

BICKEL & BREWER

ATTORNEYS AND COUNSELORS

767 FIFTH AVENUE

50TH FLOOR

NEW YORK, NEW YORK 10153

PHONE: (212) 489-1400

FAX: (212) 489-2384

www.bickelbrewer.com

4800 BANK ONE CENTER
1717 MAIN STREET
DALLAS, TEXAS 75201
(214) 653-4000

September 2, 2008

VIA ECF

The Honorable Thomas C. Platt
United States District Court Judge for
The Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722

Re: *Barroway v. Computer Associates International, Inc., et al.*, 98-cv-4839, 02-cv-1226 (TCP)(ETB); *Federman et al. v. Artzt et al.*, 03-cv-4199 (TCP); *Computer Associates International, Inc., Derivative Litigation*, 04-cv-2697 (TCP/ETB); *Sam Wyly & Ranger Governance, Ltd. v. CA, Inc. & Sterling Software, Inc.*, 05-cv-4430 (TCP)(ETB)

Dear Judge Platt:

As you know, we represent Ranger Governance, Ltd. ("Ranger") and the Wyly Movants,¹ in the above-referenced matters relating to CA, Inc. ("CA" or the "Company"). When we were last before you on April 9, 2008, on a separate but related matter, we understood the Court to make clear that parties appearing before the Court should bring to your attention newly discovered evidence, evidence of misconduct or evidence of fraud upon the Court (each

¹ The Wyly Movants are Sam Wyly, Cheryl Wyly, Donald R. Miller, Jr., The Andrew David Sparrow Wyly Trust, The Cheryl R. Wyly Marital Trust, The Christiana Parker Wyly Trust, The Emily Ann Wyly Trust, The Jennifer Lynn Wyly Trust, The Kelly Wyly Elliott Trust, The Lisa Wyly Revocable Trust, The Martha Caroline Wyly Trust, The Charles Joseph Wyly III Trust, The Laurie L. Wyly Revocable Trust, Dortmund Limited, East Carroll Limited, Elegance Limited, Greenbriar Limited, Marmalade, Ltd., Miller Family Partners, Quayle Limited, Stargate, Ltd. and Tallulah, Ltd.

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respectively “New Evidence”).² We write to you today to inform you of New Evidence related to the above-referenced actions.

Attached hereto is the declaration of Sanjay Kumar signed August 27, 2008 (the “Declaration”).³ The Declaration contains new revelations regarding the subject matter that has been litigated before Your Honor for more than four years and which supports the allegations of the Wyly Movants in their motion for relief from the settlement approved by your Honor in 2003 pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Since we filed the above captioned matters, there has been:

- (1) an internal investigation by CA’s Audit Committee;
- (2) a government investigation resulting in publicly disclosed indictments and guilty pleas by several former CA officers and directors;⁴
- (3) a Deferred Prosecution Agreement that acknowledges some of the relevant facts surrounding the fraud and cover-up at the company;
- (4) a Special Litigation Report prepared and filed by a Committee of CA’s Board (the “SLC Report”) that failed to disclose all relevant facts surrounding the fraud and cover-up at the company; and
- (5) numerous public disclosures by the Company purporting to provide all material facts related to the accounting fraud at the Company and the “remedial” measures CA has taken to recover from that scandal.

Given all of the above, it is troubling that facts contained in the Declaration have never been publicly disclosed or put before the Court. Indeed, the Declaration demonstrates that certain of

² See *Barroway, et al., v. Computer Associates, et al*, 98-cv-4839, Tr. of Proceedings before the Honorable Thomas C. Platt, April 9, 2008 at 20:17-19; 23:8-9; 29:20-24 (stating that the Court had expected the parties to “come in and see me the next day and say, here the fraud is ...”).

³ See Declaration of Sanjay Kumar, dated July 16, 2008, a true and correct copy of which is attached hereto as Exhibit (“Ex.”) A.

