



811-1701  
Branch 16

Over 25 Years of Reliable Investing™

April 4, 2007

Securities and Exchange Commission  
Judiciary Plaza  
450 Fifth Street N.W.  
Washington, D.C. 20549

Re: Section 33 Civil Actions Filing  
Davis New York Venture Fund, Inc. ('33 File No. 2-29858, '40 File No. 811-1701)  
Davis Series, Inc. ('33 File No. 2-57209, '40 File No. 811-2679)

Dear Sir or Madam:

In accordance with Section 33 of the Investment Company Act of 1940 enclosed for filing on behalf of the registrants listed above ("Registrants") is a copy of a notice withdrawing the plaintiffs appeal in the action entitled:

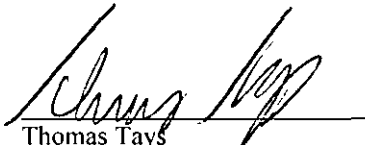
**In Re Davis Selected Mutual Funds Litigation, 05-6936-cv**

This is a duplicate of the document which was previously filed with the SEC under Section 33. Note that the notice states that if an appeal is not reactivated or service not effected not latter than March 31, 2007, the appeal shall be deemed withdrawn with prejudice.

As the appeal was not reactivated within the deadline, the appeal is now withdrawn with prejudice.

Please acknowledge receipt of this filing by date-stamping and returning the enclosed copy of this cover letter in the postage paid envelope provided. If you have any questions, please contact the undersigned.

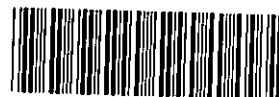
Sincerely,

  
Thomas Tays  
Vice President and Secretary  
Davis Funds

**PROCESSED**

**APR 18 2007**

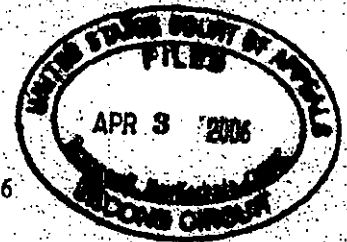
**THOMSON  
FINANCIAL**



**07050569**

SDNY/NTM  
04-cv-4188  
Goldman Cederbaum

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT



In re DAVIS SELECTED MUTUAL  
FUNDS LITIGATION

Docket No.: 05-6936

**STIPULATION WITHDRAWING APPEAL FROM ACTIVE CONSIDERATION,  
WITHOUT PREJUDICE, WITH LEAVE TO REACTIVATE**

The undersigned counsel hereby stipulate that the above-referenced appeal is hereby withdrawn from active consideration before the Court. Such withdrawal shall be without prejudice to a reactivation of the appeal by appellants' counsel so notifying this Court by filing written notice of reactivation with the Clerk of this Court and serving such notice upon the undersigned on or before 15 days after entry of a mandate on the docket in In re Eaton Vance Mutual Funds Fees Litigation, 05-6957 or not later than March 30, 2007.

If the appeal is not reactivated or service not effected in accordance with the deadline set forth above, the appeal shall be deemed withdrawn with prejudice and without costs or attorneys fees incurred to date. See *Hertzner v. Henderson*, 292 F.3d 302 (2d Cir. 2002).

Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under Rule 42(b) of the Federal Rules of Appellate Procedure.

**STULL, STULL & BRODY**

By:

*Mark Levine*  
Jules Brody (ssbny@aol.com)  
Mark Levine (ssbny@aol.com)  
James Henry Glavin, IV (jhglavin@ssbny.com)

6 East 45th Street  
New York, New York 10017  
Tel.: (212) 687-7230  
Fax: (212) 490-2022

**KIRKPATRICK & LOCKHART  
NICHOLSON & GRAHAM LLP**

By:


*Stephen G. Topetzes*  
Stephen G. Topetzes (stopetzes@king.com)  
Erin A. Koepfel (ekoepfel@king.com)

