

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-04414-LTS**

West Virginia Investment Management Board v. Morgan
Stanley Capital I Inc. et al

Assigned to: Judge Laura Taylor Swain

Lead case: [1:09-cv-02137-LTS](#)

Member case:

[1:09-cv-04414-LTS](#)

Related Case: [1:09-cv-02137-LTS](#)

Cause: 15:78m(a) Securities Exchange Act

Date Filed: 05/07/2009

Jury Demand: Plaintiff

Nature of Suit: 850

Securities/Commodities

Jurisdiction: Federal Question

Plaintiff

**West Virginia Investment Management
Board**

*Individually and on behalf of all others
similarly situated*

represented by **David Avi Rosenfeld**
Coughlin Stoia Geller Rudman &
Robbins, LLP
58 South Service Road
Suite 200
Melville , NY 11747
(631) 367-7100
Fax: (631) 367-1173
Email: drosenfeld@csgrr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel Howard Rudman
Coughlin Stoia Geller Rudman &
Robbins, LLP
58 South Service Road
Suite 200
Melville , NY 11747
(631) 367-7100
Fax: (631) 367-1173
Email: srudman@csgrr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Morgan Stanley Capital I Inc.

represented by **James P. Rouhandeh**
Davis Polk & Wardwell
450 Lexington Avenue

New York , NY 10017
(212)-450-4835
Fax: (212)-450-3835
Email: james.rouhandeh@dpw.com
ATTORNEY TO BE NOTICED

William Joseph Fenrich
Davis Polk & Wardwell
450 Lexington Avenue
New York , NY 10017
(212)-450-4000
Fax: (212)-450-3800
Email: william.fenrich@dpw.com
ATTORNEY TO BE NOTICED

Defendant

Morgan Stanley Mortgage Capital Inc.

represented by **James P. Rouhandeh**
(See above for address)
ATTORNEY TO BE NOTICED

William Joseph Fenrich
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-5AR**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-4SL**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-6AR**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-7**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-8AR**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-10SL**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-9AR**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-11**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-13ARX**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-12XS**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-14SL**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-15SXS**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-16AX**

Defendant

**Morgan Stanley Mortgage Loan Trust
2006-17XS**

Defendant

Morgan Stanley Mortgage Loan Trust

2007-2AX

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-1XS**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-3XS**

Defendant

**Morgan Stanley Mortgage Loan Trust
20075AX**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-4SL**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-6XS**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-7AX**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-8XS**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-9SL**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-11AR**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-10XS**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-12**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-13**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-14AR**

Defendant

**Morgan Stanley Mortgage Loan Trust
2007-15AR**

Defendant

Morgan Stanley & Co. Incorporated

represented by **James P. Rouhandeh**
(See above for address)
ATTORNEY TO BE NOTICED

William Joseph Fenrich
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Moody's Investors Service, Inc.

Defendant

Standard & Poor's Rating Services

Defendant

The McGraw-Hill Companies, Inc.

represented by **Adam Nelson Zurofsky**
Cahill Gordon & Reindel LLP
80 Pine Street
New York , NY 10005
212.701.3000
Fax: 212.378.2732

Email: azurofsky@cahill.com
ATTORNEY TO BE NOTICED

Floyd Abrams
Cahill Gordon & Reindel LLP
80 Pine Street
New York , NY 10005
(212)-701-3621
Fax: (212)-269-5420
Email: fabrams@cahill.com
ATTORNEY TO BE NOTICED

Sarah Penny Windle
Cahill Gordon & Reindel LLP
80 Pine Street
New York , NY 10005
(212)-701-3693
Fax: (212)-269-5420
Email: windls@cahill.com
ATTORNEY TO BE NOTICED

Tammy Lynn Roy
Cahill Gordon et ano.
80 Pine Street
New York , NY 10005
(212)-701-3720
Fax: (212)-269-5420
Email: troy@cahill.com
ATTORNEY TO BE NOTICED

Defendant

Fitch, Inc.

represented by **Andrew James Ehrlich**
Paul, Weiss, Rifkind, Wharton & Garrison
LLP (NY)
1285 Avenue of the Americas
New York , NY 10019
(212) 373-3166
Fax: 212.373-0166
Email: aehrlich@paulweiss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Martin Flumenbaum
Paul, Weiss, Rifkind, Wharton & Garrison
LLP (NY)
1285 Avenue of the Americas
New York , NY 10019
(212)-373-3191
Fax: (212)-492-0191

