

US District Court Civil Docket as of 09/28/2001

Retrieved from the court on Friday, December 14, 2001

**US District Court for the
Northern District of Illinois**

(Chicago)

1:97cv3035

In Re: Mercury Fin Co of IL

Date Filed: 05/19/1997

Assigned To: Honorable Charles R Norgle, Sr

Referred To:

Nature of suit: Miscellaneous Cases (999)

Cause: Civil Miscellaneous Case

Lead Docket: None

Other Docket: None

Jurisdiction: Federal Question

Class Code: TERMED APPEAL
PROTO

Closed: Yes

Statute:

Jury Demand:

Demand

Amount: \$0

Litigants

Attorneys

Jay Levin
PLAINTIFF

Anne Shapiro
PLAINTIFF

Doris Chen
PLAINTIFF

Mendel Bernstein
PLAINTIFF

James Robinson
PLAINTIFF

Multi-Measurements Inc Pension Plan
PLAINTIFF

John Lareddola, Trustee
PLAINTIFF

David Greenberg
PLAINTIFF

William Holder
PLAINTIFF

Harold Baron
PLAINTIFF

Arnold Malakoff
PLAINTIFF

Margery Harwood
PLAINTIFF

Edward Heldenbrand
PLAINTIFF

Rick Montejano
PLAINTIFF

Eugene Lyman
PLAINTIFF

Johannes P Hofer
PLAINTIFF

Jerome H Berkowitz
PLAINTIFF

Edythe Berkowitz
PLAINTIFF

Raymond M Duttmers, Trust, by Raymond M
Duttmers
PLAINTIFF

Dudley Davis
PLAINTIFF

Elizabeth Bozza
PLAINTIFF

Robert Angler
PLAINTIFF

David Dearadorian, Trustee for the David
Deradorian Living Trust
PLAINTIFF

Ralph M Walser
PLAINTIFF

Joseph H Schiff
PLAINTIFF

Paul V Feno

PLAINTIFF

Michael M Massarelli
PLAINTIFF

Terri J Small
PLAINTIFF

Joseph C Sherrill
PLAINTIFF

Retsky Family Limited Partnership
PLAINTIFF

Kim Charles Meyers
PLAINTIFF

John Schuler
PLAINTIFF

Larry Metz
PLAINTIFF

Scott Edward Milne
PLAINTIFF

Harold Futransky
PLAINTIFF

Nicholas P Barba
PLAINTIFF

Karen K Barba
PLAINTIFF

Wisconsin American Mutual Insurance Co
PLAINTIFF

James C Herrick, Jr
PLAINTIFF

Emplayco FBO Herrick Law Offices SC Profit
Sharing Plan 4833
PLAINTIFF

Gene C Schultz
PLAINTIFF

Sep Ira Account
PLAINTIFF

Mercury Finance Company of Illinois
IN RE

Realtech Software Employees Retirement Program
CLAIMANT

Clinton A Krislov
[COR LD NTC A]
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Suite 1350
Chicago , IL 60606-1086
USA
(312) 606-0500

William Bogot
[COR]
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State Board of Administration of Florida
PROPOSED
[Term: 07/26/2000]

Date	#	Proceeding Text
05/19/1997	<u>1</u>	ORDER of the Executive Committee of 05/19/97: Regarding consolidated pretrial proceedings of Mercury Finance Company of Illinois: Cases consolidated 1:97-cv-3035 with member cases 1:97-cv-624, 1:97-cv-630, 1:97-cv-631, 1:97-cv-634, 1:97-cv-648, 1:97-cv-650, 1:97-cv-653, 1:97-cv-654, 1:97-cv-655, 1:97-cv-687, 1:97-cv-702, 1:97-cv-705, 1:97-cv-709, 1:97-cv-715, 1:97-cv-758, 1:97-cv-768, 1:97-cv-783, 1:97-cv-784, 1:97-cv-803, 1:97-cv-819, 1:97-cv-822, 1:97-cv-875, 1:97-cv-938, 1:97-cv-955, 1:97-cv-959, 1:97-cv-1001, 1:97-cv-1438, 1:97-cv-1536, 1:97-cv-1579, 1:97-cv-1587, 1:97-cv-1673, 1:97-cv-1941, 1:97-cv-1943, 1:97-cv-1949, 1:97-cv-1985, 1:97-cv-2141, 1:97-cv-2190, 1:97-cv-2399, 1:97-cv-2448, 1:97-cv-2553 Mailed notice (nlh) [Entry date 05/29/97] [Edit date 05/29/97] [1:97cv3035]
05/29/1997	--	SUBMISSION OF CERTIFICATIONS of Investor/Greenberg Group in support of motion for appointment of counsel (Exhibits) (1 vol.) (Original in 97-CV-624) (ar) [Entry date 06/02/97] [Edit date 06/02/97] [1:97cv3035]
06/04/1997	--	EMERGENCY MOTION by Inv/Greenberg Grp to vacate current briefing schedule relating to motions to appoint lead plaintiff ; Notice of motion. (In 97 C 624) (tln) [Entry date 06/17/97] [1:97cv3035]
06/12/1997	<u>2</u>	MEMORANDUM by MN St Bd of Inv in opposition to the investors/Greenberg/Group's motion for appontment of lead plaintiff and lead counsel (Exhibits); Notice of filing. (tln) [Entry date 06/13/97] [1:97cv3035]
06/12/1997	--	RESPONSE by Inv/Greenberg Grp in onposition to the Minnesota State Board of

Investments' application for lead plaintiff; Notice of filing and service. (In 97 C 624) (tln) [Entry date 06/13/97] [1:97cv3035]

06/12/1997 == APPENDIX by Inv/Greenberg Grp submitted in support of the memorandum of the Investors/Greenberg Group in opposition to the Minnesota Board of Investment's application for lead plaintiff . [0-1] (In 97C624) (tln) [Entry date 06/13/97] [Edit date 06/13/97] [1:97cv3035]

06/12/1997 == AFFIDAVIT of John D. Culbertson (Exhibits). (In 97 C 624) (tln) [Entry date 06/13/97] [1:97cv3035]

06/12/1997 == AFFIDAVIT of Scott A. McPherson (Exhibits). (In 97 C 624) (tln) [Entry date 06/13/97] [1:97cv3035]

06/12/1997 == OBJECTIONS to the order of Magistrate Judge Lefkow, entered 05/29/97, regarding the motions for discovery by Inv/Greenberg Grp (Exhibit). (In 97 C 624) (tln) [Entry date 06/13/97] [1:97cv3035]

06/12/1997 == MEMORANDUM of law by Inv/Greenberg Grp in support of its objections to the order of Magistrate Judge Lefkow, entered 05/29/97 regarding the Group's motion for discovery from Minnesota State Board of Investment. [0-1] (In 97 C 624) (tln) [Entry date 06/13/97] [1:97cv3035]

06/19/1997 3 REPLY MEMORANDUM by MN St Bd of Inv in support of motion for appointment of the Minnesota State Board of Investment as lead plaintiff and approval of selection of lead counsel (Exhibits). (tln) [Entry date 06/20/97] [1:97cv3035]

06/19/1997 4 NOTICE OF FILING by MN St Bd of Inv regarding motion reply [3-1] (tln) [Entry date 06/20/97] [1:97cv3035]

06/19/1997 == REPLY MEMORANDUM of the Investors/Greenberg Group in further support of its motion for appointment of lead plaintiff [0-1] (Exhibits) (Original in 97 C 624) (hp) [Entry date 06/23/97] [Edit date 06/23/97] [1:97cv3035]

06/19/1997 == APPENDIX submitted by Inv/Greenberg Group in support of the memorandum of the investors/Greenber Group in opposition to the Minnesota Board of Investment's application for lead plaintiff [0-1] (Exhibits) (Original in 97 C 624) (hp) [Entry date 06/23/97] [1:97cv3035]

06/24/1997 == SUBMISSION OF DECLARATION of D. Lee Janvrin re claims calculation methodlog by Inv/Greenberg Grp (Attachments); Notice of filing. (tln) [Entry date 06/27/97] [Edit date 06/27/97] [1:97cv3035]

06/25/1997 == MOTION by Inv/Greenberg Grp for leave to file sur-reply on motion for appointment of lead plaintiff, to consolidate the PSCO Fund Limited with this consolidated action, and for oral argument on motion for appointment of lead plaintiff (Exhibit). (tln) [Entry date 06/27/97] [1:97cv3035]

