



Blue Mountain  
CAPITAL MANAGEMENT LLC  
280 Park Avenue  
5th Floor East  
New York, NY 10017

T. 212 905 3900  
F. 212 905 3901

**March 25, 2008**

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

Dear Sirs,

**ISDA Equity MCA Protocol - Adherence**

The purpose of this letter is to confirm our adherence to the ISDA Equity MCA Protocol as published by the International Swaps and Derivatives Association, Inc. on September 18, 2007 (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 the ISDA Master Agreement (now or in the future) between us and each other Adhering Party.

**1. Specified Terms**

(a) **Equity Master Confirmation Agreement(s).** Each of the following Equity Master Confirmation Agreements will be applicable if specified below as applicable:

Stand-alone 2007 Americas Master Variance Swap Confirmation Agreement, published by ISDA on January 30, 2007	Applicable
2007 AEJ Master Variance Swap Confirmation Agreement, published by ISDA on February 12, 2007	Applicable
2007 European Master Equity Confirmation Agreement, published by ISDA on May 10, 2007 and updated September 17, 2007	Applicable
Revised 2007 European Variance Swap Master Confirmation Agreement, published by ISDA on June 25, 2007	Applicable
2006 Japan Master Variance Swap Confirmation Agreement, published by ISDA on January 22, 2007	Applicable

**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. Contact Details

Our contact details for purposes of this Adherence Letter are:

Name: Ryan Lagieski  
Address: 280 Park Avenue, 5<sup>th</sup> Floor East, New York, NY 10017  
Telephone: 212-905-3934  
Fax: 212-905-3901  
E-mail: rlagieski@bluemountaincapital.com

Our contact details for purposes of Side Letter Condition negotiations are:

Name: Ryan Lagieski  
Address: 280 Park Avenue, 5<sup>th</sup> Floor East, New York, NY 10017  
Telephone: 212-905-3934  
Fax: 212-905-3901  
E-mail: rlagieski@bluemountaincapital.com

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

Yours faithfully,

**BlueMountain Capital Management, LLC,**  
acting on behalf of the funds and accounts  
listed in the relevant ISDA Master Agreement  
between it and another Adhering Party

By:

Name: Samuel A. Cole
Title: Chief Operating Officer
Signature: SAMUEL A. COLE