Email: mflumenbaum@paulweiss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roberta Ann Kaplan
Paul, Weiss, Rifkind, Wharton & Garrison
LLP (NY)
1285 Avenue of the Americas
New York , NY 10019
212-373-3086
Fax: 212-373-2037
Email: rkaplan@paulweiss.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tobias James Stern
Paul, Weiss, Rifkind, Wharton & Garrison
LLP (NY)
1285 Avenue of the Americas
New York , NY 10019
(212)-373-3709
Fax: (212)-492-0709
Email: tstern@paulweiss.com
ATTORNEY TO BE NOTICED

Defendant

David R. Warren

represented by **James P. Rouhandeh**
(See above for address)
ATTORNEY TO BE NOTICED

William Joseph Fenrich
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

William J. Forsell

represented by **James P. Rouhandeh**
(See above for address)
ATTORNEY TO BE NOTICED

William Joseph Fenrich
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Anthony B. Tufariello

represented by **William Joseph Fenrich**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Valerie H. Kay

represented by **James P. Rouhandeh**
(See above for address)
ATTORNEY TO BE NOTICED

William Joseph Fenrich
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Steven S. Stern

represented by **James P. Rouhandeh**
(See above for address)
ATTORNEY TO BE NOTICED

William Joseph Fenrich
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/07/2009	<u>1</u>	COMPLAINT against Morgan Stanley Mortgage Loan Trust 2006-8AR, Morgan Stanley Mortgage Loan Trust 2006-10SL, Morgan Stanley Mortgage Loan Trust 2006-9AR, Morgan Stanley Mortgage Loan Trust 2006-11, Morgan Stanley Mortgage Loan Trust 2006-13ARX, Morgan Stanley Mortgage Loan Trust 2006-12XS, Morgan Stanley Mortgage Loan Trust 2006-14SL, Morgan Stanley Mortgage Loan Trust 2006-15SXS, Morgan Stanley Mortgage Loan Trust 2006-16AX, Morgan Stanley Mortgage Loan Trust 2006-17XS, Morgan Stanley Mortgage Loan Trust 2007-2AX, Morgan Stanley Mortgage Loan Trust 2007-1XS, Morgan Stanley Mortgage Loan Trust 2007-3XS, Morgan Stanley Mortgage Loan Trust 20075AX, Morgan Stanley Mortgage Loan Trust 2007-4SL, Morgan Stanley Mortgage Loan Trust 2007-6XS, Morgan Stanley Mortgage Loan Trust 2007-7AX, Morgan Stanley Mortgage Loan Trust 2007-8XS, Morgan Stanley Mortgage Loan Trust 2007-9SL, Morgan Stanley Mortgage Loan Trust 2007-11AR, Morgan Stanley Mortgage Loan Trust 2007-10XS, Morgan Stanley Mortgage Loan Trust 2007-12, Morgan Stanley Mortgage Loan Trust 2007-13, Morgan Stanley Mortgage Loan Trust 2007-14AR, Morgan Stanley Mortgage Loan Trust 2007-15AR, Morgan Stanley & Co. Incorporated, Moody's Investors Service, Inc., Standard & Poor's Rating Services, The McGraw-Hill Companies, Inc., Fitch, Inc., David R. Warren, William J. Forsell, Anthony B. Tufariello, Valerie H. Kay, Steven S. Stern, Morgan Stanley Capital I Inc., Morgan Stanley Mortgage Capital Inc., Morgan Stanley Mortgage Loan Trust 2006-5AR, Morgan Stanley Mortgage Loan Trust 2006-4SL, Morgan Stanley Mortgage Loan Trust 2006-6AR, Morgan Stanley Mortgage Loan Trust 2006-7. (Filing Fee \$ 350.00, Receipt Number 687440)Document filed by West Virginia Investment Management Board.(mbe) (ama). (Entered: 05/11/2009)
05/07/2009		SUMMONS ISSUED as to Morgan Stanley Mortgage Loan Trust 2006-8AR, Morgan Stanley Mortgage Loan Trust 2006-10SL, Morgan Stanley Mortgage Loan Trust 2006-

