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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re REFCO CAPITAL MARKETS, LTD.
BROKERAGE CUSTOMER SECURITIES
LITIGATION.

VR GLOBAL PARTNERS, L.P. et al.,

Plaintiffs,

- against -

PHILIP R. BENNETT et al.,

Defendants.

CAPITAL MANAGEMENT SELECT FUND LTD. et al.,

Plaintiffs,

- against -

PHILIP R. BENNETT et al.,

Defendants.

**This Document Applies
To All Actions.**

Master File No.
06 Civ. 643 (GEL)

No. 07 Civ. 8686 (GEL)

No. 07 Civ. 8688 (GEL)

**DEFENDANT TROSTEN'S NOTICE OF MOTION TO DISMISS
THE SECOND AMENDED CONSOLIDATED CLASS ACTION COMPLAINT
AND THE INDIVIDUAL ACTION COMPLAINTS**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Declaration of James Darrow, and all other papers and proceedings herein, defendant Robert Trosten will and hereby does move this Court for an Order dismissing the Second Amended Consolidated Class Action Complaint in *In re Refco Capital Markets, Ltd. Brokerage Customer Securities Litigation*, No. 06 Civ. 643 (GEL), and the Complaints in *Capital Management Select Fund Ltd. et al. v. Philip R. Bennett et al.*, No. 07 Civ. 8688 (GEL), and *VR Global Partners, L.P. et al. v. Philip R. Bennett et al.*, No. 07 Civ. 8686 (GEL), as against Trosten, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, and granting such other and further relief as this Court may deem just and proper.

Dated: February 26, 2008
New York, New York

MORVILLO, ABRAMOWITZ, GRAND,
IASON, ANELLO & BOHRER, P.C.

/s/ Barbara Moses

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