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November 25, 2015

BY EXPRESS MAIL

Mr. Ray Rogers
Director
Corporate Campaign, Inc.
P.O. Box 1002
Cooper Station
New York, NY 10276-1002

Re: Estate of Edmund J. McCormick

Dear Mr. Rogers:

I write on behalf of our client, Deutsche Bank Trust Company Americas (“Deutsche Bank”), to respond to your November 18 letter addressed to John Cryan, Juergen Fitschen, and Paul Achleitner. As stated previously, all correspondence to Deutsche Bank regarding the Estate of Edmund J. McCormick (the “Estate”) should be directed to me as counsel of record in this matter.

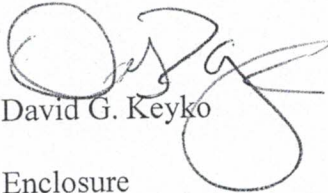
Your latest letter continues to repeat the false allegations made in your prior letter, which Deutsche Bank categorically denies, and which the courts have dismissed. I have attached a copy of the Surrogate’s Court most recent decision, dated November 2, 2015, releasing the Bank from all liability. In that decision, the court specifically “released and discharged [Deutsche Bank] from all liability, responsibility and accountability to all persons interested in the estate funds with respect to all matters embraced in the Supplement to Final Accounting,” which covers the Bank’s actions with regard to the Estate from July 25, 1996 onward. The court previously had dismissed Mrs. McCormick’s objections to the accounting covering Deutsche Bank’s actions regarding the Estate prior to that date. The Court further stated: “It is evident that any further adjournment of this matter will only lead to additional requests for additional time to once again prorogue the conclusion of the supplemental accounting.... Mrs. McCormick chose to pursue a self-induced dawdle without cause. The Court will not grant a second application for an extension of time.”

November 25, 2015

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In light of this decision approving of all of Deutsche Bank's actions as an executor of the Estate, and releasing the Bank from all liability in this matter, Deutsche Bank hopes that you and Mrs. McCormick will respect this and the many prior court rulings that have now dismissed all of Mrs. McCormick's claims against the Bank.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Keyko', with a large, stylized loop at the end.

David G. Keyko

Enclosure

cc: Ms. Suzanne V. McCormick

To commence the statutory time period for appeals as of right [CPLR 5513(a)], you are advised to serve a copy of this order, with notice of entry upon all parties.

SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
In the MATTER of the Petition of
BANKERS TRUST COMPANY, AND HERMAN
MARKOWITZ, for settlement of their
Account as Co-Executors of the Last
Will & Testament of

DECISION and ORDER

File No. 3522-1988 (A)

EDMUND J. McCORMICK,

Deceased,

and for a direction pursuant to
SCPA Section 2215 for repayment
of excess distributions to an
interested party, and for recovery of
Estate assets from EDMUND J. McCORMICK,
JR. and BANK STREET INVESTMENT, INC.
d/b/a McCORMICK ORGANIZATION.

-----X
In the Matter of the Proceeding by
ALFRED S. HOWES for Settlement of
Account as Co-Executor for the Last Will
& Testament of

EDMUND J. McCORMICK,

Deceased,

-----X
PAGONES, J.D., Acting S.C.J.

Suzanne McCormick, surviving spouse of Edmund J. McCormick,
requests additional time to file formal objections to the

supplemental accounting.

The following papers were considered¹:

Request to Extend the Time-Exhibits A-H-	1-10
Affidavit of Service	
Reply Affidavit-Exhibits A-C	11-14

Initially, the Court notes that a previous contested application for similar relief was granted by Order dated August 31, 2015. Mrs. McCormick was directed to file her objections to the supplemental accounting or before September 24, 2015. Answering papers were to be filed on or before October 8, 2015. Reply papers were to be filed on or before October 21, 2015. None of this occurred. Instead, Suzanne McCormick now seeks additional time to review the supplement to the final account and seeks additional information. Mrs. McCormick explains that on August 24, 2015, she left for a "long scheduled vacation" and to take care of personal business. She did not return home until September 18, 2015, six days prior to the day when her objections to the supplemental accounting were due.

