

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JOHN M. SPAHN, IRA, on Behalf of Himself)	CASE NO.: 4:04-CV-00086 HEA
and All Others Similarly Situated,)	
)	CONSOLIDATED CASE NOS.:
Plaintiff,)	
)	4:04-CV-00118 CAS
vs.)	4:04-CV-00189 CEJ
)	4:04-CV-00255 DJS
EDWARD D. JONES & CO., L.P., JOHN W.)	4:04-CV-00282 DJS
BACHMANN, DOUGLAS E. H ILL,))	4:04-CV-00466 HEA
MICHAEL R. HOLMES, RICHIE L.)	4:04-CV-00467 HEA
MALONE, STEVEN NOVIK, DARRYL L.)	
POPE, AND ROBERT VIRGIL, JR.,)	<u>CLASS ACTION</u>
)	
Defendants.)	
_____)	

**ORDER FOR THE
APPOINTMENT OF LEAD PLAINTIFF AND LEAD
AND LIAISON COUNSEL**

WHEREAS, there are currently five pending motions which have sought consolidation and the appointment of lead plaintiff and lead counsel for the above captioned-cases (the “Motions”);

WHEREAS, this Court issued an Order on April 5, 2004 consolidating all related actions;

WHEREAS, briefs in further support of the appointment of lead plaintiff and lead counsel have been filed only by the two largest movants – the Edward Jones Lead Plaintiff Movants (the “Edward Jones Plaintiffs”) and the Wood Proposed Lead Plaintiffs (the “Wood Plaintiffs”);

WHEREAS, all other movants seeking lead plaintiff and lead counsel status have filed statements in support of the appointment of the Edward Jones lead Plaintiff Movants and the Wood Lead Plaintiff Movants; and

WHEREAS, the Edward Jones Plaintiffs and Wood Plaintiffs have agreed to propose a co-lead plaintiff structure designating from their respective groups Jim D. Boswell and Thomas J. Auer as proposed lead plaintiffs representing the largest financial interest, individually and collectively, of those seeking appointment as lead plaintiff (the “Proposed Lead Plaintiffs”); and

IT HEREBY IS ORDERED as follows:

1. The following plaintiffs are appointed as lead plaintiffs: Jim D. Boswell and Thomas J. Auer (“Lead Plaintiffs”).
2. The law firms of Stull Stull & Brody, Weiss & Yourman and Milberg Weiss Bershad & Schulman LLP are appointed as Co-Lead Counsel (“Co-Lead Counsel”).
3. Sauerwein & Blanchard P.C. and the Law Offices of Leonard Komen, P.C. are appointed as Co-Liaison Counsel.
4. Co-Lead Counsel shall have the authority to speak for all plaintiffs and class members in all matters regarding this litigation including, but not limited to, pre-trial proceedings, motion practice, trial and settlement, and shall make all work assignments in such a manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort. Additionally, Co-Lead Counsel shall have the following responsibilities:

- a. to brief and argue motions;
- b. to initiate and conduct discovery, including, without limitation, coordination of discovery with defendants’ counsel, the preparation of written interrogatories, requests for admission, and requests for production of documents;
- c. to direct and coordinate the examination of witnesses in depositions;
- d. to act as spokesperson at pretrial conferences;
- e. to call and chair meetings of plaintiffs’ counsel as appropriate or necessary from time to time;

- f. to initiate and conduct any settlement negotiations with counsel for defendants;
- g. to provide general coordination of the activities of plaintiffs' counsel and to delegate work responsibilities to selected counsel as may be required in such a manner as to lead to the orderly and efficient prosecution of this litigation and to avoid duplication or unproductive effort;
- h. to consult and employ experts;
- i. to receive and review periodic time reports of all attorneys on behalf of plaintiffs, to determine if the time is being spent appropriately and for the benefit of plaintiffs, and to determine and distribute plaintiffs' attorneys' fees; and
- j. to perform such other duties as may be expressly authorized by further order of this Court.

5. Co-Lead Counsel shall be responsible for coordinating all activities and appearances on behalf of the Class and for disseminating notices and orders of this Court.

6. No motion, application or request for discovery shall be served or filed, or other pretrial proceedings initiated, on behalf of Lead Plaintiffs, except through Co-Lead Counsel.

7. Co-Lead Counsel shall be available and responsible for communications to and from the Court. Co-Lead Counsel are designated as the spokespersons for plaintiffs with respect to all substantive communications with the Court and with defense counsel. Other plaintiffs' counsel may communicate on substantive matters with the Court or defense counsel only if delegated to do so by Co-Lead Counsel.

8. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel.

9. No communications among plaintiffs' counsel shall be taken as a waiver of any

privilege or protection to which they would otherwise be entitled. Moreover, no communication among defendants' counsel shall be taken as a waiver of any privilege to which they would otherwise be entitled.

Dated this 14th_ day of June, 2004.

A handwritten signature in cursive script, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT COURT