

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE SECURITIES (USA)
LLC; JPMORGAN CHASE & Co., a
Delaware corporation, successor in
interest to Hambrecht & Quist and
Chase Securities Inc.; BANK OF
AMERICA CORPORATION, a Delaware
corporation, successor in interest
to Fleetboston Robertson Stephens,
Inc.; ONVIA INC., a Delaware
corporation formerly known as
Onvia.com Inc.; ROBERTSON
STEPHENS, INC.; J.P. MORGAN
SECURITIES INC.,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35262

No. 09-35363

D.C. No. 2:07-cv-
01549-JLR
Western District of
Washington,
Seattle

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

DEUTSCHE BANK SECURITIES INC.;
FOUNDRY NETWORKS INC., Nominal
Defendant, a Delaware
corporation; MERRILL LYNCH
PIERCE FENNER & SMITH
INCORPORATED; J.P. MORGAN
SECURITIES INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35280
D.C. Nos.
2:07-cv-01566-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MERRILL LYNCH & CO. INC.,
Defendant,

and

FINISAR CORPORATION, Nominal
Defendant, a Delaware
corporation; MERRILL LYNCH
PIERCE FENNER & SMITH
INCORPORATED; J.P. MORGAN
SECURITIES INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35282
No. 09-35375
D.C. Nos.
2:07-cv-01567-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & CO.,
INCORPORATED; LEHMAN BROTHERS,
INC.; BANK OF AMERICA
CORPORATION; ROBERTSON
STEPHENS, INC.; AVANEX
CORPORATION,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35285

D.C. Nos.
2:07-cv-01568-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP, a global
bank headquartered in Zurich,
Switzerland formerly known as
Credit Suisse First Boston
Corporation; BANK OF AMERICA
CORPORATION, a Delaware
corporation, successor in interest
to BancBoston Robertson
Stephens, Inc.; TIVO INC., Nominal
Defendant, a Delaware
corporation; ROBERTSON STEPHENS,
INC.,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35286

No. 09-35367

D.C. Nos.
2:07-cv-01576-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS & CO., a New
York limited partnership; BANK OF
AMERICA CORPORATION, a Delaware
corporation, successor in interest
to FleetBoston Robertson
Stephens, Inc.; ROBERTSON
STEPHENS INC., a Massachusetts
corporation,

Defendants-Appellees,

and

TURNSTONE SYSTEMS, INC., a
Delaware corporation,

Defendant.

In Re: SECTION 16(b) LITIGATION

No. 09-35288
D.C. Nos.
2:07-cv-01569-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS & Co., “Goldman Sachs”; CREDIT SUISSE SECURITIES (USA) LLC, “Credit Suisse” formerly known as Credit Suisse First Boston Corporation; BANK OF AMERICA CORPORATION, a Delaware corporation, successor in interest to BancBoston Robertson Stephens, Inc.; ROBERTSON STEPHENS, INC.; JUNIPER NETWORKS INC.,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35289
D.C. Nos.
2:07-cv-01577-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & CO.,
INCORPORATED; DEUTSCHE BANK
SECURITIES, INC.; MERRILL LYNCH,
PIERCE, FENNER & SMITH
INCORPORATED; ARIBA INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35290
No. 09-35381
D.C. Nos.
2:07-cv-01570-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & CO.,
INCORPORATED; CITIGROUP GLOBAL
MARKETS, INC.; AKAMAI
TECHNOLOGIES, INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35292
No. 09-35364
D.C. Nos.
2:07-cv-01571-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS GROUP INC., a
Delaware corporation; JPMORGAN
CHASE & Co., a Delaware
corporation, successor in interest
to Hambrecht & Quist LLC,
Defendants,

and

KANA SOFTWARE INC., Nominal
Defendant, a Delaware corporation
formerly known as Kana
Communications Inc.; GOLDMAN
SACHS & Co.; J.P. MORGAN
SECURITIES INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35293
D.C. Nos.
2:07-cv-01578-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY, a Delaware
corporation, successor in interest
to Morgan Stanley Dean Witter,
Defendant,

and

SILICON LABORATORIES INC.,
Nominal Defendant, a Delaware
corporation; MORGAN STANLEY &
CO. INCORPORATED; LEHMAN
BROTHERS INC.; CITIGROUP GLOBAL
MARKETS, INC.,
Defendants-Appellees,

JAMES W. GIDDENS,
TRUSTEE FOR THE
LIQUIDATION OF THE BUSINESS OF
LEHMAN BROTHERS INC.,
Trustee-Appellee.

