

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

IN RE MUTUAL FUNDS INVESTMENT  
LITIGATION

MDL 1586

IN RE ALGER, COLUMBIA, JANUS, MFS,  
ONE GROUP, PUTNAM, and ALLIANZ  
DRESDNER

Case No. 04-md-15863  
(Judge Motz)

[Allianz Dresdner Subtrack]

Pingitore v. Allianz Dresdner Asset  
Management of America, L.P., *et al.*

Civil No. JFM-04-1933

INVESTOR CLASS ORDER

For the reasons stated in the Court's November 3, 2005 letter Memorandum and implementing instructions, the Investor Class Opinion in the *Janus* subtrack, and in the February 28, 2006 letter ruling on the request of Defendant Pentagon Asset Management, it is, this \_\_\_ day of \_\_\_\_\_, 2006

ORDERED

1. All claims against Defendant PIMCO Funds: Multi-Manager Series (k/n/a Allianz Funds) are dismissed without leave to amend;

2. The motions filed by Defendants Allianz Dresdner Asset Management of America L.P. (k/n/a Allianz Global Investors of America, L.P.), PIMCO Advisors Fund Management LLC (k/n/a Allianz Global Investors Fund Management LLC), PEA Capital LLC, PA Distributors LLC (k/n/a Allianz Global Investors Distributors LLC), John E. Cashwell, Jr. and Kenneth W.

Corba are:

- a). Denied as to all claims under the Exchange Act of 1934;
- b). Granted as to all claims under the Securities Act of 1933 without leave to amend;
- c). Granted as to claims under Sections 34(b) and 36(a) of the Investment Company Act (“ICA”) and the related claims under Section 48(a) of the ICA without leave to amend;
- d). Denied as to claims under 36(b) of the ICA and the related claims under Section 48(a) of the ICA;
- e). Granted as to state law claims but plaintiffs are granted leave to file an amended second consolidated complaint within the deadline set by the Court;

3. The motions of Defendants Stephen J. Treadway, Theodore J. Coborn, Donald P. Carter, E. Philip Cannon, Gary A. Childress, W. Bryant Stooks, Gerald M. Thorne (the “Trustee Defendants”) are:

- a). Granted as to all claims asserted against the Trustee Defendants without leave to amend, except as set forth below;
- b). Denied, as to the Section 10(b) claim under the Exchange Act asserted against Defendant Stephen J. Treadway;
- c). Deferred, in accordance with the Court’s November 3, 2005 Memorandum, as to claims under Section 20(a) of the Exchange Act; and
- d). Granted as to state law claims but plaintiffs are granted leave to file an amended second consolidated complaint within the deadline set by the Court;

4. Pursuant to the Court's December 8, 2004, order, this action is stayed as to defendants Edward J. Stern, Canary Capital Partners, LLC, Canary Investment Management, LLC, and Canary Capital Partners, Ltd.;

5 a). The claims asserted against Defendants Chronos Asset Management ("Chronos"), Headstart Advisers Ltd. ("Headstart"), and Pentagon Asset Management ("Pentagon") are dismissed with leave to file an amended second consolidated complaint within the deadline set by the Court;

b). The request by Pentagon that all claims against it be dismissed without prejudice to plaintiffs filing suit in state court is deferred, and the Court requests plaintiffs and Pentagon to submit a status report within 15 days after the United States Supreme Court issues its decision in *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit*, No. 04-1371, and, if, at that time, Pentagon still wishes to pursue its request, to include with the report a proposed briefing schedule.

6. The claims asserted against Defendants Bank of America Corporation and Banc of America Securities LLC (collectively, "Bank of America") and Defendants Bear Stearns Securities Corporation and Bear Stearns & Co. Inc. (collectively, "Bear Stearns") are dismissed with leave to file an amended second consolidated complaint within the deadline set by the Court;

7. The claims asserted against Defendant Prudential Securities, Inc. are dismissed with leave to file an amended second consolidated complaint within the deadline set by the Court;

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J. Frederick Motz  
United States District Judge