

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

IRON WORKERS LOCAL NO. 25 PENSION FUND; PLAINTIFFS
INDIANA LABORERS PENSION FUND;
IRON WORKERS DISTRICT COUNCIL OF
WESTERN NEW YORK; VICINITY PENSION FUND;
THE NEW JERSEY BUILDING LABORERS
PENSION AND ANNUITY FUNDS; and HERB LAIR

v. No. 4:09CV00405 JLH

PAUL G. ALLEN; ELOISE SCHMITZ; DEFENDANTS
and NEIL SMIT

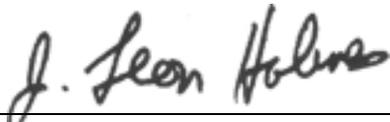
ORDER

Class members Iron Workers Local No. 25 Pension Fund, Indiana Laborers Pension Fund, Iron Workers District Council of Western New York, and Vicinity Pension Fund (the “Pension Funds”) have given notice that their motion for appointment as lead plaintiff and for approval of lead counsel is now unopposed. Three motions were filed seeking appointment as lead plaintiff pursuant to the Private Securities Litigation Reform Act of 1995, including one motion by the Pension Funds. However, the other two parties who had sought to be lead plaintiff now state that they do not possess the largest financial interest among the other lead plaintiff movants and appear to have consented to the appointment of the Pension Funds as lead plaintiffs and their attorneys as lead counsel. One of the other parties (Herb Lair) has withdrawn his motion.

Therefore, the motion filed by the Pension Funds is GRANTED. Documents #15 and #6. Pursuant to 15 U.S.C. § 78u-4(a)(3)(B), the Pension Funds are designated as lead plaintiffs and their attorneys are designated as lead counsel. The motion for appointment as lead plaintiff and approval of lead counsel filed by The New Jersey Building Laborers Pension and Annuity Funds is DENIED. Document #9.

The Clerk is directed to amend the style of the case to show Iron Workers Local No. 25 Pension Fund, Indiana Laborers Pension Fund, Iron Workers District Council of Western New York, and Vicinity Pension Fund as lead plaintiffs represented by attorneys shown as counsel on Document #15. The docket also should be amended to show The New Jersey Building Laborers Pension and Annuity Funds as an additional plaintiff, represented by the attorneys who filed Document #14 in this case.

IT IS SO ORDERED this 21st day of August, 2009.



J. LEON HOLMES
UNITED STATES DISTRICT JUDGE