

MANDATE

WDMY (RONY)
06. cv. 6294
Rayson
Telesca

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

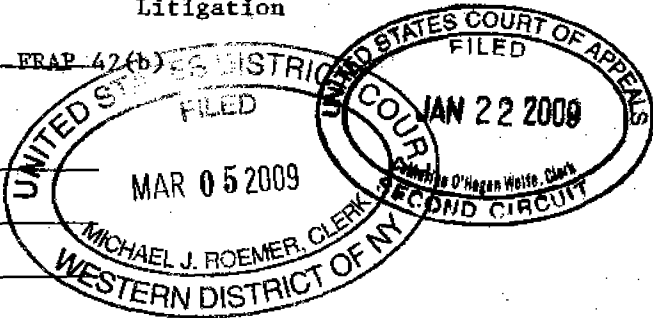
MOTION INFORMATION STATEMENT

Caption (use short title)

Becket Number(s): 08-6087-cv In re: Bausch & Lomb Incorporated Securities Litigation

Motion for: Voluntary Dismissal of Appeal, FRAP 42(b)

Set forth below precise, complete statement of relief sought:
Voluntary dismissal of appeal.



Structural Iron Workers Funds, et al.
MOVING PARTY: Funds, et al.
 Plaintiff Defendant
 Appellant/Petitioner Appellee/Respondent

OPPOSING PARTY: Bausch & Lomb, Inc., et al.

MOVING ATTORNEY: Sanford Svetcov
[name of attorney, with firm, address, phone number and e-mail]
Coughlin Stola Geller Rudman & Robbins LLP
100 Pine Street, Suite 2600
San Francisco, CA 94111
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OPPOSING ATTORNEY [Name]: John P. Savarese
[name of attorney, with firm, address, phone number and e-mail]
Wachtel, Lipron, Rosen & Katz
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New York, NY 10019
(212) 403-1235
jsavarese@wlrk.com

Court/Judge/Agency appealed from: U.S. District Judge Michael Telesca

Please check appropriate boxes:

Has consent of opposing counsel:
A. been sought? Yes No
B. been obtained? Yes No

Is oral argument requested? Yes No
(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No
If yes, enter date _____

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? Yes No

Has this relief been previously sought in this Court? Yes No

Requested return date and explanation of emergency: _____

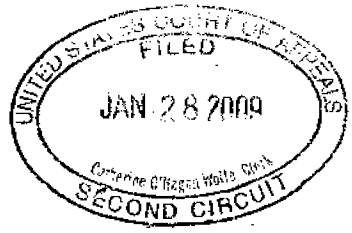
Signature of Moving Attorney: [Signature] Date: Jan. 21, 2009

Has service been effected? Yes No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED that the appeal is dismissed with prejudice.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk
by Joy Fallick
Joy Fallick, Administrative Attorney



01.28.09
Date

FORM 1-1000 (REVISED 10/31/02)

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

CERTIFIED: JAN 28 2009

by [Signature]
DEPUTY CLERK