

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

IN RE MUTUAL FUNDS \*  
INVESTMENT LITIGATION \* MDL-1586  
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(In re Janus Subtrack) \* Civil No. 04-MD-15863  
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INVESTOR CLASS ORDER

For the reasons stated in the accompanying opinion, it is, this 25th day of August 2005

ORDERED

1. All claims against Janus Investment Fund and Janus Adviser Series are dismissed without leave to amend;
2. The motions filed by Janus Capital Group, Janus Capital Management, and Janus Distributors LLC 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 and the related claims under Section 48(a) of the ICA without leave to amend;
  - d). Denied as to claims under Section 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 amend second consolidated complaints within a deadline to be set after conferring with counsel;

3. The motions filed by Edward J. Stern, Canary Capital Partners, LLC, s Investment LLC, Canary Capital Partners, Ltd., Gregory Trautman, Trautman Wasserman & Co., Rydex Investments, and Round Hill Securities, Inc. are:

- a). Denied as to claims under the Exchange Act of 1934;
- b). Granted as to state law claims but plaintiffs are granted leave to amend second consolidated complaints within a deadline to be set after conferring with counsel;

4. All claims against AST Trust Co., Prudential Securities, Inc., and Wachovia Securities, LLC are dismissed without leave to amend;

5. Motions filed by Bear Stearns & Co. and Bank of America Corp. are:

- a). Denied as to claims under the Exchange Act of 1934
- b). Granted as to state law claims but plaintiffs are granted leave to amend second consolidated complaints within a deadline to be set after conferring with counsel; and

6. The motion filed by CIBC is granted both as to claims under the Exchange Act of 1934 and all state law claims but plaintiffs are granted leave to amend second consolidated complaints as to state law claims and as to any claim under the Exchange Act of 1934 arising from CIBC's alleged status as a trader within a deadline to be set after conferring with counsel.

/s/  
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J. Frederick Motz  
United States District Judge