		9AR, Morgan Stanley Mortgage Loan Trust 2006-11, Morgan Stanley Mortgage Loan Trust 2006-13ARX, Morgan Stanley Mortgage Loan Trust 2006-12XS, Morgan Stanley Mortgage Loan Trust 2006-14SL, Morgan Stanley Mortgage Loan Trust 2006-15SXS, Morgan Stanley Mortgage Loan Trust 2006-16AX, Morgan Stanley Mortgage Loan Trust 2006-17XS, Morgan Stanley Mortgage Loan Trust 2007-2AX, Morgan Stanley Mortgage Loan Trust 2007-1XS, Morgan Stanley Mortgage Loan Trust 2007-3XS, Morgan Stanley Mortgage Loan Trust 20075AX, Morgan Stanley Mortgage Loan Trust 2007-4SL, Morgan Stanley Mortgage Loan Trust 2007-6XS, Morgan Stanley Mortgage Loan Trust 2007-7AX, Morgan Stanley Mortgage Loan Trust 2007-8XS, Morgan Stanley Mortgage Loan Trust 2007-9SL, Morgan Stanley Mortgage Loan Trust 2007-11AR, Morgan Stanley Mortgage Loan Trust 2007-10XS, Morgan Stanley Mortgage Loan Trust 2007-12, Morgan Stanley Mortgage Loan Trust 2007-13, Morgan Stanley Mortgage Loan Trust 2007-14AR, Morgan Stanley Mortgage Loan Trust 2007-15AR, Morgan Stanley & Co. Incorporated, Moody's Investors Service, Inc., Standard & Poor's Rating Services, The McGraw-Hill Companies, Inc., Fitch, Inc., David R. Warren, William J. Forsell, Anthony B. Tufariello, Valerie H. Kay, Steven S. Stern, Morgan Stanley Capital I Inc., Morgan Stanley Mortgage Capital Inc., Morgan Stanley Mortgage Loan Trust 2006-5AR, Morgan Stanley Mortgage Loan Trust 2006-4SL, Morgan Stanley Mortgage Loan Trust 2006-6AR, Morgan Stanley Mortgage Loan Trust 2006-7. (mbe) (Entered: 05/11/2009)
05/07/2009		CASE REFERRED TO Judge Laura Taylor Swain as possibly related to 1:09-cv-2137. (mbe) (Entered: 05/11/2009)
05/07/2009		Case Designated ECF. (mbe) (Entered: 05/11/2009)
05/07/2009	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by West Virginia Investment Management Board.(mbe) (Entered: 05/11/2009)
05/07/2009		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney 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 Rule 7.1 Corporate Disclosure Statement to: case_openings@nysd.uscourts.gov. (mbe) (Entered: 05/11/2009)
05/19/2009	<u>3</u>	INITIAL CONFERENCE ORDER:... Initial Conference set for 9/11/2009 at 02:00 PM in Courtroom 11C before Judge Laura Taylor Swain. (Signed by Judge Laura Taylor Swain on 5/19/2009) (tve) Modified on 6/11/2009 (tve). (Entered: 05/20/2009)
05/20/2009		CASE ACCEPTED AS RELATED. Create association to 1:09-cv-02137-LTS. Notice of Assignment to follow. (ldi) (Entered: 05/21/2009)
05/20/2009	<u>4</u>	NOTICE OF CASE ASSIGNMENT to Judge Laura Taylor Swain. Judge Unassigned is no longer assigned to the case. (ldi) (Entered: 05/21/2009)
05/20/2009		Magistrate Judge Michael H. Dolinger is so designated. (ldi) (Entered: 05/21/2009)
05/29/2009	<u>5</u>	NOTICE OF APPEARANCE by Floyd Abrams on behalf of The McGraw-Hill Companies, Inc. (Abrams, Floyd) (Entered: 05/29/2009)
05/29/2009	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying T. Rowe Price Associates, Inc. a subsidiary of T.Rowe Price Group, Inc. as subsidiary and or Affiliates. Document filed by The McGraw-Hill Companies, Inc.(Abrams, Floyd)

