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FOUNDED 1866

April 14, 2008

Top Hat Plan Exemption
 Employee Benefits Security Administration
 Room N-1513
 U.S. Department of Labor
 200 Constitution Ave. NW
 Washington, DC 20210

Re: Black Diamond Capital Management, L.L.C. Top Hat Plan

Dear Sir or Madam:

The purpose of this letter is to file a statement with the Secretary of Labor in accordance with Department of Labor Regulation §2520.104-23. This regulation sets forth the alternative method of compliance with the reporting and disclosure requirements of Title I of the Employee Retirement Income Security Act of 1974, as amended, for an unfunded or insured pension plan maintained by an employer for a select group of management or highly compensated employees.

The name, address and employer identification number of Black Diamond Capital Management, L.L.C. (the "Employer") are as follows:

Black Diamond Capital Management, L.L.C.
 One Sound Shore Drive
 Suite 200
 Greenwich, CT 06830
 EIN: 74-3190320

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The Employer has an employment compensation plan in place, and a portion of such plan is a top hat plan (the "Top Hat Plan") for a select group of management or highly compensated employees. As of the date of this letter, there is one employee participating in the Top Hat Plan.

If you have any questions or require additional information in connection with this letter, please contact me at 312-853-7120.

Sincerely,



Bradley C. Martinson

cc: Sam Goldfarb

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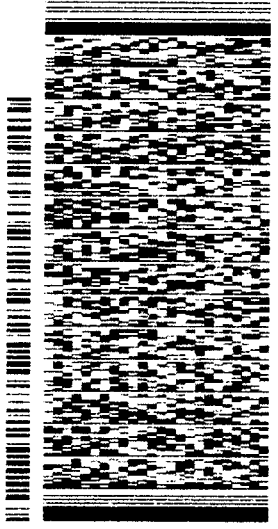
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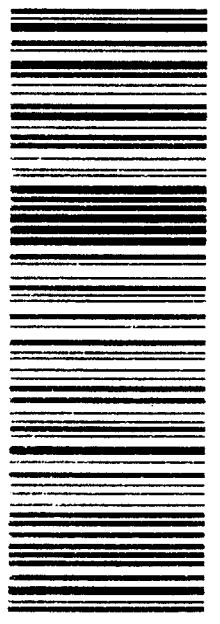
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