This proceeding has been plagued by continual delay. Mrs. McCormick now seeks a further extension to investigate and review the supplemental accounting, as her anonymous auditor merely performed a preliminary and cursory review. Additionally, similar to the first application for an extension, Mrs. McCormick

¹ The Court notes that it received a document entitled "Renewing the Request to Extend the Time to File Formal Objections and Opposition to Settlement of Supplement to Final Account and My Reply Affidavit in opposition to David G. Keyko's Sworn Affidavit" on October 21, 2015. This submission was not considered.

justifies a need for a further extension of time by blaming her delayed receipt of mail. The delay accompanying this proceeding can no longer be tolerated. It is evident that any further adjournment of this matter will only lead to additional requests for additional time to once again prorogue the conclusion of the supplemental accounting. CPLR §2004 requires that Mrs. McCormick make a showing of "good cause" prior to the extension of time as fixed by the order dated August 31, 2015. Mrs. McCormick has not made said showing. Instead, Mrs. McCormick relies on her delay in picking up the mail as an excuse so as to not submit objections to the supplemental accounting which were previously due on August 20, 2015. Having not filed these objections, the Court ruled favorably on her request to extend the time to do so, allowing her until September 24, 2015 to file (see August 31, 2015 order). However, rather than prepare objections simultaneously with her first request for an extension, Mrs. McCormick chose to pursue a self-induced dawdle without cause. The Court will not grant a second application for an extension of time as Mrs. McCormick has failed to show good cause for her delay in complying with the order of this Court dated August 31, 2015.

Accordingly, the request for a further extension is denied. The Supplement to Final Account of Deutsche Bank Trust Company America (formerly Bankers Trust Company) and Edmund J. McCormick,

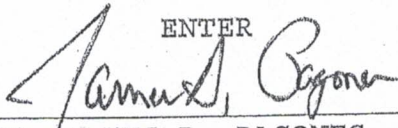
Jr., as co-executors of the Estate of Edmund J. McCormick, and Gail Markowitz, as executor of the Estate of Herman Markowitz, deceased co-executor of the Estate of Edmund J. McCormick covering the period from July 25, 1996 through March 31, 2015 is approved. Deutsche Bank Trust Company Americas, Edmund J. McCormick, Jr. and the Estate of Herman Markowitz are released and discharged from all liability, responsibility and accountability to all persons interested in the estate fund with respect to all matters embraced in the Supplement to Final Account.

As to that portion of the affidavit that seeks: (1) that the Estate be authorized to pay to Deutsche Bank Trust Company the sum of Seventy-Five Thousand Dollars (\$75,000.00) as reimbursement for legal services rendered in connection with the preparation and settlement of the Supplement to Final Account; and, (2) authorize payment from the Estate to Deutsche Bank Trust Company Americas as reimbursement for legal services rendered and expenses incurred in connection with the defense of the Final Account for the period of September, 1998 through April, 2014 of the balance of the Estate Funds on hand in Schedules G and G-1. This portion of this proceeding will be held in abeyance pending a further affirmation of services and proposed decree authorizing payment of the legal fees sought herein.

The foregoing constitutes the decision and order of this

Court.

Dated: November 2, 2015
Poughkeepsie, New York

ENTER

HON. JAMES D. PAGONES, Acting Surrogate
Westchester County

TO: Ms. Suzanne McCormick
231 Clinton Avenue
Dobbs Ferry, New York 10522

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Phipps & Geis, PA
430 William Hilton Parkway, Suite 505
Hilton Head Island, SC 29926

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Estate of Herman Markowitz c/o Gail Markowitz, Executor
3860 Rodman Street NW Apt D226
Washington, DC 20016

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