

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-06762-LAK**

New Jersey Carpenters Health Fund v. Lehman XS Trust Series 2005-5N et al

Date Filed: Jul. 29, 2008
Nature of suit: 890 Other Statutory Actions
Assigned to: [Judge Lewis A. Kaplan](#)
Case in other court: Supreme Court, State of New York-New York County, 602158-08
Cause: 15:77 Securities Fraud
Jurisdiction: Federal Question
Jury demand: None
Lead case: 1:21-mc-00104-LAK
Member cases: 1:08-cv-05523-LAK
1:08-cv-05598-LAK
1:08-cv-06762-LAK
1:08-cv-08225-LAK
1:08-cv-09404-LAK
1:08-cv-09578-LAK
1:08-cv-09793-LAK
1:08-cv-10008-LAK
1:08-cv-10058-LAK
1:08-cv-10206-LAK
1:08-cv-10686-LAK
Related cases: 1:08-cv-05523-LAK
1:08-cv-10686-LAK

Parties and Attorneys

Plaintiff

New Jersey Carpenters Health Fund
On Behalf of Itself and All Others Similarly Situated

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TERMINATED: 11/13/2008
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Movant

Local 302 and 612 - Int'l Union of Operating Engineers

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ADR Provider

**James W. Giddens, as Trustee for the Liquidation of the Business
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Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
1	Jul. 29, 2008	1	NOTICE OF REMOVAL from Supreme Court, County of New York. Case Number: 602158-08. (Filing Fee \$ 350.00, Receipt Number 658519).Document filed by Lehman XS Trust Series 2006-16N, Structured Asset Securities Corporation, Mark L. Zusy, Samir Tabet, James J. Sullivan, Lehman Brothers, Inc., Lehman XS Trust Series 2005-5N, Lehman XS Trust Series 2005-7N, Lehman XS Trust Series 2005-9N, Lehman XS Trust Series 2006-2N.(db) (Entered: 07/31/2008)
2	Jul. 29, 2008		Case Designated ECF. (db) (Entered: 07/31/2008)
3	Jul. 29, 2008		CASE REFERRED TO Judge Lewis A. Kaplan as possibly related to 1:08-cv-5523. (db) (Entered: 07/31/2008)
4	Jul. 29, 2008	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Lehman Brothers Holdings Inc. as Corporate Parent. Document filed by Lehman Brothers, Inc.(db) (Entered: 07/31/2008)
5	Jul. 29, 2008	3	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Lehman Commercial Paper Inc. as Corporate Parent. Document filed by Structured Asset Securities Corporation.(db) (Entered: 07/31/2008)
6	Aug. 01, 2008	4	CERTIFICATE OF SERVICE of Notice of Removal, Civil Cover Sheet, and Rule 7.1 Statements served on Daniel B. Rehns, Esq. on 7/29/08. Document filed by Structured Asset Securities Corporation, Lehman Brothers, Inc.. (Curnin, Paul) (Entered: 08/01/2008)
7	Aug. 25, 2008	5	NOTICE OF APPEARANCE by Daniel Brett Rehns on behalf of New Jersey Carpenters Health Fund (Rehns, Daniel) (Entered: 08/25/2008)
8	Aug. 28, 2008	6	MOTION to Remand to State Court Supreme New York, New York County. Document filed by New Jersey Carpenters Health Fund.(Rehns, Daniel) (Entered: 08/28/2008)
9	Aug. 28, 2008	7	MEMORANDUM OF LAW in Support re: 6 MOTION to Remand to State Court Supreme New York, New York County.. Document filed by New Jersey Carpenters Health Fund. (Rehns, Daniel) (Entered: 08/28/2008)
10	Aug. 28, 2008	8	DECLARATION of Joel P. Laitman in Support re: 6 MOTION to Remand to State Court Supreme New York, New York County.. Document filed by New Jersey Carpenters Health Fund. (Attachments: # 1 Exhibit Ex. A(1) - Initial Class Action Complaint, # 2 Exhibit Ex. A (2) - Initial Class Action Complaint, # 3 Exhibit Ex. B - Defendants' Notice of Removal)(Rehns, Daniel) (Entered: 08/28/2008)
11	Sep. 05, 2008		CASE ACCEPTED AS RELATED. Create association to 1:08-cv-05523-LAK. Notice of Assignment to follow. (mbe) (Entered: 09/10/2008)
12	Sep. 05, 2008	9	NOTICE OF CASE Assignment to Judge Lewis A. Kaplan. (mbe) (mbe).