06/30/1997 5 MEMORANDUM of law by MN St Bd of Inv in opposition to the Investors/Greenberg Group's objections to the order of Magistrate Judge Lefkow, entered 05/29/97 regarding the Group's motion for discovery [0-1] (Exhibits); Notice of filing (nlh) [Entry date 07/01/97] [1:97cv3035]

07/02/1997 6 SUGGESTION on record of death of James A. Doyle by Schiff Hardin & Waite; Notice of filing. (tln) [Entry date 07/03/97] [1:97cv3035]

07/14/1997 == REPLY memorandum of law in support of its objections to the Order of Magistrate

Judge Lefkow, entered 05/29/97, regarding the Group's motion for discovery from Minnesota State Board of Investment by Inv/Greenberg Grp. (Exhibit) (In 97 C 624). (tlm) [Entry date 07/18/97] [1:97cv3035]

- 07/16/1997 -- MOTION by Inv/Greenberg Grp to vacate of order of 07/01/97 and for other relief (Exhibit); Notice of filing. (In 97 C 624) (tlm) [Entry date 07/18/97] [1:97cv3035]
- 07/16/1997 -- MEMORANDUM by Inv/Greenberg Grp in opposition to the use of competitive bidding to determine lead counsel; Notice of filing and service. (In 97 C 624) (tlm) [Entry date 07/18/97] [1:97cv3035]
- 07/16/1997 -- SUBMISSION OF AUTHORITY addressing the Court's expressed concern over aggregation of losses in connection with appointment of lead plaintiff by Inv/Greenberg Grp (Exhibits). (In 97 C 624) (tlm) [Entry date 07/18/97] [1:97cv3035]
- 07/17/1997 -- NOTICE of motion by Investors/Greenberg Group regarding their motion to vacate of order of 07/01/97 [0-1] and for other relief [0-2] (Original in 97 C 624) (hp) [Entry date 07/30/97] [1:97cv3035]
- 07/18/1997 -- TRANSCRIPT of proceedings for the following date(s): 05/29/97 Before Honorable Joan H. Lefkow. (In 97 C 624) (tlm) [Entry date 07/23/97] [1:97cv3035]
- 07/23/1997 7 ATTORNEY APPEARANCES for MN St Bd of Inv by Samuel D. Heins, Stacey L. Mills, Bryan L Crawford, Fay Clayton, Judi A. Lamble, Robert Lawrence Margolis ; Notice of filing. (tlm) [Entry date 07/29/97] [1:97cv3035]
- 07/29/1997 8 MOTION by Mercury Fin Co for a finding of relatedness and to reassign (Exhibit); Notice of motion and certificate of service. (Temporarily unavailable for docketing.) (ar) [Entry date 08/12/97] [Edit date 08/12/97] [1:97cv3035]
- 08/06/1997 -- SUPPLEMENTAL submission by Inv/Greenberg Grp relating to MSBI's failure to file Form 13-F; Notice of filing and service. (In 97 C 624) (tlm) [Entry date 08/08/97] [1:97cv3035]
- 08/06/1997 -- SUBMISSION by Inv/Greenberg Grp of recent authority relating to damage calculation methodology (Attachment). (In 97 C 624) (tlm) [Entry date 08/08/97] [1:97cv3035]
- 08/07/1997 -- LETTER from Inv/Greenberg Grp to Magistrate Judge Lefkow dated 08/06/97. (In 97 C 624) (tlm) [Entry date 08/22/97] [1:97cv3035]
- 08/07/1997 -- LETTER from Inv/Greenberg Grp to Magistrate Judge Lefkow dated 08/07/97. (In 97C624) (tlm) [Entry date 08/22/97] [1:97cv3035]
- 08/08/1997 9 MINUTE ORDER of 8/8/97 by Hon. Charles R. Norgle Sr : Response to Defendant Mercury Finance Company's motion for a finding of relatedness [8-1] and to reassign [8-2] is due by 08/22/97 and reply is due by 09/5/97. Mailed notice (tlm) [Entry date 08/12/97] [1:97cv3035]
- 08/19/1997 10 NOTICE of change of address of Hoffman & Edelson ; Notice of filing. (tlm) [Entry date 08/22/97] [1:97cv3035]
- 08/20/1997 13 NOTICE OF OBJECTIONS by lead plaintiff to the 08/07/97 order re competitive bidding; Notice of motion to present objections to order re competitive bidding. (tlm) [Entry date 08/26/97] [1:97cv3035]
- 08/20/1997 14 MEMORANDUM of law by MN St Bd of Inv in support of objections to the 08/07/97 Order re competitive bidding (Exhibits). [13-11] (tlm) [Entry date 08/26/97]

[1:97cv3035]

- 08/21/1997 11 RESPONSE by Defendant Bk One to Defendant Mercury Finance Company's motion motion for a finding of relatedness [8-1] and to reassign [8-2]; Notice of filing. (tlm) [Entry date 08/22/97] [1:97cv3035]
- 08/21/1997 -- TRANSCRIPT of proceedings for the following date(s): 05/29/97 Before Honorable Joan Humphrey Lefkow. (In 97 C 624). (tlm) [Entry date 08/25/97] [1:97cv3035]
- 08/22/1997 12 NOTICE OF FILING claim notice as to the Estate of James A. Doyle, deceased, No. 97 P595 (Attachment). (tlm) [Entry date 08/26/97] [1:97cv3035]
- 08/25/1997 15 MINUTE ORDER of 8/25/97 by Hon. Charles R. Norgle Sr : Lead plaintiffs' Objections [13-1] to the 08/07/97 Order were presented in open court on 08/22/97. Objections are taken under advisement. Any response may be filed on or before 08/29/97. [13-1] No notice (tlm) [Entry date 08/26/97] [1:97cv3035]
- 08/26/1997 16 MINUTE ORDER of 8/26/97 by Hon. Charles R. Norgle Sr : Before the court is Lead Plaintiff's objections to Magistrate Judge Lefkow's 08/07/97, order, regarding the use of competitive bidding procedure. The Court has completely reviewed the order and the arguments of counsel pursuant to Fed. R. Civ. P. 72(a). Since the order is not clearly erroneous or contrary to law, the court finds the decision proper. See Fed. R. Civ. p. 72 (a). Accordingly, the objections to the Magistrate Judge Lefkow's order of 08/07/97, are overruled. [13-1] (See reverse of minute order.) Mailed notice (tlm) [Entry date 08/29/97] [1:97cv3035]
- 08/29/1997 17 REPLY by Mercury Fin Co of IL in support of its motion for a finding of relatedness [8-1] and to reassign [8-2]; Notice of filing. (tlm) [Entry date 09/03/97] [1:97cv3035]
- 10/07/1997 18 ORDER FOR PRESERVATION of Documents (tlm) [Entry date 10/08/97] [1:97cv3035]
- 10/07/1997 19 MINUTE ORDER of 10/7/97 by Hon. Joan H. Lefkow : Enter Order for Preservation of Documents. Mailed notice (tlm) [Entry date 10/08/97] [1:97cv3035]
- 10/22/1997 20 OBJECTIONS by plaintiff MN St Bd of Inv to Report and Recommendation of Magistrate Judge Lekow dated 10/07/97 (Exhibits); Notice of filing. (tlm) [Entry date 10/27/97] [1:97cv3035]
- 10/22/1997 -- OBJECTIONS by The Wolf Group to the Magistrate's October 7, 1997 Report and Recommendation (Exhibits); Notice of filing. (Original in 97 C 624) (hp) [Entry date 10/29/97] [1:97cv3035]
- 10/27/1997 24 MOTION by defendant Mercury Fin Co to set a date for ruling on its motion for finding of relatedness and to reassign ; Notice of motion; Amended notice of motion (cmf) [Entry date 11/20/97] [1:97cv3035]
- 10/30/1997 -- SUPPLEMENTAL MEMORANDUM by plaintiffs in further support of objections of The Wolf Group to Magistrate Judges' October 7, 1997 report and recommendation [0-1] [20-1]; Notice of filing (Original in 97 C 624) (hp) [Entry date 11/07/97] [1:97cv3035]
- 11/06/1997 21 REPLY by plaintiff to defendant Mercury Finance Company's motion to set a date for ruling on Mercury's motion for a finding of relatedness and to reassign [8-1] [8-2] (Attachments) (ar) [Entry date 11/07/97] [1:97cv3035]
- 11/07/1997 23 MINUTE ORDER of 11/7/97 by Hon. Charles R. Norgle Sr : Before the court are the

respective objections of lead plaintiff MSBI, and The Wolf Group, to Magistrate Judge Lefkow's 10/7/97, report and recommendation continuing the the designation of MSBI as lead plaintiff. The court has completely reviewed the report, the pleadings, and the arguments of counsel (including statements made in open court on 11/7/97) pursuant to Fed. R. Civ. P. 72(a). Since the report is not clearly erroneous or contrary to law, the court adopts the decision. See Fed. R. Civ. P. 72(a). Accordingly, the objections to Magistrate Judge Lefkow's order of 10/7/97, are overruled. (See reverse of minute order.) Mailed notice (mc) [Entry date 11/12/97] [1:97cv3035]

