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June 25, 2013

By Electronic Mail

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

**Re: *In re Adelpia Commc'ns Corp. Sec. & Deriv. Litig.*,
No. 03-MD-1529 (JMF), Civil Case No. 03-cv-5785.**

Dear Judge Furman:

I write as counsel to Buchanan Ingersoll & Rooney PC to request a modification to the Preliminary Approval Order entered on June 24, 2013, in the above-referenced action.

Paragraph 25 of the Preliminary Approval Order requires the parties to comply with the notice requirements of § 3 of the Class Action Fairness Act of 2005, Pub. L. No. 109-2, 119 Stat. 4 (codified in scattered sections of 28 U.S.C.) (“CAFA”).

By their terms, CAFA’s amendments to class action procedure — including the settlement notification requirements — apply only to “civil action[s] commenced on or after the date of [CAFA’s] enactment” on February 18, 2005. *Id* § 9, 119 Stat. 4, 14; *see also In re American Int’l Grp., Inc. Sec. Litig.*, --- F. Supp. 2d ---, 2013 WL 68928, at * 4-6 (S.D.N.Y. 2013); *see generally Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 571-72 (2005) (“The CAFA...is not retroactive....”).

This action was commenced before CAFA’s enactment. In light of CAFA’s non-retroactivity, and the absence of CAFA notice in any of the prior settlements in the class action, Buchanan respectfully requests that the Court modify its June 24, 2013, Preliminary Approval Order to strike paragraph 25. In the alternative, Buchanan asks that the Court modify the

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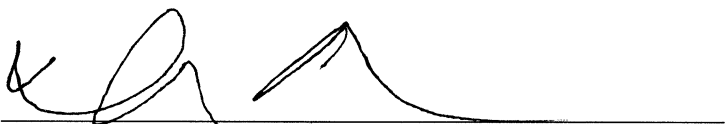
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Preliminary Approval Order to provide that the proposed settlement shall be deemed "filed in court" within 28 U.S.C. § 1715(b) on the date the Court enters its modified order.

Respectfully submitted,

GREGORY P. JOSEPH LAW OFFICES LLC

By 
Douglas J. Pepe

cc: Judith L. Spanier, counsel to Lead Plaintiffs
Mark A. Strauss, counsel to Lead Plaintiffs

Paragraph 25 of the Court's Preliminary Approval Order of June 24, 2013, is hereby stricken.

SO ORDERED.



June 25, 2013