

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-02556-DAB**

Kaess et al v. Deutsche Bank AG et al
Assigned to: Judge Deborah A. Batts
Lead case: [1:09-cv-01714-DAB](#)
Member cases:

[1:09-cv-02556-DAB](#)

[1:09-cv-03075-DAB](#)

[1:09-cv-03884-DAB](#)

[1:09-cv-03889-DAB](#)

[1:09-cv-04270-DAB](#)

Cause: 15:77 Securities Fraud

Plaintiff

Norbert G. Kaess
*on behalf of themselves and all others
similarly situated*

represented by **Brian Philip Murray**
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Plaintiff

Maria Farruggio
*on behalf of themselves and all others
similarly situated*

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Deborah R Gross
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Eva Hromadkova
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ATTORNEY TO BE NOTICED

V.

Defendant

Deutsche Bank AG

Defendant

**Deutsche Bank Capital Funding Trust
IX**

Defendant

**Deutsche BankD Capital Funding LLC
IX**

Defendant

**Deutsche Bank Capital Funding Trust
X**

Defendant

Deutsche Bank Capital Funding LLC X

Defendant

Josef Ackermann

Defendant

Anthony Di Iorio

Defendant

Hugo Banziger

Defendant

Hermann-Josef Lamberti

Defendant

Martin Edelmann

Defendant

Peter Sturzinger

Defendant

Marco Zimmermann

Defendant

Rainer Rauleder

Defendant

Jonathan Blake

Defendant

Tessen Von Heydebreck

Defendant

UBS Securities LLC

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Defendant

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Defendant

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Incorporated**

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Scott D. Musoff
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Defendant

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Defendant

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Defendant

Deutsche Bank Securities Inc.

Defendant

Banc of America Securities LLC

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Defendant

Rainer Rauleder

Movant

Belmont Holdings Corp.

represented by **Deborah R Gross**

(See above for address)

PRO HAC VICE

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/19/2009	<u>1</u>	COMPLAINT against Deutsche Bank Capital Funding Trust X, Deutsche Bank Capital Funding LLC X, Josef Ackermann, Anthony Di Iorio, Hugo Banziger, Hermann-Josef Lamberti, Martin Edelmann, Peter Sturzinger, Marco Zimmermann, Rainer Rauleder, Jonathan Blake, Tessen Von Heydebreck, UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Deutsche Bank Securities Inc., Banc of America Securities LLC, Deutsche Bank AG, Deutsche Bank Capital Funding

		Trust IX, Deutsche BankD Capital Funding LLC IX. (Filing Fee \$ 350.00, Receipt Number 682077)Document filed by Norbert G. Kaess, Maria Farruggio.(ama) (ama). (Entered: 03/23/2009)
03/19/2009		SUMMONS ISSUED as to Deutsche Bank Capital Funding Trust X, Deutsche Bank Capital Funding LLC X, Josef Ackermann, Anthony Di Iorio, Hugo Banziger, Hermann-Josef Lamberti, Martin Edelmann, Peter Sturzinger, Marco Zimmermann, Rainer Rauleder, Jonathan Blake, Tessen Von Heydebreck, UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Deutsche Bank Securities Inc., Banc of America Securities LLC, Deutsche Bank AG, Deutsche Bank Capital Funding Trust IX, Deutsche BankD Capital Funding LLC IX. (ama) (Entered: 03/23/2009)
03/19/2009		CASE REFERRED TO Judge Deborah A. Batts as possibly Related to 1:09-cv-1714. (ama) (Entered: 03/23/2009)
03/19/2009		Case Designated ECF. (ama) (Entered: 03/23/2009)
03/27/2009		CASE DECLINED AS NOT RELATED. Case referred as related to 1:09-cv-1714 and declined by Judge Deborah Batts and returned to wheel for assignment. (laq) (Entered: 03/30/2009)
03/27/2009	2	NOTICE OF CASE ASSIGNMENT to Judge William H. Pauley, III. Judge Unassigned is no longer assigned to the case. (laq) (Entered: 03/30/2009)
03/27/2009		Magistrate Judge Frank Maas is so designated. (laq) (Entered: 03/30/2009)
04/17/2009	3	NOTICE OF APPEARANCE by Jay B. Kasner on behalf of UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Banc of America Securities LLC (Kasner, Jay) (Entered: 04/17/2009)
04/17/2009	4	NOTICE OF APPEARANCE by Scott D. Musoff on behalf of UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith Incorporated, Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Banc of America Securities LLC (Musoff, Scott) (Entered: 04/17/2009)
04/23/2009	13	STIPULATION AND ORDER; I. The Defendants shall not be required to. and shall not waive any rights, arguments or defenses by failing to, answer, move, or otherwise respond to the complaint in this action until after Plaintiffs have filed a Consolidated Amended Complaint. Without limiting the foregoing, by entering into this Stipulation the Defendants do not waive, and expressly reserve, any and all defenses based on insufficiency of service of process and lack of personal jurisdiction. 2. The time for Plaintiffs to file a Consolidated Amended Complaint will be 45 days after entry of an order appointing Lead Plaintiff pursuant to Section 27(a)(3)(B), 15 U.S.C. § 77z-1 of the Securities Act of 1933 and/or Section 2ID(a)(3)(B), 15 U.S.C. § 78u - 4 of the Securities Exchange Act of 1934. The time for the Defendants to answer, move or otherwise respond to the Consolidated Amended Complaint will be 45 days from filing thereof. In the event the Defendants file a motion to dismiss the Consolidated Amended Complaint, Plaintiffs will have 45 days from filing of such motion in which to file papers in opposition to the motion. The Defendants will have 30 days from filing of Plaintiffs' opposition papers in which to file reply papers. (Signed by Judge William H.