- 11/10/1997 22 MINUTE ORDER of 11/10/97 by Hon. Charles R. Norgle Sr : Before the court is defendant Mercury Finance Co.'s motion for a finding of relatedness [8-1] and to reassign [8-2] three cases: 1) T. Rowe Price Financial Services Fund, Inc. v. Mercury Finance Co., 97 C 4782 (Gottschall, J.); 2) Hutchens v. Mercury Finance Co., 97 C 4213, (Andersen, J.); and Ferree v. Mercury Finance Co., 97 C 5245 (Gettleman, J.). pursuant to Local rule 2.31, the court denies the motion. (See reverse of minute order.) Mailed notice (mc) [Entry date 11/12/97] [1:97cv3035]
- 11/20/1997 == TRANSCRIPT of proceedings for the following date(s): 08/07/97 before Honorable Joan H. Lefkow (1 vol.) (Original in 97-CV-624). (ar) [Entry date 11/24/97] [1:97cv3035]
- 12/08/1997 26 ORDER (mc) [Entry date 12/10/97] [1:97cv3035]
- 12/09/1997 25 LETTER from lead plaintiff MN St Bd of Inv to Judge Norgle dated 12/5/97 (Attachments) (mc) [Entry date 12/10/97] [Edit date 12/10/97] [1:97cv3035]
- 12/09/1997 27 MINUTE ORDER of 12/9/97 by Hon. Charles R. Norgle Sr : It is hereby ordered that lead plaintiff Minnesota State Board of Investment's motion for substitution for defendant James A. Doyle, deceased by Cynthia A. Doyle, as the Independent Executor for the Estate of James A. Doyle is granted. Mailed notice (mc) [Entry date 12/10/97] [1:97cv3035]
- 01/05/1998 28 MINUTE ORDER of 1/5/98 by Hon. Charles R. Norgle Sr : The clerk's computer docket sheet for Case No. 97 C 3035 erroneously shows the following motions as pending: 1) to vacate current briefing schedule (Doc. No. 0-1) (denied; see 97 C 624, Doc. No. 52); 2) for leave to file sur-reply (Doc. No. 0-1) (granted; see 97 C 624, Doc. No. 63); 3) to vacate order of 7-1-97 (Doc. No. 0-1) (granted in part; see 97 C 624, Doc. No. 70-1); 4) to consolidate the PSCO Fund Limited (Doc. No. 0-2) (granted; see 97 C 624, Doc, No. 63); 5) for other relief (Doc. No. 0-2) (granted in part; see 97 C 624, Doc. No. 70-1); 6) for oral argument on motion for appointment (Doc. No. 0-3) (granted; see 97 C 624, Doc. No. 63); 7) to set a date for ruling on motion for relatedness (Doc. NO. 24-1) (granted; see 97 C 3035, Doc. No. 22). The clerk shall correct the docket of Case No. 97 C 3035 to reflect that the court has so ruled. No notice (mc) [Entry date 01/06/98] [1:97cv3035]
- 01/22/1998 29 AMENDED NOTICE of motion by plaintiff regarding plaintiff's motion to intervene and Intervenor's Rule 24(c) pleading (Attachments) (mc) [Entry date 01/23/98] [1:97cv3035]
- 01/23/1998 == TRANSCRIPT of proceedings for the following date(s): 10/02/97 Before Honorable Joan Humphrey Lefkow. (Original in 94 C 624) (hp) [Entry date 01/23/98] [1:97cv3035]
- 01/27/1998 30 MINUTE ORDER of 1/27/98 by Hon. Charles R. Norgle Sr : Motion for leave to file doc 0-1 of 6/25/97 is granted [0-11]. Motion to vacate doc 01 of 7/16/97 is denied [0-11].

Motion to consolidate doc 0-2 of 6/25/97 is denied [0-2]. Motion for relief doc 0-2 of 7/16/97 is denied [0-2]. Motion for oral argument doc 0-3 of 6/25/97 was and granted [0-3] and court heard argument. Such orders are entered for case control purposes in relation to clerk's printout of 1/15/98. Status hearing set for 3/31/98 at 9:30 a.m. Mailed notice (mc) [Entry date 01/28/98] [1:97cv3035]

- 02/19/1998 31 MOTION by MN St Bd of Inv for supplemental consolidation [31-1] (Exhibits/Attachments); Notice of motion (Temporarily unavailable for docketing.) (mc) [Entry date 03/02/98] [1:97cv3035]
- 02/19/1998 32 MEMORANDUM by MN St Bd of Inv in support of plaintiff's motion for supplemental consolidation [31-1] (Temporarily unavailable for docketing.) (mc) [Entry date 03/02/98] [1:97cv3035]
- 02/27/1998 33 MINUTE ORDER of 2/27/98 by Hon. Charles R. Norgle Sr : Motion by The Minnesota State Board of Investment for supplemental consolidation is granted [31-1]. It is hereby ordered that all related cases in the Northern District of Illinois, Including the three case listed in footnote 5 of the memorandum in support of plaintiff's motion for supplemental consolidation are hereby on consolidated for all pretrial purposes. Mailed notice (mc) [Entry date 03/02/98] [1:97cv3035]
- 03/09/1998 35 MOTION by defendant John Brincat to quash or, in the alternative, stay deposition ; Notice of motion (mc) [Entry date 03/24/98] [1:97cv3035]
- 03/11/1998 34 OBJECTION by plaintiff James Ferree to consolidation order of 2/27/98 [33-1] (Exhibits) (mc) [Entry date 03/12/98] [1:97cv3035]
- 03/13/1998 -- NOTICE of change of firm name and address of Michael D. Craig (mc) [Entry date 03/17/98] [Edit date 03/19/98] [1:97cv3035]
- 03/23/1998 36 MINUTE ORDER of 3/23/98 by Hon. Charles R. Norgle Sr : (Motions presented 3/20/98). Ferree and Banc One's objections to consolidation [34-1] are taken under advisement. Any new objection will also be taken under advisement. Defendant John Brincat's motion to quash [35-1] or, in the alternative, stay deposition is denied [35-2] as moot. Case will be referred to Magistrate Judge/Bobrick for settlement conference of all consolidated and/or related Mercury Finance Cases. Mailed notice (mc) [Entry date 03/24/98] [1:97cv3035]
- 03/26/1998 37 MINUTE ORDER of 3/26/98 by Hon. Charles R. Norgle Sr : The clerk's computer docket sheet erroneously shows Mercury Finance Co.'s motion to set a date for ruling on its motion for finding of relatedness [24-1]. The court granted the motion in open court in October 1997. The court then ruled on the underlying motion for relatedness on 11/10/97 (Doc. No. 22). The clerk shall correct the docket of Case no. 97 C 3035 to reflect that the court has so ruled and tha Doc. No. 24-1 is no longer pending. No notice (mc) [Entry date 03/30/98] [1:97cv3035]
- 03/31/1998 -- SCHEDULE set on 3/31/98 by Hon. Charles R. Norgle Sr : Status hearing held. No notice (ef) [Entry date 03/31/98] [1:97cv3035]
- 04/03/1998 38 MINUTE ORDER of 4/3/98 by Hon. Charles R. Norgle Sr : Counsel appeared on behalf of the various consolidated cases and advised the court of status. Counsel have agreed to appear before Magistrate Judge Bobrick in an effort to settle the matters at issue in the consolidated cases. The district judge has directed that they confer with Magistrate Judge Bobrick to set dates at his convenience. The court has been further advised that Magistrate Judge Bobrick has agreed to proceed as the designated

magistrate judge in these consolidated settlement efforts. Mailed notice (mc) [Entry date 04/07/98] [1:97cv3035]

