

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

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<i>IN RE J.P. MORGAN CHASE CASH BALANCE</i>	:	
<i>LITIGATION</i>	:	<u>Via ECF</u>
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THIS DOCUMENT RELATES TO:	:	Master File No. 06-CV-0732 (HB)
	:	
All Actions	:	
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NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed affidavit of Thomas C. Rice, Esq., sworn to on June 26, 2006, and the exhibits attached thereto, and the accompanying Memorandum of Law, Defendants JPMorgan Chase Retirement Plan and JPMorgan Chase & Co.'s Director of Human Resources (collectively, "Defendants") will move before the Honorable Harold Baer, Jr., United States District Judge, at Courtroom 23B of the United States District Courthouse, 500 Pearl Street, New York, New York 10007, on August 3, 2006, at 9:30 a.m., or as soon thereafter as counsel can be heard, for an order, pursuant to Federal Rules of Civil Procedure 8(a) and 12(b)(6), dismissing with prejudice Plaintiffs' (Corrected) Consolidated Class Action Complaint.

PLEASE TAKE FURTHER NOTICE, that, pursuant to the Court's instructions at the June 2, 2006 conference and as agreed by the parties, (1) Plaintiffs' Opposition will be filed on or before July 20, 2006, (2) Defendants' Reply will be served on or before August 3, 2006, and (3) Oral argument will take place on August 9, 2006 at 10:00 AM.¹

Dated: New York, New York
June 26, 2006

SIMPSON THACHER & BARTLETT LLP

By 

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¹ Pursuant to the Court's instructions at the June 2, 2006 conference and as agreed by the parties, and consistent with Practice 3(A)(i) of the Court's Individual Practices, Plaintiffs shall decide whether to replead by June 30, 2006. If Plaintiffs decide to replead, Defendants will file a new motion to dismiss and a new Notice of Motion.