

UNITED STATES JUDICIAL PANEL

on

MULTIDISTRICT LITIGATION

FILED
OFFICE

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

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One Columbus Circle, NE
Thurgood Marshall Federal
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Room G-255, North Lobby
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September 22, 2008

J. Michael McMahon, Clerk
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: MDL No. 1945 -- IN RE: State Street Bank and Trust Co. Fixed Income Funds Investment Litigation

(See Attached CTO-2)

Dear Mr. McMahon:

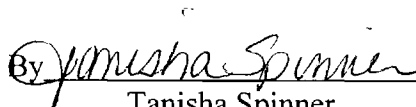
I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on September 4, 2008. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Tanisha Spinner
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Richard J. Holwell
Transferor Judge: Judge Joseph L. Tauro
Transferor Clerk: Sarah Thornton

Inasmuch as no objection is pending at this time, the stay is lifted.

SEP 22 2008

CLERK'S OFFICE
JUDICIAL PANEL ON
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SEP - 4 2008

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**IN RE: STATE STREET BANK AND TRUST CO.
FIXED INCOME FUNDS INVESTMENT
LITIGATION**

Ning Yu v. State Street Corp., et al.,)
D. Massachusetts, C.A. No. 1:08-11108)
~~Phyllis Crain v. State Street Corp., et al., vacated 9/16/08~~)
~~D. Massachusetts, C.A. No. 1:08-11261~~)

MDL No. 1945

CONDITIONAL TRANSFER ORDER (CTO-2)

On June 16, 2008, the Panel transferred two civil actions to the United States District Court for the Southern District of New York for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 560 F.Supp.2d 1388 (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Richard J. Holwell.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of New York and assigned to Judge Holwell.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Southern District of New York for the reasons stated in the order of June 16, 2008, and, with the consent of that court, assigned to the Honorable Richard J. Holwell.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of New York. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Jeffrey N. Lüthi
Clerk of the Panel

**IN RE: STATE STREET BANK AND TRUST CO.
FIXED INCOME FUNDS INVESTMENT
LITIGATION**

MDL No. 1945

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