04/06/1998 -- SCHEDULE set on 4/6/98 by Hon. Edward A. Bobrick : Settlement conference held. No notice (th) [Entry date 04/06/98] [1:97cv3035]

04/08/1998 -- SCHEDULE set on 4/8/98 by Hon. Edward A. Bobrick : Settlement conference set for 2:00 4/30/98 . No notice (th) [Entry date 04/08/98] [1:97cv3035]

04/08/1998 39 REFERRAL ORDER of 4/7/98: Case referred to Magistrate Judge Edward A. Bobrick pursuant to General Rule 2.41 (b) to conduct hearings and enter appropriate orders on the settlement conference. Request of counsel and agreement of M.J. Bobrick. (For further detail see order.) Mailed notice (mc) [Entry date 04/09/98] [1:97cv3035]

04/17/1998 40 AMENDED COMPLAINT by plaintiff; adding Ralph M Walser, Joseph H Schiff, Paul Y Feng, Michael M Massarelli, Terri J Small, Joseph C Sherrill, Retsky Family Ltd, Kim Charles Meyers, John Schuler, Larry Metz, Scott Edward Milne, Harold Futransky, Nicholas P Barba, Karen K Barba, Wisconsin Amer Mtl, James C Herrick Jr, Emplayco FBO Herrick, Gene C Schultz, Sep IRA Acct (mc) [Entry date 04/29/98] [1:97cv3035]

04/23/1998 45 AMENDED Class Action Complaint [40-1] by Errata to plaintiffs (mc) [Entry date 05/04/98] [1:97cv3035]

04/30/1998 -- SCHEDULE set on 4/30/98 by Hon. Edward A. Bobrick : Status of settlement conference held. Settlement conference set for 2:00 5/26/98 . Mailed notice (th) [Entry date 04/30/98] [1:97cv3035]

05/01/1998 41 AFFIDAVIT OF SERVICE of Donna S. Dye executed on 4/22/98 (mc) [Entry date 05/04/98] [1:97cv3035]

05/01/1998 42 MOTION by plaintiffs for class certification (Exhibit); Notice of filing (mc) [Entry date 05/04/98] [1:97cv3035]

05/01/1998 43 MEMORANDUM of Law by plaintiffs in support of their motion for class certification [42-1] (Attachments) (mc) [Entry date 05/04/98] [1:97cv3035]

05/01/1998 44 (PROPOSED) Order by plaintiffs (mc) [Entry date 05/04/98] [1:97cv3035]

05/26/1998 -- SCHEDULE set on 5/26/98 by Hon. Edward A. Bobrick : Settlement conference held and continued to 2:00 6/23/98. Proposed Agreed Protective Order to follow . Mailed notice (th) [Entry date 05/27/98] [1:97cv3035]

06/15/1998 46 AGREED MOTION by parties for leave to file brief in excess of 15 pages (mc) [Entry date 06/18/98] [1:97cv3035]

06/15/1998 47 STIPULATION by parties regarding motion for leave to file a brief in excess of 15 pages [46-1] (mc) [Entry date 06/18/98] [1:97cv3035]

06/17/1998 48 MINUTE ORDER of 6/17/98 by Hon. Charles R. Norgle Sr : Agreed motion by parties for leave to file a brief in excess of 15 pages is granted [46-1]. Telephoned notice (mc) [Entry date 06/18/98] [1:97cv3035]

06/17/1998 49 ANSWER by defendant John N Brincat Jr to plaintiff's amended class action complaint (mc) [Entry date 06/18/98] [Edit date 07/09/98] [1:97cv3035]

06/17/1998 51 MOTION by defendant estate of James A Doyle to dismiss the amended class action complaint ; Notice of motion (mc) [Entry date 06/22/98] [1:97cv3035]

06/17/1998 53 ATTORNEY APPEARANCE for Svc List by John F. Hartman, Karen Fine (mc) [Entry date 06/22/98] [1:97cv3035]

06/17/1998 56 MOTION by defendant KPMG to dismiss the amended class action complaint ; Notice of motion (mc) [Entry date 06/30/98] [Edit date 07/20/98] [1:97cv3035]

06/17/1998 57 MOTION by defendant KPMG to dismiss the amended class action complaint ; Notice of motion (mc) [Entry date 06/30/98] [Edit date 07/20/98] [1:97cv3035]

06/17/1998 58 MEMORANDUM of Law by defendant KPMG in support of its motion to dismiss the amended class action complaint [56-1] (Attachments) (mc) [Entry date 06/30/98] [Edit date 07/20/98] [1:97cv3035]

06/17/1998 59 MEMORANDUM by defendant KPMG in support of its motion to dismiss the amended class action complaint [57-1] (mc) [Entry date 06/30/98] [Edit date 07/20/98] [1:97cv3035]

06/17/1998 61 PARTIAL MOTION by Mercury Fin Co of IL to dismiss MSBI's amended class action complaint ; Notice of motion (mc) [Entry date 06/30/98] [1:97cv3035]

06/17/1998 62 MEMORANDUM by Mercury Fin Co of IL in support of its partial motion to dismiss MSBI's amended class action complaint [61-1] (mc) [Entry date 06/30/98] [1:97cv3035]

06/18/1998 50 RESPONSE by James Ferree to Bank One's motion to sever from consolidation and transfer (mc) [Entry date 06/19/98] [1:97cv3035]

06/19/1998 52 MINUTE ORDER of 6/19/98 by Hon. Charles R. Norgle Sr : Memorandum in support of defendant estate of James A. Doyle's motion to dismiss the amended class action complaint [51-1] is due 7/6/98. Response is due by 7/20/98. Reply to response is due by 7/27/98. Mailed notice (mc) [Entry date 06/22/98] [1:97cv3035]

06/23/1998 == SCHEDULE set on 6/23/98 by Hon. Edward A. Bobrick : Settlement conference held and continued to 2:00 7/10/98 . Mailed notice (th) [Entry date 06/23/98] [1:97cv3035]

06/24/1998 55 MINUTE ORDER of 6/24/98 by Hon. Edward A. Bobrick : Enter Stipulated Protective Order. Mailed notice (mc) [Entry date 06/25/98] [1:97cv3035]

06/24/1998 54 STIPULATED PROTECTIVE ORDER (Attachment/Exhibit) (mc) [Entry date 07/06/98] [1:97cv3035]

06/29/1998 60 MINUTE ORDER of 6/29/98 by Hon. Charles R. Norgle Sr : Class plaintiff's response to defendant KPMG's motion to dismiss the amended class action complaint [56-1], The Outside Directors' motion to dismiss the amended class action complaint [57-1] and previously filed motions to dismiss the amended class action complaint [51-1] is due by 8/7/98. Defendants reply memoranda are due by 9/9/98. Mailed notice (mc) [Entry date 06/30/98] [Edit date 07/20/98] [1:97cv3035]

07/02/1998 64 AGREED MOTION by Mercury Fin Co of IL for entry of stipulated protective order (Exhibits/Attachment); Notice of motion (mc) [Entry date 07/14/98] [Edit date 07/14/98] [1:97cv3035]

07/06/1998 63 MEMORANDUM of Law of defendant estate of James A Doyle in support of its motion to dismiss MSBI's amended class action complaint [61-1]; Notice of filing (mc) [Entry date 07/07/98] [Edit date 07/07/98] [1:97cv3035]

07/10/1998 == SCHEDULE set on 7/10/98 by Hon. Edward A. Bobrick : Settlement conference held. Telephone status hearing set for 3:30 (Central Standard Time) 7/30/98 . Mailed notice

(th) [Entry date 07/10/98] [1:97cv3035]