In Re: SECTION 16(b) LITIGATION

No. 09-35297
No. 09-35373
D.C. Nos.
2:07-cv-01590-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS GROUP INC., a
Delaware corporation,
Defendant,

and

BANK OF AMERICA CORPORATION, a
Delaware corporation, successor in
interest to BancBoston Robertson
Stephens, Inc.; PALM INC.,
Nominal Defendant, a Delaware
corporation; GOLDMAN SACHS &
CO.; MORGAN STANLEY & CO.
INCORPORATED; MERRILL LYNCH
PIERCE FENNER & SMITH
INCORPORATED; ROBERTSON
STEPHENS, INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35300
D.C. Nos.
2:07-cv-01593-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS GROUP INC.,
Defendant,

and

BANK OF AMERICA CORPORATION, a
Delaware corporation, successor in
interest to BancBoston Robertson
Stephens, Inc.; MAXYGEN INC.,
Nominal Defendant, a Delaware
corporation; GOLDMAN SACHS &
CO.; ROBERTSON STEPHENS, INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35301
No. 09-35374
D.C. Nos.
2:07-cv-01594-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP, a global
bank headquartered in Zurich,
Switzerland FKA Credit Suisse
First Boston Corporation; BANK OF
AMERICA CORPORATION, a Delaware
corporation, successor in interest
to BancBoston Robertson
Stephens, Inc.; SILICON IMAGE,
INC., Nominal Defendant, a
Delaware corporation; ROBERTSON
STEPHENS, INC.,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35302

D.C. No.
2:07-cv-01575-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,
v.
GOLDMAN SACHS GROUP INC., a
Delaware corporation,
Defendant,
and
STREET.COM INC.; GOLDMAN SACHS
& Co.; J.P. MORGAN SECURITIES
INC.,
Defendants-Appellees.
In Re: SECTION 16(b) LITIGATION

No. 09-35303
No. 09-35391
D.C. Nos.
2:07-cv-01595-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,
v.
BANK OF AMERICA CORPORATION, a
Delaware corporation, successor in
interest to BancBoston Robertson
Stephens, Inc.; CRITICAL PATH,
INC., Nominal Defendant, a
California corporation; ROBERTSON
STEPHENS, INC.; J.P. MORGAN
SECURITIES, INC.,
Defendants-Appellees.
In Re: SECTION 16(b) LITIGATION

No. 09-35306
D.C. No.
2:07-cv-01582-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a Delaware corporation, successor in interest to BancBoston Robertson Stephens, Inc.; CONCUR TECHNOLOGIES, INC., a Delaware corporation; ROBERTSON STEPHENS, INC.; J.P. MORGAN SECURITIES, INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35307
D.C. Nos.
2:07-cv-01585-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP, a global bank headquartered in Zurich, Switzerland; SOURCEFORGE, INC., Nominal Defendant, a Delaware corporation, FKA VA Linux Systems, Inc.; LEHMAN BROTHERS, INC.,

Defendants-Appellees,

JAMES W. GIDDENS, Trustee for the Liquidation of the Business of Lehman Brothers, Inc.,

Trustee-Appellee.

