

**From:** Robert Peacock [mailto:robertpeacock1@yahoo.com]

**Sent:** Monday, February 12, 2007 11:25 PM

**To:** CHAIRMANOFFICE; Cox, Christopher; Atkins, Paul; Campos, Roel; Nazareth, Annette L.; Casey, Kathleen; Rosenfeld, David; Markowitz, David A.; Wadhwa, Sanjay; Thomsen, Linda; Donohue, Andrew J.; Sirri, Erik R.; Murray, Brenda P.; Richards, Lori A.; Jane Cobb; John Nestor; Morris, Nancy M.; Edward Sincavage; Ronald A. Bertino

**Cc:** Lauren Goldberg; Chris (Menendez) Schloesser; Brian Cahill; Linda Evenchick

**Subject:** Request for Emergency Damage Relief by March 1, 2007 (V 8, Part 1 attached)

I am in receipt of David Rosenfeld's letter dated January 5, 2007. Thank you for responding to my requests for emergency damage relief. This relief can be funded from the \$50 million surplus in the SEC Specialist Settlement Fund. The Fund's \$50 million surplus is for the benefit of victims of the violations.

On May 27, 2004, United States District Judge Robert W. Sweet appointed Empire Programs as co-lead plaintiff in the class action lawsuit against the NYSE, Goldman Sachs, the Specialists firms, and others. Judge Sweet determined Empire Programs had the largest financial interest in the violations. Empire Programs was my client, and I traded approximately 9% of Empire's total volume, or 390,000,000 shares of stock listed on the NYSE.

Over five years have passed since NYSE Specialists began stealing from me and my clients, Empire Programs and Sea Carriers Limited Partnership I. I estimate the amount that NYSE Specialists stole from me is over \$4,000,000 (interest needs to be added to this amount). The precise amount stolen from me can be calculated to the penny by examining the NYSE's execution data base. In this data base, all Specialist violations are recorded, as are the particulars of all the shares of stock listed on the NYSE that I traded.

According to the SEC, the US regulators at the NYSE knew of the violations, but let them continue anyway because the amounts of money being stolen per violative transaction were "de minimus." These same US regulators at the NYSE were paid millions and millions of dollars, their compensation derived in part or in full from monies that the NYSE Specialists stole from me and other investors and money managers that mistakenly put their trust in the NYSE. Tracing the flow of money stolen by NYSE Specialist into the pockets of the NYSE regulators is easy to do (just look at the 10K for LaBranche, for an example - see tab "Judge Ramos orders Grasso"... in the attached pdf.

Mr. Rosenfeld's letter of January 5th stated the Commission shall "address the use to be made of any Remaining Funds (i.e. the Fund's \$50 million surplus) at a later date..." I respectfully request that the Commission makes a decision regarding my outstanding request for emergency relief before March 1, 2007.

For your consideration, attached is a pdf file, Master Damage Claim V8, Part 1 that is a summary of my damage claims and complaints against the NYSE, NYSE Specialists, and Goldman Sachs/Spear Leeds and Kellogg. I suggest that the first 20 pages of this file be printed out, and that the bookmark feature in Adobe be used to tab to the various supporting chapters. Master Damage Claim V8, Part 2 will be emailed under separate cover (the entire file is too large to email).

Please call me if you experience any difficulties at all with the attached file, or if you have any questions regarding the damage claims and/or complaints.

Thank you for your consideration in this critical matter.

Sincerely yours,

Bob Peacock  
Special Victim of Violations