

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-03884-DAB**

Gerson 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](#)

Related Case: [1:09-cv-01714-DAB](#)
Cause: 15:78m(a) Securities Exchange Act

Plaintiff

George Gerson
*Individually and on behalf of all others
similarly situated*

represented by **David Avi Rosenfeld**
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V.

Defendant

Deutsche Bank AG

Defendant

**Deutsche Bank Capital Funding Trust
VIII**

Defendant

**Deutsche Bank Capital Funding LLC
VIII**

Defendant

**Deutsche Bank Contingent Capital
Trust II**

Defendant

**Deutsche Bank Contingent Capital LLC
II**

Defendant

**Deutsche Bank Capital Funding Trust
IX**

Defendant

**Deutsche Bank Capital Funding LLC
IX**

Defendant

**Deutsche Bank Capital Funding Trust
X**

Defendant

Deutsche Bank Capital Funding LLC X

Defendant

**Deutsche Bank Contingent Capital
Trust III**

Defendant

**Deutsche Bank Contingent Capital LLC
III**

Defendant

**Deutsche Bank Contingent Capital
Trust V**

Defendant

**Deutsche Bank Contingent Capital LLC
V**

Defendant

Josef Ackermann

Defendant

Anthony Di Iorio

Defendant

Hugo Banziger

Defendant

Tessen Von Heydebreck

Defendant

Josef Lamberti

Defendant

Martin Edelmann

Defendant

Marco Sturzinger

Defendant

Deutsche Bank Securities Inc.

Defendant

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Defendant

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Defendant

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Defendant

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Defendant

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ATTORNEY TO BE NOTICED

Scott D. Musoff
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**KPMG Deutsche Treuhand-
Gesellschaft**

Defendant

KPMG International

Movant

Belmont Holdings Corp.

represented by **Deborah R Gross**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/17/2009	<u>1</u>	COMPLAINT against Deutsche Bank Capital Funding Trust X, Deutsche Bank Capital Funding LLC X, Deutsche Bank Contingent Capital Trust III, Deutsche Bank Contingent Capital LLC III, Deutsche Bank Contingent Capital Trust V, Deutsche Bank Contingent Capital LLC V, Josef Ackermann, Anthony Di Iorio, Hugo Banziger, Tessen Von Heydebreck, Josef Lamberti, Martin Edelmann, Marco Sturzinger, Deutsche Bank Securities Inc., UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Bank of America Securities, LLC, KPMG Deutsche Treuhand-Gesellschaft, KPMG International, Deutsche Bank AG, Deutsche Bank Capital Funding Trust VIII, Deutsche Bank Capital Funding LLC VIII, Deutsche Bank Contingent Capital Trust II, Deutsche Bank Contingent Capital LLC II, Deutsche Bank Capital Funding Trust IX, Deutsche Bank Capital Funding LLC IX. (Filing Fee \$ 350.00, Receipt Number 684547)Document filed by George Gerson.(rdz) (ama). (Entered: 04/20/2009)
04/17/2009		SUMMONS ISSUED as to Deutsche Bank Capital Funding Trust X, Deutsche Bank Capital Funding LLC X, Deutsche Bank Contingent Capital Trust III, Deutsche Bank Contingent Capital LLC III, Deutsche Bank Contingent Capital Trust V, Deutsche Bank Contingent Capital LLC V, Josef Ackermann, Anthony Di Iorio, Hugo Banziger, Tessen Von Heydebreck, Josef Lamberti, Martin Edelmann, Marco Sturzinger, Deutsche Bank Securities Inc., UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Bank of America Securities, LLC, KPMG Deutsche Treuhand-Gesellschaft, KPMG International, Deutsche Bank AG, Deutsche Bank Capital Funding Trust VIII, Deutsche Bank Capital Funding LLC VIII, Deutsche Bank Contingent Capital Trust II, Deutsche Bank Contingent Capital LLC II, Deutsche Bank Capital Funding Trust IX, Deutsche Bank Capital Funding LLC IX. (rdz) (Entered: 04/20/2009)
04/17/2009		CASE REFERRED TO Judge Deborah A. Batts as possibly Related to 09-cv-1714. (rdz) (Entered: 04/20/2009)
04/17/2009		Case Designated ECF. (rdz) (Entered: 04/20/2009)
04/17/2009	2	RELATED CASE AFFIRMATION of George Gerson re: that this action be filed as related to 09-cv-1714 (DAB). Document filed by George Gerson.(rdz) (Entered: 04/20/2009)
04/20/2009		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney David Avi Rosenfeld for noncompliance with Section (14.3) of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <u>1</u> Complaint, 2 Statement of Relatedness to: case_openings@nysd.uscourts.gov. (rdz) (Entered: 04/20/2009)
04/22/2009		CASE ACCEPTED AS RELATED. Create association to 1:09-cv-01714-DAB. Notice of Assignment to follow. (ldi) (Entered: 04/23/2009)
04/22/2009	<u>3</u>	NOTICE OF CASE ASSIGNMENT to Judge Deborah A. Batts. Judge Unassigned is no longer assigned to the case. (ldi) (Entered: 04/23/2009)

04/22/2009		Magistrate Judge James C. Francis IV is so designated. (ldi) (Entered: 04/23/2009)
04/27/2009	4	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>FOR CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . Document filed by George Gerson. (Attachments: # 1 Exhibit Order Consolidating the Actions, Appointing Lead Plaintiff and Approving Selection of Lead Counsel, # 2 Memorandum of Law in Support, # 3 Declaration of Marion 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		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Mario Alba to RE-FILE Document 4 MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>FOR CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>FOR CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>FOR CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . ERROR(S): Supporting Document must be filed separately (i.e. Memorandum and Declarations 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)
05/07/2009	5	NOTICE OF APPEARANCE by Jay B. Kasner on behalf of UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Bank of America Securities, LLC (Kasner, Jay) (Entered: 05/07/2009)
05/07/2009	6	NOTICE OF APPEARANCE by Scott D. Musoff on behalf of UBS Securities LLC, Citigroup Global Markets Inc., Merrill Lynch, Pierce, Fenner & Smith, Inc., Wachovia Capital Markets, LLC, Morgan Stanley & Co. Incorporated, Bank of America Securities, LLC (Musoff, Scott) (Entered: 05/07/2009)
05/14/2009	7	MOTION for Deborah R. Gross to Appear Pro Hac Vice. Document filed by Belmont Holdings Corp.(dle) (Entered: 05/18/2009)
05/27/2009	8	RESPONSE to Motion re: 4 MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>FOR CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>FOR CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . MOTION to Appoint Belmont Holdings Corp. to serve as lead plaintiff(s) <i>FOR CONSOLIDATION AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> .. Document filed by Deutsche Bank Capital Funding Trust X, Deutsche Bank Capital Funding LLC X, Deutsche Bank Contingent Capital Trust III, Deutsche Bank Contingent Capital LLC III, Deutsche Bank Contingent Capital Trust V, Deutsche Bank Contingent Capital LLC V, Deutsche Bank Securities Inc., Deutsche Bank AG, Deutsche Bank Capital Funding Trust VIII, Deutsche Bank Capital Funding LLC VIII, Deutsche Bank Contingent Capital Trust II, Deutsche Bank Contingent Capital LLC II, Deutsche Bank Capital Funding Trust IX. (Januszewski, David) (Entered: 05/27/2009)
07/08/2009	9	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: 9 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	10	<p>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</p>

	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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