

In the Matter of the Rehabilitation of:

Case No. 10 CV 1576

Segregated Account of Ambac Assurance Corporation

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**NOTICE AND MOTION OF UNAVAILABILITY OF COUNSEL FOR HEARINGS  
FILED ON BEHALF OF THE TREASURER OF THE STATE OF OHIO**

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The Treasurer of the State of Ohio, on behalf of the State of Ohio ("Treasurer"), respectfully submits that its counsel, Jeffrey A. Lipps, is unavailable for the September 9<sup>th</sup> and September 13<sup>th</sup> hearings due to a long-standing prepaid vacation which cannot be rescheduled. Mr. Lipps informed the Court and all counsel of his unavailability previously during the hearing held on July 9, 2010. The Rehabilitator's counsel would not accommodate Mr. Lipps' situation.

The Treasurer notes that, in conjunction with the Rehabilitator's Objection to RMBS' August 30, 2010 Motion, the Rehabilitator's counsel requested a scheduling conference not be held while he is out of state the week of September 20<sup>th</sup>. To the extent this Court is intending to accommodate counsel's schedules, counsel for the Treasurer respectfully submits that scheduling courtesies should be extended to all counsel who entered an appearance in this proceeding, not just to counsel for the Rehabilitator. Accordingly, the Treasurer once again requests the September 9<sup>th</sup> and September 13<sup>th</sup> hearings be postponed to future dates when Mr. Lipps is available to participate and which are also dates convenient for the Court and all interested counsel.

Respectfully submitted,



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Attorneys for the Treasurer,  
State of Ohio

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing pleading was served via electronic mail on this 3rd day of September, 2010 to all counsel of record in this matter.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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One of the Attorneys for The  
Treasurer, State of Ohio

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