

The Running Score on Motions to Dismiss Subprime/Credit Crisis Class Action Securities Lawsuits Nov '07 - May '09
 Prepared by Cliff Shnier May 27/09, with acknowledgments to Kevin Lacroix and www.DandODiary.com.

Sequence Number	Case	Date of Order	Disposition of Motion to Dismiss	Value	Running Score	Status	Date of Next Motion to Dismiss
1	IndyMacBancorp	11/29/2007	Dismissed w leave to amend	-0.50	-0.50	TAC dismissed 5/11/09 w leave to amend by 6/1/09	7/27/2009
2	Accredited Home Lenders	1/4/2008	Denied	1.00	0.50	---	
3	New Century Financial Corp.	1/31/2008	Dismissed w leave to amend	0.00	0.50	Second Motion to Dismiss DENIED	
4	IndyMac Bancorp Option ARM	5/8/2008	Dismissed w leave to amend	0.00	0.50	Consolidated with other Indymac cases	
5	Standard Pacific	5/18/2008	Dismissed w leave to amend	-1.00	-0.50	Stipulated Dismissal with Prejudice 8/8/08	
6	NovaStar Financial	6/4/2008	Dismissed with Prejudice	-1.00	-1.50	8th Circuit Appeal appears abandoned.	
7	Toll Brothers	8/29/2008	Denied	1.00	-0.50	---	
8	First Home Builders of Florida	9/20/2008	Dismissed w leave to amend	-0.50	-1.00	Motions to Dismiss SAC filed 1/09; Responses filed 4/09; Replies 5/09	filed but date of hearing not yet set
9	Impac Mortgage Holdings	10/6/2008	Dismissed w leave to amend	0.00	-1.00	Denied on third try, Mar 9/09	
10	Fremont General	10/28/2008	Dismissed w leave to amend	-0.50	-1.50	Motion to Dismiss SAC filed 3/25/09 for hearing 8/24/09	8/24/2009
11	Countrywide Financial Corp.	12/1/2008	Denied	1.00	-0.50	---	
11	New Century Financial Corp.	12/3/2008	Denied	1.00	0.50	---	
12	BankAtlantic Bancorp	12/11/2008	Dismissed w leave to amend	0.00	0.50	On January 12, 2009, the lead plaintiff filed a First Consolidated Amended Complaint. On February 6, 2009, the defendants filed a motion to dismiss the First Consolidated Amended Complaint. On May 11, 2009, Judge Ungaro denied the motion.	
13	RAIT Financial Trust	12/22/2008	Denied	1.00	1.50	---	
14	Centerline Holdings Company	1/12/2009	Dismissed w leave to amend	-0.50	1.00	2nd motion to dismiss filed 4-30, oppo due 6/12; reply due 6/30, hearing date to be set.	filed but date of hearing not yet set
15	Schwab/Yield Plus Fund	2/4/2009	Denied	1.00	2.00	---	
16	Moody's	2/18/2009	Denied	1.00	3.00	---	
17	Impac Mortgage Holdings	3/9/2009	Dismissed with Prejudice	-1.00	2.00	---	
18	Downey Financial Corp.	3/18/2009	Dismissed w leave to amend	-0.50	1.50	Motion to Dismiss SAC filed 5/18/09	7/13/2009
19	UBS Auction Rate Securities	3/30/2009	Dismissed w leave to amend	-0.50	1.00	1st Am Cmpl filed 5-8-09	2nd Motion to dismiss not yet filed
20	Countrywide	4/6/2009	Denied	1.00	2.00	---	
21	Radian Group	4/9/2009	Dismissed with Prejudice	-1.00	1.00	---	
22	BankAtlantic Bancorp	5/11/2009	Denied	1.00	2.00	---	
23	Washington Mutual	5/15/2009	Partial Deny, Partially dismissed w leave to amend	-0.25	1.75	Plaintiff has until June 15-09 to amend.	Awaiting Amended Complaint due 6/15/09
24	MoneyGram International	5/20/2009	Denied	1.00	2.75	---	

Scoring Legend	Value
Denials	1.00
Dismissals with Prejudice	-1.00
Dismissals with Leave to Amend	-0.50
Dismissal with Leave to Amend later dismissed with prejudice by stipulation	-1.00
Dismissals with Leave to Amend that have subsequently been finally decided, or consolidated into another case, rescore original order as zero, changing it from minus 0.5, and changing yellow fill to gray.	0.00
Partial Deny, Partial Dismiss with leave to amend	-0.25