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6 CITIZENSHIP OR PLACE OF ORGANIZATION

Cayman Islands  
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HMC specifically disclaims beneficial ownership in the Shares reported herein except to the extent it actually exercises voting or dispositive power with respect to such Shares.

(a, b) As of the date hereof, Philip Falcone may be deemed to be the beneficial owner of 14,962,268 Shares, constituting 13.18% of the Shares outstanding of the Issuer.

Mr. Falcone has the sole power Jda

By: HMC Investors, L.L.C.,  
Managing Member

By: /s/ Joel B. Pias

/s/ Philip Falcone  
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Philip Falcone

/s/ Raymond J. Harbert  
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Raymond J. Harbert

/s/ Michau**b** nr e

JOINT FILING AGREEMENT

The undersigned agree that this Amendment No. 2 executed January 12

By: /s/ Joel B. Piassick  
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Name: Joel B. Piassick  
Title: Executive Vice President

HARBERT MANAGEMENT CORPORATION

By: /s/ Joel B. Piassick  
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Name: Joel B. Piassick  
Title: Executive Vice President

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/s/ Philip Falcone  
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Philip Falcone

/s/ Raymond J. Harbert  
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Raymond J. Harbert

/s/ Michael D. Luce  
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Michael D. Luce

January 12, 2009

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TRANSACTIONS IN THE COMMON SHAREOOOOOOOOO

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