

LEAH PLATT

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

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IN RE LEHMAN BROTHERS ERISA
LITIGATION
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09 MD 2017 (LAK)

08 Civ: 5598 (LAK)
and consolidated cases

STIPULATION AND PROPOSED ORDER

WHEREAS, pursuant to this Court's Pretrial Order No. 17, dated September 8, 2010, Plaintiffs in the above-referenced action filed, on September 22, 2010, the Second Consolidated Amended Complaint For Violations of the Employee Retirement Income Security Act (the "SCAC");

WHEREAS, the SCAC names as Defendants Richard S. Fuld, Jr., Michael L. Ainslie, John F. Akers, Roger S. Berlind, Thomas H. Cruikshank, Marsha Johnson Evans, Sir Christopher Gent, Jerry A. Grundhofer, Roland A. Hernandez, Henry Kaufman, John D. Macomber (the "Director Defendants"), as well as Wendy M. Uvino, each of whom is a party to this action and is represented by undersigned counsel;

WHEREAS, the SCAC also includes newly-named Defendants Amitabh Arora, Mary Pat Archer, Michael Branca, Evelyne Estey, Adam Feinstein and David Romhilt (the "New Benefit Committee Defendants");

WHEREAS, the Director Defendants, except for Richard S. Fuld, have filed papers to replace Simpson Thacher & Bartlett LLP with Dechert LLP as their counsel in this action;

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WHEREAS Simpson Thacher & Bartlett LLP continues to represent Wendy M. Uvino and representation of the New Benefit Committee Defendants is being discussed;

WHEREAS, service has not yet been effectuated on the New Benefit Committee Defendants; and

WHEREAS the parties have not previously sought any extensions in time to respond to the SCAC;

IT IS HEREBY STIPULATED AND AGREED by and between the parties through their undersigned counsel that:

1. Defendants shall have until November 23, 2010 to file motions to dismiss or otherwise respond to the SCAC;
2. Plaintiffs shall have until December 23, 2010 to file their opposition to the motions to dismiss;
3. Defendants shall have until January 17, 2011 to file their replies in support of their motions to dismiss;
4. The Director Defendants and Defendant Wendy M. Uvino ^{collectively} will file separate ^{may} briefs in support of their motions to dismiss, each of which will not exceed thirty-five pages;
5. The Plaintiffs' ^{may} will file separate briefs in opposition to the ^{two} respective motions to dismiss, each of which will not exceed thirty-five pages;
6. The Director Defendants and Defendant Wendy M. Uvino ^{collectively} will file separate ^{may} reply briefs in support of their motions to dismiss, each of which will not exceed fifteen pages (five pages in excess of that provided for in the Court's Local Rules); and

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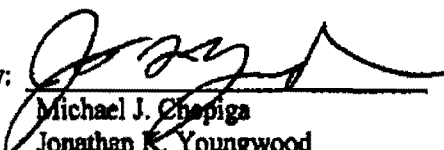
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7. This Stipulation is without prejudice to the New Benefit Committee

Defendants who have not yet been served in this matter and who may seek a further stipulation at a later time.

Dated: New York, New York
October 7, 2010

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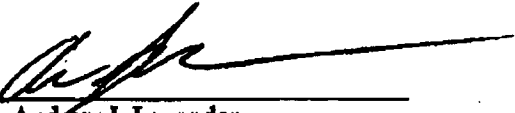
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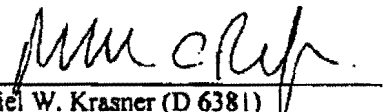
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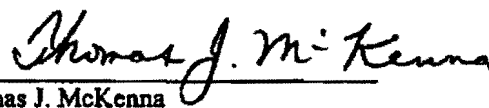
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Interim Co-Lead Counsel for Plaintiffs

SO ORDERED


The Honorable Lewis A. Kaplan
United States District Judge

10/15, 2010