- 07/10/1998 65 MINUTE ORDER of 7/10/98 by Hon. Charles R. Norgle Sr : Mercury Fin Co Of IL 's agreed motion for entry of stipulated protective order is granted [64-1]. Telephoned notice (mc) [Entry date 07/14/98] [1:97cv3035]
- 07/14/1998 66 MINUTE ORDER of 7/14/98 by Hon. Charles R. Norgle Sr : Before the court is plaintiffs' motion for class certification [42-1]. Plaintiffs, however, never presented their motion within 10 days of filing in accordance with Local General Rule 12(I). Plaintiffs' notice of filing does not indicate any date of presentment. Consequently, no briefing schedule was set and no response was filed. Therefore, pursuant to Local General Rule 12(I), the court denies plaintiffs' motion. See Local General Rule 12(I). Nonetheless, plaintiffs' counsel will be heard if they follow proper procedure and the local rules. Mailed notice (mc) [Entry date 07/15/98] [1:97cv3035]
- 07/14/1998 67 MINUTE ORDER of 7/14/98 by Hon. Charles R. Norgle Sr : Before the court is certain defendants' Johnson, McNally IV, Steingraber and Wicklander ("Directors") joint motion to dismiss plaintiffs' amended class action complaint [57-1]. For the reasons stated on the reverse of this order, the motion is denied. The court also strikes the previously set briefing schedule of 6/29/98. (See reverse of minute order.) Mailed notice (mc) [Entry date 07/15/98] [Edit date 07/15/98] [1:97cv3035]
- 07/14/1998 68 MINUTE ORDER of 7/14/98 by Hon. Charles R. Norgle Sr : Before the court is defendant Estate of James A. Doyle's motion to dismiss plaintiffs' amended class action complaint [51-1]. For the reasons stated on the reverse of this order, defendant's motion is denied. The court also strikes the previously set briefing schedule of 6/29/98. (See reverse of minute order.) Mailed notice (mc) [Entry date 07/15/98] [1:97cv3035]
- 07/14/1998 69 MINUTE ORDER of 7/14/98 by Hon. Charles R. Norgle Sr : Before the court is defendant Mercury Finance's motion to dismiss counts III and V of plaintiffs' amended class action complaint [61-1]. For the reasons stated on the reverse of this order, defendant's motion is denied. The court also strikes the previously set briefing schedule of 6/29/98. Mailed notice (mc) [Entry date 07/15/98] [1:97cv3035]
- 07/14/1998 70 MINUTE ORDER of 7/14/98 by Hon. Charles R. Norgle Sr : Before the court is defendant KPMG Peat Marwick LLP's motion to dismiss plaintiffs' amended class action complaint [56-1]. For the reasons stated on the back of this order, defendant's motion is denied. The court also strikes the previously set briefing schedule of 6/29/98. (See reverse of minute order.) Mailed notice (mc) [Entry date 07/15/98] [Edit date 07/15/98] [1:97cv3035]
- 07/23/1998 71 JOINT UNOPPOSED MOTION by defendants KPMG Peat Marwick, Doyle, Clifford R Johnson, Andrew McNalley IV, Fred G Steingraber, Philip J Wicklander for an extension of time to answer the amended complaint; Notice of motion (rm) [Entry date 08/03/98] [Edit date 08/03/98] [1:97cv3035]
- 07/30/1998 -- SCHEDULE set on 7/30/98 by Hon. Edward A. Bobrick : Telephone status hearing held. No notice (th) [Entry date 07/30/98] [1:97cv3035]
- 07/31/1998 -- SCHEDULE set on 7/31/98 by Hon. Edward A. Bobrick : Settlement conference set for 1:00 8/10/98 . Mailed notice (th) [Entry date 07/31/98] [1:97cv3035]
- 07/31/1998 72 MINUTE ORDER of 7/31/98 by Hon. Charles R. Norgle Sr : Defendants KPMG Peat Marwick LLP, Estate of Doyle, Clifford R. Johnson, Andrew McNalley IV, Fred G. Steingraber and Philip J. Wicklander's joint unopposed motion for an extension of time

to answer the amended complaint is granted to and including 8/28/98 [71-1]. Telephoned notice (rm) [Entry date 08/03/98] [1:97cv3035]

08/05/1998 73 RENEWED MOTION by plaintiffs for class certification (Attachments); Notice of motion (srw) [Entry date 08/13/98] [1:97cv3035]

08/10/1998 -- SCHEDULE set on 8/10/98 by Hon. Edward A. Bobrick : Settlement conference held. No notice (th) [Entry date 08/10/98] [1:97cv3035]

08/12/1998 -- SCHEDULE set on 8/12/98 by Hon. Edward A. Bobrick : Settlement conference continued to 11:00 9/3/98 . Mailed notice (th) [Entry date 08/12/98] [1:97cv3035]

08/12/1998 74 MINUTE ORDER of 8/12/98 by Hon. Charles R. Norgle Sr : Assuming that the stay or any orders issued by the bankruptcy court would not preclude the district court from entertaining the motion of certain plaintiffs' renewed motion for class certification, the district court sets 9/14/98 for response and 9/28/98 for reply. Mailed notice (srw) [Entry date 08/13/98] [1:97cv3035]

08/26/1998 75 ANSWER of defendant Estate of James A Doyle to plaintiff's amended class action complaint. (ll) [Entry date 08/28/98] [1:97cv3035]

08/28/1998 76 ANSWER by defendants Andrew McNally IV, Clifford R. Johnson, Fred G. Steingraber and Philip J. Wicklander to plaintiffs' amended class action complaint (cmf) [Entry date 08/31/98] [1:97cv3035]

08/28/1998 77 ANSWER by defendant KPMG Peat Marwick LLP and affirmative defenses to plaintiffs' amended class action complaint (cmf) [Entry date 08/31/98] [1:97cv3035]

09/02/1998 -- SCHEDULE set on 9/2/98 by Hon. Edward A. Bobrick : Settlement conference reset from 11:00 9/3/98 to 1:30 9/23/98 . Mailed notice (th) [Entry date 09/02/98] [1:97cv3035]

09/17/1998 78 ATTORNEY APPEARANCE for unknown parties Andrew McNally IV, Clifford R. Johnson, Fred G. Steingraber, Philip J Wicklander by Anne J. McClain (dk) [Entry date 09/18/98] [1:97cv3035]

09/23/1998 -- SCHEDULE set on 9/23/98 by Hon. Edward A. Bobrick : Settlement conference set for 1:30 9/23/98 is stricken. No notice (th) [Entry date 09/23/98] [1:97cv3035]

09/29/1998 79 AGREED ORDER (jmp) [Entry date 10/02/98] [1:97cv3035]

09/30/1998 80 MINUTE ORDER of 9/30/98 by Hon. Charles R. Norgle Sr : Enter Agreed Order. The previously set briefing schedule is stricken. Defendants briefs in opposition to plaintiffs' renewed motion for for class certification [73-1] shall be due on 11/04/98; and the plaintiff's reply brief shall be due on 11/25/98. Telephoned notice (jmp) [Entry date 10/02/98] [1:97cv3035]

11/03/1998 81 ATTORNEY APPEARANCE for John N. Brincat by Karen Ann Caraher (tlm) [Entry date 11/04/98] [1:97cv3035]

11/03/1998 82 MINUTE ORDER of 11/3/98 by Hon. Charles R. Norgle Sr : Agreed motion for entry of Agreed Protective Order is granted. Order is Styled Protective Order Governing Confidential Material. Mailed notice (tlm) [Entry date 11/04/98] [1:97cv3035]

11/06/1998 83 STIPULATION and AGREED SCHEDULING ORDER (ar) [Entry date 11/12/98] [1:97cv3035]

11/10/1998 84 MINUTE ORDER of 11/10/98 by Hon. Charles R. Norgle Sr : Enter stinulation and

agreed scheduling order signed by the parties on 09/02/98 and signed by the court on 11/06/98. Mailed notice (ar) [Entry date 11/12/98] [1:97cv3035]

11/20/1998 -- STATUS REPORT by Minnesotat State Board of Investment (Attachments); Notice of filing (ar) [Entry date 11/25/98] [Edit date 11/27/98] [1:97cv3035]

11/24/1998 86 AGREED ORDER to modify the briefing schedule regarding lead plaintiff Minnesota State Board of Investment's renewed mtoion for class certification (ar) [Entry date 11/25/98] [1:97cv3035]

11/24/1998 87 MINUTE ORDER of 11/24/98 by Hon. Charles R. Norgle Sr : Enter agreed order to modify the briefing schedule regarding lead plaintiff's renewed motion for class certification. Telephoned notice (ar) [Entry date 11/25/98] [1:97cv3035]

12/21/1998 88 RESPONSE by KPMG Peat Marwick to plaintiff's motion for class certification [73-1] (rm) [Entry date 12/22/98] [1:97cv3035]

12/21/1998 89 AGREED ORDER to modify the briefing schedule regarding lead plaintiff Minnesota State Board of Investment's [73-1] (hp) [Entry date 12/30/98] [1:97cv3035]

