

17-3415-cv  
*Eisner v. Eros Int'l PLC*

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

**SUMMARY ORDER**

Rulings by summary order do not have precedential effect. Citation to a summary order filed on or after January 1, 2007, is permitted and is governed by Federal Rule of Appellate Procedure 32.1 and this Court's Local Rule 32.1.1. When citing a summary order in a document filed with this Court, a party must cite either the Federal Appendix or an electronic database (with the notation "summary order"). A party citing a summary order must serve a copy of it on any party not represented by counsel.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 21st day of August, two thousand eighteen.

PRESENT: JOSÉ A. CABRANES,  
GERARD E. LYNCH,  
*Circuit Judges,*  
EDWARD R. KORMAN,  
*District Judge.\**

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FRED EISNER, STRAHINJA IVOŠEVIĆ,

*Lead Plaintiffs-Appellants,*

17-3415-cv

MATHEW ABRAM, individually and on behalf of all  
others similarly situated, JAWED ARSANI, RAJIV  
SHARMA,

*Consolidated Plaintiffs,*

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\* Judge Edward R. Korman, of the United States District Court for the Eastern District of New York, sitting by designation.

VLADIMIR MALIAROV, individually and on behalf of  
all others similarly situated,

*Plaintiffs,*

v.

EROS INTERNATIONAL PLC, JYOTI DESHPANDE,  
ANDREW HEFFERNAN, PREM PARAMESWARAN,  
KISHORE LULLA,

*Defendants-Appellees,*

RISHIKA LULLA, DAVID MAISEL,

*Consolidated Defendants,*

VIJAY AHUJA, NARESH CHANDRA, DILIP THAKKAR,  
SUNIL LULLA, MICHAEL KIRKWOOD, KEN NAZ,  
DEUTSCHE BANK SECURITIES, INC., MERRILL LYNCH,  
PIERCE, FENNER & SMITH INCORPORATED, UBS  
SECURITIES LLC, JEFFERIES LLC, CREDIT SUISSE  
SECURITIES (USA) LLC, EM SECURITIES LLC,

*Defendants.*

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**FOR LEAD PLAINTIFFS-APPELLANTS:**

DAVID J. GOLDSMITH (Alfred L. Fatale  
III, *on the brief*), Labaton Sucharow LLP,  
New York, NY.

**FOR DEFENDANTS-APPELLEES:**

STEPHEN W. TOUNTAS (Michael J. Bowe,  
*on the brief*), Kasowitz Benson Torres LLP,  
New York, NY.

Appeal from a November 2, 2017 judgment of the United States District Court for the  
Southern District of New York (Alison J. Nathan, *Judge*).

**UPON DUE CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the judgment of the District Court be and hereby is **AFFIRMED**.

Lead Plaintiffs-Appellants appeal the judgment of the District Court dismissing their Amended Consolidated Class Action Complaint for failure to state a claim upon which relief can be granted. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal. After reviewing the whole record, we affirm the District Court's judgment for substantially the same reasons as those given by the District Court in its Memorandum & Order at 7-13, 17, *Eisner v. Eros Int'l PLC*, No. 1:15-cv-08956-AJN (S.D.N.Y. Sept. 22, 2017), ECF No. 79.

### CONCLUSION

We have reviewed all of the arguments raised by Lead Plaintiffs-Appellants on appeal and find them to be without merit. The November 2, 2017 judgment of the District Court is **AFFIRMED**.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

A circular seal of the United States Court of Appeals for the Second Circuit is stamped over the signature. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**ROBERT A. KATZMANN**  
CHIEF JUDGE

Date: August 21, 2018  
Docket #: 17-3415cv  
Short Title: In re Eros International Secur

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

DC Docket #: 15-cv-8956  
DC Court: SDNY (NEW YORK  
CITY)  
DC Judge: Nathan

**BILL OF COSTS INSTRUCTIONS**

The requirements for filing a bill of costs are set forth in FRAP 39. A form for filing a bill of costs is on the Court's website.

The bill of costs must:

- \* be filed within 14 days after the entry of judgment;
- \* be verified;
- \* be served on all adversaries;
- \* not include charges for postage, delivery, service, overtime and the filers edits;
- \* identify the number of copies which comprise the printer's unit;
- \* include the printer's bills, which must state the minimum charge per printer's unit for a page, a cover, foot lines by the line, and an index and table of cases by the page;
- \* state only the number of necessary copies inserted in enclosed form;
- \* state actual costs at rates not higher than those generally charged for printing services in New York, New York; excessive charges are subject to reduction;
- \* be filed via CM/ECF or if counsel is exempted with the original and two copies.

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**ROBERT A. KATZMANN**  
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CITY)  
DC Judge: Nathan

**VERIFIED ITEMIZED BILL OF COSTS**

Counsel for

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respectfully submits, pursuant to FRAP 39 (c) the within bill of costs and requests the Clerk to prepare an itemized statement of costs taxed against the

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and in favor of

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for insertion in the mandate.

Docketing Fee \_\_\_\_\_

Costs of printing appendix (necessary copies \_\_\_\_\_) \_\_\_\_\_

Costs of printing brief (necessary copies \_\_\_\_\_) \_\_\_\_\_

Costs of printing reply brief (necessary copies \_\_\_\_\_) \_\_\_\_\_

**(VERIFICATION HERE)**

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Signature