

**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.