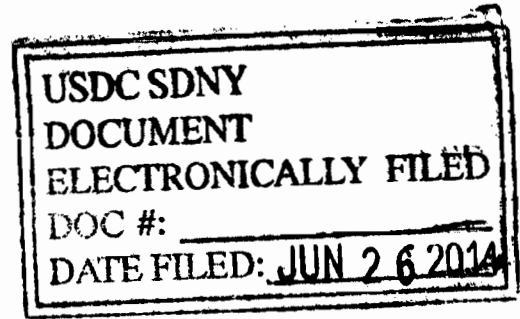


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE AMERICAN
INTERNATIONAL GROUP, INC.
ERISA LITIGATION II



No. 08CV5722-LTS-KNF

This Document Relates to:
All Actions

ORDER

Defendants have filed motions to dismiss the Consolidated Second Amended Complaint, arguing that the Moench presumption of prudence with respect to company stock investments in employer stock ownership plans, as delineated in In re Citigroup ERISA Litig., 662 F.3d 128, 138 (2d Cir. 2011), bars Plaintiffs' breach of fiduciary duty claims. In a decision rendered earlier this week, the Supreme Court of the United States rejected the Moench presumption. See Fifth Third Bancorp v. Dudenhoeffer, No. 12-751, Slip Op., 573 U.S. ____ (June 25, 2014). Consequently, Defendants' motions to dismiss are denied without prejudice to renewal on other grounds.

The Court will hold a pretrial conference on **September 18, 2014, at 11 a.m. in Courtroom 12D**. The parties are directed to meet and confer promptly concerning their respective views regarding the impact of Fifth Third on this case and the possibility of settlement. The parties are directed to file letters with the Court no later than seven (7) days before said conference explaining the status of those discussions, indicating whether Defendants intend to renew their motions to dismiss, and describing the anticipated grounds for any such renewal. If no renewed motion practice is contemplated, the letter must include an explanation of the status of discovery and a general description of the work that remains to render the case


trial-ready.

The Defendants' time to answer or otherwise respond to the Consolidated Second Amended Complaint is extended to October 3, 2014.

This Order resolves docket entry numbers 139, 143, 147, 150, 153, 155, 157, 159, 161, 163, 165, 167, 169, 171, 173, and 181.

SO ORDERED.

Dated: New York, New York
June 26, 2014



LAURA TAYLOR SWAIN
United States District Judge