

**MEMO ENDORSED**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF  
NEW YORK**

In re:

Civil Action No. 09 MD 2017 (LAK)

LEHMAN BROTHERS SECURITIES  
AND ERISA LITIGATION

ECF CASE

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 9/7/12


This Document Applies To:

JOSEPH P. DANIS,  
Plaintiff,

-against-

ERNST & YOUNG LLP, et al.,  
Defendants.

11 Civ. 9001 (LAK)

*Granted*  
**SO ORDERED**  
  
 \_\_\_\_\_  
 LEWIS A. KAPLAN, U.S.D.J.  
 9/7/12

**PLAINTIFF'S MOTION FOR LEAVE TO FILE  
OUT OF TIME**

Comes now plaintiff, and requests leave to file his Memorandum of Law in  
Opposition to Moody's Motion to Dismiss, and in support thereof states:

1. Defendant Moody's Corporation, Moody's Investors Service, Inc.,  
Raymond W. McDaniel, Jr., Michael Kanef and Brian M. Clarkson ("Moody's") filed  
their Motion to Dismiss on March 14, 2012.

2. Plaintiff's counsel believed plaintiff's Memorandum in Law in  
Opposition to Moody's Motion to Dismiss (attached as Exhibit 1) had been filed March  
29, 2012, but due to inadvertence arising from the placement of the hard copy of the  
Memorandum in the physical file before the Memorandum was filed with the Court,  
plaintiff's counsel never electronically filed the Memorandum.

3. No party will be prejudiced by the late filing of the plaintiff's Memorandum of Law in Opposition to Moody's Motion to Dismiss because no further discovery has been conducted on this case.

WHEREFORE, plaintiff prays for leave to file his Memorandum of Law in Opposition to Moody's Motion to Dismiss immediately.

Dated: August 3, 2012  
St. Louis, Missouri

By: s/ Jeffrey J. Lowe

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