

JUDGE KAPLAN

UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

A CERTIFIED TRUE COPY ATTEST By Jakela Mells on Apr 06, 2009 FOR THE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL on MULTIDISTRICT LITIGATION

Mar 19, 2009

FILED 09 CIV 3472 CLERK'S OFFICE

IN RE: LEHMAN BROTHERS HOLDINGS, INC., SECURITIES & EMPLOYEE RETIREMENT INCOME SECURITY ACT (ERISA) LITIGATION

FILED MD No. 2017

C 09-0875 vpw (SEE ATTACHED SCHEDULE)

APR 13 2009

RICHARD W. WIEKING CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

CONDITIONAL TRANSFER ORDER (CTO-3)

On February 9, 2009, the Panel transferred nine civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2009). Since that time, four additional actions have been transferred to the Southern District of New York. With the consent of that court, all such actions have been assigned to the Honorable Lewis A. Kaplan.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Kaplan.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of February 9, 2009, and, with the consent of that court, assigned to the Honorable Lewis A. Kaplan.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted. Apr 06, 2009 CLERK'S OFFICE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

FOR THE PANEL: Jeffery N. Lüthi Clerk of the Panel

A CERTIFIED COPY J. MICHAEL McMAHON, CLERK BY [Signature] DEPUTY CLERK

**IN RE: LEHMAN BROTHERS HOLDINGS, INC.,  
SECURITIES & EMPLOYEE RETIREMENT  
INCOME SECURITY ACT (ERISA) LITIGATION**

MDL No. 2017

**SCHEDULE CTO-3 - TAG-ALONG ACTIONS**

<b><u>DIST. DIV. C.A. #</u></b>	<b><u>CASE CAPTION</u></b>
<b>CALIFORNIA CENTRAL</b> CAC 2 09-1501	City of Long Beach v. Richard S. Fuld, Jr., et al.
<b>CALIFORNIA EASTERN</b> CAE 1 09-391	County of Tuolumne v. Ernst & Young, LLP, et al.
<b>CALIFORNIA NORTHERN</b> CAN 3 09-875	City of Auburn v. Richard S. Fuld, Jr., et al.
CAN 3 09-876	City of Burbank v. Richard S. Fuld, Jr., et al.
CAN 3 09-877	City of San Buenaventura v. Richard S. Fuld, Jr., et al.
CAN 3 09-926	City of Fremont v. Citigroup Global Markets, Inc., et al.
<b>CONNECTICUT</b> CT 3 09-305	Eric Taussig v. Richard S. Fuld, Jr.

UNITED STATES DISTRICT COURT  
Southern District of New York  
Office of the Clerk  
500 Pearl Street  
New York, N.Y. 10007  
(212) 805-0646

J. Michael McMahon  
Clerk  
USDC NORTHERN DISTRICT OF CALIFORNIA

Date: 04/06/2009

In Re: LEHMAN BROTHERS  
HOLDINGS, INC.  
MDL 2017

Your Docket #  
09 - 875 *VPW*

S.D. OF N.Y.  
09 CV 3474

**RECEIVED**  
APR 13 2009  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Dear Sir:

Enclosed is a certified copy of the order of the Judicial Panel on Multidistrict Litigation, transferring the above entitled action presently pending in your court, to the Southern District of New York and assigned to Judge KAPLAN for coordinated or consolidated pretrial processing pursuant to 28 USC 1407.

Please return the copy of this letter when transmitting a CERTIFIED COPY OF THE DOCKET SHEET. We will retrieve the documents using our Pacer system. Please note we DO NOT utilize the CM/ECF transfer function.

Sincerely,  
J. Michael McMahon

By: PHYLLIS ADAMIK  
MDL Unit  
(212) 805-0646