		Pauley, III on 4/23/09) (pl) Modified on 6/25/2009 (pl). (Entered: 05/20/2009)
04/27/2009	5	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>AND CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . Document filed by Norbert G. Kaess. (Attachments: # 1 Exhibit Order Consolidating the Actions, Appointing Lead Plaintiff and Approving Selection of Lead Counsel, # 2 Memorandum in Support, # 3 Declaration of Mario Alba in Support, # 4 Exhibit A to Alba Declaration, # 5 Exhibit B to Alba Declaration, # 6 Exhibit C to Alba Declaration, # 7 Exhibit D to Alba Declaration, # 8 Exhibit E to Alba Declaration)(Alba, Mario) Modified on 4/28/2009 (db). (Entered: 04/27/2009)
04/27/2009	6	MOTION to Appoint Norbert G. Kaess and Maria Farruggio to serve as lead plaintiff(s). Document filed by Norbert G. Kaess.(Hromadkova, Eva) (Entered: 04/27/2009)
04/27/2009	7	MEMORANDUM OF LAW in Support re: 6 MOTION to Appoint Norbert G. Kaess and Maria Farruggio to serve as lead plaintiff(s).. Document filed by Norbert G. Kaess. (Hromadkova, Eva) (Entered: 04/27/2009)
04/27/2009	8	DECLARATION of Eva Hromadkova in Support re: 6 MOTION to Appoint Norbert G. Kaess and Maria Farruggio to serve as lead plaintiff(s).. Document filed by Norbert G. Kaess. (Hromadkova, Eva) (Entered: 04/27/2009)
04/27/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Mario Alba to RE-FILE Document 5 MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>AND CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>AND CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>AND CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . ERROR(S): Supporting Document must be filed separately (i.e. Memorandum of Law and Declarations of Law in Support of Motions to be filed individually). ***REMINDER***, First Re-File Motion, then file and link any supporting documents. (db) (Entered: 04/28/2009)
04/28/2009	9	ORDER FOR INITIAL PRETRIAL CONFERENCE:... Initial Conference set for 6/5/2009 at 10:00 AM in Courtroom 11D, 500 Pearl Street, New York, NY 10007 before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 4/27/09) (js) Copies Mailed By Chambers (Entered: 04/28/2009)
05/01/2009	10	NOTICE OF CASE REASSIGNMENT to Judge Deborah A. Batts. Judge William H. Pauley, III is no longer assigned to the case. (ldi) (Entered: 05/05/2009)
05/14/2009	11	MEMORANDUM OF LAW in Opposition re: 5 MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>AND CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>AND CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>AND CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> .. Document filed by Norbert G. Kaess. (Linkh, Gregory) (Entered: 05/14/2009)

