

**GILMAN AND PASTOR LLP**  
**ATTORNEYS AT LAW**  
**BOSTON, MA / BONITA SPRINGS, FL**

**FOR IMMEDIATE RELEASE**

Tuesday, February 16, 2010  
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**NOTICE OF FILING OF LAWSUIT ON BEHALF OF INVESTORS WHO PURCHASED OR OTHERWISE ACQUIRED SHARES IN DIREXION DAILY ENERGY BEAR 3X SHARES FUND (NYSE: ERY) AND NOTICE OF DEADLINE FOR PLAINTIFF SUBMISSIONS FROM THE LAW FIRM OF GILMAN AND PASTOR LLP**

The law firm of Gilman and Pastor LLP filed a class action lawsuit in the United States District Court for the Southern District of New York on behalf of all investors who purchased or otherwise acquired shares in the Direxion Energy Bear 3X Shares Fund (“the ERY Fund”) [NYSE:ERY] offered by Direxion Shares ETF Trust (“Direxion Shares”), pursuant or traceable to Direxion Share’s false and misleading Registration Statement, Prospectuses, and Statements of Additional Information (collectively, the “Registration Statement”). The Class is seeking recovery for investors under Sections 11 and 15 of the Securities Act of 1933 (the “Securities Act”). Investors only have until **Monday, March 15, 2010** to move for appointment as a lead plaintiff in this case.

The class action lawsuit was filed on behalf of investors in the Direxion ERY Fund who suffered investment losses. The complaint alleges the Defendants violated the Securities Act by failing to disclose that the ERY Fund is altogether defective as a directional investment play. The ERY Fund seeks investment results that correspond to three times the inverse (-300%) daily performance of the Russell 1000 Energy Index (“Russell Energy Index”), which fell approximately 11% from November 5, 2008 through April 9, 2009, ostensibly creating a profit to investors who anticipated a decline in the U.S. energy market. However, the Energy Bear Fund actually fell approximately 54% during this period.

If you purchased or otherwise acquired shares in the ERY Fund during the period November 5, 2008 through April 9, 2009 (the “Class Period”) and either lost in excess of \$200,000. or still hold the shares, you may wish to join in the action to serve as Lead Plaintiff. In order to do so, you must meet certain requirements set forth in the applicable law and file appropriate papers no later than March 15, 2010. If you have any questions about the lawsuit or would like additional information, please contact Kenneth G. Gilman, Esq. of Gilman and Pastor, at (888) 252-0048, or via email at [info@gilmanpastor.com](mailto:info@gilmanpastor.com).

A Lead Plaintiff is a court-appointed representative for absent class members. You may retain counsel of your choice to represent you in this action. If you are a member of the class, you can view a copy of the complaint, obtain more information and join in the class action online at <http://direxion-ery.com>.

Plaintiffs are represented by the law firm Gilman and Pastor LLP. Gilman and Pastor LLP is one of the country's premier national law firms that represent institutional and individual investors in class action, complex securities and corporate governance litigation. The firm has been a champion of investor rights for over 30 years and has been recognized for its reputation for excellence by the courts.

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