12/29/1998 90 MINUTE ORDER of 12/29/98 by Hon. Charles R. Norgle Sr : Enter agreed order (dated 12/21/98) to modify the briefing schedule regarding lead plaintiff Minnesota State Board of Investment's renewed motion for class certification. [73-1] Telephoned notice (hp) [Entry date 12/30/98] [1:97cv3035]

12/31/1998 91 ORDER preliminarily approving partial settlement and approving the form and manner of notice (Exhibits) (mk) [Entry date 12/31/98] [1:97cv3035]

12/31/1998 92 MINUTE ORDER of 12/31/98 by Hon. Charles R. Norgle Sr : Defendant Brincat intends to file a motion. The court will hear defendant Brincat's presentment of his motion on Friday, January 8, 1999 at 11:30. Defendant Brincat shall properly file his motion and comply with all requirements of the Local Rules, including notice. Mailed notice (mk) [Entry date 12/31/98] [1:97cv3035]

12/31/1998 93 MOTION by Defendant John N Brincat for settlement conference ; Notice of motion. (tlm) [Entry date 01/12/99] [1:97cv3035]

01/08/1999 -- SCHEDULE set on 1/8/99 by Hon. Charles R. Norgle Sr : settlement hearing held. No notice (ef) [Entry date 01/08/99] [1:97cv3035]

01/08/1999 94 MINUTE ORDER of 1/8/99 by Hon. Charles R. Norgle Sr : Defendant John Brincat's motion for settlement conference is denied. [93-1] No notice (tlm) [Entry date 01/12/99] [1:97cv3035]

02/10/1999 95 MOTION by plaintiffs' to compel KPMG to produce documens responsive to requests 7,8,11,and 15 (Attachments); Notice of motion (ll) [Entry date 02/17/99] [1:97cv3035]

02/10/1999 96 MOTION by plaintiffs' to compel defendant John N. Brincat to produce documents (Exhibits); Notice of motion (ll) [Entry date 02/17/99] [1:97cv3035]

02/12/1999 97 MINUTE ORDER of 2/12/99 by Hon. Charles R. Norgle Sr : Plaintiffs have filed two separate motions to compel against defendants John N. Briincat and KPMG. Defendants' response is due by 02/26/99 and plaintiffs' reply is due by 03/05/99. [95-1], [96-1] Mailed notice (ll) [Entry date 02/17/99] [1:97cv3035]

02/17/1999 -- SCHEDULE set on 2/17/99 by Hon. Charles R. Norgle Sr : Confirmation hearing set for 10:00 2/22/99 . No notice (ef) [Entry date 02/17/99] [1:97cv3035]

- 02/17/1999 98 ATTORNEY APPEARANCE for John N. Brincat, Jr., by Kevin E. White, Bradley C. Graveline and Matthew I. Farmer (ar) [Entry date 02/18/99] [1:97cv3035]
- 02/18/1999 99 DECLARATION by Debra A Riley regarding mailing of notice of pendency of class action, partial settlement and settlement hearing and publication of summary notice (Exhibits). (vj) [Entry date 02/22/99] [1:97cv3035]
- 02/19/1999 100 NOTICE of filing of certificate of publication by Daniel A Zazove. (vj) [Entry date 02/22/99] [1:97cv3035]
- 02/22/1999 101 MINUTE ORDER of 2/22/99 by Hon. Charles R. Norgle Sr : Hearing held 2/22/99, regarding global settlement with defendant Mercury Finance Company. Pursuant to settlement, Final Judgment and Order of Partial Dismissal of Action entered. Therefore, MSBI's renewed motion for class certification Doc. No. [73-1] is denied as moot. (Briefing was never completed on this motion.) The clerk shall strike the motion from the court's list of pending motions. Mailed notice (eav) [Entry date 02/24/99] [1:97cv3035]
- 02/22/1999 102 FINAL JUDGMENT and Order of Partial dismissal of action. (ll) [Entry date 02/25/99] [1:97cv3035]
- 02/22/1999 103 MINUTE ORDER of 2/22/99 by Hon. Charles R. Norgle Sr : Enter Final Judgment and Order of Partial dismissal of action. No notice (ll) [Entry date 02/25/99] [1:97cv3035]
- 02/26/1999 104 MEMORANDUM by KPMG Peat Marwick in opposition to plaintiffs' motion to compel KPMG to produce documens responsive to requests 7,8,11,and 15 [95-1] (Attachments) (rm) [Entry date 03/01/99] [1:97cv3035]
- 02/26/1999 105 MINUTE ORDER of 2/26/99 by Hon. Edward A. Bobrick : Pursuant to Final judgment and order of partial dismissal of action entered by Judge Norgle on 2/22/99, all matters relating to the referral of this action having been resolved, the case is returned to the assigned judge. (Terminating the case referral to Hon. Edward A. Bobrick). Motion to compel defendant John N. Brincat to produce documents [96-1], motion to compel KPMG to produce documents responsive to requests 7,8,11,and 15 [95-1]. No notice (rm) [Entry date 03/01/99] [1:97cv3035]
- 03/03/1999 107 MOTION by Realtech Software to approve compromise, and to certify settlement class (Exhibits); Notice of motion (rm) [Entry date 03/11/99] [Edit date 03/11/99] [1:97cv3035]
- 03/05/1999 106 REPLY memorandum by plaintiffs in support of their motion to compel defendant John N. Brincat to produce documents [96-1]; (Attachments); Notice of filing. (bw) [Entry date 03/08/99] [1:97cv3035]
- 03/09/1999 108 ATTORNEY APPEARANCE for claimant Realtech Software by Clinton A. Krislov, William Bogot (Attachment); Notice of filing (rm) [Entry date 03/11/99] [1:97cv3035]
- 03/10/1999 109 MOTION by Mercury Fin Co of IL to approve compromise with DoyleEstate and to certify settlement class (Exhibits); Notice of motion (jmp) [Entry date 03/16/99] [1:97cv3035]
- 03/12/1999 110 MINUTE ORDER of 3/12/99 by Hon. Charles R. Norgle Sr : In an order dated 02/22/99, the court improvidently denied plaintiffs' renewed motion for class certification as moot due to settlement by several defendants. However, this case remains pending against KPMG Peat Marwich ("KMPG"). KPMG filed a response to plaintiffs' renewed motion to approve compromise with Dovle Estate [109-1]. [107-1] and to certifv settlement class

[109-2], [107-2] indicating that it did not object to class certification. Thus, in the absence of any objection and pursuant to Fed.R.Civ. P. 23, the court grants plaintiffs' renewed motion for class certification [109-2]. Mailed notice (jmp) [Entry date 03/16/99] [1:97cv3035]

- 03/22/1999 111 (PROPOSED) ORDER. (vj) [Entry date 03/25/99] [1:97cv3035]
- 03/23/1999 112 MINUTE ORDER of 3/23/99 by Hon. Charles R. Norgle Sr: Motion for class certification and to proceed pursuant to Rule 23 is granted. Motion of MSBI to proceed as representative for plaintiff is granted with Heins Mills & Olson as lead counsel. (See comprehensive order of 3/22/99) Mailed notice (vj) [Entry date 03/25/99] [1:97cv3035]
- 04/15/1999 113 NOTICE of pendency of clasws action, proposed partial settlements of class action, and settlement hearing by plaintiffs' (Attachments); Notice of filing (jmp) [Entry date 04/16/99] [1:97cv3035]
- 04/16/1999 114 AMENDED STIPULATION and AGREED SCHEDULING ORDER (jmp) [Entry date 04/21/99] [1:97cv3035]
- 04/20/1999 115 MINUTE ORDER of 4/20/99 by Hon. Charles R. Norgle Sr : Enter amended stipulation and agreed order signed by counsel on 03/19/99 and entered by the court on 04/16/99. Mailed notice (jmp) [Entry date 04/21/99] [1:97cv3035]
- 04/30/1999 -- AGREED STATUS REPORT by plaintiffs' and defendants' (Attachments); Notice of filing (Original in case number 97 cv 355) (jmp) [Entry date 05/03/99] [1:97cv3035]
- 05/10/1999 -- SCHEDULE set on 5/10/99 by Hon. Charles R. Norgle Sr : Status hearing set for 10:00 5/19/99 . No notice (ef) [Entry date 05/10/99] [1:97cv3035]
- 05/21/1999 -- SCHEDULE set on 5/21/99 by Hon. Charles R. Norgle Sr : Status hearing held and continued to 9:30 am on 6/4/99. . No notice, advised in open court (js) [Entry date 05/21/99] [1:97cv3035]
- 06/01/1999 117 MOTION by plaintiffs' for order approving changes in arbitration deadline dates and communication with class members; Notice (jmp) [Entry date 06/15/99] [1:97cv3035]
- 06/04/1999 -- SCHEDULE set on 6/4/99 by Hon. Charles R. Norgle Sr : Status hearing held and continued to 9:30 6/24/99 . No notices required, advised in open court. (ef) [Entry date 06/11/99] [1:97cv3035]
- 06/04/1999 118 ORDER regarding motion for order approving changes in arbitration deadline dates and communication with class members [117-1] (jmp) [Entry date 06/15/99] [1:97cv3035]
- 06/11/1999 116 AGREED UPON STATUS REPORT by parties (jmp) [Entry date 06/14/99] [1:97cv3035]
- 06/14/1999 119 MINUTE ORDER of 6/14/99 by Hon. Charles R. Norgle Sr : Enter order approving changes in arbitration deadline dates and communication with class members dated 06/04/99 [117-1]. No notice (jmp) [Entry date 06/15/99] [1:97cv3035]
- 06/22/1999 120 FINAL JUDGMENT and ORDER of partial dismissal of action against Jams A. Doyle and The Estate of James A Doyle (Attachments); Notice (jmp) [Entry date 06/24/99] [1:97cv3035]
- 06/22/1999 121 FINAL JUDGMENT and ORDER of partial dismissal of action against John N. Brincat, Sr. (Attachments) (jmp) [Entry date 06/29/99] [1:97cv3035]
- 06/22/1999 123 FINAL JUDGMENT and ORDER of partial dismissal of action against James A. Dogle

