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Proposed Liaison Counsel

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Joseph C. White, Individually and On Behalf of All)
Others Similarly Situated,)
)
Plaintiff,)
)
vs.)
)
Lord Abbett & Co. LLC, et al.,)
)
Defendants.)

DOCUMENT FILED ELECTRONICALLY

Civil Action No. 04-559
Judge William J. Martini

Philip Katz, Individually and On Behalf of All)
Others Similarly Situated,)
)
Plaintiff,)
)
vs.)
)
Lord Abbett & Co. LLC, et al.,)
)
Defendants.)

Civil Action No. 04-965
Judge William J. Martini

Josephine Logan, Individually And On Behalf Of)
All Others Similarly Situated,)
)
Plaintiff,)
)
vs.)
)
Lord Abbett & Co. LLC, et al.,)
)
Defendants.)

Civil Action No. 04-1055
Judge William J. Martini

[Caption continues on next page]

~~PROPOSED~~ PRETRIAL ORDER NO. 1
FOR CONSOLIDATION

Richard Curtis, Individually and On Behalf of All
Others Similarly Situated,

Plaintiff,

vs.

Lord Abbett & Co. LLC, et al.,

Defendants.

Civil Action No. 04-1057
Judge William J. Martini

James A. Pingitore, Individually and On Behalf of
All Others Similarly Situated,

Plaintiff,

vs.

Lord Abbett & Co. LLC, et al.,

Defendants.

Civil Action No. 04-1209
Judge William J. Martini

Bo Bortner, Individually And On Behalf Of All
Others Similarly Situated,

Plaintiff,

vs.

Lord Abbett & Co. LLC, et al.,

Defendants.

Civil Action No. 04-1365
Judge William J. Martini

WHEREAS, the above referenced actions allege violations of the Investment Company Act of 1940 (the "Investment Company Act"), the Investment Advisers Act of 1940 (the "Investment Advisers Act") and breaches of fiduciary duties and aiding and abetting breaches of fiduciary duties;

WHEREAS, actions pending in the same court involving common questions of law or fact may be consolidated under Fed. R. Civ. P. 42(a) and is appropriate and consistent with the recommendations of § 21.631 of the Manual for Complex Litigation (3d ed. 1995);

NOW, THEREFORE, THE COURT ORDERS as follows:

I. THE ABOVE-ENTITLED ACTIONS SHALL BE CONSOLIDATED FOR ALL PURPOSES

The above-entitled actions all assert class claims on behalf of classes of investors in mutual funds belonging to Lord Abbett & Co. LLC ("Lord Abbett") family of mutual funds (the "Lord Abbett Funds"), and derivatively on behalf of the Lord Abbett Funds, against Lord Abbett as the investment adviser to the Lord Abbett Funds, the partners of Lord Abbett and the Lord Abbett Funds directors during class periods beginning February 6, 1999 and ending November 17, 2003 (collectively, the "Actions"). Consolidation is appropriate where there are actions involving common questions of law or fact. Fed. R. Civ. P. 42(a). See *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1284 (2d Cir.), cert. denied, 498 U.S. 920 (1990); *Schulman v. Lumenis, Ltd.*, No. 02 Civ. 1989, 2003 U.S. Dist. LEXIS 10348, at *6-9 (S.D.N.Y. June 17, 2003) (Batts, J.).

That test is met here and, accordingly, the Actions are consolidated *for all purposes*.

II. CONSOLIDATION OF NEWLY-FILED OR TRANSFERRED ACTIONS

When a case that arises out of the same operative facts and alleges a violation of the Investment Company Act, the Investment Advisers Act, breaches of fiduciary duty or aiding and abetting breaches of fiduciary duty is hereinafter filed in or transferred to this Court, it shall be consolidated with these actions pursuant to Fed. R. Civ. P. 42(a). They shall be consolidated into the first-filed action, *Joseph C. White v. Lord Abbett & Co. LLC, et al.*, Master File No. 04-cv-559 (WJM).

III. CAPTION OF CASES

Every pleading filed in these Actions shall bear the following caption:

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

In re LORD ABBETT MUTUAL FUNDS)
FEE LITIGATION)

MASTER FILE:04-cv-559 (WJM)

When a pleading or other court paper filed in these Actions is intended to apply to all actions therein, the words "All Actions" shall appear immediately after the words "THIS DOCUMENT RELATES TO:" in the caption set out above. When a pleading or other court paper is intended to be applicable to less than all such actions, the party filing the document shall indicate, immediately after the words "THIS DOCUMENT RELATES TO:" the action(s) to which the document is intended to be applicable by last name of the plaintiff(s) and the docket number(s).

