

**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,

Plaintiffs,

vs.

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; JOHN D.  
MACOMBER; ABN AMRO HOLDING N.V.;  
ANZ SECURITIES, INC.; BANC OF AMERICA  
SECURITIES LLC; BBVA SECURITIES INC.;  
BNY CAPITAL MARKETS, INC.; CABRERA  
CAPITAL MARKETS, LLC; CAJA DE  
AHORROS Y MONTE DE PIEDAD DE  
MADRID; CIBC WORLD MARKETS CORP.;  
CITIGROUP GLOBAL MARKETS INC.;  
DAIWA SECURITIES SMBC EUROPE  
LIMITED; DnB NOR MARKETS; DZ  
FINANCIAL MARKETS LLC; RBS  
GREENWICH CAPITAL; HARRIS NESBITT  
CORP.; HSBC SECURITIES (USA) INC.; HVB  
CAPITAL MARKETS, INC.;

(Caption continued on next page)

NO. 08-CV-5523 (LAK)

JURY TRIAL DEMANDED

ECF Filed

**NOTICE OF LEAD PLAINTIFF'S MOTION  
FOR CONSOLIDATION OF RELATED ACTIONS**

LOOP CAPITAL MARKETS, LLC; MELLON FINANCIAL MARKETS, LLC; MERRILL LYNCH, PIERCE, FENNER & SMITH INC.; MIZUHO SECURITIES USA, INC.; MORGAN STANLEY & CO. INC.; nabCAPITAL SECURITIES, LLC; NATIONAL AUSTRALIA BANK LIMITED; RBC DAIN RAUSCHER INC.; SANTANDER INVESTMENT SECURITIES INC.; SCOTIA CAPITAL (USA) INC.; SIEBERT CAPITAL MARKETS; SG CORPORATE & INVESTMENT BANKING; SOVEREIGN SECURITIES CORPORATION, LLC; SUNTRUST ROBINSON HUMPHREY, INC.; TD SECURITIES (USA) LLC; UBS SECURITIES LLC; UTENDAHL CAPITAL PARTNERS, L.P.; WACHOVIA CAPITAL MARKETS, LLC; WELLS FARGO SECURITIES, LLC; WILLIAMS CAPITAL GROUP, L.P.,

Defendants.

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FOGEL CAPITAL MANAGEMENT, INC., And  
On Behalf Of All Others Similarly Situated,

Plaintiff,

vs.

RICHARD S. FULD, JR., MICHAEL L. AINSLIE, JOHN F. AKERS, ROGER S. BERLIND, THOMAS H. CRUIKSHANK, MARSHA JOHNSON EVANS, SIR CHRISTOPHER GENT, ROLAND A. HERNANDEZ, HENRY KAUFMAN, JOHN D. MACOMBER, BANC OF AMERICA SECURITIES LLC, CITIGROUP GLOBAL MARKETS INC., MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED, MORGAN STANLEY & CO. INCORPORATED, UBS SECURITIES LLC., and WACHOVIA CAPITAL MARKETS, LLC.,

Defendants.

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NO. 08-CV-8225 (LAK)

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, Alameda County Employees' Retirement Association, Government of Guam Retirement Fund, Northern Ireland Local Government Officers' Superannuation Committee, City of Edinburgh Council as Administering Authority of the Lothian Pension Fund, Operating Engineers Local 3 Trust Fund (collectively, "Lead Plaintiff"), together with additional plaintiffs Police and Fire Retirement System of the City of Detroit, Brockton Contributory Retirement System, Teamsters Allied Benefit Funds, American European Insurance Company, Inter-Local Pension Fund Graphics Communications Conference of the International Brotherhood of Teamsters, and Marsha Kosseff, will respectfully move this Court to consolidate related actions pursuant to Rule 42(a) of the Federal Rules of Civil Procedure.

Lead Plaintiff intends to demonstrate that the above-captioned actions involve the same issues of fact and law. Accordingly, consolidation of these actions for all purposes would promote the efficient resolution of these matters and would be in the interests of judicial economy.

This motion is based upon this Notice of Motion, the accompanying Memorandum of Law in support, the accompanying Declaration of David R. Stickney, the pleadings and other filings in these related matters, and any other written or oral argument as may be permitted by the Court.

WHEREFORE, Lead Plaintiff respectfully requests that the Court consolidate the above-captioned actions for all purposes pursuant to Rule 42(a) of the Federal Rule of Civil Procedure.

DATED: October 29, 2008  
New York, New York

Respectfully submitted,

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/s David R. Stickney

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