

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 19th day of November, two thousand and ten,

Locals 302 & 612 of the International Union of
Operating Engineers-Employers Construction Industry
Retirement Trust,

Lead Plaintiff,

City of South San Francisco, City of Long Beach,
County of Tuolumne, City of Fremont, New Jersey
Carpenters Health Fund, Boilmakers-Blacksmith
National Pension Trust, New Jersey Carpenters Health
Fund, on behalf of itself and all others similarly situated,
Monique Fong Miller, Alex E. Rinehart, Jo Anne
Buzzo, Maria DeSousa, Linda Demizio, American
National Insurance Company, American National Life
Insurance Company of Texas, Comprehensive
Investment Services Inc, The Moody Foundation,
Washington State Investment Board, Christopher
Corado, individually and on behalf of all others similarly
situated, Sylvia Remer, Ed Davis, Juan Tolosa, Arthur
Simons, Ralph Rosato, Trustee J. Harry Pickle, Zenith
Insurance Co.,

Plaintiffs,

Alameda County Employees' Retirement Association,
American European Insuracne Company, Government
of Guam Retirement Fund, Inter-Local Pension Fund
Graphic Communications Conference of the
International Brotherhood of Teamsters, Marsha
Kosseff, Northern Ireland Local Governmental Officers

ORDER

Docket Number: 10-2521

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| <p>USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>Nov. 19, 2010</u></p> |
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Superannuation Committee, Operating Engineers Local 3 Trust Fund, Operative Plasterers and Cement Masons International Association Local 262 Annuity Fund, Individually and on behalf of all others similarly situated, Police and Fire Retirement System of the City of Detroit, Teamsters Allied Benefit Funds, The City of Edinburgh Council as Administering Authority of the Lothian Pension Fund, The Pension Fund Group, Brockton Contributory Retirement System, Rick Fleischman, Stephen Gott, Island Medical Group, Karim Kano, Michael Karfunkel, Ann Lee, Francisco Perez, Ronald Profili, Shea-Edwards Limited Partnership, Fred Telling, Grace Wang, Zahniser Trust, Anthony Peyser, On behalf of himself and all others similarly situated, Stephen P. Gott, On behalf of himself, Stephen P. Gott, All others similarly situated, Belmont Holdings Corp., individually and on behalf of all others similarly situated, Kathy Rooney, on behalf of themselves and all others similarly situated, Jeffrey Stark, on behalf of themselves and all others similarly situated, Stanley Tolin, Enrique Azpiazu, Stuart Bregman, Roberta Ciacci, Robert Feinerman, Irwin Ingwer, Phyllis Ingwer, Island Medical Group Pension Plan, f/b/o Irwin Ingwer, Franklin Kass, Christopher Lewis, on behalf of himself and The Entertainment Group, Aurora Perez, Cuauhtemoc Perez, Diana Perez, Trustee J. Harry Pickle, Gastroenterology Associates Profit Sharing Trust FBO Charles M. Brooks, M.D., Alejandro Silva, David Sosna, Mortgage Trust 2007-6, Alaska Electrical Pension Fund, On behalf of itself and all others similarly situated,

Consolidated Plaintiffs,

Madeline Dimodica,

All Plaintiffs,

City of Edinburgh Council as Administering Authority of the Lothian Pension Fund,

Consolidated Petitioner,

Booth Foundation, Inc.,

Appellant,

v.

