

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re: :
: :
LEHMAN BROTHERS SECURITIES : 09 MD 2017 (LAK)
AND ERISA LITIGATION : :
: ECF Case
This document applies to: :
: :
In re Lehman Brothers Mortgage-Backed Securities :
Litigation, No. 08-CV-6762 (LAK) :
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NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the Memorandum of Law in Support of Individual Defendants' Motion to Dismiss the claims of the Amended Consolidated Class Action Complaint and the annexed declaration of Mary Elizabeth McGarry, Esq., dated April 27, 2009, and the exhibits attached thereto, Defendants Lana Franks, Edward Grieb, Richard McKinney, Kristine Smith, James J. Sullivan, Samir Tabet and Mark L. Zusy by their undersigned attorneys hereby move this Court, before the Honorable Lewis A. Kaplan, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date and at a time designated by the Court, for an Order: (i) dismissing with prejudice the Securities Act Claims of Plaintiffs' Amended Consolidated Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and (ii) for such other and further relief as this Court may deem just and proper.

Dated: New York, New York
April 27, 2009

Respectfully submitted,

SIMPSON THACHER & BARTLETT LLP

By /s/ Michael J. Chepiga

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