In Re: SECTION 16(b) LITIGATION

No. 09-35308
D.C. No.
2:07-cv-01583-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,
v.
GOLDMAN SACHS & CO.; J.P.
MORGAN SECURITIES, INC.; RED
HAT, INC., a Delaware corporation,
Defendants-Appellees.
In Re: SECTION 16(b) LITIGATION

No. 09-35309
No. 09-35369
D.C. Nos.
2:07-cv-01587-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,
v.
CREDIT SUISSE GROUP, a global
bank headquartered in Zurich,
Switzerland; SELECTICA, INC.,
Nominal Defendant, a Delaware
corporation,
Defendants-Appellees.
In Re: SECTION 16(b) LITIGATION

No. 09-35310
No. 09-35368
D.C. No.
2:07-cv-01584-JLR

VANESSA SIMMONDS
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP SECURITIES
(USA) LLC, a Delaware limited
liability company; BANK OF
AMERICA CORPORATION, a Delaware
corporation; ROBERTSON STEPHENS,
INC., a Massachusetts corporation,
Defendants-Appellees,

and

INTERWOVEN, INC.,
Defendant.

In Re: SECTION 16(b) LITIGATION

No. 09-35312
D.C. Nos.
2:07-cv-01579-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS
Plaintiff-Appellant,

v.

MORGAN STANLEY & Co.,
INCORPORATED; J.P. MORGAN
SECURITIES, INC.; VIGNETTE
CORPORATION, a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35313
No. 09-35370
D.C. Nos.
2:07-cv-01588-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & CO.,
INCORPORATED; J.P. MORGAN
SECURITIES, INC.; LEHMAN
BROTHERS, INC.; SYCAMORE
NETWORKS, INC., a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35314
No. 09-35371
D.C. Nos.
2:07-cv-01589-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP SECURITIES
(USA) LLC, a Delaware limited
liability company; BANK OF
AMERICA CORPORATION, a Delaware
corporation; ROBERTSON STEPHENS,
INC.; J.P. MORGAN SECURITIES INC.,
a Delaware corporation,

Defendants-Appellees,

and

OPENWAVE SYSTEMS, INC., a
California corporation,

Defendant.

In Re: SECTION 16(b) LITIGATION

No. 09-35315
D.C. No.
2:07-cv-01580-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP SECURITIES
(USA) LLC, a Delaware limited
liability company; BANK OF
AMERICA CORPORATION, a Delaware
corporation; ROBERTSON STEPHENS,
INC.,

Defendants-Appellees,

and

INFORMATICA CORPORATION, a
Delaware corporation,

Defendant.

In Re: SECTION 16(b) LITIGATION

No. 09-35316
D.C. Nos.
2:07-cv-01581-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP SECURITIES
(USA) LLC, a Delaware limited
liability company; BANK OF
AMERICA CORPORATION, a Delaware
corporation; ROBERTSON STEPHENS,
INC., a Massachusetts corporation;
MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED, a Delaware
corporation; CITIGROUP GLOBAL
MARKETS INC., a New York
corporation,

Defendants-Appellees,

and

INTERSIL CORPORATION, a Delaware
corporation,

Defendant.

In Re: SECTION 16(b) LITIGATION

No. 09-35317
No. 09-35365
D.C. Nos.
2:07-cv-01572-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS GROUP INC.,
Defendant,

and

BANK OF AMERICA CORPORATION, a
Delaware corporation, successor in
interest to Fleetboston Robertson
Stephens, Inc.; SONUS NETWORKS
INC., a Delaware corporation;
GOLDMAN SACHS & CO.; LEHMAN
BROTHERS INC.; ROBERTSON
STEPHENS, INC.; J.P. MORGAN
SECURITIES INC.,

Defendants-Appellees,

JAMES W. GIDDENS,
TRUSTEE FOR THE
LIQUIDATION OF THE BUSINESS OF
LEHMAN BROTHERS INC.,

Trustee-Appellee.

In Re: SECTION 16(b) LITIGATION

No. 09-35318

No. 09-35393

D.C. Nos.

2:07-cv-01597-JLR

2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & Co.,
INCORPORATED; J.P. MORGAN
SECURITIES, INC., a Delaware
corporation; LEHMAN BROTHERS,
INC., a Delaware corporation,
Defendants-Appellees,

and

AVICI SYSTEMS, INC., a Delaware
corporation,

Defendant.