⁴ See *United States v. Kumar and Richards*, 04-cr-846 E.D.N.Y., Tr. of Plea, April 24, 2006; *United States v. Silverstein*, 04-cr-024 E.D.N.Y., Tr. of Plea, January 22, 2004; *United States v. Rivard*, 04-cr-329 E.D.N.Y., Tr. of Plea, April 8, 2004; *United States v. Kaplan*, 04-cr-330 E.D.N.Y., Tr. of Plea, April 8, 2004; *United States v. Zar*, 04-cr-331 E.D.N.Y., Tr. of Plea, April 8, 2004; *United States v. Woghin*, 04-cr-837 E.D.N.Y., Tr. of Plea, September 22, 2004.

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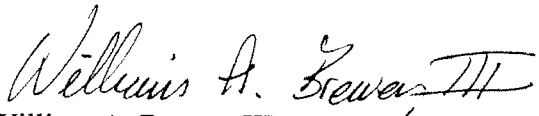

the above-described measures were merely sham disclosures designed to further perpetrate a fraud upon this Court and the public.⁵

⁵ Compare SLC Report at 23-24, a true and correct copy of which is attached hereto as Ex. B(1) (concluding that there was nothing the oversight directors could have done to uncover the fraud), and SLC Report at 35, a true and correct copy of which is attached hereto as Ex. B(2) (“This news [in July 2003 of the government’s requests intensifying and the government’s suggestion that CA conduct an independent investigation] came as a shock to many Board members, although some still believed that, because the government had not provided the Company with any evidence of wrongdoing by CA’s executives, it was only ‘saber-rattling’ to extract a better settlement.”), with Ex. A (Declaration) at paras. 61-91 (purportedly “Independent Directors” of CA’s Board, including Ranieri, Alfonse D’Amato and Willem de Vogel had knowledge of the fraud at the Company *before* the class actions were settled and knew that it was a historical and pervasive practice); compare SLC Report at 335 n. 204, a true and correct copy of which is attached hereto as Ex. B(3) (defending CA’s Press Release, dated October 8, 2003 as a full disclosure of the fraud at CA), and CA Press Release, dated October 8, 2003, a true and correct copy of which is attached hereto as Ex. C (purporting to represent full disclosure of the fraud at CA yet minimizing the fraud, defending CA’s Board and vouching for CA’s “real” revenue), with Ex. A (Declaration) at paras. 68-72 and 100-104 (Kumar, Ranieri and CA’s Public Relations Chief worked with CA’s lawyers at Sullivan & Cromwell and Wachtell, Lipton, Rosen & Katz to craft an intentionally misleading press release, published on October 8, 2003, that failed to relate the true extent of the fraud at the Company and the Board’s knowledge of it); compare SLC Report at 335-36, a true and correct copy of which is attached hereto as Ex. B(4) (downplaying the allegation that Lewis Ranieri instructed Stephen Richards to lie to the government by asserting that the record of their conversation is unclear), with Ex. A (Declaration) at paras. 105-106 (Ranieri instructed Richards to lie to the government); compare SLC Report at 347, a true and correct copy of which is attached hereto as Ex. B(5) (asserting that the Board understood the settlement of the CA Class Action litigation in 2003 to be final when they authorized it in August 2003), with Ex. A (Declaration) at para. 11 (CA’s Board knew that any settlement would not be final until approved by the Court); compare CA Press Release, dated April 26, 2004, a true and correct copy of which is attached hereto as Ex. D (restating CA’s financials but only taking into account the 35-Day Month), with Ex. A (Declaration) at para. 87 (CA participated in sham transactions); see also, e.g., CA Press Release, dated May 26, 2005, a true and correct copy of which is attached hereto as Ex. E (restating CA’s financials and finally taking into account fraud other than the 35-Day Month); Ex. A (Declaration) at paras. 94-98 (CA’s Audit Committee hired Sullivan & Cromwell lawyer, Robert Giuffra, because Giuffra had previously defended D’Amato’s brother and had assured Kumar that he understood, “what the game is”); Ex. A (Declaration) at paras. 9-10 (Kumar told these facts to CA’s Special Litigation Committee yet these facts are not disclosed in the SLC’s report of its investigation despite the report’s claim to fully disclose the results of that investigation).

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In light of the gravity of the revelations contained in the Declaration and the ramifications of those revelations, we request a status conference on all pending matters at the Court's earliest convenience.

Sincerely,


William A. Brewer III *w/pem*


cc: *All Counsel of Record*