

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	
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LEHMAN BROTHERS SECURITIES AND	:	Civil Action 09 MD 2017
ERISA LITIGATION	:	(LAK)
	:	
This Document Applies to:	:	
	:	
<i>In re Lehman Brothers Equity/Debt Securities</i>	:	
<i>Litigation, 08 Civ. 5523 (LAK)</i>	:	
	:	
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**DEFENDANT DAIWA SECURITIES SMBC  
EUROPE LIMITED’S JOINDER IN THE MOTION  
TO DISMISS PLAINTIFFS’ SECURITIES ACT CLAIMS**

Defendant Daiwa Securities SMBC Europe Limited (“Daiwa Europe”)

respectfully joins in the motion by other Defendants<sup>1</sup> to dismiss the Second Consolidated Amended Complaint in the above-captioned action insofar as it alleges claims under the

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<sup>1</sup> 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”).

Securities Act of 1933. Defendants' Notice of Motion was filed on April 27, 2009, and appears at Docket No. 91. To avoid duplication, defendant Daiwa Europe incorporates by reference Defendants' Joint Memorandum of Law in Support of Their Motion to Dismiss Plaintiffs' Securities Act Claims and schedules thereto, Docket No. 93; the Declaration of Victor L. Hou and exhibits thereto, Docket No. 92; and any subsequent filings in support of the motion to dismiss.

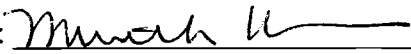
**CONCLUSION**

For the reasons expressed in Defendants' Joint Memorandum of Law in Support of Their Motion to Dismiss Plaintiffs' Securities Act Claims, Docket No. 93, the Second Consolidated Amended Complaint should be dismissed with prejudice, insofar as it alleges claims under the Securities Act of 1933, with respect to all defendants, including defendant Daiwa Europe.

Dated: June 5, 2009

Respectfully submitted,

CLEARY GOTTlieb STEEN & HAMILTON LLP

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