

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

IN RE ESCALA GROUP, INC. SECURITIES
LITIGATION

FILED ELECTRONICALLY

Master File No. 06 Civ. 3518 (AKH)

This Document Relates To: ALL ACTIONS

NOTICE OF MOTION

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that, on December 2, 2008 at 4:00 p.m., the undersigned, attorneys for the Lead Plaintiff, will move before the Honorable Alvin K. Hellerstein for the following relief: (1) entry of the Proposed Order of Final Judgment and Dismissal; (2) entry of the Proposed Order Approving Plan of Allocation; (3) entry of the Proposed Order Awarding Plaintiffs' Counsel Attorneys' Fees and Reimbursement of Expenses; and (4) any other relief the Court deems appropriate.


In support of this motion, Lead Plaintiff will rely upon: (1) Lead Plaintiff's Memorandum of Law in Support of Motion for Final Approval of Settlement and the Plan of Allocation; (2) Lead Plaintiff's Memorandum of Law in Support of Motion for Lead Counsel's Application for Attorneys' Fees and Reimbursement of Expenses; (3) the Stipulation of Settlement dated September 10, 2008; and (4) the Declaration of Robert N. Kaplan in Support of Lead Plaintiff's Motion for Final Approval of Settlement, Lead Counsel's Application for Attorneys' Fees and Reimbursement of Expenses, and the Plan of Allocation, dated November 3, 2008.

Dated: November 3, 2008

Respectfully submitted,

KAPLAN FOX & KILSHEIMER LLP

By: _____


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***Lead Counsel for Lead Plaintiff the Virginia
Retirement System and the Settlement Class***

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 3, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF System which will electronically send notification of such filing to the registered participants and paper copies will be sent via first-class mail postage pre-paid to those indicated as non-registered participants on November 3, 2008.

/s/ Robert N. Kaplan
Robert N. Kaplan

November 3, 2008