

WHEREAS, no less than seven actions were brought asserting state law claims which the Merrill Lynch Defendants believe are preempted by the Securities Litigation Uniform Standards Act (the "SLUSA Actions"); and

WHEREAS, in order to promote judicial economy and avoid duplication the Court finds that it would be appropriate to provide for the coordination of all the actions; accordingly,

IT IS HEREBY ORDERED as follows:

I. COORDINATION OF PROCEEDINGS

1. A Master File is hereby established for the coordinated proceedings of all of the actions identified in this Order and any subsequently filed or transferred actions that arise out of the subject matter of any of those actions under the caption:

-----X
IN RE MERRILL LYNCH & CO., INC :
RESEARCH REPORTS SECURITIES LITIGATION : 02 MDL 1484
-----X
This document relates to: :
[Either All Actions or specify :
applicable consolidated actions] :
-----X

2. The Clerk shall file all pleadings in the Master File and in the file for any applicable action and note such filings on the Master Docket and the docket of any applicable action. A copy of this Order shall be filed by the Court in the Master File and in the file for any applicable action. The Clerk shall mail a copy of this Order to counsel of record in each of the actions.

3. All the actions identified in this Order and any subsequently filed or transferred actions that arise out of the subject matter of any of those actions are hereby stayed except as set forth herein.

II. CONSOLIDATION OF THE FEDERAL SECURITIES ACTIONS

1. Pursuant to Fed. R. Civ. P. 42, Section 21D (a)(3)(B)(ii) of the Exchange Act and/or Section 27(a)(3)(B)(ii) of the Securities Act, all actions brought on behalf of shareholders of the same issuer shall be consolidated as follows. Consolidation of any group of cases by this Order shall be without prejudice to any Lead Plaintiff motion or positions taken in connection with such motions, including but not limited to positions relating to appropriate putative class periods. Nothing set forth in this Order (including any portion of this Order staying proceedings in any cases) shall be construed to stay or to alter the deadlines set forth in Section 21D(a)(3)(A) of the Securities Exchange Act of 1934 (15 U.S.C. § 78u-4(a)(3)(A)) or Section 27(a)(3)(A) of the Securities Act of 1933 (15 U.S.C. § 77z-1(a)(3)(A)). Any Lead Plaintiff/Lead Counsel motions required by the PSLRA shall be made pursuant to the deadlines contained in the PSLRA and shall indicate that it is returnable on a date to be fixed by the Court. However, no responses to any such motions shall be filed until further order of the Court.

(a) The following actions on behalf of purchasers of the common stock of 24/7 Real Media, Inc. are hereby consolidated for all purposes:

<u>Seidenberg v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3714(MP)
<u>A. Twersky Family Trust v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3210(MP)
<u>Reuben v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3759(MP)

<u>Fulgham v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-6011(MP)
<u>DeReynal v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4674(MP)
<u>Pilgrim v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4287(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. 24/7 Real Media, Inc. Research Reports Securities Litigation, 02-CV-3210 (MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-3210(MP).

(b) The following actions on behalf purchasers of the common stock of Aether Systems Inc. are hereby consolidated for all purposes:

<u>Atlas v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3513(MP)
<u>Toennesmann v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3466(MP)
<u>Vonder Haar v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3429(MP)
<u>Karasik v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-6918(MP)
<u>Whitten v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-5056(MP)
<u>Marks v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3975(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Aether Systems Inc. Research Reports Securities Litigation, 02-CV-3429 (MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-3429(MP).

The following actions, brought in other jurisdictions on behalf of purchasers of the common stock of Aether Systems, Inc. and transferred to this Court by order of the Judicial Panel on Multidistrict Litigation shall be, if all parties consent, consolidated with 02-

CV-3429(MP) and, if all parties do not consent to consolidation, the applicable action shall be stayed until further order of the Court:

<u>Boehm v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-1351 (D. Ariz.)
<u>Cholet v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	1:CV 02-1440 (M.D. Pa.)
<u>Hartmann v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-1657 (D. Minn.)
<u>Maguire v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-2519 (D. Md.)
<u>Wilhelm v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-1801 (N.D. Tex.)

(c) The following actions on behalf of purchasers of depositary receipts of the Merrill Lynch B2B HOLDRs/SM Trust are hereby consolidated for all purposes:

<u>Deardorff v. Steffens et al.</u>	02-CV-6187(MP)
<u>Markowitz v. Steffens, et al.</u>	02-CV-5002(MP)
<u>Woolson v. Steffens, et al.</u>	02-CV-5463(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. B2B HOLDRs Securities Litigation, 02-CV-5002(MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-5002(MP).

(d) The following actions on behalf of purchasers of the common stock of CMGI Inc. are hereby consolidated for all purposes:

<u>Belcher v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7507(MP)
<u>Zvi Trading Corp. v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-8370(MP)
<u>George v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7218(MP)
<u>Karagiannis v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-8309(MP)
<u>Kile v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7717(MP)
<u>Racano v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7682(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. CMGI Inc. Research Reports Securities Litigation, 02-CV-7218(MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-7218(MP).

The following actions, brought in other jurisdictions on behalf of purchasers of the common stock of CMGI, Inc. and transferred to this Court by order of the Judicial Panel on Multidistrict Litigation shall be, if all parties consent, consolidated with 02-CV-7218(MP) and, if all parties do not consent to consolidation, the applicable action shall be stayed until further order of the Court:

<u>Berman v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-61221 (S.D. Fla.)
<u>Shafton v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-06630 (C.D. Cal.)

(e) The action captioned Gorlovetsky v. Merrill Lynch & Co., Inc. and Henry Blodget, 02-CV-6645(MP) brought on behalf of purchasers of the common stock of eToys Inc. shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. eToys Inc. Research Reports Securities Litigation, 02-CV-6645 (MP).

The following actions, brought in other jurisdictions on behalf of purchasers of the common stock of eToys Inc. and transferred to this Court by order of the Judicial Panel on Multidistrict Litigation shall be, if all parties consent, consolidated with 02-CV-6645(MP) and, if all parties do not consent to consolidation, the applicable action shall be stayed until further order of the Court:

<u>Bianchi v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-6054 (C.D. Cal.)
<u>Boehm v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-1391 (D. Ariz.)
<u>Cheslin v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3559 (N.D. Cal.)
<u>Peggs v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-871 (D. Ariz.)
<u>Watson v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	8:02-CV-1416-T-24 (M.D. Fla.)

(f) The following actions on behalf of purchasers of the common stock of At Home Corporation, doing business as Excite@home, are hereby consolidated for all purposes:

<u>Blair v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3042(MP)
<u>Coppola v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3600(MP)
<u>Falzone v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4496(MP)
<u>Hesano v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3716(MP)
<u>Hughes v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4533(MP)
<u>Israni v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3418(MP)
<u>Matthews v. Merrill Lynch & Co., and Henry Blodget</u>	02-CV-3371(MP)
<u>McKernan v. Merrill Lynch & Co., Inc. et al.,</u>	02-CV-4140(MP)
<u>Montague v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4501(MP)
<u>Moore v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3509(MP)
<u>Priest v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3189(MP)
<u>Rosenbaum v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3410(MP)
<u>Sinay v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4237(MP)
<u>Walsh v Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4228(MP)
<u>Williams v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3934(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Excite@home Research Reports Securities Litigation, 02-CV-

3042 (MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-3042(MP).

(g) The following actions on behalf of purchasers of the common stock of Exodus Communications, Inc. are hereby consolidated for all purposes:

<u>Garner v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-8549(MP)
<u>Bernstein v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7578(MP)
<u>Breyer v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7581(MP)
<u>Clark v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7387(MP)
<u>Demis v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-8372(MP)
<u>Fodor v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7365(MP)
<u>Garner v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-8549(MP)
<u>Pfeiffer v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-6914(MP)
<u>Turoff v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7022(MP)
<u>Vandenbrink v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-8146(MP)
<u>Werling v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-9261
<u>Zadey v. Merrill Lynch & Co., and Henry Blodget</u>	02-CV-7856

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Exodus Communications, Inc. Research Reports Securities Litigation, 02-CV-6914(MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-6914(MP).

(h) The action captioned Merritt v. Merrill Lynch & Co., Inc. et al., 02-CV-7854(MP) brought on behalf of purchasers of the Merrill Lynch Global Technology Fund, Inc. shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Global Technology Fund Securities Litigation, 02-CV-7854(MP).