05/14/2009	12	MOTION for Deborah R. Gross to Appear Pro Hac Vice. Document filed by Belmont Holdings Corp.(dle) (Entered: 05/18/2009)
05/26/2009	14	REPLY MEMORANDUM OF LAW in Support re: 6 MOTION to Appoint Norbert G. Kaess and Maria Farruggio to serve as lead plaintiff(s).. Document filed by Norbert G. Kaess. (Linkh, Gregory) (Entered: 05/26/2009)
05/27/2009	15	RESPONSE to Motion re: 6 MOTION to Appoint Norbert G. Kaess and Maria Farruggio to serve as lead plaintiff(s).. Document filed by Deutsche Bank Capital Funding Trust X, Deutsche Bank Capital Funding LLC X, Deutsche Bank Securities Inc., Deutsche Bank AG, Deutsche Bank Capital Funding Trust IX, Deutsche BankD Capital Funding LLC IX. (Januszewski, David) (Entered: 05/27/2009)
07/08/2009	16	ORDER GRANTING MOTION FOR ADMISSION PRO HAC VICE: granting motion for Deborah R. Gross to Appear Pro Hac Vice. filed by Belmont Holdings Corp. (Signed by Judge Deborah A. Batts on 7/8/2009) (jfe) (Entered: 07/09/2009)
07/08/2009		Transmission to Attorney Admissions Clerk. Transmitted re: 16 Order, Terminate Motions, to the Attorney Admissions Clerk for updating of Attorney Information. (jfe) (Entered: 07/09/2009)
08/11/2009		CONSOLIDATED MEMBER CASE: Create association to 1:09-cv-01714-DAB. (tro) (Entered: 08/12/2009)
08/11/2009	17	ORDER: For the reasons stated herein, Belmont Holdings' motion to consolidate is GRANTED, while its motion for appointment as lead plaintiff and for appointment of lead counsel is DENIED. Kaess and Farruggio's motion for appointment as lead plaintiff and for appointment of lead counsel is GRANTED. Accordingly the Court finds that consolidation of the six actions is appropriate to promote judicial efficiency and to avoid unnecessary cost and delay. The consolidated class shall include all those who purchased or otherwise acquired Deutsche Bank AG's 6.375%, 6.55%, 6.625%, 7.35%, 7.60%, and 8.05% Securities, traceable to the Company's October 2006, May 2007, July 2007, November 2007, February 2008, and May 2008 Registration Statements and Prospecti, respectively. Accordingly, the Court finds that Kaess and Farruggio satisfy Rule 23's typicality requirement. Accordingly, the Court finds that Kaess and Farruggio are the most adequate Lead Plaintiff. Belmont Holdings' has not rebutted the presumption established by the factors under § 78u- 4 (a) (3) (B) (iii) (I). Accordingly, Kaess and Farruggio are appointed Lead Plaintiff for the now consolidated Deutsche Bank AG class action currently pending before this Court. Kaess and Farruggio have selected Murray, Frank & Sailer LLP to serve as Lead Counsel. As discussed in this Order, the Court finds that Kaess and Farruggio's choice of counsel is qualified to prosecute this securities class action. Accordingly, this Court approves the selection of Murray, Frank & Sailer LLP as Lead Counsel. The following six actions are hereby consolidated for all purposes, including pretrial proceedings, trial, and appeal, pursuant to F.R.C.P. 42(a): 09-cv-1714, 09-cv-2556, 09-cv-3075, 09-cv-3884, 09-cv-3889, and 09-cv-4270. The caption of these consolidated actions shall be "In re Deutsche Bank AG Securities Litigation" and the files of these consolidated actions shall be maintained in one file under Master File No. 09 Civ. 1714 (DAB). Every pleading filed in the consolidated actions or in any separate action included herein, shall bear the following caption: In re Deutsche Bank AG Securities Litigation; 09-cv-1714. When a pleading is intended to be applicable to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates

To:" in the caption set out above. When a pleading is intended to be applicable to only some, but not all of the consolidated actions, this Court's docket number for each individual action to which the pleading is intended to be applicable and the last name of the first-named plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption described above. When a pleading is filed and the caption shows that it is applicable to "All Actions," the clerk shall file such pleading in the Master File and note such filing on the Master Docket. No further copies need to be filed, and no other docket entries need be made. When a pleading is filed and the caption shows that it is to be applicable to fewer than all of the consolidated actions, the Clerk will file such pleading in the Master File only, but shall docket such filing on the Master Docket and the docket of each applicable action. The Court directs counsel to bring to the attention of the Clerk of Court the filing or transfer of any case that might be consolidated as part of In re Deutsche Bank AG Securities Litigation. Kaess and Farruggio's Motion for Appointment as Lead Plaintiff is GRANTED. The law firm of Murray, Frank & Sailer LLP is appointed Lead Counsel. The Clerk of Court is hereby directed to terminate all other motions for consolidation, to appoint lead plaintiff or to appoint lead counsel in actions 09 Civ. 1714, 09 Civ. 2556, 09 civ. 3075, 09 Civ. 3884, 09 Civ. 3889, and 09 Civ. 4270. Plaintiffs shall file a Consolidated Complaint within 30 days of the date of this Order. The Defendants shall move or answer within 20 days after filing of the Consolidated Complaint. (Signed by Judge Deborah A. Batts on 8/11/09) Filed In Associated Cases: 1:09-cv-01714-DAB et al.(tro) (Entered: 08/12/2009)

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