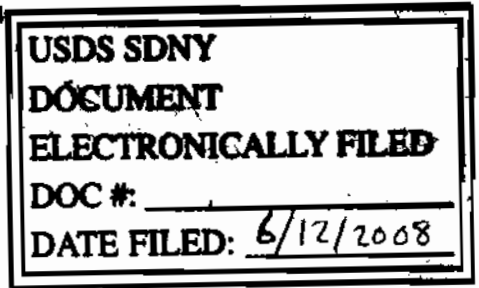


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
CSX CORPORATION,

Plaintiff,



-against-

THE CHILDREN'S INVESTMENT FUND
MANAGEMENT (UK) LLP, et al.,

08 Civ. 2764 (LAK)

Defendants,

-against-

MICHAEL J. WARD,

Additional Counterclaim
Defendant

----- X

ORDER

LEWIS A. KAPLAN, *District Judge.*

Plaintiff's application, pursuant to Fed. R. App. P. 8, for an injunction pending appeal was made and heard orally in a conference call with counsel for all parties and, for the reasons stated on the record, denied.

SO ORDERED.

Dated: June 12, 2008

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", written over a horizontal line.

Lewis A. Kaplan
United States District Judge