In Re: SECTION 16(b) LITIGATION

No. 09-35320

No. 09-35366

D.C. No.

2:07-cv-01573-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a Delaware corporation, successor in interest to BancBoston Robertson Stephens, Inc.; PRICELINE.COM INC., a Delaware corporation; MORGAN STANLEY & CO. INCORPORATED; MERRILL LYNCH PIERCE FENNER & SMITH INCORPORATED; ROBERTSON STEPHENS, INC.,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35321
No. 09-35397
D.C. Nos.
2:07-cv-01598-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS & CO.; LEHMAN BROTHERS, INC.; J.P. MORGAN SECURITIES, INC.; MARVELL TECHNOLOGY GROUP, LTD., a Bermuda corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35322
D.C. Nos.
2:07-cv-01632-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & CO.,
INCORPORATED; MERRILL LYNCH
PIERCE FENNER & SMITH
INCORPORATED; PEROT SYSTEMS
CORPORATION, a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35323

No. 09-35404

D.C. Nos.

2:07-cv-01631-JLR

2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP, a global
bank headquartered in Zurich,
Switzerland; DEUTSCHE BANK AG,
a global bank headquartered in
Frankfurt, Germany; LEHMAN
BROTHERS HOLDINGS, INC., a
Delaware corporation; AIRSPAN
NETWORKS, INC., Nominal
Defendant, a Washington
corporation; DEUTSCHE BANK
SECURITIES, INC.; LEHMAN
BROTHERS, INC.,

Defendants-Appellees,

and

JAMES W. GIDDENS, Trustee for the
Liquidation of the Business of
Lehman Brothers, Inc.,

Trustee-Appellee.

In Re: SECTION 16(b) LITIGATION

No. 09-35324

D.C. No.

2:07-cv-01638-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS & CO.; BANK OF
AMERICA CORPORATION, a Delaware
corporation, successor in interest
BancBoston Robertson Stephens
Inc.; ROBERTSON STEPHENS, INC.;
INSWEB CORPORATION, a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35325
D.C. Nos.
2:07-cv-01630-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & Co.,
INCORPORATED; DEUTSCHE BANK
SECURITIES, INC.; ASIAINFO
HOLDINGS, INC., a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35326
No. 09-35405
D.C. Nos.
2:07-cv-01633-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a Delaware corporation, successor in interest to BancBoston Robertson Stephens, Inc. and FleetBoston Robertson Stephens, Inc.; ROBERTSON STEPHENS, INC.; J.P. MORGAN SECURITIES, INC.; KEYNOTE SYSTEMS, INC., a Delaware corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35328
D.C. Nos.
2:07-cv-01634-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a Delaware corporation, successor in interest to BancBoston Robertson Stephens, Inc.; ROBERTSON STEPHENS, INC.; J.P. MORGAN SECURITIES INC.; DIGIMARC CORPORATION, Nominal Defendant, a Delaware corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35327
No. 09-35382
D.C. No.
2:07-cv-01652-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS & CO.; BEAR
STEARNS & CO., INC.; DEUTSCHE
BANK SECURITIES, INC.; TIBCO
SOFTWARE, INC., a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35331
D.C. Nos.
2:07-cv-01635-JLR
2:07-cv-11549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MARTHA STEWART LIVING
OMNIMEDIA INC., a Delaware
corporation; MORGAN STANLEY &
CO. INCORPORATED; MERRILL LYNCH
PIERCE FENNER & SMITH
INCORPORATED,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35333
No. 09-35380
D.C. Nos.
2:07-cv-01605-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE GROUP, a global
bank headquartered in Zurich,
Switzerland; AUDIBLE INC., a
Delaware corporation; J.P.
MORGAN SECURITIES INC.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35334
No. 09-35383
D.C. Nos.
2:07-cv-01623-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

GOLDMAN SACHS & CO., a New
York limited partnership; MERRILL
LYNCH PIERCE FENNER & SMITH
INCORPORATED, a Delaware
corporation; BANK OF AMERICA
CORPORATION, a Delaware
corporation, ROBERTSON STEPHENS,
INC., a Massachusetts corporation,
Defendants-Appellees,

and

SABA SOFTWARE, INC., a Delaware
corporation,

Defendant.