		Modified on 6/3/2009 (ama). (Entered: 05/29/2009)
05/29/2009	7	NOTICE OF APPEARANCE by Sarah Penny Windle on behalf of The McGraw-Hill Companies, Inc. (Windle, Sarah) (Entered: 05/29/2009)
05/29/2009	8	NOTICE OF APPEARANCE by Adam Nelson Zurofsky on behalf of The McGraw-Hill Companies, Inc. (Zurofsky, Adam) (Entered: 05/29/2009)
05/29/2009	9	NOTICE OF APPEARANCE by Tammy Lynn Roy on behalf of The McGraw-Hill Companies, Inc. (Roy, Tammy) (Entered: 05/29/2009)
06/17/2009	10	ORDER SETTING BRIEFING AND HEARING SCHEDULE FOR CONSOLIDATION, APPOINTMENT OF LEAD PLAINTIFF, AND APPOINTMENT OF LEAD COUNSEL MOTIONS: Any and all papers in opposition to the aforementioned motion must be filed with this Court and served on all parties, with a courtesy copy provided for the Chambers of the undersigned, so as to be received no later than July 2, 2009. Any and all reply papers must be filed and served, with a courtesy copy to Chambers, no later than July 9, 2009. A hearing concerning the appointment of a lead plaintiff pursuant to 15 U.S.C. § 77z-1(a)(3)(B)(ii) and the applications for appointment of lead plaintiffs' counsel and for consolidation will be held in this matter, if necessary, on July 22, 2009, at 10:30 a.m. in Courtroom No. 11C, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, New York 10007. The submission and consultation requirements of the Initial Conference Orders previously issued in the above-captioned cases, and the pre-trial conference schedule set by those Orders, are suspended pending further Order of the Court. The Clerk of Court is respectfully requested to docket this Order in each of the above-captioned actions. SO ORDERED. (Signed by Judge Laura Taylor Swain on 6/17/2009) (tve) Modified on 6/18/2009 (tve). (Entered: 06/18/2009)
06/17/2009	11	JOINT SCHEDULING STIPULATION AND ORDER; Pursuant to 15 U.S.C. § 77z-1(a)(3)(A)(i)(II), any motion(s) for appointment as Lead Plaintiff shall be filed within 60 days from the date the Notice was published. Defendants shall not have any present obligation to respond to the Complaint in this action. Within 10 business days after the issuance of an order appointing the Lead Plaintiff, the parties shall meet and confer regarding a schedule for the filing of a consolidated amended complaint ("Consolidated Complaint"), and for Defendants to respond to such Consolidated Complaint. SO ORDERED. (Signed by Judge Laura Taylor Swain on 6/15/2009) (tve) (Entered: 06/18/2009)
07/01/2009	12	NOTICE OF APPEARANCE by William Joseph Fenrich on behalf of Morgan Stanley & Co. Incorporated, David R. Warren, William J. Forsell, Anthony B. Tufariello, Valerie H. Kay, Steven S. Stern, Morgan Stanley Capital I Inc., Morgan Stanley Mortgage Capital Inc. (Fenrich, William) (Entered: 07/01/2009)
07/01/2009	13	NOTICE OF APPEARANCE by James P. Rouhandeh on behalf of Morgan Stanley & Co. Incorporated, David R. Warren, William J. Forsell, Valerie H. Kay, Steven S. Stern, Morgan Stanley Capital I Inc., Morgan Stanley Mortgage Capital Inc. (Rouhandeh, James) (Entered: 07/01/2009)
07/14/2009	14	NOTICE OF APPEARANCE by Martin Flumenbaum on behalf of Fitch, Inc. (Flumenbaum, Martin) (Entered: 07/14/2009)
07/14/2009	15	NOTICE OF APPEARANCE by Roberta Ann Kaplan on behalf of Fitch, Inc. (Kaplan,

		Roberta) (Entered: 07/14/2009)
07/14/2009	16	NOTICE OF APPEARANCE by Andrew James Ehrlich on behalf of Fitch, Inc. (Ehrlich, Andrew) (Entered: 07/14/2009)
07/14/2009	17	NOTICE OF APPEARANCE by Tobias James Stern on behalf of Fitch, Inc. (Stern, Tobias) (Entered: 07/14/2009)
07/14/2009	18	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Fimalac as Corporate Parent. Document filed by Fitch, Inc..(Flumenbaum, Martin) (Entered: 07/14/2009)
07/17/2009		CONSOLIDATED MEMBER CASE: Create association to 1:09-cv-02137-LTS.. (jfe) (Entered: 07/20/2009)
07/17/2009	19	ORDER CONSOLIDATING CASES, APPOINTING LEAD PLAINTIFF AND APPROVING SELECTION OF LEAD PLAINTIFF'S COUNSEL: It is hereby Ordered that West Virginia is appointed Lead Plaintiff. Coughlin Stoia Geller Rudman & Robbins LLP shall serve as Lead Counsel for all plaintiffs in the Consolidated Actions. The motions for consolidation are granted and the above-captioned actions are hereby consolidated for all purposes pursuant to Federal Rule of Civil Procedure 42(a). The consolidated cases shall be referred to collectively as In re Morgan Stanley Mortgage Pass-Through Certificates Litigation, Master File No. 09 Civ. 2137 (LTS)(MHD). This Order resolves docket entry no. 26 in case no. 09 Civ. 2137. This Order resolves docket entry no. 26 in case no. 09 Civ. 2137. In light of the Court's decision on the motions, the hearing that was scheduled for Tuesday, July 22, 2009, is canceled and the parties' initial pretrial conference is adjourned to December 11, 2009, at 2:30 p.m. (Signed by Judge Laura Taylor Swain on 7/17/2009) Filed In Associated Cases: 1:09-cv-02137-LTS, 1:09-cv-04414-LTS(jfe) (Entered: 07/20/2009)

Note: Links in this docket are stored in the PACER system (**P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords). PACER is a service of United States Judiciary. To view and retrieve the linked documents from PACER, you must be a registered user. To register, fill out one of the [registration forms](#) available on the PACER site. The United States Congress has given the Judicial Conference of the United States, the judicial governing body of the U.S. Federal Courts, authority to impose user fees for electronic access to case information. For more information visit the PACER site at <http://pacer.psc.uscourts.gov/pacerdesc.html>