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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

LEHMAN BROTHERS SECURITIES AND
ERISA LITIGATION

This document applies to:

In re Lehman Brothers Equity/Debt Sec. Litig.
08 Civ. 5523 (LAK)

- x

09 MD 2017 (LAK)

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PRETRIAL ORDER NO. 28
(Motion to Withdraw and Intervene and Cross-Motion)

LEWIS A. KAPLAN, *District Judge.*

1. The motion of Fred Mandell and Roy Wiegert to withdraw as plaintiffs and of Joseph Humble to intervene as a plaintiff [09 MD 2017, DI 669; 98 Civ. 5523, DI 311] is granted to the extent that Messrs. Mandell and Wiegert are permitted to withdraw and otherwise denied. Mr. Humble's application to intervene is untimely because his claim is barred by the statute of repose. Nor is there any basis in Rule 25 to substitute him as a party plaintiff (apart from intervention), as there has been no suggestion that there is any deceased plaintiff, let alone that Mr. Hubble is the personal representative or successor thereof.

2. The cross-motion of defendant UBS Financial Services Inc. ("UBSFS") dismissing all claims relating to securities offerings for which no remaining plaintiff has standing to sue [09 MD 2017 DI 684, 08 Civ. 5523 DI 317] is granted on the ground that no plaintiff remaining in the action has standing to pursue claims with respect to such offerings.

SO ORDERED.

Dated: March 13, 2012

Lewis A. Kaplan
United States District Judge