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January 21, 2010

**VIA HAND DELIVERY**

The Honorable Victor Marrero  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: *In re Alcon Shareholder Litigation*  
**Consolidated Case No. 10 CV 139 (VM)****

Dear Judge Marrero:

Pursuant to the Court's Order, dated January 13, 2010, consolidating the related actions and appointing co-lead interim class counsel, we enclose a courtesy copy of the Consolidated Class Action Complaint ("Consolidated Complaint").

This action challenges an attempt by Novartis AG and Nestlé S.A. to effectuate a "squeeze out" merger that denies Alcon Inc.'s public minority shareholders their most basic contractual, legal and equitable protections. The Consolidated Complaint updates the allegations based on recent events, amplifies our breach of contract claims, and asserts new claims based on promissory estoppel and seeks a declaratory judgment pursuant to 28 U.S.C. §2201.

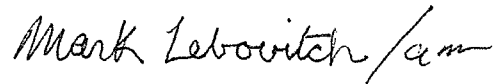
At the Initial Case Management Conference scheduled in this action for January 29, 2010, we will request a briefing schedule to move for partial summary judgment with respect to Counts I (alleging breach of contract), IV (alleging promissory estoppel) and V (requesting declaratory relief) of the Consolidated Complaint. Plaintiffs' motion for partial summary judgment will involve strictly legal questions, and we believe that it can be fully briefed and ready for decision within six to eight weeks. On a concurrent path, we will also move for expedited discovery related to the other counts in the Consolidated Complaint and will seek a schedule for Plaintiffs to present a motion for a preliminary injunction against the effectuation of the proposed merger. We believe expedited discovery and briefing for this injunctive relief can be completed within ninety days.



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Co-Lead Interim Class Counsel are available to further discuss these matters at the Court's convenience.

Respectfully submitted,

Handwritten signature of Mark Lebovitch in cursive script, followed by a forward slash and the letters 'am'.

Mark Lebovitch

Enclosure

cc: Plaintiffs' Counsel  
Trevor Norwitz, Esq. (Novartis Corporate Counsel)  
Robert I. Townsend, Esq. (Nestlé Corporate Counsel)  
Brain Frawley, Esq. (Alcon Independent Directors  
Counsel)  
R. Corey Worcester, Esq. (Counsel for certain Nestlé  
Defendants)