## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff, : Civil Action No.

-against- : 03 Civ. 2937 (WHP)

BEAR, STEARNS & CO. INC.,

:

Defendant.

## ORDER REGARDING DISTRIBUTION FUND PLAN

On October 31, 2003, the Court signed a Final Judgment as to Defendant Bear, Stearns & Co. Inc. ("Final Judgment"). Section II of the Final Judgment calls for the creation of a Distribution Fund, which consists of Defendant's Federal Payment plus any income and interest earned thereon. Under Section V.A of the Final Judgment, "[t]he Distribution Fund Administrator shall formulate and administer a Distribution Fund Plan ... intended to provide for the equitable, cost-effective distribution of funds to Eligible Distribution Fund Recipients."

Under Section V.C.1 of the Final Judgment, to be an Eligible Distribution Fund Recipient, a person must have purchased "equity securities in question" through Defendant during the "relevant period of purchase." Also under Section V.C.1, "[i]dentification of the 'equity securities in question' and the 'relevant period of purchase' for each such equity security will be set forth (solely for the purpose of administering the Distribution Fund Plan) in a further order of the Court."

<sup>&</sup>lt;sup>1</sup> All defined terms in the Final Judgment apply to this Order.

Accordingly, IT IS HEREBY ORDERED that the "equity securities in question" and the "relevant period of purchase" for each such equity security, as those terms are used in Section

Equity Securities in QuestionRelevant Periods of PurchaseSonicWall, Inc.Jan. 25, 2001 – May 15, 2001Micromuse, Inc.July 18, 2001 – Oct. 16, 2001CAIS Internet Inc.Nov. 7, 2000 – April 24, 2001Digital River, Inc.Jan. 30, 2002 – April 1, 2002

The identification of "equity securities in question" and "relevant periods of purchase" made herein is solely for the purpose of facilitating the efficient administration of the Distribution Fund Plan, is not a judicial or Commission finding, and is not intended to have precedential effect in other actions.

SO ORDERED.

V.C.1 of the Final Judgment, are as follows:

Dated: New York, New York

October 31, 2003

WILLIAM H. PAULEY III UNITED STATES DISTRICT JUDGE