If there is significant duplication of damages sought between the consolidated complaint in the Merrill Lynch Global Technology Fund, Inc. actions and the consolidated complaint in the Internet Strategies Fund, Inc. actions, defendants reserve the right to move the Court to seek consolidation of this action with the Merrill Lynch Internet Strategies Fund, Inc. action or for other relief, which plaintiffs reserve the right to oppose.

(i) The following actions on behalf of purchasers of the common stock of GoTo.com are hereby consolidated for all purposes:

Myers v. Merrill Lynch & Co., Inc. and Henry Blodget 02-CV-4240(MP)

Parker v. Merrill Lynch & Co., Inc. and Henry Blodget 02-CV-3835(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. GoTo.Com Research Reports Securities Litigation, 02-CV-3835 (MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-3835(MP).

(j) The action captioned In re Merrill Lynch & Co. InfoSpace Analyst Reports Securities Litigation 01-CV-6881(MP) brought on behalf of purchasers of the common stock of InfoSpace, Inc. shall be carried in the Clerk's office in a separate file. The action captioned In re InfoSpace, Inc. Securities Litigation, No. C-01-0913-Z (W.D. Wash.), transferred to this Court by the JPML shall be stayed until further order of the Court. InfoSpace and any of its officers or directors named as defendants may immediately move to sever and remand the claims against them.

(k) The claims against Merrill Lynch & Co., Inc. and Henry Blodget in the following actions on behalf of purchasers of the common stock of Inktomi Corporation

shall be severed pursuant to Fed. R. Civ. P. 21 or 42(b) and consolidated. These severed and consolidated claims shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Inktomi Corporation Research Reports Securities Litigation, 02-CV-6916 (MP):

Arneson v. Merrill Lynch & Co., Inc., Morgan Stanley Dean Witter & Co., Henry Blodget and Mary Meeker 02-CV-7388(MP)

Blevins v. Merrill Lynch & Co., Inc., Morgan Stanley Dean Witter & Co., Henry Blodget and Mary Meeker 02-CV-7398(MP)

Jaffee Revocable Trust v. Merrill Lynch & Co., Inc., Morgan Stanley Dean Witter & Co., Inc., Henry Blodget and Mary Meeker 02-CV-8610(MP)

Kennedy v. Merrill Lynch & Co., Inc., Morgan Stanley Dean Witter & Co., Henry Blodget and Mary Meeker 02-CV-8263(MP)

Needle v. Merrill Lynch & Co., Inc., Morgan Stanley Dean Witter & Co., Henry Blodget and Mary Meeker 02-CV-7876(MP)

Taylor v. Merrill Lynch & Co., Inc., Morgan Stanley Dean Witter & Co., Henry Blodget and Mary Meeker 02-CV-6916(MP)

Reinert v. Merrill Lynch & Co., Inc., Morgan Stanley Dean Witter & Co., Henry Blodget and Mary Meeker 02-CV-8610(MP)

The above remaining claims on behalf of purchasers of the common stock of Inktomi Corporation shall be consolidated and shall be carried in the Clerk's office and known as the In re Morgan Stanley Dean Witter & Co. Inktomi Corporation Research Reports Securities Litigation, 02-CV-7388 (MP).

(1) The following actions on behalf of purchasers of the common stock of Interliant, Inc. are hereby consolidated for all purposes:

DeLeo v. Merrill Lynch & Co., Inc. and Henry Blodget 02-CV-3321(MP)

Ergun v. Merrill Lynch & Co., Inc. and Henry Blodget 02-CV-3675(MP)

Forte v. Merrill Lynch & Co., Inc. and Henry Blodget 02-CV-5456(MP)

Martignetti v. Merrill Lynch & Co., Inc. and Henry Blodget 02-CV-5039(MP)

<u>Raiano v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4388(MP)
<u>Rice v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-5280(MP)
<u>Trama v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4565(MP)
<u>Wickam v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-5517(MP)
<u>Willcutts v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4415(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Interliant, Inc. Research Reports Securities Litigation, 02-CV-3321(MP). A Master File is hereby established for this proceeding. The Clerk shall administratively close all of the actions listed above, other than 02-CV-3321(MP).

(m) The following actions on behalf of purchasers of depositary receipts of Internet Architecture HOLDRS SM Trust are hereby consolidated for all purposes:

<u>Wald v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3606(MP)
<u>Wise v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-4708(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Internet Architecture HOLDERS Securities Litigation, 02-CV-3606 (MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-3606(MP).

