

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

OPERATIVE PLASTERERS AND CEMENT )  
MASONS INTERNATIONAL ASSOCIATION )  
LOCAL 262 ANNUITY FUND, Individually )  
And On Behalf of All Others Similarly Situated, )

NO. 08-CV-5523 (LAK)

Plaintiff, )

vs. )

JURY TRIAL DEMANDED

LEHMAN BROTHERS HOLDINGS, INC., )  
RICHARD S. FULD, JR., CHRISTOPHER M. )  
O'MEARA, JOSEPH M. GREGORY, and )  
ERIN CALLAN, )

Defendants. )

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**NOTICE OF MOTION OF THE PENSION FUND GROUP FOR APPOINTMENT AS  
LEAD PLAINTIFF AND APPROVAL OF ITS SELECTION OF COUNSEL AS LEAD  
COUNSEL FOR THE CLASS**

PLEASE TAKE NOTICE that on a date and time to be set by the Court, before the Honorable Lewis A. Kaplan, at the United States District Court for the Southern District of New York, located at the United States Courthouse, 500 Pearl Street, Courtroom 12D, New York, New York, the Alameda County Employees' Retirement Association ("ACERA"), the Government of Guam Retirement Fund ("Guam"), the Northern Ireland Local Governmental Officers Superannuation Committee ("NILGOSC"), The City of Edinburgh Council as Administering Authority of the Lothian Pension Fund ("Lothian") and the Operating Engineers Local 3 Trust Fund ("Operating Engineers") (collectively the "Pension Fund Group"), will respectfully move this Court, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ("Exchange Act"), 15 U.S.C. § 78u-4(a)(3)(B), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995 (the "PSLRA"), for entry of an Order appointing the Pension Fund Group as Lead Plaintiff in the above-captioned action and approving its choice of the law firms of Bernstein Litowitz Berger & Grossmann LLP ("Bernstein Litowitz") and Schiffrin Barroway Topaz & Kessler, LLP ("Schiffrin Barroway") as Lead Counsel for the Class.

The Pension Fund Group intends to demonstrate that it has the largest financial interest in the relief sought by the Class and, thus, should be appointed Lead Plaintiff. The Pension Fund Group purchased 1,007,338 shares of stock of Lehman Brothers Holdings Inc. ("Lehman") between September 13, 2006 and June 6, 2008, expending over \$37.2 million to acquire those securities. Based upon these transactions, the Pension Fund Group sustained total losses of \$28,260,751 as a result of its investment in Lehman stock. The appointment of the Pension Fund Group as Lead Plaintiff would advance the primary goal of the PSLRA lead plaintiff provisions: to encourage institutional investors with large financial stakes in the outcome of the litigation to



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**CERTIFICATE OF SERVICE**

I, Gerald H. Silk, hereby certify that on June 30, 2008, I caused the following documents to be filed with the Clerk of Court and served via ECF in accordance with the Federal Rules of Civil Procedure, the Southern District's Local Rules, and the Southern District's Rules on Electronic Service:

- 1) Notice of Motion of the Pension Fund Group for Appointment as Lead Plaintiff and Approval of Its Selection of Counsel as Lead Counsel for the Class.
- 2) Memorandum of Law in Support of the Motion of the Pension Fund Group for Appointment as Lead Plaintiff and Approval of Its Selection of Counsel as Lead Counsel for the Class.
- 3) Declaration of Gerald H. Silk in Support of the Motion of the Pension Fund Group for Appointment as Lead Plaintiff and Approval of Its Selection of Counsel as Lead Counsel for the Class.

/s/ Gerald H. Silk

Gerald H. Silk