and The Estate of James A. Doyle (Attachments) (jmp) [Entry date 06/29/99]
[1:97cv3035]

- 06/28/1999 122 MINUTE ORDER of 6/28/99 by Hon. Charles R. Norgle Sr : Enter final judgment and order of partial dismissal of action against John N. Brincat Sr. dated 06/22/99. No notice (jmp) [Entry date 06/29/99] [1:97cv3035]
- 06/28/1999 124 MINUTE ORDER of 6/28/99 by Hon. Charles R. Norgle Sr : Enter Final Judgment and Order of Partial Dismissal of action against James A. Doyle and The Estate of James A. Doyle dated 06/22/99. No notice (jmp) [Entry date 06/29/99] [1:97cv3035]
- 07/12/1999 125 OPINION, AND ORDER (jmp) [Entry date 07/17/99] [1:97cv3035]
- 07/15/1999 126 MINUTE ORDER of 7/15/99 by Hon. Charles R. Norgle Sr : Enter opinin and order: Plaintiff's motion to compel KPMG to produce documens responsive to requests 7,8,11,and 15 [95-1] and motion to compel defendant John N. Brincat to produce documents is granted [96-1]. Mailed notice (jmp) [Entry date 07/17/99] [1:97cv3035]
- 07/16/1999 127 MINUTE ORDER of 7/16/99 by Hon. Charles R. Norgle Sr : The court's computer docket as of 07/16/99 erroneously indicates that plaintiff's motion to compel defendant KMPG to produce doucments (Doc. No. 95-1) as pending, On 07/12/99, the court issued an opinion and order granting plaintiffs' motion. Further, the court's computer docket erroneously shows that plaintiffs' motion to compel defendant John Brincat to produce discovery as pending. That motion is denied as moot because Brincat is no longer a party to this litigation. The clerk shall correct the computer docket for 97 c 3035 to reflect that the court has so ruled and to eliminate these motions. No notice (jmp) [Entry date 07/20/99] [1:97cv3035]
- 08/31/1999 128 AGREED MOTION by MN St Bd of Inv for order modifying the amended stipulation and scheduling order (Attachment); Notice (jmp) [Entry date 09/07/99] [1:97cv3035]
- 09/03/1999 129 MINUTE ORDER of 9/3/99 by Hon. Charles R. Norgle Sr : Agreed upon motion for order modifying the amended stipulation and scheduling order is granted [128-1]. Telephoned notice (jmp) [Entry date 09/07/99] [1:97cv3035]
- 09/07/1999 130 MINUTE ORDER of 9/7/99 by Hon. Charles R. Norgle Sr : Agreed Upon motion for order modifying the amended stipulation and scheduling order is granted. Entered second amended stipulation and agreed scheduling order. Telephoned notice (jmp) [Entry date 09/09/99] [1:97cv3035]
- 09/17/1999 -- RESPONSE by MN St Bd of Inv to order to show cause dated 09/07/99; Notice (Original in case number 97 cv 959) (jmp) [Entry date 09/21/99] [1:97cv3035]
- 12/16/1999 131 MINUTE ORDER of 12/16/99 by Hon. Charles R. Norgle Sr : Enter Agreed Order dated 12/14/99. (Enter Agreed Order) Telephoned notice (jmp) [Entry date 12/17/99] [1:97cv3035]
- 01/19/2000 132 STATUS REPORT by lead plaintiff and class representative (jmp) [Entry date 01/20/00] [1:97cv3035]
- 02/07/2000 133 MINUTE ORDER of 2/7/00 by Hon. Charles R. Norgle Sr : Enter Third Amended Stipulation and Agreed Scheduling Order. (Entered third amended stipulation and agreed scheduling order) Telephoned notice (jmp) [Entry date 02/11/00] [1:97cv3035]
- 02/14/2000 134 NOTICE by plaintiffs' of change in firm name (jmp) [Entry date 02/15/00] [1:97cv3035]
- 04/11/2000 135 MOTION by plaintiffs' for preliminary approval of settlement with KPMG Peat

Marwick LLP and notice to the class (Attachments); Memorandum in support; Notice. (vj) [Entry date 04/17/00] [1:97cv3035]

- 04/14/2000 [136](#) MINUTE ORDER of 4/14/00 by Hon. Charles R. Norgle Sr: Motion for preliminary approval of settlement with KPMG Marwick LLP and notice to the class is granted [135-1]. Final approval hearing set for 6/30/00 at 10:00. (Entered Order) Mailed notice (vj) [Entry date 04/17/00] [1:97cv3035]
- 04/24/2000 [137](#) LETTER from Michael W Coffield dated 4/20/00 informing the court that he is no longer an attorney in the case. (vj) [Entry date 04/24/00] [1:97cv3035]
- 06/09/2000 [138](#) LETTER from Irene and Louis Poswner to court dated 6/6/00 renoucing claim to the Peat Marwick KPMG paltry offer (Attachments). (vj) [Entry date 06/12/00] [1:97cv3035]
- 06/16/2000 [140](#) OBJECTION to proposed settlement, notice of intention to appear at settlement hearing, appearance by counsel, request for leave to intervene, and request to propound discovery requests by claimant Realtech Software, Inc. Employees Retirement Program (Attachment) (hp) [Entry date 06/20/00] [1:97cv3035]
- 06/16/2000 [141](#) NOTICE of filing by claimant Realtech Software of objection [140-1] (hp) [Entry date 06/20/00] [1:97cv3035]
- 06/19/2000 [139](#) OBJECTIONS by St Bd of Admin of FL to proposed settlement with KPMG Peat Marwick LLP (rm) [Entry date 06/20/00] [1:97cv3035]
- 06/23/2000 [142](#) MEMORANDUM by KPMG Peat Marwick LLP in support of class action settlement. (vj) [Entry date 06/26/00] [1:97cv3035]
- 06/23/2000 [142](#) OPPOSITION by KPMG Peat Marwick to objections filed by Realtech Software Employees Retirement Program and Florida State Board of Administration (Attachment) [140-1] (vj) [Entry date 06/26/00] [1:97cv3035]
- 06/23/2000 [162](#) MOTION by plaintiffs' for final approval of settlement with KPMG Peat Marwick LLP and award of attorneys' fees and expenses; Memorandum in support; Notices. (vj) [Entry date 08/22/00] [1:97cv3035]
- 06/23/2000 [163](#) APPLICATION by plaintiffs' counsel for award of attorney fees and expenses from the KPMG Peat Marwick Settlement Fund. (vj) [Entry date 08/22/00] [1:97cv3035]
- 06/23/2000 [164](#) APPENDIX of unreported authorities by plaintiffs' (Attachments). (vj) [Entry date 08/22/00] [1:97cv3035]
- 06/23/2000 [165](#) DECLARATION of Cheryl Washington re: Mailing of notice of class action, proposed settlement with KPMG Peat Marwick LLP, and hearing. (vj) [Entry date 08/22/00] [1:97cv3035]
- 06/23/2000 [166](#) AFFIDAVIT of Stacey L. Mills. (vj) [Entry date 08/22/00] [1:97cv3035]
- 06/27/2000 [143](#) RESPONSE by plaintiffs' to objection to proposed settlement, etc., from Realtech Software, Inc. [140-1]; Notice. (vj) [Entry date 06/28/00] [1:97cv3035]
- 06/27/2000 [144](#) RESPONSE by plaintiffs' to objections to proposed settlement from State Board of Administration of Florida [139-1]. (vj) [Entry date 06/28/00] [1:97cv3035]
- 06/27/2000 [145](#) APPENDIX of unreported authorities and settlement notices by plaintiffs'. (vj) [Entry date 06/28/00] [1:97cv3035]
- 06/30/2000 [146](#) MINUTE ORDER of 6/30/00 by Hon. Charles R. Norgle Sr : Fairness hearing held. All

matters taken under advisement. Final approval hearing continued to 7/26/00 at 9:30 a.m. No notice (vj) [Entry date 07/03/00] [1:97cv3035]

