

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

The Eshe Fund, Individually an on behalf of : Civil Action No. 1:08-cv-421
All Those Similarly Situated, : (Judge Sandra S. Beckwith)
 : (Mag. Judge Timothy S. Black)

Plaintiff, :

v. :

Fifth Third Bancorp; Kevin T. Kabat; :
Citigroup Global Markets Inc.; Merrill :
Lynch, Pierce, Fenner & Smith :
Incorporated; Morgan Stanley & Co. :
Incorporated; UBS Securities LLC.; Banc of :
America Securities LLC; and Credit Suisse :
Securities (USA) LLC, :

Defendants. :

Raymond Shackelton, On Behalf of Himself : Civil Action No. 1:08-cv-487
and All Others Similarly Situated, : (Judge Sandra S. Beckwith)
 : (Mag. Timothy S. Hogan)

Plaintiff, :

v. :

Fifth Third Bancorp; Kevin T. Kabat, :

Defendants. :

Arnold R. Barnett and Leon H. Loewenstine, : Civil Action No. 1:08-cv-537
 Individually and on behalf of All Those : (Judge Sandra S. Beckwith)
 Similarly Situated, : (Mag. Judge Timothy S. Black)

Plaintiffs, :

v. :

Fifth Third Bancorp; Kevin T Kabat; :
 Citigroup Global Markets Inc.; Merrill :
 Lynch, Pierce, Fenner & Smith :
 Incorporated; Morgan Stanley & Co. :
 Incorporated; UBS Securities LLC.; and :
 Credit Suisse Securities (USA) LLC, :

Defendants. :

Sam McGee, Individually and on Behalf of : Civil Action No. 1:08-cv-539
 All Others Similarly Situated, : (Judge Sandra S. Beckwith)
 Plaintiff, : (Mag. Judge Timothy S. Hogan)

Plaintiff, :

v. :

Fifth Third Bancorp, Kevin T. Kabat, :
 Christopher G. Marshall, Daniel T. Poston, :
 and George A. Schaefer, Jr., :

Defendants. :

ORDER

The above captioned Plaintiffs filed four separate securities class actions. In response, four potential class members¹ moved for consolidation and lead plaintiff status under the Private Securities Litigation Reform Act (PSLRA). [15 U.S.C. § 78u-4(a)(3)(B); 15 U.S.C. § 77(a)(3)(B)]. Fifth Third Bancorp, Kevin T. Kabat, Christopher G. Marshall, Daniel T. Poston, and George A. Schaefer, Jr. (the “Fifth Third Defendants”) filed a response to the motion of consolidation. (Doc. 25). The Fifth Third Defendants do not oppose consolidation of the four cases. Therefore, this Court

¹The following filed motions for consolidation: The Eshe Fund Group (Doc. 9), Edwin B. Shelton (Doc. 10), the Pension Trust Funds (Doc. 16), and the Institutional Investor Group (Doc. 17). The Institutional Investor Group later withdrew its motion (Doc. 34).

GRANTS the movants' Motions for Consolidation. **ALL FUTURE PLEADINGS ARE TO BE FILED UNDER CIVIL CASE NUMBER 1:08-cv-421, ONLY.**

The Court is aware that the Fifth Third Defendants request consolidation of a fifth case, *John Dudenhoefer v. Fifth Third Bancorp, et al.*, Case No. 1:08-cv-538, for discovery purposes. The request is currently under consideration by this Court to be determined on at a later date.

Date December 15, 2008

s/Sandra S. Beckwith
Sandra S. Beckwith, Chief Judge
United States District Court