(n) The following actions on behalf of purchasers of the common stock of Internet Capital Group, Inc. are hereby consolidated for all purposes:

<u>Boyce v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3510(MP)
<u>Corkins v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3372(MP)
<u>Corwin v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3366(MP)
<u>Crowdus v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3417(MP)

<u>DuCharme v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3431(MP)
<u>Foushee v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3599(MP)
<u>Gardy v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4382(MP)
<u>Gerrity v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3690(MP)
<u>Hart v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4058(MP)
<u>Hesano v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3715(MP)
<u>Korsinsky v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-6920
<u>Lembesis v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4709(MP)
<u>Murphy v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3050(MP)
<u>Silver v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3394(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Internet Capital Group, Inc. Research Reports Securities Litigation, 02-CV-3050(MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-3050(MP).

The following actions, brought in other jurisdictions on behalf of purchasers of the common stock of Internet Capital Group, Inc. and transferred to this Court by order of the Judicial Panel on Multidistrict Litigation shall be, if all parties consent, consolidated with 02-CV-3050(MP) and, if all parties do not consent to consolidation, the applicable action shall be stayed until further order of the Court:

<u>Diller v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02 C 5632 (N.D. Ill.)
<u>Ike v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-2527 (W.D. Tenn.)
<u>Waldman v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3037 (D.N.J.)
<u>Wilhelm v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	3-02-CV-1688D (N.D. Tex.)
<u>Wood v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-72674 (E.D. Mich.)

(o) The following actions on behalf of purchasers of depositary receipts of Internet HOLDRs/SM Trust are hereby consolidated for all purposes:

<u>Anderson v. Steffens et al.</u>	02-CV-6603(MP)
<u>Gerber v. Steffens et al.</u>	02-CV-6143(MP)
<u>Kissner v. Steffens et al.</u>	02-CV-7500(MP)
<u>Ohno v. Steffens et al.</u>	02-CV-7366(MP)
<u>Raiano v. Steffens et al.</u>	02-CV-5961(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Internet HOLDRs Securities Litigation, 02-CV-5961(MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-5961(MP).

(p) The following actions on behalf of purchasers of depositary receipts of Merrill Lynch Internet Infrastructure HOLDRs SM Trust are hereby consolidated for all purposes:

<u>Beaver v. Steffens et al.</u>	02-CV-5574(MP)
<u>Elan v. Steffens et al.</u>	02-CV-4242(MP)
<u>Lucker v. Merrill Lynch, Steffens et al.</u>	02-CV-5327(MP)
<u>Woolson v. Steffens et al.</u>	02-CV-5239

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Internet Infrastructure HOLDRs Securities Litigation, 02-CV-4242(MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-4242(MP).

(q) The following actions on behalf of purchasers of shares of the Merrill Lynch Internet Strategies Fund, Inc. are hereby consolidated for all purposes:

<u>Bernstein v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-4218(MP)
<u>Doebele v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-4679(MP)
<u>Farris v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-5432(MP)
<u>Gordon v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3385(MP)
<u>Hawkins v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3931(MP)
<u>Manton v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-4907(MP)
<u>Patel v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-5187(MP)
<u>Sabin v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-4675(MP)
<u>Sherman v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-3176(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Internet Strategies Fund Securities Litigation, 02-CV-3176(MP).

The Clerk shall administratively close all of the actions listed above, other than 02-CV-3176 (MP).

If there is significant duplication of damages sought between the consolidated complaint in the Merrill Lynch Global Technology Fund, Inc. actions and the consolidated complaint in the Internet Strategies Fund, Inc. actions, defendants reserve the right to move the Court to seek consolidation of this action with the Merrill Lynch Global Technology Fund, Inc. action or for other relief, which plaintiffs reserve the right to oppose.

(r) The action captioned Nizza v. Merrill Lynch & Co., Inc. and Henry Blodget, 02-CV-6637(MP), brought on behalf of purchasers of the common stock of iVillage Inc., shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. iVillage Inc. Research Reports Securities Litigation, 02-CV-6637(MP).

