

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SM Merger/Arbitrage, L.P., SM Investors, L.P.
and SM Investors II, L.P., on behalf of
themselves and all others similarly situated,

Plaintiff,

v.

BRISTOL-MYERS SQUIBB COMPANY, GIOVANNI
CAFORIO, VICKI L. SATO, PETER J. ARDUINI,
ROBERT BERTOLINI, MATTHEW W. EMMENS,
MICHAEL GROBSTEIN, ALAN J. LACY, DINESH
C. PALIWAL, THEODORE R. SAMUELS, GERALD
L. STORCH and KAREN H. VOUSDEN,
Defendants.

Case No. 1:21-CV-08255 (JMF)

~~TARA WILLIAMS, on behalf of herself and all others
similarly situated,~~

~~Plaintiff,~~

~~v.~~

~~BRISTOL-MYERS SQUIBB COMPANY, GIOVANNI
CAFORIO, CHARLES BANCROFT, KAREN M.
SANTIAGO, VICKI L. SATO, PETER J. ARDUINI,
ROBERT BERTOLINI, MATTHEW W. EMMENS,
MICHAEL GROBSTEIN, ALAN J. LACY, DINESH
C. PALIWAL, THEODORE R. SAMUELS, GERALD
L. STORCH and KAREN H. VOUSDEN,
Defendants.~~

~~Case No. 1:21-CV-09998 (JMF)~~

EHAB KHALIL, on behalf of himself and all others
similarly situated,

Plaintiff,

v.

BRISTOL-MYERS SQUIBB COMPANY, GIOVANNI
CAFORIO, CHARLES BANCROFT, KAREN M.
SANTIAGO, DAVID V. ELKINS, SAMIT HIRAWAT,
VICKI L. SATO, PETER J. ARDUINI, ROBERT
BERTOLINI, MATTHEW W. EMMENS, MICHAEL
GROBSTEIN, ALAN J. LACY, DINESH C.
PALIWAL, THEODORE R. SAMUELS, GERALD L.
STORCH and KAREN H. VOUSDEN,
Defendants.

Case No. 1:21-CV-10351

~~[PROPOSED]~~ **ORDER APPOINTING MANGROVE PARTNERS MASTER FUND, LTD. AS LEAD PLAINTIFF, APPROVING ITS SELECTION OF LEAD COUNSEL, AND CONSOLIDATING RELATED ACTIONS**

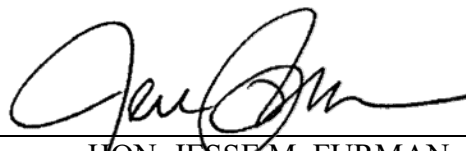
Upon consideration of: (1) the Motion filed by Mangrove Partners Master Fund Ltd. (“Mangrove Partners”) for appointment as Lead Plaintiff, approval of its selection of Lead Counsel, and consolidation of related cases; (2) the Memorandum of Law in support thereof; (3) the Declaration of Michael B. Eisenkraft in support thereof; and (4) all other pleadings and argument submitted to this Court; and for good cause shown, **IT IS HEREBY ORDERED for the reasons stated on the record at the hearing held earlier today THAT:**

1. Mangrove Partners’ Motion is **GRANTED**.
2. Mangrove Partners is **APPOINTED** to serve as Lead Plaintiff pursuant to Section 27(a)(3)(B) of the Securities Act of 1933, 15 U.S.C. § 77z-1(a)(3)(B), and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by the Private Securities Litigation Reform Act of 1995, in the above-captioned actions and all related actions consolidated pursuant to paragraphs 4 and 5 of this Order.
3. Mangrove Partners’ selection of Lead Counsel is **APPROVED**, and Cohen Milstein Sellers & Toll PLLC is **APPOINTED** as Lead Counsel for the Class.
4. Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure (“Rule 42(a)”), *SM Merger/Arbitrage, L.P., et al., v. Bristol-Myers Squibb Co., et al.*, 1:21-CV-08255 (S.D.N.Y) is consolidated with ~~*Williams v. Bristol-Myers Squibb Co., et al.*, 1:21-CV-09998 (S.D.N.Y)~~ and ~~*Khalil v. Bristol-Myers Squibb Co., et al.*, 1:21-CV-10351 (S.D.N.Y)~~ (collectively, the “Consolidated Action”).
5. ~~Pursuant to Rule 42(a), any subsequently filed, removed, or transferred actions that are related to the claims asserted in the Consolidated Action shall be **CONSOLIDATED** for all purposes.~~

6. The Consolidated Action shall be captioned “*In re Bristol-Myers Squibb Company CVR Securities Litigation*” and the file shall be maintained under Master File No. 1:21-CV-08255-JMF. **The Clerk of Court is directed to update the docket accordingly.**

IT IS SO ORDERED.

Dated: December 22, 2021



HON. JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE

As previously ordered, *see* ECF No. 40, by **January 5, 2022**, the Lead Plaintiff’s counsel and counsel for Defendants shall submit a joint letter proposing a schedule for: the filing of an amended complaint (or the designation of the Complaint as the operative complaint); Defendants’ response to that pleading; and the schedule for briefing with respect to any motion filed by Defendants in lieu of an answer.