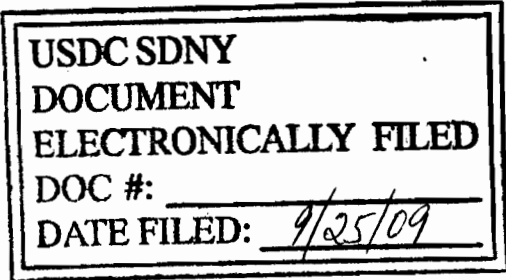


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



THE WILLIAM KRETSCHMAR REVOCABLE TRUST, and INCH OF GOLD, INC., individually and on behalf of all others similarly situated,

Plaintiffs,

- against -

RYE SELECT BROAD MARKET FUND, L.P., TREMONT PARTNERS, INC., TREMONT GROUP HOLDINGS, INC., OPPENHEIMER ACQUISITION CORP., MASSMUTUAL HOLDING LLC, MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, ROBERT IVAN SCHULMAN, STEPHEN THOMAS CLAYTON, LYNN O. KEESHAM, RUPER ANDREW ALLAN, and HARRY HODGES,

Defendants.

09 Civ. 5440 (TPG)

**ORDER**

Chateau Fiduciaire S.A. v. Argus International Life Bermuda Limited et al

Doc. 104

-----X  
MADELYN HAINES and PAUL ZAMROWSKI, on behalf of themselves and all others similarly situated,

Plaintiffs,

- against -

MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, MASSMUTUAL HOLDING CO., MASSMUTUAL HOLDING TRUST I, OPPENHEIMER ACQUISITION CORP., OPPENHEIMERFUNDS, INC., JOHN V. MURPHY, RUPERT A. ALLAN, ROBERT I. SCHULMAN, CYNTHIA J. NICOLL, SANDRA MANZKE, TREMONT PARTNERS, INC.,

09 Civ. 5441 (TPG)

TREMONT GROUP HOLDINGS, INC., and  
DOES 1-100,

Defendants.

-----X

THE LUGANO TRUST, THE HERMITAGE  
TRUST, THE JAYBEE TRUST, THE CONICK  
TRUST, THE SONICK TRUST, THE CLARICK  
TRUST, THE CALITHA TRUST, BRITTANY  
INVESTMENT INTERNATIONAL  
CORPORATION I, BRITTANY INVESTMENT  
INTERNATIONAL CORPORATION II, TRILOGY  
INVESTMENT CORPORATION I, TRILOGY  
INVESTMENT CORPORATION II, THE  
RAINBOW TRUST, IRREVOCABLE TRUST  
BETWEEN MARJORIE ALFUS AND JOEL  
LEVINE CPA, THE MAGNOLIA TRUST, THE  
INDIGO TRUST, THE SINCERITY TRUST, THE  
CORFU TRUST, THE CRETE TRUST, THE  
SPIRAL TRUST, THE JULIP TRUST, THE  
GRENOBLE TRUST, THE PROTEA TRUST,  
THE TRIESTE TRUST, THE LIFEGRO TRUST,  
THE MARIGOLD TRUST, THE FLAMENCO  
TRUST, THE MAMRE TRUST, THE SANDAN  
TRUST, and 2006 LIONEL LAPINER FAMILY  
TRUST,

Plaintiffs,

- against -

TREMONT CAPITAL MANAGEMENT INC.,  
TREMONT PARTNERS, INC., TREMONT  
GROUP HOLDINGS, INC., TREMONT  
(BERMUDA) LIMITED, RYE INVESTMENT  
MANAGEMENT, INC., OPPENHEIMER  
ACQUISITION CORPORATION,  
MASSACHUSETTS MUTUAL LIFE  
INSURANCE COMPANY, KPMG LLP, BANK OF  
NEW YORK MELLON, ERNST & YOUNG LLP,  
SANDRA L. MANZKE, ROBERT SCHULMAN,  
and SHL CAPITAL LTD.,

Defendants.

-----X

09 Civ. 6840 (TPG)

**ORDER**

## **ORDER OF CONSOLIDATION**

By Order dated March 26, 2009, this Court consolidated a number of actions that asserted claims against certain Tremont entities, certain Rye entities, and other defendants, alleging losses ultimately caused by Bernard Madoff. This Court first placed these cases under the master docket, 08 Civ. 11117. The cases were then divided into three groups: (1) cases in which the primary claims are made under the federal securities laws (consolidated for pre-trial proceedings into one “Securities Action” with docket number 08 Civ. 11212), (2) cases in which the claims are based primarily on state law, charging improper investments by partnerships or hedge funds or similar entities (consolidated for pre-trial proceedings into one “State Law Action” with docket number 08 Civ. 11183), and (3) cases in which the claims are based primarily on state law, charging improper investments by insurance companies (consolidated for pre-trial proceedings into one “Insurance Action” with docket number 09 Civ. 557).

On June 11, 2009, in accordance with 28 U.S.C. § 1407, the Judicial Panel on Multidistrict Litigation formed MDL No. 2052, In re Tremont Group Holdings, Inc., Secs. Litig., and transferred The William Kretschmar Revocable Trust, et al. v. Rye Select Broad Mkt. Fund, L.P., et al., 09 Civ. 5440 (TPG), and Madelyn Haines, et al. v. Mass. Mut. Life Ins. Co., et al., 09 Civ. 5441 (TPG), from the District of Massachusetts to

this Court for coordinated or consolidated pre-trial proceedings with 08 Civ. 11117.

On August 3, 2009, The Lugano Trust, et al. v. Tremont Capital Mgmt, Inc., et al., 09-cv-6840 (TPG), was filed in the Southern District of New York and designated as related to the Insurance Action.

The Court held a hearing on the record on September 24, 2009 addressing issues regarding consolidation, and has rendered decisions reflected in this order.

NOW THEREFORE IT IS HEREBY ORDERED THAT:

1. Upon review of these complaints, this Court finds that these cases arise out of the same subject matter as the proceedings under 08 Civ. 11117 and that these cases therefore should be consolidated.

2. The William Kretschmar Revocable Trust, et al. v. Rye Select Broad Mkt. Fund, L.P., et al., 09 Civ. 5440 (TPG), which asserts claims against certain Tremont entities, certain Rye entities, and other defendants based solely on state law, should be consolidated for pre-trial proceedings with the State Law Action. The Clerk of the Court therefore is directed to consolidate this case with the State Law Action under docket number 09 Civ. 11183, and upon doing so, to close the docket in 09 Civ. 5440 (TPG).

3. Madelyn Haines, et al. v. Mass. Mut. Life Ins. Co., et al., 09 Civ. 5441 (TPG), which asserts claims against certain Tremont entities and other defendants primarily arising under the federal securities laws,

should be consolidated for pre-trial proceedings with the Securities Action. The Clerk of the Court therefore is directed to consolidate this case with the Securities Action under docket number 09 Civ. 11212, and upon doing so, to close the docket in 09 Civ. 5441 (TPG).

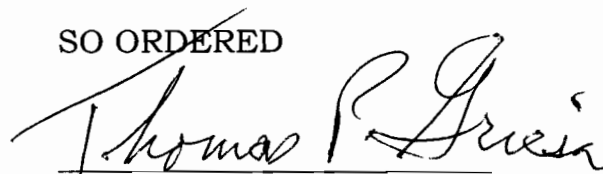
4. The Lugano Trust, et al. v. Tremont Capital Mgmt, Inc., et al., 09-cv-6840 (TPG), which asserts claims against certain Tremont entities, certain Rye entities, and other defendants, based solely on state law, and includes allegations charging improper investments by insurance companies, should be consolidated for pre-trial proceedings with the Insurance Action. The Clerk of the Court is therefore directed to consolidate this case with the Insurance Action under docket number 09 Civ. 557, and upon doing so, to close the docket in 09-cv-6840 (TPG).

5. A copy of this Order shall be placed in the dockets for all the cases listed herein.

6. Any document hereinafter filed in connection with the above-captioned cases must be filed under the master docket, 08 Civ. 11117, and the MDL case number, 09 md 2052. The parties are directed to read this Court's Order and Memorandum, both dated March 26, 2009, which can be found under the master docket. These documents prescribe the requirements for future submissions to this Court.

Dated: New York, New York  
September 25, 2009

SO ORDERED

A handwritten signature in black ink, reading "Thomas P. Griesa". The signature is written in a cursive style with a large, prominent initial "T".

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Thomas P. Griesa  
U.S.D.J.