

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
JAMES BERTONIS, *individually and on behalf of* :
all others similarly situated :
: Plaintiff, : 25-CV-1598 (VEC)
: :
-against- :
: :
MORGAN STANLEY, MORGAN STANLEY :
SMITH BARNEY LLC, and E*TRADE :
SECURITIES LLC :
: :
Defendants. :
----- X
MARK E. MCKINNEY and NEAL GAGNER, :
individually and on behalf of all others similarly :
situated, :
: Plaintiffs, : 24-CV-8860 (VEC)
: :
-against- :
: :
MORGAN STANLEY, MORGAN STANLEY :
SMITH BARNEY LLC, and E*TRADE :
SECURITIES LLC :
: :
Defendants. :
----- X

VALERIE CAPRONI, United States District Judge:

WHEREAS on February 25, 2025, Plaintiff James Berthonis filed a Complaint *Bertonis v. Morgan Stanley et al.*, No. 25-CV-1598 (“*Bertonis*”), as well as statements of relatedness pertaining to two other cases assigned to the Undersigned: *Estate of Bernard J. Sherlip v. Morgan Stanley et al.*, No. 24-CV-4571, and *McKinney v. Morgan Stanley et al.*, No. 24-CV-8860 (“*McKinney*”);

WHEREAS *Bertonis* and *McKinney* involve the same defendants, the same plaintiffs’ counsel, and some of the same allegations; and

WHEREAS on March 4, 2025, *Bertonis* was assigned to the Undersigned.

IT IS HEREBY ORDERED that not later than **Wednesday, March 12, 2025**, Mr. *Bertonis*, the parties in *McKinney*, and the proposed intervenor plaintiff in *McKinney* must file a joint letter indicating how they believe the two cases should proceed, including whether they believe *Bertonis* and *McKinney* should be consolidated. The letter must not exceed 1,500 words.

SO ORDERED.

Date: March 5, 2025
New York, New York



VALERIE CAPRONI
United States District Judge