



SILVERBACK
ASSET MANAGEMENT

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October 1, 2008

Robert Lynch
Managing Member
Aristeia Capital, L.L.C
136 Madison Ave
3rd Floor
New York, NY 10016

Dear Mr. Lynch,

We understand that Aristeia Capital, L.L.C. is petitioning the Securities and Exchange Commission (SEC) for an exemption to the emergency actions to prohibit short selling of companies in the financial sector. We are a SEC registered investment advisor and an active participant in the convertible securities market. This letter is in support of Aristeia's petition to the SEC. We support an exemption that would allow holders of convertible securities to sell short stocks in order to mitigate equity price risk. We believe that the Financial Services Authority in the U.K. has provided a model for the exemption that the SEC should adopt. The failure to include such an exemption to the short selling prohibition makes unavailable an important source of financing when capital is scarce and could have a dramatic and disastrous affect on corporate America.

Kind regards,

Elliot G. Bossen
Chief Investment Officer