Richard S. Fuld, Jr.,

Defendant - Appellee,

John F. Akers, ABN AMRO Holding N.V., ANZ Securities, Inc., Michael L. Ainslie, BBVA Securities Inc., Banc of America Securities LLC, CIBC World Markets Corp., Cabrera Capital Markets LLC, Caja de Ahorros y Monte de Piedad de Madrid, Erin Callan, Citigroup Global Markets Inc., Thomas H. Cruikshank, daiwa Securities SMBC Europe Limited, DnB NOR Markets, Marsha Evans Johnson, Christopher Gent, Joseph M. Gregory, HVB Capital Markets, Inc., Harris Nesbitt Corp., Roland A. Hernandez, Henry Kaufman, Lehman Brothers Holdings, Inc., Loop Capital Markets, LLC, Ian Lowitt, John d. Macomber, Mellon Financail Markets, LLC, Merrill Lynch, Pierce, Fenner & Smith, Inc., Morgan Stanley & Co.Inc., Christopher M. O'Meara, RBC Dain Rauscher Inc., RBS Greenwich Capital, SG Corporate & Investment Banking, Santander Investment Securities Inc., Siebert Capital markets, Sovereign Securities Corporation, LLC, SunTrust Robinson Humphrey, Inc., UBS Securities LLC, Utendahl Capital Partners, L.P., Wachovia Capital Markets, LLC, Wells Fargo Securities, LLC, William Capital Group, L.P., nabCapital Securitiies, LLC, BNY Mellon Capital Markets, LLC, Calyon Securities (USA) Inc., DnB NOR Markets, BMO Capital Markets Corp., National Australia Bank Limited, RBC Capital Markets Corp., SG Americas Securities LLC, Wachovia Securities LLC, The Williams Capital Group, L.P, BNP Paribas S.A, Charles Schwab & Co., inc., Commerzbank Capital Markets Corp., Edward D. Jones & Co., L.P., Fidelity Capital Markets Services, HSBC Securities (USA) Inc., Incapital LLC, Ing Financial Markets LLC, M.R Beal & Company, Muriel Siebert & Co. Inc., nabCapital Securities, LLC, Natixis Bleichbroeder Inc., Raymond James & Associates, Inc., Scotia Capital (USA) Inc., TD Securities (USA) LLC, UBS Financial Services, Inc., ABN AMRO Inc., B.C. Ziegler and Company, Credit Suisse Securities (USA) LLC, D.A Davidson & Co., Davenport & Company

LLC, Ferris Baker Watts & incorporated, Fifth Third Securities, Inc., Fixed Income Securities, Inc., H & R Block Financial Advisors, Inc., Capitan Ronald Hernandez, Jackson Securities LLC, Janney Montgomery Scott LLC, Keefe, Bruyette & Woods, Inc., Keybanc Caoital Markets, Inc., Maxim Group LLC, Mesiropw Financial, Inc., Morgan Keegan & Company, Inc., National Financial Services LLC, Oppenheimer & Co., Inc., Piper Jaffray & Co., Robert W. Baird & Co. Incorporated, SMH Capital Inc., Scott & Stringfellow, Stifel, Nicolsus & Company Incorporated, Sone & Youngberg LLC, TD Ameritrade Holding Corporation, Vining sparks IBG, LP, Zions Direct,. Inc., BNC Mortgage Loan Trust 2006-1, BNC Mortgage Loan Trust 2006-2, First Franklin Mortgage Loan Trust 2006-FF12, First Franklin Mortgage Loan Trust 2006-FF2, First Franklin Mortgage Loan Trust 2006-FFA, First Franklin Mortgage Loan Trust 2006-FFB, GreenPoint Mortgage Funding Trust Series 2006-AR4, GreenPoint Mortgage Funding Trust Series 2006-AR5, GreenPoint Mortgage Funding Trust Series 2006-AR7, GreenPoint Mortgage Funding Trust, Series 2006-AR6, GreenPoint Mortgage Funding Trust, Series 2006-AR8, GreenPoint Mortgage Funding Trust, Series 2007-AR1, GreenPoint Mortgage Funding Trust, Series 2007-AR3, Lehman Mortgage Trust 2006-2, Lehman Mortgage Trust 2006-5, Lehman Mortgage Trust 2006-6, Lehman Mortgage Trust 2006-7, Lehman Mortgage Trust 2006-8, Lehman Mortgage Trust 2006-8, Lehman Mortgage Trust 2006-9, Lehman Mortgage Trust 2007-1, Lehman Mortgage Trust 2007-2, Lehman Mortgage Trust 2007-3, Lehman Mortgage Trust 2007-4, Lehman Mortgage Trust 2007-5, Lehman XS Trust 2005-4, Lehman XS Trust 2005-5N, Lehman XS Trust 2005-6, Lehman XS Trust 2005-7N, Lehman XS Trust 2005-8, Lehman XS Trust 2005-9N, Lehman XS Trust 2006-1, Lehman XS Trust 2006-11, Lehman XS Trust 2006-13, Lehman XS Trust 2006-14N, Lehman XS Trust 2006-15, Lehman XS Trust 2006-16N, Lehman XS Trust 2006-17, Lehman XS Trust 2006-18N, Lehman XS Trust 2006-19, Lehman XS Trust 2006-20, Lehman XS Trust 2006-2N, Lehman XS Trust 2006-3, Lehman XS Trust 2006-4N, Lehman XS Trust 2006-5, Lehman XS Trust 2006-GP1, Lehman XS Trust 2006-GP2, Lehman XS

