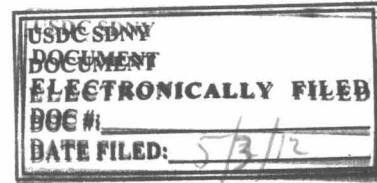


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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In re:

LEHMAN BROTHERS SECURITIES AND
ERISA LITIGATION

This document applies to:

09 MD 2017 (LAK)

State Compensation Insurance Fund v. Fuld

11 Civ. 3892 (LAK)

City of South San Francisco v. Citigroup

09 Civ. 1946 (LAK)

City of Cerritos v. Citigroup, 09 Civ. 7878 (LAK)

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PRETRIAL ORDER NO. 33

(Termination of Certain Motions in View of Class Settlement With Underwriters)

LEWIS A. KAPLAN, *District Judge*.

1. The Bank Defendants' motion to dismiss (DI 570 in 09MD2017, DI 25 in 11 Civ 3892) is denied as moot because all claims asserted against the Bank Defendants (which are identified in footnote 3 of Mr. Lowenthal's letter dated May 2, 2012) are dismissed on the basis of the judgment in the class action with respect to the underwriters.

2. Insofar as the Bank Defendants' motion to dismiss in *Cerritos* and *South San Francisco* seeks dismissal of claims against the Bank Defendants in connection with the January 15, 2008 offering with CUSIP 5252M0BZ9, it is denied as moot because those claims are dismissed on the basis of the judgment in the class action with respect to the underwriters.

SO ORDERED.

Dated: May 3, 2012

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", written over a horizontal line.

Lewis A. Kaplan
United States District Judge