1800 Massachusetts Avenue, N.W.  
Washington, DC 20036  
Tel.: (202) 778-9000  
Fax: (202) 778-9100

*Attorneys for Appellees Davis Selected  
Advisers, L.P., Davis Selected Advisers-NY,  
Inc., Davis Investments, LLC, Davis  
Distributors, LLC, Andrew A. Davis,  
Christopher C. Davis, and Jeremy H. Biggs*

**MILBERG WEISS BERSHAD & SCHULMAN KIRKLAND & ELLIS LLP**  
**LLP**

Jerome M. Congress  
(jcongress@milbergweiss.com)  
Janine L. Pollack (jpollack@milbergweiss.com)  
Kim E. Miller (kmiller@milbergweiss.com)  
Michael R. Reese (mreese@milbergweiss.com)  
One Pennsylvania Plaza  
New York, New York 10119-0165  
Tel.: (212) 594-5300  
Fax: (212) 868-1229

By:   
William H. Pratt (wpratt@kirkland.com)  
Joseph Scrino, Jr. (jscrino@kirkland.com)  
Joshua B. Simon (jsimon@kirkland.com)  
153 East 53rd Street  
New York, New York 10022-4611  
Tel.: (212) 446-4800  
Fax: (212) 446-4900

*Attorneys for Appellees William P. Barr, Floyd A. Brown, Jerome E. Hass, Katherine L. MacWilliams, James J. McMonagle, Richard O'Brien, Marsha Williams, Selected American Shares, Inc., Selected Special Shares, Inc., Selected Capital Preservation Trust and Selected Daily Government Fund*

**WEISS & LURIE**

Joseph H. Weiss (jweiss@wllawny.com)  
Richard A. Acocelli (racocelli@wllawny.com)  
551 Fifth Avenue, Suite 1600  
New York, New York 10176  
Tel.: (212) 682-3025  
Fax: (212) 682-3010

**SHEARMAN & STERLING LLP**

By: \_\_\_\_\_  
Adam S. Hakki (ahakki@shearman.com)  
Piret Loone (ploone@shearman.com)  
Christopher R. Fenton  
(christopher.fenton@shearman.com)  
599 Lexington Avenue  
New York, New York 10022-6069  
Tel.: (212) 848-4000  
Fax: (212) 848-7179

*Attorneys for the Davis Independent Directors and the Davis Fund Nominal Appellees*

**LAW OFFICES OF CHARLES J. PIVEN, P.A.**

Charles J. Piven (piven@pivenlaw.com)  
Marshall N. Perkins (perkins@pivenlaw.com)  
The World Trade Center - Baltimore  
Suite 2125  
401 East Pratt Street  
Baltimore, Maryland 21202  
Tel.: (410) 332-0030  
Fax: (410) 685-1300

**MILBERG WEISS BERSHAD & SCHULMAN KIRKLAND & ELLIS LLP**  
**LLP**

Jerome M. Congress  
(jcongress@milbergweiss.com)  
Janine L. Pollack (jpollack@milbergweiss.com)  
Kim E. Miller (kmiller@milbergweiss.com)  
Michael R. Reese (mreese@milbergweiss.com)  
One Pennsylvania Plaza  
New York, New York 10119-0165  
Tel.: (212) 594-5300  
Fax: (212) 858-1229

**WEISS & LURIE**

Joseph H. Weiss (jweiss@willawny.com)  
Richard A. Accocelli (raaccocelli@willawny.com)  
551 Fifth Avenue, Suite 1600  
New York, New York 10176  
Tel.: (212) 682-3025  
Fax: (212) 682-3010

**LAW OFFICES OF CHARLES J. PIVEN, P.A.**

Charles J. Piven (piven@pivenlaw.com)  
Marshall N. Perkins (perkins@pivenlaw.com)  
The World Trade Center - Baltimore  
Suite 2525  
401 East Pratt Street  
Baltimore, Maryland 21202  
Tel.: (410) 332-0030  
Fax: (410) 685-1300

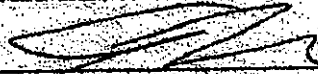
By:

William H. Pratt (wpratt@kirkland.com)  
Joseph Serino, Jr. (jserino@kirkland.com)  
Joshua B. Simon (jsimon@kirkland.com)  
153 East 53rd Street  
New York, New York 10022-4611  
Tel.: (212) 446-4800  
Fax: (212) 446-4900

*Attorneys for Appellees William P. Barr, Floyd  
A. Brown, Jerome E. Huss, Katherine L.  
MacWilliams, James J. McMonagle, Richard  
O'Brien, Marsha Williams, Selected American  
Shares, Inc., Selected Special Shares, Inc.,  
Selected Capital Preservation Trust and  
Selected Daily Government Fund*

**SHEARMAN & STERLING LLP**

By:

  
Adam S. Halko (ahalko@shearman.com)  
Pret Loone (ploone@shearman.com)  
Christopher R. Fenton  
(christopher.fenton@shearman.com)  
599 Lexington Avenue  
New York, New York 10022-6069  
Tel.: (212) 848-4000  
Fax: (212) 848-7179

*Attorneys for the Davis Independent Directors  
and the Davis Fund Nominal Appellees*

**BRODSKY & SMITH, LLC**  
Evan J. Smith (esmith@brodsky-smith.com)  
240 Mincola Boulevard  
Mincola, NY 11501  
Tel.: (516) 741-4977  
Fax: (510) 667-9029

*Attorneys for Appellants*

**SO ORDERED.**

FOR THE COURT  
Roseann B. MacKechnie, Clerk of Court

By

  
Lisa Greenberg, Staff Counsel

# ORIGINAL

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

Caption (use short title)

Docket Number(s): 05-6936-cv

ALEXANDER IRA,

Plaintiff

Motion for: An Extension of the Briefing Schedule

v.

Set forth below precise, complete statement of relief sought:  
Appellants seek to coordinate the Briefing

DAVIS INVESTMENTS, LLC,

Defendants-Appellees

Schedule in this action with the Briefing

Schedule in In re Eaton Vance Mutual Funds

Fee Litigation, 05-6957-cv

MOVING PARTY: See Attachment A

OPPOSING PARTY: See Attachment B

- Plaintiff  Defendant
- Appellant/Petitioner  Appellee/Respondent

MOVING ATTORNEY: Mark Levine

OPPOSING ATTORNEY (Name): \_\_\_\_\_

(name of attorney, with firm, address, phone number and e-mail)

(name of attorney, with firm, address, phone number and e-mail)

Stull & Brody  
6 E. 45th St., Suite 500  
New York, NY 10017  
(212) 687-7230  
mlevinessny@aol.com

Court/Judge/Agency appealed from: S.D.N.Y.

Please check appropriate boxes:

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

- Has consent of opposing counsel:
  - A. been sought?  Yes  No
  - B. been obtained?  Yes  No

Has request for relief been made below?  Yes  No

Is oral argument requested?  Yes  No  
(requests for oral argument will not necessarily be granted)

Has this relief been previously sought in this Court?  Yes  No

Has argument date of appeal been set?  Yes  No  
If yes, enter date: \_\_\_\_\_

Requested return date and explanation of emergency: \_\_\_\_\_

Signature of Moving Attorney: \_\_\_\_\_

Date: 3/24/06

Has service been effected?  Yes  No  
[Attach proof of service]

### ORDER

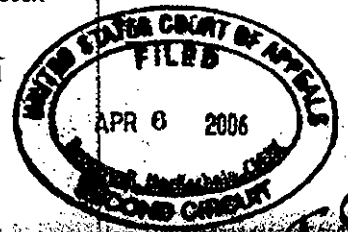
IT IS HEREBY ORDERED THAT the motion is ~~GRANTED~~ **DENIED**.

*in most and light of the stipulation to remove the appeal from active consideration.*

FOR THE COURT  
Roseann B. MacKechnie, Clerk of Court

By: Lisa J. Greenberg  
Lisa J. Greenberg, Staff Counsel

Form T-1080 (Revised 10/31/02).



*END*