

litigation. *In re AOL Time Warner, Inc. Sec. & "ERISA" Litig.*, 2003 U.S. Dist. LEXIS 145, at *4 (S.D.N.Y. 2003) (Kram, J.) (quoting *Cavanaugh*, 306 F.3d at 729-30).

Moreover, the Certifications and moving papers attest to the fact that Philips Pensioenfonds satisfies the requirements for typicality and adequacy under Fed. R. Civ. P. 23. *See In re Oxford Health Plans, Inc. Sec. Litig.*, 182 F.R.D. 42, 49 (S.D.N.Y. 1998) (citing *Gluck v. Cellstar Corp.*, 976 F. Supp. 542, 546 (N.D. Tex. 1997) (“[t]ypicality and adequacy of representation are the only provisions relevant to a determination of lead plaintiff under the PSLRA”). *Accord Strougo v. Brantley Capital Corp.*, 243 F.R.D. 100, 105 (S.D.N.Y. 2007). Indeed, on the face of the pleadings there do not appear to be any defenses which defendants could raise that are unique to Philips Pensioenfonds, or that Philips Pensioenfonds has any interests “that are adverse to those of the class members.” *See Kaplan v. Gelfon*, 240 F.R.D. 88, 94 (S.D.N.Y. 2007).

Accordingly, Philips Pensioenfonds is the most adequate plaintiff in this action, *see* 15 U.S.C. § 78u-4(a)(3)(B)(iii)(I); *In re UBS Auction Rate Sec. Litig.*, 2008 U.S. Dist. LEXIS 56016 (S.D.N.Y. July 16, 2008), and should be appointed lead plaintiff for the Class. While the Meister Group recognizes that Philips Pensioenfonds satisfies the requirements for appointment as lead plaintiff under the PSLRA, and supports Philips Pensioenfonds’ appointment as lead plaintiff by the Court, should the need arise, Martin Meister, Paul Meister, and Carol Meister are ready, willing and able to assist in or assume the duties as additional plaintiffs.

Dated: November 1, 2010.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I, Leigh Lasky, hereby certify that on October 26, 2010, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system. All counsel of record were served via the ECF system with a Notice of Filing Pursuant to the local rules on electronic filing.

/s/ Leigh Lasky
Leigh Lasky