

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MEMO ENDORSED

In re:

LEHMAN BROTHERS SECURITIES
AND ERISA LITIGATION

Civil Action 09 MD 2017 (LAK)
ECF CASE

This Document Applies Only to:

American National Insurance Company
et al. v. Richard S. Fuld, Jr., et al.,
No. 1:09-cv-02363-LAK

JURY TRIAL DEMANDED

EDNY

MENT

NON-ORALLY FILED

PLAINTIFFS' MOTION TO AMEND THE COMPLAINT

FILE #: 11/28/11

Plaintiffs, American National Life Insurance Company of Texas ("ANTEX"), The Moody Foundation ("Moody Foundation"), and Comprehensive Investment Services Inc. ("CIS") (collectively referred to herein as the "Texas Plaintiffs") respectfully seek leave to file a Second Amended Complaint ("Amended Complaint"). Texas Plaintiffs' case is an individual non-class action. The Amended Complaint was originally filed with this court on October 7, 2011 and an additional copy is attached to this pleading as Exhibit "D". Although the Amended Complaint was filed on October 7, 2011 based upon the belief that the consent of the parties had been demonstrated by several letters addressed to the Court by defendants, due to remarks made at the conference held on November 8, 2011 regarding individual actions, Texas Plaintiffs, in an abundance of caution, are additionally filing this motion seeking leave from the Court.

On February 5, 2009, the Texas Plaintiffs filed Case No. 3:09-cv-00020, *American National Insurance Company et al v. Fuld et al.*, in the United States District Court for the Southern District of Texas. Shortly thereafter, on February 17, 2009, Plaintiffs amended their

The motion to amend is granted as consent.
The second amended complaint attached to
the motion is described, offered and filed
today.

LEWIS A. KAPLAN, USJD

11/28/11