

GIRARD GIBBS LLP

Attorneys at Law

601 California Street, 14th Floor | San Francisco, CA 94108-2819
Tel: 415.981.4800 | Fax: 415.981.4846 | www.girardgibbs.com

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CONTACT: DANIEL C. GIRARD
JONATHAN K. LEVINE
AARON M. SHEANIN
PHONE: 415.981.4800

Girard Gibbs LLP Announces Class Action Lawsuit Filed Against Merrill Lynch & Co., Inc. (NYSE: MER)

San Francisco, CA- The law firm of Girard Gibbs LLP (<http://www.girardgibbs.com>) announces that it has filed a class action lawsuit on behalf of persons who purchased Auction Rate Securities from Merrill Lynch & Co., Inc. (NYSE: MER) and Merrill Lynch, Pierce, Fenner & Smith Inc. between March 25, 2003 and February 13, 2008, inclusive (the "Class Period"), and who continued to hold such securities as of February 13, 2008.

The class action, captioned *Burton v. Merrill Lynch Corp., et al.*, 08-cv-03037 (LAP), is pending in the United States District Court for the Southern District of New York. The class action is brought against Merrill Lynch & Co., Inc. and its wholly-owned broker-dealer subsidiary, Merrill Lynch, Pierce, Fenner & Smith Inc.

The Complaint alleges that Merrill Lynch violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 by deceiving investors about the investment characteristics of auction rate securities and the auction market in which these securities traded. Auction rate securities are either municipal or corporate debt securities or preferred stocks which pay interest at rates set at periodic “auctions.” Auction rate securities generally have long-term maturities or no maturity dates.

The Complaint alleges that, pursuant to uniform sales materials and top-down management directives, Merrill Lynch offered and sold auction rate securities to the public as highly liquid cash-management vehicles and as suitable alternatives to money market mutual funds. According to the Complaint, holders of auction rate securities sold by Merrill Lynch and other broker-dealers have been unable to liquidate their positions in these securities following the decision on February 13, 2008 of all major broker-dealers including Merrill Lynch to “withdraw their support” for the periodic auctions at which the interest rates paid on auction rates securities are set.

The Complaint alleges that Merrill Lynch failed to disclose the following material facts about the auction rate securities it sold to the class: (1) the auction rate securities were not cash alternatives, like money market funds, but were instead, complex, long-term financial instruments with 30 year maturity dates, or longer; (2) the auction rate securities were only liquid at the time of sale because Merrill Lynch and other broker-dealers were artificially supporting and manipulating the auction rate market to maintain the appearance of liquidity and stability; (3) Merrill Lynch and other broker-dealers routinely

intervened in auctions for their own benefit, to set rates and prevent all-hold auctions and failed auctions; and (4) Merrill Lynch continued to market auction rate securities as liquid investments after it had determined that it and other broker dealers were likely to withdraw their support for the periodic auctions and that a “freeze” of the market for auction rate securities would result.

If you purchased or otherwise acquired Auction Rate Securities from Merrill Lynch between March 25, 2003 and February 13, 2008, and continued to hold such securities as of February 13, 2008, you may, no later than May 25, 2008, request that the Court appoint you as lead plaintiff. A lead plaintiff is a representative party acting on behalf of other class members in directing the litigation. To be appointed lead plaintiff, the Court must decide that your claim is typical of the claims of other class members, and that you will adequately represent the class. Your ability to share in any recovery is not affected by the decision whether or not to serve as a lead plaintiff. You may retain Girard Gibbs LLP, or other attorneys, to serve as your counsel in this action.

If you wish to discuss your rights as an investor in auction rate securities through Merrill Lynch or any other brokerage, please contact Girard Gibbs LLP toll-free at (866) 981-4800. A copy of the complaint is available from the Court, or can be viewed on Girard Gibbs LLP’s website at: <http://www.girardgibbs.com/auctionrate.html>.

Girard Gibbs LLP is one of the nation’s leading firms representing individual and institutional investors in securities fraud class actions and litigation to correct abusive

corporate governance practices, breaches of fiduciary duty and proxy violations. For more information, please access the firm's web site,

www.girardgibbs.com/auctionrate.html. To discuss this class action with us, please

contact the following attorneys:

Daniel C. Girard (dcg@girardgibbs.com)

Jonathan K. Levine (jkl@girardgibbs.com)

Aaron M. Sheanin (ams@girardgibbs.com)

601 California Street, 14th Floor

San Francisco, CA 94108

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