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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

09 MD 2017 (LAK)

This document applies to:

*State Compensation Insurance Fund v. Fuld*  
11 Civ. 3892 (LAK)  
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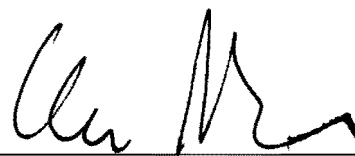
**PRETRIAL ORDER NO. 53**  
(Modification of PTO No. 50 and Related Matter)

LEWIS A. KAPLAN, *District Judge.*

On December 17, 2012, the Court issued Pretrial Order No. 50, which granted in part and denied in part the motion of the Bank Defendants in No. 11 Civ. 3892 to dismiss. It also issued a memorandum opinion in that case explaining the basis for granting the motion insofar as it dismissed the state law claims under The Securities Litigation Uniform Standards Act ("SLUSA"). The Court subsequently was reminded, however, that it had dismissed the claims against the Bank Defendants on the basis of the judgment in the class action in Pretrial Order No. 33. In view of Pretrial Order No. 33, the motion of the Bank Defendants was moot and Pretrial Order No. 50 and the decretal portion of the opinion of even date (MDL Dkt. 1102) are vacated. As the issue dealt with in the opinion is common to other cases, however, the Court does not vacate the opinion in any other respect.

SO ORDERED.

Dated: December 21, 2012



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Lewis A. Kaplan  
United States District Judge