

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE ROYAL AHOLD N.V.	:	
SECURITIES & ERISA LITIGATION	:	Civil No.: 1:03-MD-01539
	:	
	:	<u>ALL SECURITIES ACTIONS</u>
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ORDER

For the reasons stated in the foregoing Memorandum, it is hereby **ORDERED** that:

1. the Fed.R.Civ.P. 12(b)(2) motions to dismiss for lack of personal jurisdiction submitted by foreign individual defendants Fahlin, Boonstra, and de Ruiter are **Granted**. The motions to dismiss for lack of personal jurisdiction submitted by foreign individual defendants Van der Hoeven, Meurs, and Andreae are **Denied**;

2. the Fed.R.Civ.P. 12(b)(1) motions submitted by all defendants to dismiss the claims of foreign purchasers of Royal Ahold shares on foreign exchanges for lack of subject matter jurisdiction are **Denied**;

3. the global underwriter defendants' Fed.R.Civ.P. 12(b)(1) motion to dismiss the § 11 and § 12(a)(2) claims for lack of subject matter jurisdiction is **Granted**;

4. the Fed.R.Civ.P. 12(b)(6) motions submitted by all defendants to dismiss all allegations concerning conduct that pre-dates July 30, 1999 as barred by the statute of limitations are **Granted**;

5. the Fed.R.Civ.P. 12(b)(6) motions to dismiss the § 10(b) and Rule 10b-5 claims submitted by defendants Tobin, Grize, Resnick, Deloitte & Touche LLP (“Deloitte U.S.”), Deloitte & Touche Accountants (“Deloitte Netherlands”), Ahold USA and Ahold USA Holdings are **Granted**. The motions to dismiss the § 10(b) and Rule 10b-5 claims submitted by defendants Kaiser, Lee, Andreae, and Meurs are **Denied**. Van der Hoeven’s motion to dismiss the § 10(b) and Rule 10b-5(b) claims is **Denied**; his motion to dismiss the § 10(b) and Rule 10b-5(a) and (c) claims is **Granted**. Miller’s motion to dismiss the § 10(b) and Rule 10b-5(b) claims is **Granted**, but his motion to dismiss the Rule 10b-5(a) and (c) claims is **Denied**;

6. the Deloitte & Touche LLP (“Deloitte U.S.”) Fed.R.Civ.P. 11 motion to strike certain allegations is **Granted**;

7. the Royal Ahold defendants’ (along with individual defendants Van der Hoeven and Meurs) Fed.R.Civ.P. 12(f) motion to strike all allegations concerning misconduct at Ahold USA subsidiaries Tops and Giant-Carlisle and allegations concerning the realization of synergies and the integration of acquisitions is **Denied**; their motion to strike all allegations concerning accounting irregularities with the Argentine subsidiary Disco is **Granted**;

8. the Fed.R.Civ.P. 12(b)(6) motions to dismiss the § 11 and § 12(a)(2) claims submitted by Royal Ahold, the lead underwriters, the Deloitte defendants, and the individual defendants are **Granted**; the plaintiffs are granted 60 days to seek leave to amend the § 12(a)(2) claims; and

9. the Fed.R.Civ.P. 12 (b)(6) motions to dismiss the control person liability claims under § 20(a) submitted by defendants Miller, Resnick, Kaiser, Van der Hoeven, Meurs, Andreae, Tobin, and Grize are **Denied**; Lee's motion to dismiss the § 20(a) claim is **Granted**; all motions to dismiss the § 15 claims are **Granted**; and the plaintiffs are granted 60 days to seek leave to amend the § 15 claims.

December 21, 2004

Date

/s/

Catherine C. Blake
United States District Judge