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			(mbe). (Entered: 09/10/2008)
13	Sep. 05, 2008		Magistrate Judge Gabriel W. Gorenstein is so designated. (mbe) (Entered: 09/10/2008)
14	Sep. 10, 2008	10	NOTICE OF APPEARANCE by Christopher Lometti on behalf of New Jersey Carpenters Health Fund (Lometti, Christopher) (Entered: 09/10/2008)
15	Sep. 15, 2008	11	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between the parties that Defendants shall file and serve their opposition to Plaintiffs Remand Motion no later than September 22, 2008. Plaintiff shall file and serve its reply brief five business days after the filing and service of Defendants' opposition brief. (Signed by Judge Lewis A. Kaplan on 9/15/2008) (jpo) (Entered: 09/16/2008)
16	Sep. 16, 2008		Set/Reset Deadlines: Responses due by 9/22/2008 (jpo) (Entered: 09/25/2008)
17	Oct. 02, 2008	12	STIPULATION AND ORDER withdrawing 6 Motion to Remand to State Court. Plaintiff shall serve and file an Amended Complaint by 10/20/08. (Signed by Judge Lewis A. Kaplan on 10/2/08) (db) (Entered: 10/02/2008)
18	Oct. 02, 2008		Set/Reset Deadlines: Amended Pleadings due by 10/20/2008. (db) (Entered: 10/02/2008)
19	Oct. 08, 2008	13	NOTICE of Liquidation Proceeding and Automatic Stay. Document filed by Structured Asset Securities Corporation, Mark L. Zusy, Samir Tabet, James J. Sullivan, Lehman Brothers, Inc.. (Chepiga, Michael) (Entered: 10/08/2008)
20	Oct. 16, 2008	14	STIPULATION AND ORDER: (1) On or before October 31, 2008, Plaintiff shall either: (a) serve and file an amended complaint which does not assert claims under the Securities Act of 1933 or the Exchange Act of 1934 or (b) pursuant to the PSLRA, 15 U.S.C. § 77z-1(a)(3A)(i), Plaintiff shall cause to be published, in a widely circulated national business-oriented publication or wire service, a notice (the "Notice of Pendency") advising members of the purported plaintiff class of the pendency of this action. (2) In the event that Plaintiff publishes a PSLRA notice, (a) Pursuant to 15 U.S.C. § 77z-1(3)(A)(i){II}, any motion(s) for Lead Plaintiff of the purported class shall be filed within sixty (60) days from the date Notice of Pendency is published. The Court will decide the Lead Plaintiff motion(s) by January 30, 2009 or no later than ninety (90) days after the Notice of Pendency has been published (b) Lead Plaintiff shall then file a first amended class action complaint by March 30,2009 or no later than sixty (60) days after entry of the Order appointing it Lead Plaintiff; (c) Defendants shall serve and file answers to the amended complaint and or motions to dismiss by May 14, 2009 or no later than forty-five (45) days after service of the amended complaint. Lead Plaintiff shall serve and file opposition papers by June 29, 2009 or no later than forty-five (45) days after the service of motion to dismiss, Reply papers shall be served and filed by July 20,2009 or no later than twenty-one (21) days after service of opposition papers; and (d) Pursuant to the PSLRA, discovery will be stayed pending the determination of the motions to dismiss. (3) In the event that Plaintiff files an Amended Complaint which does not contain any claims under the Securities Act or the Exchange Act, (a) Defendants shall serve and file answers to the amended complaint and/or motions to dismiss by

