

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: INDYMAC MORTGAGE-BACKED
SECURITIES LITIGATION,

09 Civ. 4583 (LAK)

This document relates to: *All Actions*

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ORDER

LEWIS A. KAPLAN, *District Judge.*

Defendants Fitch, Inc. ("Fitch"), 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.

Plaintiffs sue these defendants under sections 11(a)(5) and 15 of the Securities Act of 1933, 15 U.S.C. § 77k(a)(5), 77o. 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).

Accordingly, the motion of Fitch, McGraw and Moody's is 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



Lewis A. Kaplan
United States District Judge