

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE MERRILL LYNCH & CO., INC. :
RESEARCH REPORTS SECURITIES : 02 MDL 1484 (MP)
LITIGATION :
ORDER AND JUDGMENT

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In re Merrill Lynch & Co., Inc. Rhythms Net : 02 CV 6913 (MP)
Connections, Inc. Research Reports
Securities Litigation :

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Horace J. and Evelyn M. McCambridge, on
behalf of themselves and all others similarly : 02 CV 9549 (MP)
situated,

Plaintiffs, :

v. :
:

Merrill Lynch & Co., Inc.,
Defendant. :

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Defendants, having moved to dismiss with prejudice the consolidated amended complaint pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6), and Section 21D(b) of the Exchange Act and Lead Plaintiff, having not opposed the motion, it is

ORDERED, ADJUDGED AND DECREED: That defendants' motion to dismiss the consolidated amended complaint is granted, with prejudice, for Lead Plaintiff's failure to oppose the motion and for the reasons stated in the Court's Decision and Order dated June 30, 2003. The Clerk is directed to enter judgment accordingly.

Dated: New York, New York
October 7, 2003

MILTON POLLACK
Senior United States District Judge