

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

GEORGE DURGIN, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

TECHNICAL OLYMPIC USA, INC., ANTONIO
P. MON, DAVID J. KELLER, RANDY L.
KOTLER, KONSTANTINOS STENGOS,
ANDREAS STENGOS, TOMMY L. MCADEN,
BEATRIZ L. KOLTIS, LARRY HORNER,
WILLIAM HASLER, MICHAEL POULOS,
SUSAN B. PARKS, J. LONNIE M. FEDRICK,
MARIANNA STENGOU, GEORGE STENGOS,
BRYAN WHITWORTH, TECHNICAL OLYMPIC
SA, UBS SECURITIES LLC, CITIGROUP
GLOBAL MARKETS INC., DEUTSCHE BANK
SECURITIES, INC. and JMP SECURITIES LLC,

Defendants.

Case No.: 06-61844-CIV-Marra

**DECLARATION OF DIAMONDBACK CAPITAL MANAGEMENT, LLC
TO WITHDRAW AS LEAD PLAINTIFF**

I, JOEL HARARY declare as follows:

1. I am the General Counsel of Diamondback Capital Management, LLC ("Diamondback"), Lead Plaintiff in the above-captioned action.
2. I have personal knowledge of the matters set forth herein based on my employment with Diamondback and participation, on behalf of Diamondback, in all material aspects of the prosecution of this Action since my employment at Diamondback began in August 2007. This Declaration is submitted in support of approval of Diamondback's Motion

to Withdraw as Lead Plaintiff.

3. Diamondback has acted in good faith in carrying out its duties as Lead Plaintiff in this Action to date. However, Diamondback no longer wishes to undertake the responsibilities of Lead Plaintiff because it believes that doing so could be detrimental to Diamondback's overall business.

4. For the reasons set forth above, Diamondback respectfully requests that its Motion to Withdraw as Lead Plaintiff be granted.

Dated: April 28, 2008

JOEL HARARY

By: 

General Counsel

Diamondback Capital Management, LLC
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