

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|   |   |                  |
|---|---|------------------|
| -----   | X |                  |
| JAMES BERTONIS, <i>individually and on behalf of</i>      | : |                  |
| <i>all others similarly situated</i>                      | : |                  |
|   | : |                  |
| 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,                         | : |                  |
| <i>individually and on behalf of all others similarly</i> | : |                  |
| <i>situated,</i>  | : |                  |
|   | : |                  |
| 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 Bertonis 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

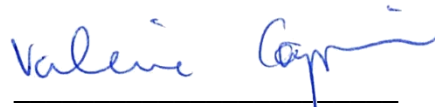
WHEREAS on March 4, 2025, *Bertonis* was assigned to the Undersigned.

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**

  
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**VALERIE CAPRONI**  
**United States District Judge**