- 06/30/2000 [147](#) REPLY by State Board of Administration of Florida regarding responses to its objections to the agreement of settlement (Attachments). (vj) [Entry date 07/05/00] [Edit date 07/05/00] [1:97cv3035]
- 07/07/2000 [148](#) MEMORANDUM by KPMG Peat Marwick in opposition to objector Realtech Software, Inc. Employee Retirement Program's request to propound discovery requests (Attachment). (vj) [Entry date 07/10/00] [1:97cv3035]
- 07/12/2000 [149](#) MINUTE ORDER of 7/12/00 by Hon. Charles R. Norgle Sr: Florida Board's objections to the KPMG Peat Marwick Settlement are overruled and denied [139-1]. Florida Board has, first, failed to show evidence of documentation of purchase of Mercury common stock during the class period establishing its membership in the class, and, secondly, on their merits, the objections are overruled and denied. (See reverse of minute order) Mailed notice (vj) [Entry date 07/13/00] [1:97cv3035]
- 07/12/2000 [150](#) MINUTE ORDER of 7/12/00 by Hon. Charles R. Norgle Sr: The objections of Realtech to the settlement with KPMG Peat Marwick are overruled. Motion of Realtech to intervene for limited purpose of raising objections is granted as unopposed. Motion of Realtech to take discovery is denied. (See reverse of minute order) Mailed notice (vj) [Entry date 07/13/00] [1:97cv3035]
- 07/12/2000 [151](#) MINUTE ORDER of 7/12/00 by Hon. Charles R. Norgle Sr: (Entered Order of Final Judgment and Dismissal) terminating case Mailed notice (vj) [Entry date 07/13/00] [1:97cv3035]
- 07/13/2000 [152](#) REPLY memorandum by claimant Realtech Software, Inc. Employees Retirement Program's in support of its objection to proposed settlement [140-1]; Notice. (kf) [Entry date 07/13/00] [1:97cv3035]
- 07/13/2000 [153](#) APPLICATION by St Bd of Admin of FL to intervene; (Attachments); Notice (rm) [Entry date 07/27/00] [1:97cv3035]
- 07/13/2000 [154](#) AFFIDAVIT of Blake H. Schubert supporting State Board's application to intervene "Application") (rm) [Entry date 07/27/00] [1:97cv3035]
- 07/24/2000 [157](#) ENTERED JUDGMENT (rm) [Entry date 07/27/00] [1:97cv3035]
- 07/25/2000 [158](#) MEMORANDUM by defendant KPMG Peat Marwick LLP in opposition to Florida State Board of Administration's motion to intervene [153-1] (Attachments). (kf) [Entry date 07/31/00] [1:97cv3035]
- 07/26/2000 [155](#) MINUTE ORDER of 7/26/00 by Hon. Charles R. Norgle Sr : (Entered order on attornes' fees and expenses regarding settlement with KPMG Peat Marwick LLP). Mailed notice (rm) [Entry date 07/27/00] [1:97cv3035]
- 07/26/2000 [156](#) MINUTE ORDER of 7/26/00 by Hon. Charles R. Norgle Sr : State Board's application to intervene is denied [153-1]. The Clerk is directed to enter judgment. Mailed notice (rm) [Entry date 07/27/00] [1:97cv3035]
- 08/11/2000 [159](#) NOTICE OF APPEAL by claimant Realtech Software from judgment entered [157-1], and from motion minute order [155-1] (\$105.00 Paid)) (dj) [Entry date 08/14/00] [1:97cv3035]
- 08/11/2000 [160](#) LETTER regarding docketing statement acknowledged by claimant Realtech Software .

(dj) [Entry date 08/14/00] [1:97cv3035]

08/14/2000 -- TRANSMITTED to the 7th Circuit the short record on appeal [159-1] . Mailed notice to all counsel. (dj) [Entry date 08/14/00] [1:97cv3035]

08/16/2000 161 ACKNOWLEDGEMENT of receipt of short record on appeal [159-1] USCA 00-3078 (ar) [Entry date 08/17/00] [1:97cv3035]

08/23/2000 167 LETTER from KPMG LLP to court dated 8/23/00 regarding supplement to appeal. (vj) [Entry date 08/24/00] [1:97cv3035]

08/30/2000 -- TRANSMITTED to the 7th Circuit the long record on appeal no. 00-3078 consisting of 3 volumes of pleadings and 10 loose pleadings. [159-1] Mailed notice to all counsel. (dj) [Entry date 08/30/00] [1:97cv3035]

10/03/2000 168 MINUTE ORDER of 10/3/00 by Hon. Charles R. Norgle Sr: Clerk's print out fails to reflect that the motion of [Doc 162] Sep IRA for final approval of settlement with KPMG was approved by the court in a separate order. Motion for fees [Doc 163] from the KPMG settlement fund also appears pending but was granted previously by the court. Motion [Doc 162] is granted. Motion [Doc 163] is granted. Both motions were filed 6/3/00. Mailed notice (vj) [Entry date 10/04/00] [1:97cv3035]

04/26/2001 169 MOTION by MN St Bd of Inv for order directing supplemental notice to class regarding allocation of funds, plan of distribution, claims and hearing; Memorandum in support; Notice. (vj) [Entry date 05/10/01] [1:97cv3035]

05/04/2001 170 MINUTE ORDER of 5/4/01 by Hon. Charles R. Norgle Sr: Motion for order directing supplemental notice to class regarding allocation of funds, plan of distribution, claims and hearing is granted [169-1] Hearing set for 7/6/01 at 9:30 a.m. (Entered Order) No notice (vj) [Entry date 05/10/01] [1:97cv3035]

06/29/2001 171 MEMORANDUM by plaintiffs' in support of approval of plan of distribution; Notice. (vj) [Entry date 07/03/01] [1:97cv3035]

06/29/2001 172 APPLICATION by plaintiffs' counsel for award of attorneys' fees and expenses from the fund created by settlements with Mercury Finance and the individual defendants. (vj) [Entry date 07/03/01] [1:97cv3035]

06/29/2001 173 AFFIDAVIT of Stacey L. Mills. (vj) [Entry date 07/03/01] [1:97cv3035]

06/29/2001 174 DECLARATION of Carole K. Sylvester re: mailing of supplemental class notice and proof of claim form, and publication of summary supplemental class notice (Attachments). (vj) [Entry date 07/03/01] [1:97cv3035]

07/06/2001 175 MINUTE ORDER of 7/6/01 by Hon. Charles R. Norgle Sr : (Entered order on attorneys' fees and expenses regarding company, officers, and directors settlement fund.) Mailed notice (yp) [Entry date 07/09/01] [1:97cv3035]

07/06/2001 176 MINUTE ORDER of 7/6/01 by Hon. Charles R. Norgle Sr : (Entered order approving plan of distribution.) Mailed notice (yp) [Entry date 07/09/01] [1:97cv3035]

09/20/2001 177 FORMS (rm) [Entry date 10/02/01] [1:97cv3035]

09/28/2001 178 MINUTE ORDER of 9/28/01 by Hon. Charles R. Norgle Sr : The court received on 9/20/01 by certified mail an envelope containing forms relating to the case herein. Clerk shall file copies. Counsel are advised of the receipt of and filing of the papers [177-1]. Mailed notice (rm) [Entry date 10/02/01] [1:97cv3035]