

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK **MEMO ENDORSED**

In re LEHMAN BROTHERS SECURITIES
AND ERISA LITIGATION

Case No. 09-MD-2017 (LAK)

This Document Applies To:

ECF CASE

*In re Lehman Brothers Equity/Debt
Securities Litigation, 08-CV-5523 (LAK)*

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/27/12

**NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE UNDER SEAL
PORTIONS OF LEAD PLAINTIFFS' SUPPLEMENTAL SUBMISSION AND
DECLARATION OF MAX W. BERGER AND CERTAIN EXHIBITS THERETO**

TO: All Counsel of Record

PLEASE TAKE NOTICE that Lead Plaintiffs hereby move this Court for leave to file redacted versions of Lead Plaintiffs' Supplemental Submission in Further Support of Motion for Approval of the D&O Settlement (the "Supplemental Submission") and the Declaration of Max W. Berger in Further Support of Approval of the D&O Settlement ("Berger Declaration") via the Court's ECF system with unredacted versions of these documents to be filed under seal, for *in camera* review by the Court; and for leave to file the following exhibits to the Berger Declaration under seal, for *in camera* review by the Court:

- Exhibit A: The Declaration of The Mediator, Hon. Daniel H. Weinstein (Ret.) (dated April 26, 2012);
- Exhibit C: Confidential Supplemental Term Sheet to Settle Class Action (dated August 24, 2011);
- Exhibit D: Retention Letter for the Hon. John S. Martin (Ret.) (dated September 12, 2011);
- Exhibit E: Retention Letter for Guidepost Solutions LLC (dated August 30, 2011);

Motion granted although the Court does not focus on the Rule 608 cooperation.

LEWIS A. KAPLAN, USDI

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