Trust 2007-1, Lehman XS Trust 2007-10H, Lehman XS Trust 2007-11, Lehman XS Trust 2007-12N, Lehman XS Trust 2007-2N, Lehman XS Trust 2007-4N, Lehman XS Trust 2007-5H, Lehman XS Trust 2007-6, Lehman XS Trust 2007-7N, Lehman XS Trust 2007-9, Lehman XS Trust Series 2005-5N, Lehman XS Trust Series 2005-7N, Lehman XS Trust Series 2005-9N, Lehman XS Trust Series 2006-16N, Lehman XS Trust Series 2006-2N, Structured Adjustable Rate Mortgage Loan Trust 2006-10, Structured Adjustable Rate Mortgage Loan Trust 2006-11, Structured Adjustable Rate Mortgage Loan Trust 2006-12, Structured Adjustable Rate Mortgage Loan Trust 2006-2, Structured Adjustable Rate Mortgage Loan Trust 2006-3, Structured Adjustable Rate Mortgage Loan Trust 2006-4, Structured Adjustable Rate Mortgage Loan Trust 2006-8, Structured Adjustable Rate Mortgage Loan Trust 2006-9, Structured Adjustable Rate Mortgage Loan Trust 2007-1, Structured Adjustable Rate Mortgage Loan Trust 2007-2, Structured Adjustable Rate Mortgage Loan Trust 2007-3, Structured Adjustable Rate Mortgage Loan Trust 2007-4, Structured Adjustable Rate Mortgage Loan Trust 2007-5, Structured Adjustable Rate Mortgage Loan Trust 2007-6, Structured Asset Investment Loan Trust 2006-2, Structured Asset Investment Loan Trust 2006-BNC1, Structured Asset Investment Loan Trust 2006-BNC3, Structured Asset Securities Corporation, Structured Asset Securities Corporation Mortgage Loan Trust 2006-BC1, Structured Asset Securities Corporation Mortgage Loan Trust 2006-BC2, Structured Asset Securities Corporation Mortgage Loan Trust 2006-BC3, Structured Asset Securities Corporation Mortgage Loan Trust 2006-BC4, Structured Asset Securities Corporation Mortgage Loan Trust 2006-BC5, Structured Asset Securities Corporation Mortgage Loan Trust 2006-BC6, Structured Asset Securities Corporation Mortgage Loan Trust 2006-S1, Structured Asset Securities Corporation Mortgage Loan Trust 2006-S3, Structured Asset Securities Corporation Mortgage Loan Trust 2006-S4, Structured Asset Securities Corporation Mortgage Loan Trust 2006-WF1, Structured Asset Securities Corporation Mortgage Loan Trust

