



INTERNATIONAL SWAPS AND DERIVATIVES ASSOCIATION, INC.



NEWS RELEASE

For Immediate Release Tuesday, June 3, 2008

For More Information, Please Contact:

ISDA: Cesaltine Gregorio, 212 901 6019 or cgregorio@isda.org

SIFMA: Katrina Cavalli, 212-313-1181, kcavalli@sifma.org

ISDA AND SIFMA FILE AMICUS BRIEF IN SUPPORT OF TCIF

NEW YORK, NY -- Tuesday, June 3, 2008: The International Swaps and Derivatives Association, Inc. (ISDA) jointly with the Securities Industry and Financial Markets Association (SIFMA), today announced that they have filed an amicus brief in the Southern District of New York supporting The Children's Investment Fund (TCIF, the Defendant) in a case arising out of cash-settled total return equity swap contracts referencing CSX Corporation (CSX, the Plaintiff) shares. The legal question presented is the standard for determining when a person is a "beneficial owner" of a security within the meaning of Section 13 of the Securities Exchange Act of 1934.

ISDA and SIFMA have come before the District Court as *amici curiae* (friends of the court) because a ruling imposing "beneficial ownership" on a long party in a swap contract in which its counterparty hedges its swap exposure by acquiring the referenced shares would be counter to the plain meaning of Section 13 and its implementing rules, all applicable precedent interpreting beneficial ownership, Congress's clear intent and market participants' long-held understanding and expectations. Such a ruling would create substantial uncertainties in the securities and derivatives markets and could chill legitimate and desirable commercial activity.

The amicus brief, filed on behalf of ISDA and SIFMA by Cleary Gottlieb Steen & Hamilton LLP, should be of assistance to the Court in deciding the issues before it, given both the critical importance of the legal issues presented and the potentially vast negative consequences of an adverse decision.

The trial concluded on May 22 and a ruling is expected by June 12.

About ISDA

ISDA, which represents participants in the privately negotiated derivatives industry, is among the world's largest global financial trade associations as measured by number of member firms.

ISDA was chartered in 1985, and today has approximately 825 member institutions from 56 countries on six continents.

These members include most of the world's major institutions that deal in privately negotiated derivatives, as well as many of the businesses, governmental entities and other end users that rely on over-the-counter derivatives to manage efficiently the financial market risks inherent in their core economic activities. Information about ISDA and its activities is available on the Association's web site: www.isda.org.

About SIFMA

The Securities Industry and Financial Markets Association brings together the shared interests of more than 650 securities firms, banks and asset managers. SIFMA's mission is to promote policies and practices that work to expand and perfect markets, foster the development of new products and services and create efficiencies for member firms, while preserving and enhancing the public's trust and confidence in the markets and the industry. SIFMA works to represent its members' interests locally and globally. It has offices in New York, Washington D.C., and London and its associated firm, the Asia Securities Industry and Financial Markets Association, is based in Hong Kong.

®ISDA is a registered trademark of the International Swaps & Derivatives Association, Inc.