(s) The following actions on behalf of purchasers of the common stock of LookSmart, Ltd., are hereby consolidated for all purposes:

<u>Zucarelli v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-7739(MP)
<u>Weinstein v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-9368

The consolidated actions shall be carried in the clerk's office and known as the In re Merrill Lynch & Co., Inc. LookSmart, Ltd. Research Reports Securities Litigation, 02-CV-7739(MP).

(t) The following actions on behalf of purchasers of the common stock of Merrill Lynch & Co., Inc. are hereby consolidated for all purposes:

<u>Fischbein v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-6562(MP)
<u>Lattarulo v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-5180(MP)
<u>Loder v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-5097(MP)
<u>Newman v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-5139(MP)
<u>Valvanis v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-6435(MP)
<u>Wright v. Merrill Lynch & Co., Inc. et al.</u>	02-CV-5132(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Shareholders Litigation, 02-CV-5097(MP). A Master File is hereby established for this proceeding. The Clerk shall administratively close all of the actions listed above, other than 02-CV-5097(MP).

(u) The following actions on behalf of purchasers of the common stock of Openwave Systems, Inc. are hereby consolidated for all purposes:

<u>Ajo v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-4646(MP)
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<u>Cho v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3882(MP)
<u>McBride v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-3252(MP)
<u>Triplett v. Merrill Lynch & Co, Inc. and Henry Blodget</u>	02-CV-4962(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Openwave Systems, Inc. Research Reports Securities Litigation, 02-CV-3252(MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-3252(MP).

The following actions, brought in other jurisdictions on behalf of purchasers of the common stock of Openwave Systems, Inc. and transferred to this Court by order of the Judicial Panel on Multidistrict Litigation shall be, if all parties consent, consolidated with 02-CV-3252(MP) and, if all parties do not consent to consolidation, the applicable action shall be stayed until further order of the Court:

<u>Cereghino v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-2964 (N.D. Cal.)
<u>DeBever v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-1517 (S.D. Cal.)
<u>Guiffre v. Merrill Lynch & Co., Inc. and Henry Blodget</u>	02-CV-1324 (D. Ariz.)
<u>Poulson v. Merrill Lynch & Co, Inc. and Henry Blodget</u>	3-02-CV-1519-M (N.D. Tex.)

(v) The following actions on behalf of purchasers of the common stock of Pets.com, Inc. are hereby consolidated for all purposes:

<u>Meejaroen v. Merrill Lynch & Co., & Henry Blodget</u>	02-CV-4396(MP)
<u>Rollins v. Merrill Lynch & Co. & Henry Blodget</u>	02-CV-4654(MP)
<u>Toennesmann v. Merrill Lynch & Co & Henry Blodget</u>	02-CV-3634(MP)

The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Pets.com, Inc. Research Reports Securities Litigation, 02-CV-3634(MP). The Clerk shall administratively close all of the actions listed above, other than 02-CV-3634(MP).

(w) The case captioned Troutman v. Merrill Lynch & Co. & Henry Blodget, 02-CV-7585, brought on behalf of purchasers of the common stock Quokka Sports, Inc. shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Quokka Sports Research Reports Securities Litigation, 02-CV-7585(MP).

(x) The claims against Merrill Lynch & Co., Inc., Mark Kastan and Kenneth Hoexter in the case captioned Pfeiffer v. Salomon Smith Barney, Inc., Merrill Lynch & Co., Inc., Jack Grubman, Mark Kastan and Kenneth Hoexter, 02-CV-6913(MP) shall be severed pursuant to Fed. R. Civ. P. 21 or 42(b) from the other claims and shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Rhythms Net Connections, Inc. Research Reports Securities Litigation, 02-CV-6913 (MP). The remaining claims shall be directed to the consolidated master docket In re Salomon Analyst Litigation, 02-CV-3687(BSJ).

(y) The action captioned Cleary v. Merrill Lynch Pierce Fenner & Smith, SA-02-CA-0364-DKT-IV (W.D. Tex.) transferred to this Court pursuant to the order of the JPML, brought on behalf of purchasers of the common stock of AOL Time Warner and purporting to assert claims on behalf of "all persons who bought Internet Securities from Merrill Lynch, Pierce, Fenner & Smith in Texas" shall be maintained in the clerk's office in a separate file with a docket number to be assigned.

