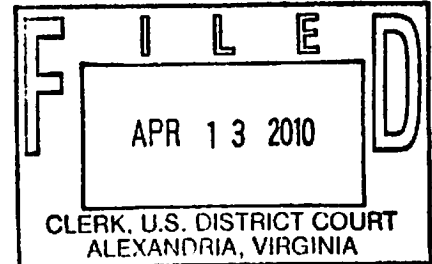


FILED: April 13, 2010

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 10-1125
(1:06-cv-00077-LO-TRJ)
(1:06-cv-00247-LO-TRJ)
(1:06-cv-00265-LO-TRJ)
(1:06-cv-00304-LO-TRJ)
(1:06-cv-01446-LO-TRJ)
(1:07-cv-00296-LO-TRJ)



In re: THE MILLS CORPORATION SECURITIES LITIGATION

IRWIN BERLIN, On behalf of himself and all others similarly situated; VERNON E. RUDOLPH; FREDERIC ELLIOTT, Individually and on behalf of all others similarly situated; C. BICKLEY FOSTER, Individually and on behalf of all others similarly situated; PAUL C. BERKEY, Individually and on behalf of all others similarly situated; IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM; PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF MISSISSIPPI; CITY OF MIAMI GENERAL EMPLOYEES' AND SANITATION EMPLOYEES' RETIREMENT TRUST, Individually and on behalf of all others similarly situated; COMMONWEALTH OF MASSACHUSETTS PENSION RESERVES INVESTMENT TRUST; PALISADES CAPITAL MANAGEMENT LLC

Plaintiffs - Appellees

and

ARNOLD STANLEY; JOAN KLOC; MARVIN MINE

Plaintiffs

v.

KENNETH R. PARENT

Defendant - Appellant

NICHOLAS MCDONOUGH; JOHN M. INGRAM; JOSEPH B. GILDENHORN; HARRY H. NICK; ROBERT P. PINCUS; CHARLES R. BLACK, JR.; CHRISTINA L. ROSE; DIETRICH VON BOETTICHER; JAMES C. BRAITHWAITE; FRANZ FREIHERR VON PERFALL; MERRILL LYNCH PIERCE FENNER AND SMITH INCORPORATED; MORGAN STANLEY & COMPANY, INCORPORATED; WACHOVIA CAPITAL MARKETS LLC; RBC CAPITAL MARKETS CORPORATION, f/k/a RBC Dain Rauscher Incorporated; MARY JANE MORROW; THE MILLS CORPORATION; THE MILLS LIMITED PARTNERSHIP; LAWRENCE C. SIEGEL; JAMES F. DAUSCH

Defendants - Appellees

and

COLOMBE M. NICHOLAS; CHARLES R. BLACK; S. JOSEPH BRUNO; FRANK W. LAMPL; SIMON PROPERTY GROUP, INC.; FARALLON CAPITAL MANAGEMENT, LLC; SPG-FCM VENTURES, LLC; MARK D. ETTENGER; D. GREGORY NEEB; JAMES A. NAPOLI; KAN AM GROUP; KANAM USA; KANAM INTERNATIONAL GMBH; KANAM GRUND; ERNST & YOUNG, LLP; LEGG MASON WOOD WALKER, INCORPORATED; BB&T CAPITAL MARKETS; KEYBANC CAPITAL MARKETS; STIFEL, NICOLAUS & COMPANY, INCORPORATED; WELLS FARGO SECURITIES, LLC; A. G. EDWARDS & SONS, INCORPORATED; ADVEST, INCORPORATED; ARTHURS LESTRAGE & COMPANY, INCORPORATED; C. L. KING & ASSOCIATES, INCORPORATED; CROWELL, WEEDON & COMPANY; D. A. DAVIDSON & COMPANY; DOLEY SECURITIES, LLC; FERRIS, BAKER, WATTS, INCORPORATED; JANNEY MONTGOMERY SCOTT, INCORPORATED; JVB FINANCIAL GROUP, LLC; MAXIM GROUP LLC; MCGINN, SMITH & CO., INC.; MESIROW FINANCIAL, INCORPORATED; MORGAN KEEGAN; OPPENHEIMER & CO., INC.; PERSHING LLC; PIPER JAFFRAY & CO; RYAN BECK & CO.; WEDBUSH MORGAN SECURITIES, INC.; WILLIAM BLAIR & COMPANY LLC; ZIEGLER CAPITAL MARKETS GROUP; THOMAS E. FROST; KANAM GRUND KAPITALANLAGEGESELLSCHAFT MBH; KANAM AMERICA, INC.

Defendants

JOHN J. MCAVOY

Party-in-Interest

v.

KANAM SERVICES L.P.; KANAM MANAGEMENT LLC; KANAM PROVIDERS INCORPORATED; KANAM REALTY INCORPORATED; KANAM US INCORPORATED

Movants

O R D E R

Upon consideration of the stipulated motion to dismiss, the Court dismisses this appeal, upon such terms as have been agreed to by the parties, pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk