

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

JAMES R. ZAZZALI, as Trustee for the DBSI
Private Actions Trust,

Plaintiff,

v.

C.A. No. 12-cv-828 GMS

ALEXANDER PARTNERS LLC, et al.,

Defendants.

**DECLARATION OF CHRISTOPHER VICECONTE IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO CERTAIN DEFENDANTS' MOTIONS TO DISMISS THE
AMENDED COMPLAINT FOR (1) IMPROPER VENUE AND (2) FAILURE TO
SUFFICIENTLY STATE CLAIMS FOR RELIEF**

Christopher Viceconte, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

1. I am an attorney at Gibbons P.C., counsel for Plaintiff James R. Zazzali, as Trustee for the DBSI Private Actions Trust ("Plaintiff" or "Trustee"), in the above-referenced action, and submit this declaration in support of Plaintiff's Answering Brief in Opposition to Certain Defendants' Motions to Dismiss the Amended Complaint for (1) Improper Venue and (2) Failure to Sufficiently State Claims for Relief.
2. I make this declaration on the bases of my own personal knowledge, my review of documents available to me as counsel to the Trustee, and information provided to me by my colleagues at Gibbons P.C.
3. Annexed hereto as Exhibit A is a true and correct copy of Schedule 11 to the Disclosure Statement that accompanied the *Second Amended Joint Chapter 11 Plan of Liquidation Filed by the Chapter 11 Trustee and the Official Committee of Unsecured Creditors* [Bankruptcy D.I. 5699] (the "Plan").

4. Annexed hereto as Exhibit B is a true and correct copy of excerpts of Exhibit I (Creditor Matrix) to the Affidavit of Service of P. Joseph Morrow IV, with the names of the defendants who have filed the instant motion to dismiss for improper venue highlighted.

5. Annexed hereto as Exhibit C is a true and correct copy of the Findings of Fact, Conclusions of Law, and Order [Bankruptcy D.I. 5924] confirming the Plan.

Dated: April 23, 2014
Wilmington, DE

A handwritten signature in black ink, appearing to read 'C. Viceconte', written in a cursive style.

Christopher Viceconte (No. 5568)