(z) An action shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. Lycos, Inc. Research Reports Securities Litigation with a docket number to be assigned. The actions captioned Essenmacher v. Merrill Lynch & Co., Inc. and Henry Blodget, 02-CV-10172 (E.D. Mich.) and Rizzo v. Merrill Lynch & Co., Inc. and Henry Blodget, 8:02CV1390-T-26 (M.D. Fla.) transferred to this Court pursuant to the order of the JPML, brought on behalf of purchasers of the common stock of Lycos, Inc. shall be maintained in the Clerk's office in separate files with docket numbers to be assigned. With the consent of all parties, these actions may be consolidated under the caption In re Merrill Lynch & Co., Inc. Lycos, Inc. Research Reports Securities Litigation.

2. Defendants shall not be required to move, answer or otherwise respond to any complaint except as by further order of the Court.

III. NEWLY-FILED OR TRANSFERRED ACTIONS

1. The Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of or coordinated with one of the consolidated Actions, including any tag-along action subsequently transferred by the Judicial Panel on Multidistrict Litigation.

2. When a case that arises out of the same subject matter as one of the consolidated actions and that is brought by shareholders of the same issuer is hereafter filed in this Court or transferred from another Court, the Clerk of this Court shall:

(a) File a copy of this Order in the separate file for such action;

(b) Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any defendant(s) in the newly-filed or transferred case; and

(c) Make the appropriate entry in the Master Docket for the consolidated action.

3. (a) Each action that is hereafter transferred to this Court pursuant to an order of the Multidistrict Panel shall be coordinated with other cases brought by shareholders of the same issuer. A separate file shall be maintained for each such transferred action unless the parties consent to the consolidation of the transferred action with the action already pending. Any transferred action shall be stayed until further order of the Court. Nothing set forth in this Order (including any portion of this Order staying proceedings in any cases) shall be construed to stay or to alter the deadlines set forth in Section 21D(a)(3)(A) of the Securities Exchange Act of 1934 (15 U.S.C. § 78u-4(a)(3)(A)) or Section 27(a)(3)(A) of the Securities Act of 1933 (15 U.S.C. § 77z-1(a)(3)(A)). Any Lead Plaintiff/Lead Counsel motion required by the PSLRA shall be made pursuant to the deadlines contained in the PSLRA and shall indicate that it is returnable on a date to be fixed by the Court. However, no responses to any such motions shall be filed until further order of the Court.

(b) Each new case that arises out of the subject matter of one of the consolidated actions that is brought by shareholders of the same issuer which is filed in this Court shall be consolidated with such consolidated action and this Order shall apply thereto, unless a party objects to consolidation as provided for herein, or any provision of this Order, within ten (10) days after the date upon which a copy of this Order is served on counsel for

such party, by filing an application for relief and this Court deems it appropriate to grant such application.

(c) Nothing in the foregoing shall be construed as a waiver of the defendants' right to object to consolidation of any subsequently-filed or transferred related action.

IV. THE SLUSA CASES

1. The following SLUSA actions shall be governed by the following schedule and are not governed by Section II or paragraphs 2 and 3 of Section III of this Order.

Plaintiffs shall have 30 days from the date of this order to file any motions to remand predicated on subject matter jurisdiction. Within 30 days thereafter, defendants shall file and serve any oppositions to the motions to remand and any cross-motions or motions to dismiss on SLUSA grounds. Any other defenses or grounds to move to dismiss shall be preserved until after the SLUSA issues are decided. Plaintiffs shall have 30 days thereafter to submit their reply papers on motions to remand and opposition papers to the motions to dismiss.

Defendants shall have 30 days thereafter to submit any reply papers.

<u>Ciccarelli v. Merrill Lynch & Co., Inc.</u>	02-CV-4051(MP)
<u>Dabit v. Merrill Lynch Pierce Fenner & Smith, Inc.</u>	02-CV-564 (W.D. Ok.)
<u>IJG Investments Ltd v. Merrill Lynch & Co., Inc.</u>	02-CV-1675 (D. Minn.)
<u>Smith v. Merrill Lynch & Co., Inc.</u>	02-CV-4205(MP)

2. Defendants may, but are not required to, submit one brief directed at all of these actions. Plaintiffs in each action may, but are not required to, file and serve separate papers.

3. To the extent any SLUSA Action is subsequently transferred to this Court, the above-referenced schedule shall take effect from the date the transfer order becomes effective.

SO ORDERED THIS ____ day of _____ 2002:

Honorable Milton Pollack
United States District Judge