

# THE VISIUM FUNDS

950 Third Avenue - 29<sup>th</sup> Floor - New York, NY 10022 - 646-840-5800

February 11, 2009

**International Swaps and Derivatives Association, Inc.**

Send to: [SmurfitProtocol@isda.org](mailto:SmurfitProtocol@isda.org)

Dear Sirs,

## 2009 Smurfit CDS Protocol - Adherence

The purpose of this letter is to confirm our adherence to the 2009 Smurfit CDS Protocol, as published by the International Swaps and Derivatives Association, Inc. on February 11, 2009 (the "**Protocol**"). This letter constitutes an "Adherence Letter" as referred to in the Protocol.

The definitions and provisions contained in the Protocol are incorporated into this Adherence Letter, which will supplement and form part of each Covered Transaction (now or in the future) between us and each other Adhering Party, respectively.

### 1. Specified Terms

The amendments in Section 1 and Schedule 1 of this Protocol shall apply to Covered Transactions to which we are a party.

### 2. Appointment as Agent and Release

We hereby appoint ISDA as our agent for the limited purposes of the Protocol and accordingly we waive, and hereby release ISDA from, any rights, claims, actions or causes of action whatsoever (whether in contract, tort or otherwise) arising out of, or in any way relating to, this Adherence Letter or our adherence to the Protocol or any actions contemplated as being required by ISDA.

### 3. DTCC Account Number

For purposes of electronic matching and counterparty recognition, our DTCC Account Number is as follows, but you understand and agree that our failure to provide any such details pursuant to this letter will not affect the legal validity and binding nature of the Protocol with respect to us:

DTCC Account Number: See appendix attached

### 4. Contact Details

Our contact details for purposes of this Adherence Letter are:

Name: Steven Gilson

Address: 950 Third Ave 29<sup>th</sup> Fl New York, NY 10022

Telephone: 646-840-5845

Fax: 646-84-5808

E-mail: [sgilson@visiumfunds.com](mailto:sgilson@visiumfunds.com)

We consent to the publication of the conformed copy of this letter by ISDA and to the disclosure by ISDA of the contents of this letter.

Yours faithfully,

Visium Asset Management, LP, acting on behalf of the funds listed on the attached Appendix

By: Mark Gottlieb

Name: Mark Gottlieb
Title: Signatory
Signature:

Appendix

Visium Balanced Offshore Fund, Ltd. – 0000556L  
Visium Balanced Fund, LP. – 0000557L  
Visium Long Bias Offshore Fund, Ltd. – 0000558L  
Visium Long Bias Fund, LP. – 0000559L  
Visium Balanced Master Fund, LTD. - 0000915S