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February 7, 2013

VIA ECF

Hon. Catherine O'Hagan Wolfe
Clerk of the Court
United States Court of Appeals
for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

**Re: NML Capital, Ltd., et al. v. Republic of Argentina,
No. 12-105(L)**

Dear Ms. O'Hagan Wolfe:

We are counsel for the Exchange Bondholder Group ("EBG"). By the Court's Order of December 13, 2012 (Doc. no. 580), EBG's appeal (No. 12-4694(CON)) was consolidated with the above-referenced appeal No. 12-105(L), and the EBG were designated Interested Non-Party Appellants.

We write to request allotment of 10 minutes for oral argument by EBG at the hearing of the consolidated appeals on February 27, 2013. *See* Doc. no. 829.

EBG's original appeal, No. 12-4694, was taken from, *inter alia*, the district court's denial of EBG's Rule 60(b) motion. *See* No. 12-4694, Doc. no. 1. As an appellant, EBG has filed opening and reply briefs as required by the Court's Order of November 28, 2012 (Doc. no. 490). Pursuant to Rule 34(a)(2) and (d), F.R. App. P.; and Local Rule 34.1(d), EBG respectfully submits that as an appellant it should be allotted time to argue.

Moreover, the EBG's position as owners of the Exchange Bonds that are directly encumbered by the district court's injunction puts EBG in a substantially different position from the appellant Republic of Argentina ("the Republic"). For example, the EBG's interest in equitable and constitutional limitations on injunctive relief is wholly distinct from the Republic's focus on national sovereignty. As a result, the EBG does not contest the district court's power to order the Republic to pay appellees so long as that order does not imperil the EBG's property rights. Although the Republic's conduct over the last decade may have influenced the equitable

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relief granted by the district court, the EBG has not facilitated the Republic's recalcitrance – rather, like appellees, the Exchange Bondholders were victims of the Republic's default.

We have consulted with counsel for the Republic, which does not oppose this request.

Respectfully yours,

/s/ David Boies

David Boies

cc: All Counsel (via ECF)