2006-WF3, Structured Asset Securities Corporation
Mortgage Loan Trust 2007-BC1, Structured Asset
Securities Corporation Mortgage Loan Trust
2007-BC2, Structured Asset Securities Corporation
Mortgage Loan Trust 2007-BC3, Structured Asset
Securities Corporation Mortgage Loan Trust
2007-EQ1, Structured Asset Securities Corporation
Mortgage Loan Trust 2007-OSI, Structured Asset
Securities Corporation Mortgage Loan Trust
2007-WF1, Does 1-20, Greenpoint Mortgage Funding
Grantor Trust 1-A1A, Series 2006-AR6, Greenpoint
Mortgage Funding Grantor Trust 1-A2A2, Series
2006-AR5, Greenpoint Mortgage Funding Grantor
Trust 1-A3A2, Series 2006-AR5, Greenpoint Mortgage
Funding Trust 1-A2A2, Series 2006-AR6, Greenpoint
Mortgage Funding Trust 1-A2B, Series 2006-AR6,
Greenpoint Mortgage Funding Trust 1-A3B, Series
2006-AR6, Greenpoint Mortgage Funding Trust, Series
2006-AR2, Lehman Brothers, Inc, Lehman Mortgage
Trust 2007-6, Lehman Mortgage Trust Mortgage
Pass-Through Certificates, Series 2007-4, GreenPoint
Mortgage Funding Trust Series 2006-HE1,

Consolidated-Defendants,

BNY Capital Markets, Inc., Roger S. Berlind, BBVA
Securities Inc., Citigroup Inc., RBS Securities Inc.,
UBS Securities LLC, DZ Financial Markers LLC, Jerry
A. Groundhofer, Wendy M. Uvino, The McGraw-Hill
Companies, Inc., Moody's Investors Services, Inc., Lana
Franks, Edward Grieb, Richard McKinney, Moody's
Corp., Kristine Smith, James J. Sullivan, Samir Tabet,
Mark L. Zusy, Ernst & Young LLP, A.G Edwards &
Sons, Inc., ABN AMRO Holding N.V, ANZ Securities,
Inc., Banc of America Securities LLC, BBVA Securities
Inc., M.R. Beal & Company, BNP Paribas S.A, BNY
Mellon Capital Markets, LLC, Cabrera Capital Markets
LLC, Charles Schwab & Co., inc., CIBS World
Markets Corp., Citigroup Global Markets Inc.,
Commerzbank Capital Markets Corp., DnB NOR
Markets Inc., DZ Financial Markets LLC, Fidelity
Capital Markets Services, Fortis Securities, LLC, BMO
Capital Markets Corp., HSBC Securities (USA) Inc.,
Ing Financial Markets LLC, Loop Capital Markets,
LLC, Mellon Financial Markets , LLC, Merrill Lynch,

Pierce , Fenner & Smith, Inc, Mizuho Securities USA, Inc., Morgan Stanley & Co. Inc., Muriel Siebert & Co., Inc., nabCapital Securities, LLC, National Australia Bank Limited, Natixix Bleichroeder Inc., Raymond James & Associates, Inc., RBC Capital Markets Corp., Santander Investment Securities Inc., Scotia Capital (USA) Inc., SG Americas Securities LLC, Sovereign Securities Corporation LLC, Standard Chartered Bank, SunTrust Robinson Humphrey, Inc., TD Securities (USA) LLC, UBS Securities, LLC, Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wachovia Securities, LLC, Wells Fargo Securities, LLC, The Williams Capital Group, L.P, Zions Direct, Inc., Calyon Securities (USA) Inc., RBS Securities Inc, The McGraw Hill Companies, Inc, Morgan Stanley & Co, Inc., RBC Capital Markets Corp., Wachovia Capital Markets, LLC, Piper Jaffray & Co., ABN AMRO Inc., J.P Morgan Securities, Inc., Williams Capital Group, L.P, Mizuho Securities USA, RBS Greenwich Capital,

Defendants,

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1. Each party has submitted a separate electronically signed counterpart reflecting the negotiated terms of the stipulation.

The stipulations are hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe, Clerk

 

Margaret Lain, Deputy Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

 