

COURTESY COPY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THE KENDALL TRUST, by and through  
RICHARD J. SLATER, Individually and on  
Behalf of All Others Similarly Situated,

Plaintiff,

v.

MARSH & MCLENNAN COMPANIES,  
INC., MARSH INC., JEFFREY W.  
GREENBERG, SANDRA S. WIJNBERG,  
ROBERT RAPPORT, AJC SMITH,

Defendants.

CIVIL ACTION NO. 1:04-CV-8144 (SWK)

ELECTRONICALLY FILED

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JAN 07 2005  
JUDGE S. W. KRAM  
CHAMBERS

[Additional Captions Below]

AMENDED [REDACTED] ORDER CONSOLIDATING  
THE RELATED CASES, APPOINTING LEAD PLAINTIFFS,  
AND APPROVING LEAD PLAINTIFFS' CHOICE OF COUNSEL

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1-26-05

FREDERIC IAN FISCHBEIN, on Behalf of  
the FREDERIC IAN FISCHBEIN PC  
AMENDED/RESTATED EMPLOYEE  
BENEFIT TRUST DATED 12/1/84;  
Individually and on Behalf of All Others  
Similarly Situated,

Plaintiff,

v.

MARSH & MCLENNAN COMPANIES,  
INC., MARSH INC., JEFFREY  
GREENBERG, SANDRA WIJNBERG,  
FRANK J. BORELLI, ROBERT J.  
RAPPORT, AJC SMITH,

Defendants.

CIVIL ACTION NO. 1:04-CV-8179 (SWK)

MICHAEL FEDER, on Behalf of Himself and  
All Others Similarly Situated,

Plaintiff,

v.

MARSH & MCLENNAN COMPANIES,  
INC., MARSH, INC., JEFFREY W.  
GREENBERG, RAY J. GROVES,

Defendants.

CIVIL ACTION NO. 1:04-CV-8225 (SWK)

ANNE E. FLYNN, On Behalf of Herself and  
All Others Similarly Situated,

Plaintiff,

vs.

MARSH & MCLENNAN COMPANIES,  
INC., et al.,

Defendants.

Civil Action No. 1:04-cv-9300



“Consolidated Action”). Entries in the Master Docket shall be applicable to the Consolidated Action as more fully set forth below. The Clerk of the Court shall file all pleadings in any of the actions in the Master File and shall note such filing in the Master Docket. No further copies need be filed or docket entries made.

The terms of this Order shall not have the effect of making any person, firm or corporation 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 Civil Procedure.

**Newly Filed or Subsequently Filed or Transferred Actions**

If a securities fraud action related to the same subject matters as this Consolidated Action is hereafter filed in this Court or transferred here from another Court, the Clerk of this Court shall:

- File a copy of this Order in the separate file for such action;
- Notify all counsel of record of the filing or transfer of such action;
- Make an appropriate entry in the Master Docket;
- Mail to counsel of record in the newly filed or transferred case a copy of this

Order; and

- Upon the first appearance of any new defendants, mail to the attorneys for the defendants in such newly filed or transferred case a copy of this Order.

All counsel shall assist the Clerk of the Court by calling to the attention of the Clerk the filing or transfer of any case that might properly be consolidated with this Consolidated Action.

This Order shall apply to each securities fraud action that is subsequently filed in or transferred to this Court, or consolidated with any of these actions, that arises out of or is related to the same facts and claims alleged in the complaints in the Consolidated Action, unless a party objecting to the consolidation of such case or to any other provision of this Order shall, within

ten (10) days after the date upon which a copy of this Order is mailed to counsel for such party, file an application for relief from this Order or any provision herein and this Court deems it appropriate to grant the application. The provisions of this Order shall apply to such action pending the Court's ruling on the application.

**Caption of Cases**

Every pleading filed in this Consolidated Action shall bear the following caption:

IN RE MARSH & MCLENNAN COMPANIES, INC.. SECURITIES LITIGATION	Master File No. 1:04-CV-8144 (SWK)
This Document Relates To:	

When a document is intended to be applicable to all actions to which this Order is applicable, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set forth above. When a document is intended to be applicable only to some, but not all, actions, immediately after the words "This Document Relates To:" in the caption described above, there shall appear "Civil Action No. [insert number] [insert name of Plaintiff]."

**Appointment of Lead Plaintiffs**

Class members The Public Employees' Retirement System of Ohio ("OPERS"), State Teachers' Retirement System of Ohio ("OSTRS") and Ohio Bureau of Workers' Compensation ("OBWC") (collectively, "Ohio"), and the State of New Jersey – Department of Treasury – Division of Investment on behalf of itself and the Common Pension Fund A, the DCP Equity Fund, and the Supplemental Annuity Fund ("New Jersey"), (the "Movants") are hereby appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934. This appointment is without prejudice to defendants' right to challenge the adequacy,

typicality, or ability of Movants to represent the absent class members in this Consolidated Action or the propriety of this case being certified as a class action.

**Organization of Plaintiffs' Counsel**

Lead plaintiffs' selection of Bernstein Liebhard & Lifshitz, LLP and Grant & Eisenhofer P.A. as lead counsel for all plaintiffs ("Lead Counsel") and the Class in this Consolidated Action is approved.

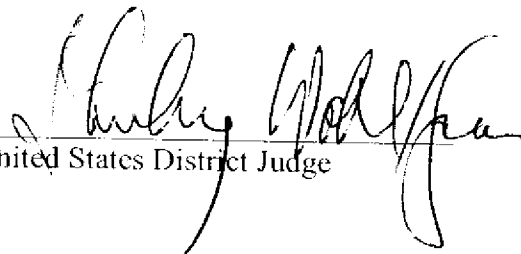
Lead Counsel for the Class and shall assume and exercise the following powers and responsibilities: (a) sign any consolidated complaint, motions, briefs, discovery requests, objections, stipulations, or notices on behalf of plaintiffs for any matters arising during pretrial proceedings; (b) conduct all pretrial proceedings on behalf of plaintiffs; (c) brief and argue motions; (d) initiate and conduct discovery; (e) speak on behalf of plaintiffs at any pretrial conference; (f) employ and consult with experts; (g) conduct settlement negotiations with defense counsel on behalf of plaintiffs; (h) call meetings of plaintiffs' counsel; and (i) accept service on behalf of all plaintiffs.

No motion, request for discovery, or other pre-trial proceedings shall be initiated or filed by any plaintiff except through Lead Counsel.

Defendants' counsel may rely upon all agreements made with Lead Counsel, and such agreements shall be binding on all plaintiffs in this Consolidated Action. Lead Counsel are hereby designated as the counsel for plaintiffs upon whom all notices, orders, pleadings, motions, discovery, and memoranda may be served.

The organizational structure established by this Order shall bind counsel for plaintiffs in this Consolidated Action or any subsequently filed cases consolidated therewith.

SO ORDERED, this 26 day of January, 2005

  
United States District Judge