

**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.)

**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

Additional Plaintiffs' Counsel

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

Defendants.

**[PROPOSED] ORDER APPOINTING THE FIRE & POLICE PENSION
ASSOCIATION OF COLORADO AND THE BROCKTON CONTRIBUTORY
RETIREMENT SYSTEM AS LEAD PLAINTIFF AND APPROVING ITS
SELECTION OF LEAD COUNSEL**

Having considered all motions for appointment as lead plaintiff in the above-referenced actions, the Court having read and considered all papers, and good cause appearing,

IT IS HEREBY ORDERED THAT:

Having considered the application by the Fire & Police Pension Association of Colorado and the Brockton Contributory Retirement System, (collectively, the "Institutional Investors Group") for appointment as lead plaintiff and to approve their selection of lead counsel, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 (the "Exchange Act"), and for good cause shown, the Court hereby enters the following Order:

Master File and note such filing in the Master Docket and in the docket of each action referenced.

II. NEWLY-FILED OR TRANSFERRED ACTIONS

6. When a case that arises out of the subject matter of this action is hereinafter filed in this Court or transferred to this Court from another court, the Clerk of this Court shall:

- a. file a copy of this Order in the separate file for such action;
- b. mail a copy of this Order to the attorneys for the plaintiff(s) in the newly filed or transferred case and to any new defendant(s) in the newly filed or transferred case; and
- c. make the appropriate entry in the docket for this action.

7. Each new case that arises out of the subject matter of this Consolidated Action and is filed in this Court or transferred to this Court shall be consolidated with this action and this Order shall apply thereto, unless a party objecting to this Order or any provision of this Order shall, within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, files an application for relief from this Order or any provision herein and

III. APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL

9. The Court hereby concludes that the Institutional Investor Group is the “most adequate plaintiff” and that it satisfies the requirements of Section 21D of the Exchange Act. The Court hereby appoints the Institutional Investor Group as Lead Plaintiff in the above-captioned securities class action against Lehman Brothers’ Holdings, Inc., and the other defendants.

10. The Lead Plaintiff, pursuant to § 21D(a)(3)(B)(v) of the Exchange Act, has selected and retained Berman DeValerio Pease Tabacco Burt & Pucillo (“Berman DeValerio”) to be Lead Counsel. This Court approves this selection, and hereby appoints Berman DeValerio as Lead Counsel.

11. Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom Lead Counsel shall designate:

- a. to coordinate the briefing and argument of any and all motions;
- b. to coordinate the conduct of any and all discovery proceedings;
- c. to coordinate the examination of any and all witnesses in depositions;

responsibilities to selected counsel as may be required;

h. to coordinate the preparation and filings of all pleadings; and

i. to supervise all other matters concerning the prosecution or resolution of the consolidated actions.

12. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiff without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiff. No settlement negotiations shall be conducted without the approval of Lead Counsel.

13. Lead Counsel shall have responsibility for receiving and disseminating Court orders and notices.

14. Lead Counsel shall be the contact between plaintiff's counsel and defendants' counsel, shall serve as the spokespersons for plaintiff's counsel, and shall direct and coordinate the activities of plaintiff's counsel.

15. Defendants shall serve papers on plaintiff by serving copies on Lead Counsel by overnight delivery service, by facsimile and regular mail, or by hand delivery. Plaintiff shall

