Marquette Plaintiffs relief from this Court's antisuit injunction in order to initiate arbitration against Pershing.

Dated: June 18, 2010

Respectfully submitted,

/s/ Benjamin D. Reichard
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CERTIFICATE OF CONFERENCE

On June 14, 2010, counsel for Marquette Plaintiffs conferred with counsel for Pershing, LLC, who advised that Pershing believes that the antisuit injunction applies to arbitration claims, but takes no position with respect to the lifting of the stay. On June 17, 2010 counsel for Marquette Plaintiffs conferred with: (1) the Examiner, who advised that he does not oppose Marquette Plaintiffs' Motion and intends to file a response; and (2) counsel for the Receiver, who advised that the Receiver opposes the Marquette Plaintiffs' Motion to the extent it will result in process or discovery being directed towards the Receiver, and also to the extent that it will result in depletion of Receivership Estate assets.

/s/ Benjamin D. Reichard

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document, accompanying brief, and exhibits have been served on all known counsel of record via the Court's electronic filing system this 18th day of June, 2010.

/s/ Benjamin D. Reichard