

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)

09 Civ. 6040 (LAK), 09 Civ. 1944 (LAK), 09 Civ.  
6652 (LAK), 09 Civ. 3475 (LAK), 09 Civ. 3476 (LAK),  
09 Civ. 3474 (LAK), 09 Civ. 1239 (LAK), 09 Civ.  
1238 (LAK), 11 Civ. 3892 (LAK), 09 Civ. 1946 (LAK),  
09 Civ. 3467 (LAK), 09 Civ. 3468 (LAK), 09 Civ.  
3478 (LAK), 09 Civ. 7877 (LAK), 09 Civ. 7878 (LAK),  
11 Civ. 1281 (LAK), 09 Civ. 6041 (LAK), 10 Civ.  
5201 (LAK), 09 Civ. 2363 (LAK), 10 Civ. 6185 (LAK),  
11 Civ. 3552 (LAK), 09 Civ. 3480 (LAK), 11 Civ.  
2039 (LAK), 10 Civ. 2926 (LAK), 09 Civ. 7900 (LAK),  
10 Civ. 6637 (LAK), 11 Civ. 3745 (LAK), 10 Civ.  
8361 (LAK), 09 Civ. 1230 (LAK), 09 Civ. 1231 (LAK),  
09 Civ. 1232 (LAK), 09 Civ. 1235 (LAK), 09 Civ.  
1236 (LAK), 09 Civ. 1237 (LAK), 09 Civ. 1943 (LAK),  
10 Civ. 6077 (LAK), 10 Civ. 3190 (LAK), 09 Civ.  
1240 (LAK), 09 Civ. 1240 (LAK), 08 Civ. 5598 (LAK),  
08 Civ. 6626 (LAK), 08 Civ. 8225 (LAK), 08 Civ.  
9404 (LAK), 08 Civ. 9578 (LAK), 09 Civ. 9793 (LAK),  
08 Civ. 10008 (LAK), 08 Civ. 10058 (LAK), 08 Civ.  
10206 (LAK), 08 Civ. 10686 (LAK), 11 Civ. 9001 (LAK),  
11 Civ. 5112 (LAK), 11 Civ. 4278 (LAK), 10 Civ.  
5617 (LAK)

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**PRETRIAL ORDER NO. 38**  
(Order to Show Cause – Motions to Dismiss Individual Actions)

LEWIS A. KAPLAN, *District Judge.*

This Court now has ruled on motions to dismiss the third amended complaint in the class action (the “Class Action”) as well as the consolidated first amended complaint in a group of eight individual actions brought on behalf of California plaintiffs (the “California Actions”). While motions to dismiss are pending in the additional individual actions listed above, it seems likely that the rulings made to date should be dispositive of all or substantially all of those motions with the possible exceptions

of some causes of action based on the law of states other than California. Accordingly, the parties shall show cause why an order should not be entered:

1. Granting the pending motions to dismiss all federal securities law and common law fraud claims asserted in these cases to the extent such claims were dismissed in the Class Action and California Actions and (b) otherwise denying the pending motions, that denial to be without prejudice to the assertion of any other state law grounds on motions for summary judgment dismissing individual actions at the conclusion of discovery, and


2. Lifting the stay of discovery and holding a conference to fix a discovery schedule and plan.

Submissions in opposition to relief proposed in this order to show cause shall be filed no later than November 5, 2012. To the extent possible, plaintiffs in all actions in which there are pending motions to dismiss shall submit a single joint submission not to exceed ten double-spaced pages. Plaintiffs in any individual action who do not fully join in any joint submission may submit their own single submission not to exceed four double-spaced pages.

Submissions in support of the proposed relief shall be filed no later than November 19, 2012. To the extent possible, defendants in all actions in which there are pending motions to dismiss shall submit a single joint submission not to exceed ten double-spaced pages. Defendants in any individual action who do not fully join in any joint submission may submit their own single submission not to exceed four double-spaced pages.

SO ORDERED.

Dated: October 15, 2012

  
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Lewis A. Kaplan,  
United States District Judge