

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:
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LEHMAN BROTHERS SECURITIES AND	:
ERISA LITIGATION	: Civil Action 09 MD 2017
	: (LAK)
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This Document Applies to:	:
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<i>In re Lehman Brothers Equity/Debt Securities</i>	:
<i>Litigation, 08 Civ. 5523 (LAK)</i>	:
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**NOTICE OF MOTION BY DEFENDANTS  
TO DISMISS PLAINTIFFS' SECURITIES ACT CLAIMS**

PLEASE TAKE NOTICE that upon the accompanying Defendants' Joint Memorandum of Law in Support of Their Motion to Dismiss Plaintiffs' Securities Act Claims, the Declaration Of Victor L. Hou and the exhibits attached thereto, Defendants ABN AMRO Holding N.V., ANZ Securities, Inc., Banc of America Securities LLC, BBVA Securities Inc., M.R. Beal & Company, BNP Paribas S.A., BNY Mellon Capital Markets, LLC, Cabrera Capital Markets LLC, Caja de Ahorros y Monte de Piedad de Madrid, Calyon Securities (USA) Inc., Charles Schwab & Co., Inc., CIBC World Markets Corp., Citigroup Global Markets Inc., Commerzbank Capital Markets Corp., DnB NOR Markets Inc. (the trade name of which is DnB NOR Markets), DZ Financial Markets LLC, Edward D. Jones & Co. L.P., Fidelity Capital Markets Services (a division of National Financial Services LLC), RBS Securities Inc. (f/k/a Greenwich Capital Markets Inc., d/b/a RBS Greenwich Capital), BMO Capital Markets Corp. (f/k/a Harris Nesbitt Corp.), HSBC Securities (USA) Inc., HVB Capital Markets, Inc., Incapital LLC, ING Financial Markets LLC, Loop Capital Markets, LLC, Mellon Financial Markets, LLC

(n/k/a BNY Mellon Capital Markets, LLC), Merrill Lynch, Pierce, Fenner & Smith, Inc., Mizuho Securities USA, Inc., Morgan Stanley & Co. Inc., Muriel Siebert & Co., Inc., nabCapital Securities, LLC, National Australia Bank Limited, Natixis Bleichroeder Inc., Raymond James & Associates, Inc., RBC Capital Markets Corp. (f/k/a RBC Dain Rauscher Inc.), Santander Investment Securities Inc., Scotia Capital (USA) Inc., Siebert Capital Markets (the advertising name of Muriel Siebert & Co., Inc.), SG Americas Securities LLC,<sup>1</sup> Sovereign Securities Corporation LLC, SunTrust Robinson Humphrey, Inc., TD Securities (USA) LLC, UBS Securities LLC, Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wachovia Securities, LLC, Wells Fargo Securities, LLC and The Williams Capital Group L.P. (collectively, the “Underwriter Defendants”), UBS Financial Services, Inc., and Richard S. Fuld, Jr., Christopher M. O’Meara, Joseph M. Gregory, Erin Callan, Ian Lowitt, Michael L. Ainslie, John F. Akers, Roger S. Berlind, Thomas H. Cruikshank, Marsha Johnson Evans, Sir Christopher Gent, Roland A. Hernandez, Henry Kaufman, and John D. Macomber (collectively, the “Individual Defendants”) (all collectively, the “Defendants”), by and through their undersigned attorneys, will move before the Honorable Lewis A. Kaplan, United States District Judge at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., Courtroom 12(D), New York, New York 10007, on such date as the Court will determine, for an Order, under Fed. R. Civ. P. 8, 9(b), 12(b)(1) and 12(b)(6), dismissing the Second Amended Consolidated Complaint in the above-captioned action with prejudice insofar as it alleges claims under the Securities Act of 1933.

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<sup>1</sup> The complaint also names SG Corporate and Investment Banking (“SGCIB”). SGCIB is not a corporate entity; rather it is a division of the Société Générale Group.

PLEASE TAKE FURTHER NOTICE that pursuant to the stipulation of the parties and order of the Court, opposing papers, if any, must be served and filed on or before June 29, 2009. Reply papers, if any, must be served and filed on or before July 31, 2009.

Dated: New York, New York  
April 27, 2009

Respectfully submitted,

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