

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
: IN RE WORLDCOM, INC. SECURITIES : MASTER FILE  
: LITIGATION : 02 Civ. 3288 (DLC)  
: :  
: This Document Relates to: All Actions :  
: :  
: :  
: :  
: :  
: :  
: :  
-----X  
: NEW YORK CITY EMPLOYEES' RETIREMENT : 02 Civ. 8981 (DLC)  
: SYSTEM, et al., :  
: Plaintiffs :  
: :  
: -v- :  
: :  
: BERNARD J. EBBERS, et al., :  
: Defendants. :  
: :  
: :  
-----X  
: SUN TRUST BANK, et al., : 02 Civ. 9520 (DLC)  
: Plaintiffs :  
: :  
: : ORDER  
: -v- :  
: :  
: BERNARD J. EBBERS, et al., :  
: Defendants. :  
: :  
: :  
-----X

DENISE COTE, District Judge:

On August 15, 2002, an Order consolidating securities class actions filed against WorldCom, Inc. ("WorldCom") and others, and which involved common questions of law and fact, was entered (the "August 15 Order"). The August 15 Order applies to any securities class action filed in or transferred to this Court and assigned to the undersigned which relates to the same subject matter as the actions consolidated by the August 15 Order.

Lawsuits against WorldCom, and/or individuals and entities on account of their connection to WorldCom, that have questions of fact and/or law in common with the consolidated class actions but that are not brought as class actions, have also been assigned to the undersigned. These actions, in which no class action is pursued, shall be referred to as the Individual WorldCom Actions. Most of the Individual WorldCom Actions have come, and more may come, as a result of action taken by the Judicial Panel on Multidistrict Litigation, which ordered on October 8, 2002, the centralization in this Court of approximately forty WorldCom-related class action cases, including both securities and ERISA class actions.

Certain of the Individual WorldCom Actions were filed in state court and have been removed to federal court on the ground that they relate to the WorldCom bankruptcy. Motions to remand have been filed and are being briefed in at least some of these removed cases.

The Director Defendants and Underwriter Defendants in the Individual WorldCom Actions have requested consolidation for pretrial purposes of the Individual WorldCom Actions with the securities class actions consolidated through the August 15 Order. The Lead Plaintiff for the consolidated securities class action appointed in the August 15 Order supports the application. Counsel for the following Individual WorldCom Actions oppose such consolidation, and urge instead that an order requiring coordination be entered: New York City Employees' Retirement

System v. Ebbers, 02 Civ. 8891 (DLC); private and public pension funds represented by Milberg Weiss Bershad Hynes & Lerach LLP ("Milberg Weiss")<sup>1</sup>; and Sun Trust Bank v. Ebbers, 02 Civ. 9520 (DLC). Having reviewed the parties' submissions, the Court finds that the Individual WorldCom Actions and securities class actions involve common questions of law and fact and that consolidation of these actions for pretrial proceedings is necessary to achieve economies for the parties and the Court and to achieve substantial justice for the parties. Accordingly, it is hereby

ORDERED that the defendants shall have no obligation to move, answer or otherwise respond to any of the complaints in the Individual WorldCom Actions assigned to this Court until a separate scheduling order addressed to those obligations is issued. That scheduling order should issue within thirty days after a decision on the pending motions to remand (the "Remand Decision").

IT IS FURTHER ORDERED that defendants shall have no obligation to oppose any motion to remand filed in the Individual WorldCom Actions assigned to this Court until a separate

---

<sup>1</sup>Milberg Weiss objected to a Conditional Transfer Order entered by the Judicial Panel on Multidistrict Litigation on November 2, 2002, transferring certain of its clients' actions to this Court. The Conditional Transfer Order was stayed pending the adjudication of Milberg Weiss's objections. By stipulation so ordered by this Court on December 20, 2002, Milberg Weiss agreed to withdraw its objections on the condition that it be allowed to intervene in the remand motion in New York City Employees' Retirement System v. Ebbers, 02 Civ. 8891 (DLC). The actions to whose transfer Milberg Weiss objected have not yet been transferred to this Court.

scheduling order is issued, except for their obligation to respond to the motion already made by New York City Employees' Retirement System, a motion in which Milberg Weiss's clients have been permitted to intervene. In accordance with the Scheduling Order of December 11, 2002, that response is due January 17, 2003. When the Remand Decision is issued, parties who are bringing or opposing remand motions in other cases assigned to the Court will be given an opportunity to explain why the analysis in the Remand Decision does not also apply to those motions.

IT IS FURTHER ORDERED that within fourteen days after the Remand Decision is issued, co-counsel for the lead plaintiff in the consolidated securities class actions and counsel for plaintiffs in any Individual WorldCom Action remaining before this Court shall present a proposed order for consolidation of the class actions and Individual WorldCom Actions for pretrial purposes.

IT IS FURTHER ORDERED that every pleading filed in the Individual WorldCom Actions shall bear the following caption:

```

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
IN RE WORLDCOM, INC. SECURITIES      :
LITIGATION                          :           MASTER FILE
                                       :           02 Civ. 3288 (DLC)
                                       :
This Document Relates To:           :
                                       :
                                       :
-----X

```

IT IS FURTHER ORDERED that when a pleading is intended to be applicable to all actions to which this Order applies, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption. When a pleading is intended to apply only to less than all of such actions, the docket number for each individual action to which it is intended to apply and the name of the plaintiff in said action shall appear immediately after the words "This Document Relates To:" in the caption.

IT IS FURTHER ORDERED that when a paper is filed and the caption shows that it is applicable to less than All Actions, the Clerk shall file the original of the paper in the Master File and a copy in the file of each separate action to which it applies and shall note such filing in the Master Docket and in the docket of each such separate action. The party filing such paper shall supply the Clerk with sufficient copies of any paper to permit compliance with this paragraph.

SO ORDERED:

Dated: New York, New York  
December 23, 2002

---

DENISE COTE  
United States District Judge