IV. MASTER DOCKET

A Master Docket is hereby established for the Action, including actions subsequently consolidated herein pursuant to this Order. Entries in said Master Docket shall be applicable to the Action, and entries shall be made therein in accordance with the regular procedures of the Clerk of this Court, except as modified by this Order.

When a pleading is filed and the caption, pursuant to this Order, shows that it is applicable to "All Actions," the Clerk shall file such pleading in the Master File and note such filing in the Master Docket. No further copies need be filed nor other docket entries made.

When a paper is filed and the caption shows that it is applicable to fewer than All Actions, the Clerk shall file the original of the paper in the Master File and a copy in the file of each separate action to which it applies and shall note such filing in the Master Docket and in the docket of each separate action. The party filing such paper shall supply the Clerk with sufficient copies of any such paper to permit compliance with this paragraph.

V. MASTER FILE AND SUBSEQUENT ACTION FILES

A Master File is hereby established for this proceeding in the Action. The Master File shall be Civil Action No. 04-cv-559 (WJM). The original of this Order shall be filed by the Clerk in the Master File herein established. The Clerk shall maintain a separate file for each of the subsequently-filed actions and filings shall be made in accordance with the regular procedures of the Clerk of the Court, except as modified by this Order. The Clerk shall file a copy of this Order in each such separate file. The Clerk shall mail a copy of this Order to counsel of record in each of the subsequently-filed actions.

VI. NEWLY-FILED OR TRANSFERRED ACTIONS

When a case that arises out of the same operative facts and is brought against the same defendants as these Actions is hereinafter filed in or transferred to this Court, it shall be consolidated with the Actions as provided in Section II above and 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 attorney(s) 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 Master Docket.

This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of this litigation.

VII. APPLICATION OF THIS ORDER TO SUBSEQUENT CASES

This Order shall apply to each class action assigned to the undersigned alleging claims similar to those set forth in these actions and brought on behalf of investors in the shares of Lord Abbett Funds. This Order shall apply to each such case which is subsequently filed in or

transferred to this Court, and which is assigned to the undersigned, unless a party objecting to the consolidation of that case or to any other provision of this Order serves an application for relief from this Order or from any of its provisions within fifteen (15) days after the date on which the Clerk mails a copy of this Order to the counsel of that party. The provisions of this Order shall apply to such action pending the Court's ruling on the application.

Unless a plaintiff in a subsequently-filed or transferred case is permitted by the Court to use a separate complaint, defendants shall not be required to answer, plead, or otherwise move with respect to that complaint. If a plaintiff in any such case is permitted to use a separate complaint, each defendant shall have forty-five (45) days from the date the Court grants such permission within which to answer, plead, or otherwise move with respect to that complaint.

VIII. SCOPE OF ORDER

The terms of this Order shall not have the effect of making any person, firm, or entity a party to any action in which he, she, or it has not been named, served, or added as such in accordance with the Federal Rules of Procedure. The terms of this Order and the consolidation ordered herein shall not constitute a waiver by any party of any claims in or defenses to any action. This Order is without prejudice to any position that defendants wish to assert with respect to the issues of Lead Counsel or Lead Plaintiffs.

IX. PRELIMINARY SCHEDULE OF PROCEEDINGS

The parties agree and stipulate, subject to the Court's approval, to the following schedule:

(a) Plaintiffs' Lead Counsel shall file an amended complaint within sixty (60) days of the date of the entry of the Pretrial Order No. 1, unless otherwise agreed by the parties. Pending filing and service of the amended complaint, defendants shall have no obligation to move, answer or otherwise respond to any of the complaints in any actions subsequently consolidated with it.


(b) In the event any of the defendants files a motion, answer or other response directed at the amended complaint, the defendants shall serve their motion, answer or response, and brief in support thereof, within sixty (60) days after service of such amended complaint.

(c) In the event any of the defendants files a motion, answer or other response directed at the amended complaint, the Lead Counsel shall file any opposition to such motion within forty-five (45) days of service of such motion and defendants shall file their reply to such opposition within thirty (30) days of service of the opposition filed by Lead Counsel.

(d) The parties will further confer and propose to the Court a mutually agreeable schedule for briefing on issues related to class certification.

IT IS SO ORDERED

Dated May 24, 2004


Hon. William J. Martin
United States District Judge