

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE MERRILL LYNCH & CO., INC. :  
RESEARCH REPORTS SECURITIES LITIGATION : 02 MDL 1484 (MP)  
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IN RE MERRILL LYNCH & CO., INC. :  
CMGI, INC. : 02 CV 7218 (MP)  
RESEARCH REPORTS SECURITIES LITIGATION :  
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**ORDER**

**CMGI, INC. DESIGNATIONS**

WHEREAS, a putative class action asserting claims under Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the “Exchange Act”) on behalf of persons who purchased or otherwise acquired common stock of CMGI, Inc. (“CMGI”) was filed and, on August 28, 2002, a notice was published over PRNEWSWIRE, a national business-oriented wire service, advising class members of the pendency of the action, the claims asserted therein, the purported class period, and their right to move this Court to be appointed lead plaintiff;

WHEREAS, pursuant to Section 21D(a)(3)(B)(i) of the Exchange Act, any purported class member desiring to be appointed lead plaintiff in the captioned consolidated action was required to have filed a motion for such appointment on or before October 28, 2002;

WHEREAS, Plaintiffs Stephen and Amy Kurtzman, Michael Schaeffer; and Jeffery Black, among others, separately moved this Court on October 28, 2002 for an order pursuant to Section 21D(a)(3)(B)(i) of the Securities Exchange Act of 1934 (“Exchange Act”) appointing them Lead Plaintiff in the consolidated action.

WHEREAS, pursuant to Case Management Order No. 1 dated December 9, 2002, the Court consolidated all actions filed on behalf of purchasers of the common stock of CMGI;

WHEREAS, this Court, by Order dated February 5, 2003, appointed Stephen and Amy Kurtzman as Lead Plaintiff, and approved their selection of Rabin, Murray & Frank LLP (formerly Rabin & Peckel LLP) as Lead Counsel.

WHEREAS, Stephen and Amy Kurtzman now request permission to withdraw from their appointment as Lead Plaintiff.

WHEREAS, movant Michael Schaeffer has demonstrated that he is a presumptive most adequate Lead Plaintiff for the period from December 20, 1999 through November 14, 2000, inclusive (the “CMGI Research Reports Class Period”), having suffered losses of \$2,143,937.50, which are the largest losses out of the lead plaintiff movants (other than the Kurtzmans) seeking to pursue claims based on Merrill Lynch’s CMGI research coverage.

WHEREAS, Michael Schaeffer has selected Lead Counsel Rabin, Murray & Frank LLP to continue to prosecute the claims arising during the CMGI Research Reports Class Period.

WHEREAS, movant Jeffery Black has demonstrated that he is a presumptive most adequate Lead Plaintiff for the period from March 23, 1999 through December 19, 1999, inclusive (the “UBid/Lycos Research Reports Class Period”), having suffered losses of \$7,870,315.21, which are the largest losses of all movants herein (other than the Kurtzmans) seeking to pursue claims based on Merrill Lynch’s UBid/Lycos research coverage.

WHEREAS, Jeffery Black has selected Finkelstein, Thompson & Loughran as Lead Counsel to prosecute the claims arising during the UBid/Lycos Research Reports Class Period.

**IT IS HEREBY ORDERED** as follows:

1. Stephen and Amy Kurtzman’s motion to withdraw as Lead Plaintiff is granted.

2. Michael Schaeffer is appointed Lead Plaintiff for the class covered by the CMGI Research Reports Class Period (the “CMGI Research Reports Class”) and is represented by Lead Counsel Rabin, Murray & Frank LLP.

3. Jeffery Black is appointed Lead Plaintiff for the class covered by the Ubid/Lycos Research Reports Class Period (the “Ubid/Lycos Research Reports Class ”).

4. Jeffery Black’s selection of Finkelstein, Thompson & Loughran as additional Lead Counsel is approved.

The foregoing orders are subordinated to the rulings heretofore made in 02 MDL 1484 (MP) other than the appointments which are modified herein.

Dated: May 2, 2003

MILTON POLLACK  
SENIOR UNITED STATES DISTRICT JUDGE