

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

IN RE LEHMAN BROTHERS
SECURITIES AND ERISA LITIGATION

C.A. No. 09 MD 2017

This Document Applies To:
In re Lehman Brothers ERISA Litigation,
C.A. No. 08 Civ. 5598 (LAK)

**NOTICE OF PLAINTIFFS' MOTION TO ALTER OR AMEND THE
JUDGMENT AND FOR LEAVE TO AMEND THE CONSOLIDATED
AMENDED COMPLAINT**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN THAT, Plaintiffs will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, on such date as the Court will determine, in Courtroom 12D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007: (i) to alter or amend the Court's Judgment dated February 3, 2010, as amended on February 5, 2010, to provide that the dismissal of Plaintiffs' Consolidated Amended Complaint is without prejudice; and (ii) for an order granting leave to file an amended complaint pursuant to Federal Rule of Civil Procedure 15(a).

This Motion is supported by the accompanying Memorandum of Law, the accompanying Declaration of Daniel W. Krasner and the exhibits annexed thereto, all of the prior pleadings and proceedings had herein, and such other written and/or oral argument, as may be presented to the Court.

Dated: March 3, 2010

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

By: /s/ Daniel W. Krasner
Daniel W. Krasner (DK 6381)
Mark C. Rifkin (MR 0904)
Scott J. Farrell (SF 5922)
Rachel S. Poplock (RP 3782)
270 Madison Avenue
New York, New York 10016
Tel: (212) 545-4600
Fax: (212) 545-4653

GAINEY & MCKENNA
Thomas J. McKenna, Esq.
295 Madison Avenue, 4th Floor
New York, NY 10017
Tel: (212) 983-1300
Fax: (212) 983-0383

Interim Co-Lead Counsel for Plaintiffs

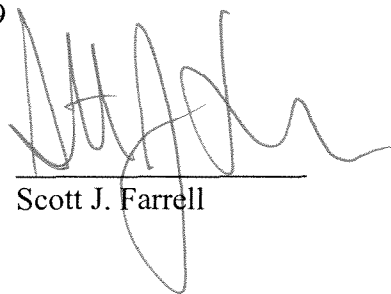
570103

CERTIFICATE OF SERVICE

I, Scott J. Farrell, one of Plaintiffs' counsel, hereby certify that on March 3, 2010, I caused a copy of the foregoing: (1) *Notice Of Plaintiffs' Motion To Alter Or Amend The Judgment And For Leave To Amend The Consolidated Amended Complaint*; (2) *Plaintiffs' Memorandum Of Law In Support Of Motion To Alter Or Amend The Judgment And For Leave To Amend The Consolidated Amended Complaint*; and (3) *Declaration Of Daniel W. Krasner In Support Of Plaintiffs' Motion To Alter Or Amend The Judgment And For Leave To Amend The Consolidated Amended Complaint*, to be served upon the following counsel, by Federal Express:

Michael J. Chepiga
Jonathan K. Youngwood
SIMPSON THACHER & BARTLETT LLP
425 Lexington Avenue
New York, New York 10017
Tel: (212) 455-2000
Fax: (212) 455-2502

Patricia M. Hynes
Todd Steven Fishman
ALLEN & OVERY, LLP
1221 Avenue of the Americas
New York, NY 10020
Tel: (212) 610-6300
Fax: (212) 610-6399



Scott J. Farrell