

Kaplan

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

In re:

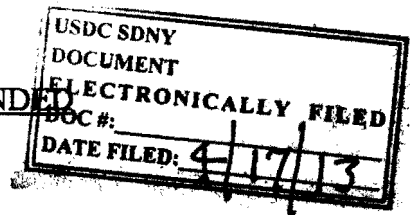
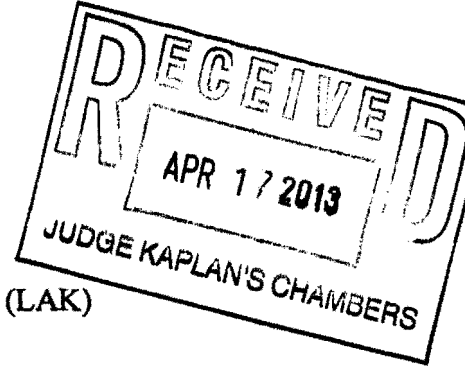
LEHMAN BROTHERS SECURITIES
AND ERISA LITIGATION

Civil Action 09 MD 2017 (LAK)
ECF CASE

This Document Applies Only to:

American National Insurance Company
et al. v. Richard S. Fuld, Jr., et al.,
No. 1:09-cv-02363-LAK

JURY TRIAL DEMANDED



PARTIAL
NOTICE OF DISMISSAL

Plaintiffs, American National Life Insurance Company of Texas, Comprehensive Investment Services, Inc. and The Moody Foundation (collectively, "Plaintiffs"), pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, file this Notice of Dismissal ("Notice") of claims with prejudice against Defendant John F. Akers ("Akers").

I. Introduction

1. On February 5, 2009, Plaintiffs filed this civil action against Akers and other defendants for violations of state and federal securities' laws. On or about February 25, 2009, this case was transferred to the Southern District of New York pursuant to an order from the Judicial Panel on Multidistrict Litigation. On October 7, 2011, Plaintiffs filed their Second Amended Complaint.

2. Akers has not appeared in this lawsuit by answering the complaint or any amended complaint or by filing a motion for summary judgment. appeared in this lawsuit.

3. This case is not subject to Federal Rule of Civil Procedure 23(e), 23.1(c), 23.2 or 66 nor does it involve a federal statute requiring the Court to dismiss the action, once filed.

II. Dismissal of Settling Defendants

4. In April 2012 Plaintiffs dismissed their claims and causes of action, with prejudice, against other Officers and Directors of Lehman Brothers (namely Defendants Richard S. Fuld, Jr., Christopher M. O'Meara, Joseph M. Gregory, Erin Callan, Ian Lowitt, Michael L. Ainslie, Roger S. Berlind, Thomas H. Cruikshank, Marsha Johnson Evans, Sir Christopher Gent, Roland A. Hernandez, Henry Kaufman, John D. Macomber). Through inadvertence Akers was not dismissed at that time.

5. Pursuant to Rule 41(a)(1)(A)(i), Plaintiffs now dismiss their claims and causes of action, with prejudice, against Akers, without costs to any party as against the other, through the filing of this Notice, as Plaintiffs and Akers entered into a Settlement Agreement and Mutual Release dated October 26, 2011 and effective April 20, 2012 ("Settlement Agreement"). Reference is made to the Settlement Agreement. .

6. Prior to the filing of this Notice, Plaintiffs have not dismissed an action against Akers based on or including the same claims as those presented in this case.

III. Other Defendants Not Dismissed

7. The filing of this Notice is not effective on, nor does it dismiss, any defendant named in Plaintiffs' Second Amended Complaint other than Akers.

Dated: April 16, 2013

Respectfully submitted,

By: /s/ Andrew J. Mytelka

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SO ORDERED:



U.S.D.J. *gr*
4/17/13

**ATTORNEYS FOR PLAINTIFFS
AMERICAN NATIONAL LIFE
INSURANCE COMPANY OF
TEXAS, COMPREHENSIVE
INVESTMENT SERVICES, INC.
AND THE MOODY FOUNDATION**

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2013, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of American that the foregoing is true and correct.

Executed on April 16, 2013.

/s/ Andrew J. Frisch
Andrew J. Frisch