In Re: SECTION 16(b) LITIGATION

No. 09-35335
No. 09-35377
D.C. Nos.
2:07-cv-01637-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & CO.
INCORPORATED, a Delaware
corporation; DEUTSCHE BANK
SECURITIES INC., a Delaware
corporation; CITIGROUP GLOBAL
MARKETS, INC., a New York
corporation,

Defendants-Appellees,

and

TRANSMETA CORPORATION, a
Delaware corporation,

Defendant.

In Re: SECTION 16(b) LITIGATION

No. 09-35337
D.C. Nos.
2:07-cv-01636-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CAPSTONE TURBINE CORPORATION, a
Delaware corporation; GOLDMAN
SACHS & Co.; MERRILL LYNCH
PIERCE FENNER & SMITH
INCORPORATED; MORGAN STANLEY &
CO. INCORPORATED,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35339
No. 09-35395
D.C. Nos.
2:07-cv-01624-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,
v.
MORGAN STANLEY & CO.
INCORPORATED; BROCADE
COMMUNICATIONS SYSTEMS INC., a
Delaware corporation,
Defendants-Appellees.
In Re: SECTION 16(b) LITIGATION

No. 09-35344
D.C. Nos.
2:07-cv-01626-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,
v.
BANK OF AMERICA CORPORATION, a
Delaware corporation, successor in
interest to Robertson Stephens,
Inc.; J.P. MORGAN SECURITIES INC.;
ROBERTSON STEPHENS, INC.; OPLINK
COMMUNICATIONS, INC., a Delaware
corporation,
Defendants-Appellees.
In Re: SECTION 16(b) LITIGATION

No. 09-35345
No. 09-35399
D.C. Nos.
2:07-cv-01667-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a
Delaware corporation, successor in
interest to BancBoston Robertson
Stephens, Inc.; ROBERTSON
STEPHENS, INC.; J.P. MORGAN
SECURITIES INC.; NAVASITE, INC., a
Delaware corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35346

No. 09-35398

D.C. No.

2:07-cv-01666-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

MORGAN STANLEY & Co.
INCORPORATED, a Delaware
corporation; DEUTSCHE BANK
SECURITIES, INC., a Delaware
corporation; ASPECT MEDICAL
SYSTEMS, INC., Nominal Defendant,
a Delaware corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35347

No. 09-35394

D.C. No.

2:07-cv-01655-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a
Delaware corporation, successor in
interest to BancBoston Robertson
Stephens, Inc.; ROBERTSON
STEPHENS, INC.; BEAR STEARNS &
CO., INC.; PACKETEER, INC.,
Nominal Defendant, a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35348

No. 09-35387

D.C. No.

2:07-cv-01654-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a
Delaware corporation, successor in
interest to FleetBoston Robertson
Stephens, Inc.; ROBERTSON
STEPHENS, INC.; OMNIVISION
TECHNOLOGIES, INC., a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35349

D.C. Nos.

2:07-cv-01668-JLR

2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

CREDIT SUISSE SECURITIES (USA),
LLC; OCCAM NETWORKS, INC., a
Delaware corporation, FKA
Accelerated Networks, Inc.,
Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35350
No. 09-35400
D.C. Nos.
2:07-cv-01669-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

J.P. MORGAN SECURITIES INC.; BEAR
STEARNS & Co., INC.; BANK OF
AMERICA CORPORATION, a Delaware
corporation, successor in interest
to BancBoston Robertson
Stephens, Inc.; ROBERTSON
STEPHENS, INC.; IMMERSION
CORPORATION, a Delaware
corporation,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35351
D.C. Nos.
2:07-cv-01670-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,
v.
MORGAN STANLEY & CO.
INCORPORATED, a Delaware
corporation; CREDIT SUISSE
SECURITIES (USA), LLC; J.P.
MORGAN SECURITIES, INC.; INTERNAP
NETWORK SERVICES CORPORATION,
Nominal Defendant, a Delaware
corporation,
Defendants-Appellees.
In Re: SECTION 16(b) LITIGATION

No. 09-35352
No. 09-35384
D.C. No.
2:07-cv-01653-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,
v.
MICROTUNE INC., a Delaware
corporation; GOLDMAN SACHS &
CO.; J.P. MORGAN SECURITIES INC.,
Defendants-Appellees.
In Re: SECTION 16(b) LITIGATION

No. 09-35355
D.C. No.
2:07-cv-01627-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a Delaware corporation, successor in interest to BancBoston Robertson Stephens, Inc.; MORGAN STANLEY & CO. INCORPORATED; ROBERTSON STEPHENS, INC.; EXTREME NETWORKS INC.,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35357
D.C. Nos.
2:07-cv-01628-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellant,

v.

BANK OF AMERICA CORPORATION, a Delaware corporation, successor in interest to Robertson Stephens, Inc.; J.P. MORGAN SECURITIES INC.; ROBERTSON STEPHENS, INC.; COSINE COMMUNICATIONS INC., a Delaware corporation; GOLDMAN SACHS & Co.,

Defendants-Appellees.

In Re: SECTION 16(b) LITIGATION

No. 09-35358
No. 09-35390
D.C. Nos.
2:07-cv-01629-JLR
2:07-cv-01549-JLR

VANESSA SIMMONDS,
Plaintiff-Appellee,

v.

CREDIT SUISSE SECURITIES (USA)
LLC; CREDIT SUISSE SECURITIES
(USA) LLC; J.P. MORGAN
SECURITIES INC.; BANK OF AMERICA
CORPORATION, a Delaware
corporation, successor in interest
to Fleetboston Robertson Stephens,
Inc.; ROBERTSON STEPHENS, INC.,
Defendants-Appellants.

In Re: SECTION 16(b) LITIGATION

No. 09-35363
D.C. Nos.
2:07-cv-01549-JLR
2:07-cv-01549-JLR

ORDER

**ON REMAND FROM THE SUPREME COURT
OF THE UNITED STATES**

Filed May 15, 2012

Before: Sidney R. Thomas and Milan D. Smith, Jr.,
Circuit Judges, and Michael R. Hogan, District Judge.*

ORDER

The following Non-Moving Issuer cases are REMANDED to the district court for proceedings consistent with the Opinion of the Supreme Court in *Credit Suisse Securities (USA) LLC v. Simmonds*, 132 S. Ct. 1414 (2012): 09-35280, 09-35285, 09-35288, 09-35289, 09-35293, 09-35300, 09-35302,

*The Honorable Michael R. Hogan, United States District Judge for the District of Oregon, sitting by designation.

09-35306, 09-35307, 09-35308, 09-35312, 09-35315, 09-35316, 09-35322, 09-35324, 09-35325, 09-35328, 09-35331, 09-35337, 09-35344, 09-35349, 09-35351, 09-35355, and 09-35357.

Consistent with this Court's January 18, 2011 opinion, the district court is ordered to DISMISS WITH PREJUDICE the following Moving Issuer cases due to Simmonds's failure to satisfy Delaware's demand requirement: 09-35262, 09-35282, 09-35286, 09-35290, 09-35292, 09-35297, 09-35301, 09-35303, 09-35309, 09-35310, 09-35313, 09-35314, 09-35317, 09-35318, 09-35320, 09-35321, 09-35323, 09-35326, 09-35327, 09-35333, 09-35334, 09-35335, 09-35339, 09-35345, 09-35346, 09-35347, 09-35348, 09-35350, 09-35352, and 09-35358.