

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE J.P. MORGAN CHASE
CASH BALANCE LITIGATION

MASTER FILE: 06-CV-0732 (HB)

THIS DOCUMENT RELATES TO:

All Actions

NOTICE OF MOTION FOR CLASS CERTIFICATION

PLEASE TAKE NOTICE, that Plaintiffs Neil Aldoroty, John J. Berotti, Annette Falchetti, Terri Melli, Norman J. Schomaker, Perry Shapiro and Binu Mathew (collectively, “Plaintiffs”) hereby move this Court, before the Honorable Harold Baer, Jr., United States District Judge, at Courtroom 23B of the United States District Courthouse, 500 Pearl Street, New York, NY 10007, on November 10, 2006 at 9:30 a.m. or as soon thereafter as counsel can be heard, for an order pursuant to Rule 23 of the Federal Rules of Civil Procedure: (1) certifying this consolidated action as a class action, pursuant to Rule 23(b)(1) and (b)(2) of the Federal Rules of Civil Procedure, and granting class action status to a class comprised of the following:

All Plan¹ participants, whether active, inactive or retired, their beneficiaries and estates, whose accrued benefits or pension benefits are based in whole or in part on the Plan’s cash balance formulas, from January 1, 1989 to the present;

¹ The “Plan” refers to the JPMorgan Chase Retirement Plan and the predecessor plans of the JPMorgan Chase & Co. predecessor companies. Corrected Consolidated Class Action Complaint, ¶ 15.

(2) appointing Plaintiffs as the Class representatives; and (3) appointing Plaintiffs' Co-Lead Counsel, Schiffrin & Barroway, LLP; Kirby, McInerney & Squire, LLP; and Keller Rohrback L.L.P., as class counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

This motion is based upon this Notice of Motion, the Affidavit of Peter S. Linden, and the exhibits attached thereto, the accompanying Memorandum of Law, and the pleadings and papers filed in this proceeding, as well as such further argument as the Court may allow at a hearing on this motion. As is more particularly set forth in the accompanying memorandum, Plaintiffs represent they have satisfied all of the applicable requirements for class certification and the relief requested on this motion.

PLEASE TAKE FURTHER NOTICE, that, pursuant to the Court's Pretrial Scheduling Order dated July 31, 2006, (1) any opposition to the motion by Defendants will be filed on or before October 20, 2006, and (2) any reply brief by Plaintiffs concerning class certification will be filed on or before November 10, 2006.

Dated: August 10, 2006

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