

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VASILI TSERETELI, et ano.,

USDS SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 2/5/2010

Plaintiffs,

-against-

08 Civ. 10637 (LAK)

RESIDENTIAL ASSET SECURITIZATION  
TRUST 2006-A8, ET AL.,

Defendants.

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## **ORDER**

LEWIS A. KAPLAN, *District Judge*.

Defendants The McGraw-Hill Companies, Inc. ("McGraw") and Moody's Investors Service Inc. ("Moody's") move to dismiss the amended complaint as to them on the ground that it fails to state a claim upon which relief may be granted.

Insofar as plaintiffs sue under Sections 11(a)(5) and 12(2) of the Securities Act of 1933, 15 U.S.C. § 7k(a)(5), 77l(a)(2), dismissal is required for the reasons stated in *In re Lehman Brothers Secur. & ERISA Litig.*, No. 09 MD 2017 (LAK), 2010 WL 337997 (S.D.N.Y. Feb. 1, 2010). Insofar as they sue under Section 11(a)(4), 15 U.S.C. § 77k(a)(4), the claim is dismissed for the reasons stated in McGraw's memorandum of law and reply memorandum of law at pages 8-10 and 2-3, respectively.

Accordingly, the motions of McGraw [DI 28] and Moody's [DI 34] are granted in all respects. As this disposes of all claims against these defendants and the decision turns on matters peculiar to them, there is no just reason for delay. The Clerk shall enter final judgment dismissing the amended complaint as to those defendants only. This order does not close the case.

SO ORDERED.

Dated: February 5, 2010



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Lewis A. Kaplan  
United States District Judge