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*CR 1058 J*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE LUGANO TRUST, et al.

Plaintiffs,

vs.

TREMONT CAPITAL MANAGEMENT,  
INC., et al.

Defendants.

Civil Action No. 09-civ-6840(TPG)

This Document Relates to: Insurance  
Action, 09-Civ-557

In re Tremont Securities Law, State  
Law and Insurance Litigation,  
08-Civ-11117

**STIPULATION AND PROPOSED ORDER**

WHEREAS, on May 20, 2009, this Court, in *In re Tremont Securities Law, State Law and Insurance Litigation*, Master Docket No. 08-civ-11117 (TPG) - *Insurance Action* (09-civ-557) (the "Insurance Action"), entered an Order staying the deadline for certain defendants in that action to respond to plaintiffs' complaint pending plaintiffs filing an amended complaint in [Chateau Fiduciaire S.A. v. Argus International Life Bermuda Limited et al](#) that action;

WHEREAS, the undersigned Defendants have agreed to waive service of process in this action; and

WHEREAS, counsel for (a) defendants Tremont Group Holdings, Inc., Tremont Capital Management Inc., Tremont (Bermuda) Ltd., Tremont Partners, Inc., Rye Investment Management, and Robert Schulman (collectively, the "Tremont Defendants"); (b) SHL Capital Ltd.; (c) defendant Oppenheimer Acquisition Corp. ("Oppenheimer"); (d) defendant Massachusetts Mutual Life Insurance Company ("MassMutual"); (e) defendant KPMG LLP; (f) defendant Bank of New York Mellon Corp.; and (g) defendant Sandra L. Manzke (collectively "Defendants") have requested that the deadline to respond to the Complaint in this action, filed

on August 3, 2009, be contemporaneous with the date they are required to respond to the amended complaint in the Insurance Action.

NOW, THEREFORE, counsel for the undersigned parties, STIPULATE AND AGREE as follows:

1. The deadline for Defendants to answer, move or otherwise respond to Plaintiffs' Complaint is hereby adjourned until the later of thirty (30) days following the filing of an amended consolidated complaint in the Insurance Action or Plaintiffs' filing of an amended complaint in this action; and

2. This Stipulation and Order is without prejudice to or waiver of any rights, arguments or defenses otherwise available to plaintiffs and Defendants in this action.

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Rye Investment Management and  
Robert Schulman*

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BERGER & MONTAGUE, P.C.

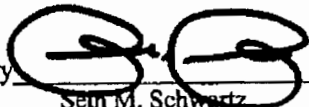
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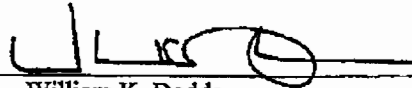
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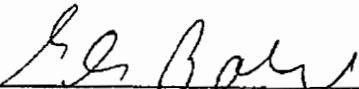
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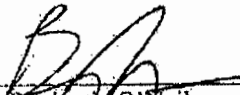
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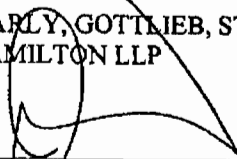
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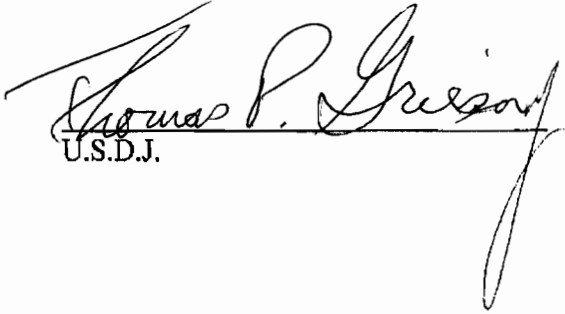
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IT IS SO ORDERED:

Dated: Sept. 16, 2009

  
U.S.D.J.

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