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			December 15, 2008 or no later than forty-five (45) days after service of the amended complaint. Plaintiff shall serve and file opposition papers by January 29, 2009, or no later than forty-five (45) days after the service of motions to dismiss. Reply papers shall be served and filed by February 19, 2009 or no later than twenty-one (21) days after service of opposition papers. (Amended Pleadings due by 3/30/2009. Motions due by 5/14/2009. Replies due by 7/20/2009. Responses due by 6/29/2009) (Signed by Judge Lewis A. Kaplan on 10/15/08) (db) Modified on 10/22/2008 (db). Modified on 10/22/2008 (db). (Entered: 10/16/2008)
21	Nov. 13, 2008	15	NOTICE OF APPEARANCE by Sarah Loomis Cave on behalf of James W. Giddens, as Trustee for the Liquidation of the Business of Lehman Brothers Inc. (Attachments: # 1 Certificate of Service)(Cave, Sarah) (Entered: 11/13/2008)
22	Nov. 13, 2008	16	STIPULATION AND ORDER, It is hereby stipulated and agreed that Simpson Thacher & Bartlett LLP is relieved as counsel for Lehman. (Signed by Judge Lewis A. Kaplan on 11/10/08) (mme) (Entered: 11/13/2008)
23	Dec. 23, 2008	17	ORDER Simpson Thatcher's request to extend time to respond to the Operative Plasterers amended complaint is granted, sine die. The Court will hold a scheduling conference and hear argument on all pending motions in the above cited cases on January 8, 2009 at 2:30 pm. SO ORDERED. (Scheduling Conference set for 1/8/2009 at 2:30 PM before Judge Lewis A. Kaplan.) (Signed by Judge Lewis A. Kaplan on 12/23/2008) (jmi) (Entered: 12/23/2008)
24	Dec. 29, 2008	18	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Appoint Local 302 and 612 of the Int'l Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s) and approve selection of Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel. Document filed by Local 302 and 612 - Int'l Union of Operating Engineers.(Schirripa, Frank) Modified on 12/31/2008 (jar). (Entered: 12/29/2008)
25	Dec. 29, 2008	19	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: 18 MOTION to Appoint Local 302 and 612 of the Int'l Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s) and approve selection of Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel MOTION to Appoint Local 302 and 612 of the Int'l Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s) and approve selection of Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel. Document filed by Local 302 and 612 - Int'l Union of Operating Engineers. (Schirripa, Frank) Modified on 12/31/2008 (jar). (Entered: 12/29/2008)
26	Dec. 29, 2008	20	FILING ERROR - DEFICIENT DOCKET ENTRY - DECLARATION of Christopher Lometti in Support re: 18 MOTION to Appoint Local 302 and 612 of the Int'l Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s) and approve selection of Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel MOTION to Appoint Local 302 and 612 of the Int'l Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead

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			plaintiff(s) and approve selection of Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel. Document filed by Local 302 and 612 - Int'l Union of Operating Engineers. (Attachments: # 1 Exhibit Ex A - PSLRA Publication, # 2 Exhibit Ex B - Certification, # 3 Exhibit Ex C - SSSL Firm Bio)(Schirripa, Frank) Modified on 12/31/2008 (jar). (Entered: 12/29/2008)
27	Dec. 29, 2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Frank Schirripa to RE-FILE Document 18 MOTION to Appoint Local 302 and 612 of the Int'l Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s) and approve selection of Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel. ERROR(S): When filing a Motion with multiple requests each specific request must be selected from the Motions menu. (Ex/ Appoint Lead Plaintiff(s) and Appoint Counsel or Approve.) (jar) (Entered: 12/31/2008)
28	Dec. 29, 2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Frank Schirripa to RE-FILE Document 19 Memorandum of Law in Support of Motion. ERROR(S): Link supporting document to correctly re-filed motion. (jar) (Entered: 12/31/2008)
29	Dec. 29, 2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Frank Schirripa to RE-FILE Document 20 Declaration in Support of Motion. ERROR(S): Link supporting document to correctly re-filed motion. (jar) (Entered: 12/31/2008)
30	Dec. 31, 2008	21	MOTION to Appoint Local 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s)., MOTION to Appoint Counsel Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel. Document filed by Local 302 and 612 - Int'l Union of Operating Engineers.(Schirripa, Frank) (Entered: 12/31/2008)
31	Dec. 31, 2008	22	MEMORANDUM OF LAW in Support re: 21 MOTION to Appoint Local 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s). MOTION to Appoint Counsel Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel. MOTION to Appoint Local 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s).. Document filed by Local 302 and 612 - Int'l Union of Operating Engineers. (Schirripa, Frank) (Entered: 12/31/2008)
32	Dec. 31, 2008	23	DECLARATION of Christopher Lometti in Support re: 21 MOTION to Appoint Local 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s). MOTION to Appoint Counsel Schoengold Sporn Laitman & Lometti, P.C. as Lead Counsel. MOTION to Appoint Local 302 and 612 of the International Union of Operating Engineers-Employers Construction Industry Retirement Trust to serve as lead plaintiff(s).. Document filed by Local 302 and 612 - Int'l Union of Operating Engineers. (Attachments: # 1 Exhibit Ex A - press release, # 2 Exhibit Ex B - Certification, # 3 Exhibit Ex C - SSSL bio)(Schirripa, Frank) (Entered: 12/31/2008)

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33	Jan. 09, 2009		CONSOLIDATED MEMBER CASE: Create association to 1:21-mc-00104-LAK. (rjm) (Entered: 01/12/2009)
34	Jan. 09, 2009	24	PRETRIAL ORDER NO. 1 (Initial Case Management Order)... The following actions are consolidated for all pretrial purposes with 08 Civ. 5523 (LAK): 08 Civ. 5523, 08 Civ. 8225, 08 Civ. 9404, 08 Civ. 9578, 08 Civ. 9793, 08 Civ. 10008, 08 Civ. 10058, and 08 Civ. 10206. They are referred to collectively as In re Lehman Brothers Equity/Debt Securities Litigation. The following actions are consolidated for all purposes into 08 Civ. 6762 (LAK), and the caption of that action is amended to be In re Lehman Brothers Mortgage-Backed Securities Litigation: 08 Civ. 6762 and 08 Civ. 10686. In re Lehman Brothers Equity/Debt Securities Litigation (08 Civ. 5523 (LAK)), In re Lehman Brothers Mortgage-Backed Securities Litigation (08 Civ. 6762) (LAK) and In re Lehman Brothers ERISA Litigation (08 Civ. 5598 (LAK)) are consolidated for discovery purposes. The Clerk will maintain a master docket and case file under the style In re Lehman Brothers Securities and ERISA Litigation to which he shall assign a file number in the "MD" series... There shall be a single consolidated amended complaint in each of In re Lehman Brothers Equity/Debt Securities Litigation and In re Lehman Brothers Mortgage-Backed Securities Litigation, each of which shall be served and filed no later than 45 days after the date hereof. Defendants thereafter shall answer, move or otherwise response thereto no later than 45 days later... This order resolves, and the clerk shall terminate, the following motions: (Case No. followed by Document Item(s): 08 Civ. 5523 9, 14, 17, 19, 22, 26; 08 Civ. 6762, 21; 08 Civ. 8225 40, 44, 47, 50, 60, 71; 08 Civ. 9404 14, 18, 21, 23, 26, 30; 08 Civ. 9578 9, 14, 17, 19, 22, 26; 08 Civ. 9793 16; 08 Civ. 10008 2, 8; 08 Civ. 10058 4, 8, 11, 13, 16, 20; 08 Civ. 10206 5, 9, 17... and as further set forth in said Pretrial Order No. 1. (Signed by Judge Lewis A. Kaplan on 1/9/09) Filed In Associated Cases: 1:21-mc-00104-LAK et al.(rjm) (Entered: 01/12/2009)