

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

101 WEST LOMBARD STREET
BALTIMORE, MARYLAND 21201
(410) 962-0782
(410) 962-2698 FAX

September 24, 2004

Re: MDL-1586-*In re Mutual Funds Investment Litigation*

Dear Counsel:

In light of the number of requests for information the Clerk's Office has received concerning the filing of amended complaints in the Mutual Fund MDL, I thought it would be helpful to send out the following instructions.

New Consolidated Complaints

If you are filing new consolidated complaints, you should not attempt to e-file them. You should provide the Clerk's Office with one paper copy of the new complaint, any attachments, a civil cover sheet, and a cover letter indicating that per my instructions the filing fee has been waived. All parties must be listed in the case caption. You also must provide the Clerk's Office with a diskette or CD containing PDF versions of the complaint, any attachments, the civil cover sheet, and the cover letter. Each document, including each attachment to the complaint must be a separate PDF. For each defendant whom you will be serving you should submit one paper summons (no PDF version is required). It is not necessary to submit service copies of the complaint to the Clerk. The Clerk's Office will issue the summonses, scan them, and return the paper copies to you.

Consolidated Amended Complaints in Transferred Cases

If you choose to file consolidated amended complaints in cases transferred to Maryland the following instructions apply:

- 1) You are required to e-file the amended complaint in both the MDL track to which it applies and in any individual cases to which it applies. It does not matter which case you file it in first. However, the same complaint should be filed in each case.
- 2) You may include the entire case caption for all of the cases or you may use abbreviated versions. At a minimum the case caption must include: a short title for the MDL track and the MDL track number, and a short title for each individual case and the Maryland case number for each individual case.
- 3) You must file as an attachment to the amended complaint a notice listing for the MDL track and each individual case the full names of any parties that are being added and the full names of any

parties against whom all claims are being dropped.

- 4) The requirements of Local Rule 103.6.c concerning highlighting of amendments are waived.
- 5) When you are docketing the amended complaints you will be prompted to pick the filer. If any of the plaintiffs on whose behalf you are filing the amended complaint are not listed you will need to add them. To do this click on the Add/Create New Party button. The system will display a list of all of the parties in the system with similar names. If there is an exact match you should select that name from the list. If not, click on Create New Party. If the party is a person, enter the last name and first name in the appropriate blocks. If the party is a business enter the full business name in the last name block. Make sure that the appropriate role, i.e., plaintiff, defendant, etc. is chosen. Do not fill in the blocks for address, phone, or e-mail. In the block for party text you may enter information such as “on behalf of all others similarly situated” or “a Maryland Corporation.” Do not include that type of information in the blocks for names or title. When you are docketing in the MDL track it is helpful if you enter the individual Maryland case number that applies to the party you are adding. NOTE: You will find that while the individual cases already have most of the plaintiffs entered as parties, because of the expedited way the MDL tracks were opened, you will have to enter many of the plaintiffs.
- 6) You will be prompted to select the parties against whom the complaint is being filed. Do not click on the radio buttons for All Defendants or All Parties. You should choose each defendant from the list of parties to the case. Holding down the Control (Ctrl) key while you are selecting will allow you to pick more than one defendant. If there are any defendants you are filing against who are not on the list you should follow the instructions above for creating a new party. Again note: You will find that while the individual cases already have most of the defendants entered as parties, because of the expedited way the MDL tracks were opened, you will have to enter many of the defendants.
- 7) If you want summonses issued, do not file them electronically. For each defendant for whom you want a summons issued, send one paper copy of the summons to the Clerk’s Office along with a request that it be issued and returned to you. It is not necessary to send service copies of the complaint to the Clerk’s Office. Only the MDL track number need appear on the summons.
- 8) Most importantly, **DO NOT WAIT UNTIL THE LAST MINUTE THE AMENDED COMPLAINTS ARE DUE TO CALL THE CLERK’S OFFICE FOR ASSISTANCE.** Staff recognize that e-filing documents of this nature is complicated and can be difficult for persons who are not thoroughly experienced with e-filing and they are more than willing to assist you. You however need to understand that due to the budget situation our staffing level has decreased and we cannot provide assistance outside of our normal work hours, i.e. 9:00 a.m. to 4:00 p.m. You should anticipate spending at least ½ hour and perhaps longer e-filing the amended complaint in each case.
- 9) Please send a paper copy of any new complaint or amended complaint to the chambers of the judge presiding over the track in which the complaint or amended complaint is being filed.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge