

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

(San Francisco)

3:99cv48

In Re: Dnap SEC Lit, et al v. , et al

Date Filed: 01/07/1999
Assigned To: Judge William H Alsup
Referred To:
Nature of suit: Securities (850)
Cause: Securities Fraud
Lead Docket: 97-CV-233
Other Docket: None
Jurisdiction: Federal Question

Class Code: TERMED CONSOL
PROTO PRV

Closed: Yes

Statute: 15:77

Jury
Demand: Both
Demand
Amount: \$0

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Date	#	Proceeding Text
01/07/1999	<u>1</u>	COMPLAINT no Summons(es) issued; Fee status pd entered on 1/7/99 in the amount of \$ 150.00 (Receipt No. 134011); jury demand [3:99-cv-00048] (mcl) [Entry date 01/08/99] [3:99cv48]
01/07/1999	<u>2</u>	ORDER RE COURT PROCEDURE and SCHEDULE by Judge Charles R. Breyer : Proof of service to be filed by 2/22/99 ; counsels' case management statement to be filed by 4/27/99 ; initial case management conference will be held 8:30 5/7/99 . (cc: all counsel) (mcl) [Entry date 01/08/99] [3:99cv48]
01/25/1999	<u>3</u>	NOTICE by Plaintiffs of related case(s) C-97-0233 FMS [3:99-cv-00048] (mcl) [Entry date 01/26/99] [3:99cv48]
01/28/1999	<u>4</u>	ORDER by Judge Fern M. Smith granting related case notice [3-1] relating cases; 3:97-cv-233 with member cases 3:99-cv-48, Case reassigned to Judge Fern M. Smith (Date Entered: 2/1/99) (cc: all counsel) [3:99-cv-00048] (mcl) [Entry date 02/01/99] [3:99cv48]
02/02/1999	<u>5</u>	ORDER by Judge Fern M. Smith: Case Management Conference set for 8:30 5/7/99. (Date Entered: 2/2/99) (cc: all counsel) [3:99-cv-00048] (lcc) [3:99cv48]
02/04/1999	<u>6</u>	NOTICE by Plaintiffs of order [5-2]. [3:99-cv-00048] (lcc) [3:99cv48]

02/04/1999 7 ORDER by Judge Fern M. Smith: Relating cases 3:99-cv-48 with member case 3:99-cv-467. (Date Entered: 2/5/99) (cc: all counsel) [3:99-cv-00048] (lcc) [Entry date 02/05/99] [3:99cv48]

03/04/1999 8 FILING OF NOTICE by Plaintiffs required by Private Securities Litigation Reform Act of 1995. [3:99-cv-00048] (lcc) [Entry date 03/05/99] [3:99cv48]

03/26/1999 9 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by Plaintiffs and Putative Class Member Wechsler & Co. for appointment as lead plaintiffs and for approval of lead plaintiffs' selection of counsel with Notice set for 5/7/99 at 8:30 a.m. [3:99-cv-00048] (lcc) [Entry date 03/29/99] [3:99cv48]

03/26/1999 10 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by Plaintiffs and Movant Wechsler & Co., Inc. for consolidation of cases with Notice set for 5/7/99 at 8:30 a.m. [3:99-cv-00048] (lcc) [Entry date 03/29/99] [3:99cv48]

03/26/1999 11 DECLARATION by Robert K. Crowe on behalf of Plaintiffs and Movant Wechsler & Co., Inc. in support of motion for appointment as lead plaintiffs [9-1], motion for approval of lead plaintiffs' selection of [9-2] and motion for consolidation of cases [10-1] [3:99-cv-00048] (lcc) [Entry date 03/29/99] [3:99cv48]

03/26/1999 == RECEIVED Proposed Order (Plaintiffs and Movant Wechsler & Co., Inc.) re: motion for appointment as lead plaintiffs [9-1] and motion for approval of lead plaintiffs' selection of counsel [9-2] [3:99-cv-00048] (lcc) [Entry date 03/29/99] [3:99cv48]

03/26/1999 == RECEIVED Proposed Order (Plaintiffs and Movant Wechsler & Co., Inc.) re: motion for consolidation of cases [10-1] [3:99-cv-00048] (lcc) [Entry date 03/29/99] [3:99cv48]

03/26/1999 12 PROOF OF SERVICE by Plaintiffs and Movant Wechsler & Co., Inc. of motion for appointment as lead plaintiffs [9-1], motion for approval lead plaintiffs' selection of counsel [9-2], motion for consolidation of cases [10-1], declaration [11-1] and orders received [0-0], [0-0] [3:99-cv-00048] (lcc) [Entry date 03/29/99] [3:99cv48]

05/05/1999 13 STIPULATION and ORDER by Judge Fern M. Smith : Case Management Conference set for 8:30 8/27/99 ; (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 05/10/99] [3:99cv48]

05/07/1999 14 MINUTES: (C/R Maria Amador) (Hearing Date: 5/7/99) for referral to mediation (ADR L.R.6) [3:99-cv-00048] (gba) [Entry date 05/10/99] [3:99cv48]

05/07/1999 15 ORDER by Judge Fern M. Smith granting motion for appointment as lead plaintiffs [9-1], granting motion for approval of lead plaintiffs' selection of counsel [9-2] (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 05/10/99] [3:99cv48]

05/07/1999 16 ORDER by Judge Fern M. Smith granting motion for consolidation of cases [10-1] 3:99-cv-48 with member cases 3:99-cv-467 (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 05/10/99] [3:99cv48]

05/07/1999 == Docket Modification (Administrative) to order [16-1] consolidating cases C99-48 and member case C99-467 [3:99-cv-00048] (ga) [Entry date 05/12/99] [3:99cv48]

05/07/1999 == Docket Modification (Administrative) to order [121-2] in 3:97-cv-00233, order [16-1] in 3:99-cv-00048 Private MED ADR option selected. [3:97-cv-00233, 3:99-cv-00048] (ga) [Entry date 05/12/99] [3:97cv233 3:99cv48]

05/07/1999 -- Docket Modification (Administrative) to removed from Mediation. [3:99-cv-00048] (bt) [Entry date 05/14/99] [Edit date 05/14/99] [3:99cv48]

06/28/1999 17 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by defendants to dismiss plaintiffs' claims for failure to state a claim upon which relief can be granted with Notice set for 8/6/99 at 10:00 a.m. [3:99-cv-00048] (lcc) [Entry date 06/29/99] [3:99cv48]

06/28/1999 18 REQUEST FOR JUDICIAL NOTICE by defendants of facts [3:99-cv-00048] (lcc) [Entry date 06/29/99] [3:99cv48]

06/28/1999 19 DECLARATION by Timothy R. McCormick on behalf of defendants [3:99-cv-00048] (lcc) [Entry date 06/29/99] [3:99cv48]

06/28/1999 -- RECEIVED Proposed Order (defendants) re: motion to dismiss plaintiffs' claims for failure to state a claim upon which relief can be granted [17-1] [3:99-cv-00048] (lcc) [Entry date 06/29/99] [3:99cv48]

06/30/1999 20 ORDER by Judge Fern M. Smith: Because this case will be reassigned after Judge Smith's imminent departure from the Court, the motion to dismiss plaintiffs' claims for failure to state a claim upon which relief can be granted [17-1] is DEEMED WITHDRAWN. Defendants may refile the motion and notice a new hearing after the case has been reassigned. (cc: all counsel) [3:99-cv-00048] (lcc) [Entry date 07/06/99] [3:99cv48]

07/06/1999 21 CLERK'S NOTICE of impending reassignment to a United States District Judge. All scheduled matters are vacated. [3:99-cv-00048] (mcl) [Entry date 07/08/99] [3:99cv48]

08/19/1999 22 REASSIGNMENT ORDER by Assignment Committee: Case reassigned to Judge William H. Alsup (Date Entered: 8/19/99) (cc: all counsel) [3:99-cv-00048] (slh) [3:99cv48]

08/20/1999 23 ORDER by Judge William H. Alsup for counsel to submit a joint status report within 15 days. (Date Entered: 8/23/99) (cc: all counsel) [3:99-cv-00048] (slh) [Entry date 08/23/99] [3:99cv48]

08/23/1999 24 PROOF OF SERVICE by Plaintiff in 3:99-cv-00048 of standing orders [3:99-cv-00048] (slh) [Entry date 08/27/99] [3:99cv48]

09/07/1999 25 JOINT STATUS REPORT filed by parties [3:99-cv-00048] (slh) [Entry date 09/08/99] [3:99cv48]

09/17/1999 26 CLERK'S NOTICE Case Management Conference set for 10:00 a.m. on 10/6/99 ; [3:99-cv-00048] (rs) [Entry date 09/24/99] [3:99cv48]

10/28/1999 27 MINUTES: (C/R Lydia Radovich) (Hearing Date: 10/28/99) that plaintiff's motion for summary judgment on breach-of-contract claim based on denial of vote to preferred stockholders [109-1] in 3:97-cv-00233, plaintiff's motion for certification of plaintiff class for breach-of-contract [160-1] in 3:97-cv-00233, that defendant's counter-motion for summary judgment [127-1] in 3:97-cv-00233, and defendant DNAP's motion for partial summary judgment [107-1] in 3:97-cv-00233 are deemed submitted; Case management conference not held; Court and counsel addressed issue of possible grounds for recusal; Court will issue order [3:97-cv-00233, 3:99-cv-00048] (slh) [Entry date 11/01/99] [3:97cv233 3:99cv48]

11/23/1999 28 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge William H. Alsup by defendants in 3:99-cv-00048 to

dismiss with Notice set for 1/13/00 at 8:00 [3:99-cv-00048] (slh) [Entry date 12/01/99] [3:99cv48]

11/23/1999 29 DECLARATION by Timothy R. McCormick on behalf of defendant in 3:99-cv-00048 re motion to dismiss [28-1] [3:99-cv-00048] (slh) [Entry date 12/01/99] [3:99cv48]

11/23/1999 30 REQUEST FOR JUDICIAL NOTICE by defendants in 3:99-cv-00048 re: motion to dismiss [28-1] [3:99-cv-00048] (slh) [Entry date 12/01/99] [3:99cv48]

12/13/1999 31 AMENDED NOTICE of hearing by defendant in 3:99-cv-00048 resetting motion to dismiss [28-1]; hearing set for 8:00 a.m. on 2/10/00 [3:99-cv-00048] (rs) [Entry date 12/16/99] [3:99cv48]

01/19/2000 = RECEIVED Proposed Order compelling defendant DNA Plant Technology Corp. to produce Tobacco related documents (Plaintiff Fay H. Aaron in 3:97-cv-00233, Plaintiff Gordon K. Aaron in 3:97-cv-00233) [3:97-cv-00233, 3:99-cv-00048] (db) [Entry date 01/25/00] [3:97cv233 3:99cv48]

01/19/2000 32 APPLICATION of Timothy R. McCormick to appear pro hac vice by defendant in 3:99-cv-00048 [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/19/2000 33 APPLICATION of Cheryl E. Diaz to appear pro hac vice by defendant in 3:99-cv-00048 [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/20/2000 34 ORDER by Judge William H. Alsup granting defendant's application [32-1] for attorney Timothy R. McCormick to appear pro hac vice (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/20/2000 35 ORDER by Judge William H. Alsup granting defendant's application [33-1] for attorney Cheryl E. Diaz to appear pro hac vice (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/20/2000 36 OPPOSITION by Plaintiff in 3:99-cv-00048 to defendant's motion to dismiss [28-1] [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/20/2000 37 REQUEST FOR JUDICIAL NOTICE by Plaintiff in 3:99-cv-00048 opposition [36-1] [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/20/2000 38 PROOF OF SERVICE by Plaintiff in 3:99-cv-00048 of request [37-1], opposition [36-1] [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/21/2000 39 AMENDED OPPOSITION by Plaintiff in 3:99-cv-00048 to defendant's motion to dismiss [28-1] [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/25/2000 40 EXPARTE MOTION before Judge William H. Alsup by defendant in 3:99-cv-00048 to extend deadline to file reply brief or, alternatively, to reschedule hearing on defendants' motion to dismiss - Local Rule 7-11 [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/25/2000 41 DECLARATION by Cheryl E. Diaz on behalf of defendant in 3:99-cv-00048 re motion to extend deadline to file reply brief or, alternatively, to reschedule hearing on defendants' motion to dismiss - Local Rule 7-11 [40-1] [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/25/2000 42 PROOF OF SERVICE by defendant in 3:99-cv-00048 of declaration [41-1], motion to extend deadline to file reply brief or, alternatively, to reschedule hearing on defendants' motion to dismiss - Local Rule 7-11 [40-1] [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/25/2000 43 RESPONSE by Plaintiff in 3:99-cv-00048 to defendant's motion to extend deadline to file reply brief or, alternatively, to reschedule hearing on defendants' motion to dismiss - Local Rule 7-11 [40-1] [3:99-cv-00048] (gba) [Entry date 01/26/00] [3:99cv48]

01/26/2000 44 ORDER by Judge William H. Alsup granting defendant's motion to extend deadline to file reply brief or, alternatively, to reschedule hearing on defendants' motion to dismiss - Local Rule 7-11 [40-1]. Reply to plaintiffs' opposition is due 2/3/00 (cc: all counsel) [3:99-cv-00048] (gba) [3:99cv48]

01/28/2000 45 PROOF OF SERVICE by defendant in 3:99-cv-00048 of order [3:99-cv-00048] (gba) [Entry date 02/02/00] [3:99cv48]

02/03/2000 46 REPLY by defendant in 3:99-cv-00048 to plaintiff's amended opposition [39-1] [3:99-cv-00048] (gba) [Entry date 02/04/00] [3:99cv48]

02/24/2000 47 ORDER by Judge William H. Alsup granting motion to dismiss with leave to amend [28-1] (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 02/28/00] [3:99cv48]

02/29/2000 48 MINUTES: (C/R Rhonda Aquilina) (Hearing Date: 2/29/00) Telephone conference re pending motions - held; court gave counsel questions to be prepared to address at the hearing on 3/3/00 [3:99-cv-00048] (gba) [Entry date 03/06/00] [3:99cv48]

03/03/2000 49 APPLICATION of Christopher Barnes to appear pro hac vice in 3:99-cv-00048 [3:99-cv-00048] (gba) [Entry date 03/06/00] [3:99cv48]

03/03/2000 50 MINUTES: (C/R Judi Thompson) (Hearing Date: 3.3.00) Motion to dismiss - Taken Under Submission; Cross motions for summary judgment - Taken Under Submission [3:99-cv-00048] (gba) [Entry date 03/06/00] [3:99cv48]

03/03/2000 51 MEMORANDUM IN RESPONSE by defendant in 3:99-cv-00048 to court's order of 2/23/00 [47-1] [3:99-cv-00048] (gba) [Entry date 03/06/00] [3:99cv48]

03/03/2000 52 SUPPLEMENTAL MEMORANDUM by Plaintiff in 3:99-cv-00048 pursuant to order filed 2/24/00 [3:99-cv-00048] (gba) [Entry date 03/06/00] [3:99cv48]

03/06/2000 53 ORDER by Judge William H. Alsup granting application [49-1] for attorney Christopher Barnes to appear pro hac vice (Date Entered: 3/67/00) (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 03/07/00] [3:99cv48]

03/07/2000 54 ORDER by Judge William H. Alsup granting defendant's motion to dismiss with leave to amend as specified [28-1] (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 03/08/00] [3:99cv48]

03/08/2000 -- CLERK'S NOTICE Notice re guidelines for trial and final pretrial conference see the Court's web site at www.cand.uscourts.gov [3:97-cv-00233, 3:99-cv-00048] (db) [Entry date 03/13/00] [3:97cv233 3:99cv48]

03/10/2000 55 ORDER by Judge William H. Alsup granting application of Christopher Barnes to appear pro hac vice [49-1] (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 03/22/00] [3:99cv48]

03/15/2000 56 PROOF OF SERVICE by defendant in 3:99-cv-00048 of order [55-1] [3:99-cv-00048] (gba) [Entry date 03/22/00] [3:99cv48]

03/29/2000 57 STIPULATION and ORDER by Judge William H. Alsup: extending time until 4/3/00 to file amended complaint (cc: all counsel) [3:99-cv-00048] (gba) [Entry date 03/31/00] [3:99cv48]

04/03/2000 58 FIRST AMENDED CLASS ACTION COMPLAINT [1-1] by Plaintiff in 3:99-cv-00048; jury demand [3:99-cv-00048] (gba) [Entry date 04/07/00] [3:99cv48]

04/11/2000 59 REPORTER'S TRANSCRIPT; Date of proceedings: 3/3/00 (C/R: Judith Thomsen) minutes [50-1] [3:99-cv-00048] (rbe) [Entry date 04/17/00] [3:99cv48]

04/26/2000 -- RECEIVED Proposed Order (defendant Empresas La Moderna in 3:99-cv-00048, defendant DNAP Holding Corp in 3:99-cv-00048, defendant DNA Plant Technology in 3:99-cv-00048, defendant Evelyn Berezin in 3:99-cv-00048, defendant James L. Ferguson in 3:99-cv-00048, defendant Carlos Herrera in 3:99-cv-00048, defendant Bernardo Jimenez in 3:99-cv-00048, defendant Gerald Laubach in 3:99-cv-00048, defendant Douglas Luke in 3:99-cv-00048, defendant Robert Serenbetz in 3:99-cv-00048) [3:99-cv-00048] (rbe) [Entry date 05/01/00] [3:99cv48]

04/27/2000 60 STIPULATION and ORDER by Judge William H. Alsup : extending time to file motion to dismiss or other response to plaintiffs' first amended complaint (cc: all counsel) [3:99-cv-00048] (rbe) [Entry date 05/03/00] [3:99cv48]

05/04/2000 61 NOTICE OF MOTION AND MOTION before Judge William H. Alsup by defendant Empresas La Moderna in 3:99-cv-00048, defendant DNAP Holding Corp in 3:99-cv-00048, defendant DNA Plant Technology in 3:99-cv-00048, defendant Evelyn Berezin in 3:99-cv-00048, defendant James L. Ferguson in 3:99-cv-00048, defendant Carlos Herrera in 3:99-cv-00048, defendant Bernardo Jimenez in 3:99-cv-00048, defendant Gerald Laubach in 3:99-cv-00048, defendant Douglas Luke in 3:99-cv-00048, defendant Robert Serenbetz in 3:99-cv-00048 to dismiss first amended class action complaint with Notice set for 6/22/00 8:00 [3:99-cv-00048] (rbe) [Entry date 05/09/00] [3:99cv48]

05/04/2000 62 SUPPLEMENTAL REQUEST for judicial notice of facts by defendant Empresas La Moderna in 3:99-cv-00048, defendant DNAP Holding Corp in 3:99-cv-00048, defendant DNA Plant Technology in 3:99-cv-00048, defendant Evelyn Berezin in 3:99-cv-00048, defendant James L. Ferguson in 3:99-cv-00048, defendant Carlos Herrera in 3:99-cv-00048, defendant Bernardo Jimenez in 3:99-cv-00048, defendant Gerald Laubach in 3:99-cv-00048, defendant Douglas Luke in 3:99-cv-00048, defendant Robert Serenbetz in 3:99-cv-00048 for [3:99-cv-00048] (rbe) [Entry date 05/09/00] [3:99cv48]

05/04/2000 63 PROOF OF SERVICE by defendant Empresas La Moderna in 3:99-cv-00048, defendant DNAP Holding Corp in 3:99-cv-00048, defendant DNA Plant Technology in 3:99-cv-00048, defendant Evelyn Berezin in 3:99-cv-00048, defendant James L. Ferguson in 3:99-cv-00048, defendant Carlos Herrera in 3:99-cv-00048, defendant Bernardo Jimenez in 3:99-cv-00048, defendant Gerald Laubach in 3:99-cv-00048, defendant Douglas Luke in 3:99-cv-00048, defendant Robert Serenbetz in 3:99-cv-00048 of request [62-1], motion to dismiss first amended class action complaint [61-1] [3:99-cv-00048] (rbe) [Entry date 05/09/00] [3:99cv48]

05/04/2000 64 PROOF OF SERVICE by defendant Empresas La Moderna in 3:99-cv-00048, defendant DNAP Holding Corp in 3:99-cv-00048, defendant DNA Plant Technology in 3:99-cv-00048, defendant Evelyn Berezin in 3:99-cv-00048, defendant James L. Ferguson in 3:99-cv-00048, defendant Carlos Herrera in 3:99-cv-00048, defendant Bernardo Jimenez in 3:99-cv-00048, defendant Gerald Laubach in 3:99-cv-00048, defendant Douglas Luke in 3:99-cv-00048, defendant Robert Serenbetz in 3:99-cv-00048 [3:99-cv-00048] (rbe) [Entry date 05/09/00] [3:99cv48]

06/07/2000 65 STIPULATION and ORDER by Judge William H. Alsup : setting hearing on motion to dismiss first amended class action complaint [61-1] 8:00 7/13/00; date for plaintiffs to file and serve their opposition is extended to 6/22/00; defendants to file and serve their reply to plntf's opposition is extended to 6/29/00 (cc: all counsel) [3:99-cv-00048] (rbe) [Entry date 06/09/00] [3:99cv48]

06/21/2000 -- RECEIVED Proposed Order () further continuing hearing date for defendants' motion to dismiss [3:99-cv-00048] (rbe) [Entry date 06/23/00] [3:99cv48]

06/26/2000 66 STIPULATION and ORDER by Judge William H. Alsup : setting hearing on motion to dismiss first amended class action complaint [61-1] 8:00 7/27/00; plaintiff to file and serve motion by 6/29/00; dfts to file and serve their reply by 7/13/00 (cc: all counsel) [3:99-cv-00048] (rbe) [Entry date 06/28/00] [3:99cv48]

06/29/2000 67 OPPOSITION by Plaintiff Gordon K. Aaron in 3:99-cv-00048, Plaintiff Fay H. Aaron in 3:99-cv-00048 to motion to dismiss first amended class action complaint [61-1] [3:99-cv-00048] (rbe) [Entry date 06/30/00] [3:99cv48]

07/12/2000 -- RECEIVED Proposed Order () stipulation continuing date for motion to dismiss [3:99-cv-00048] (rbe) [Entry date 07/13/00] [3:99cv48]

07/18/2000 68 STIPULATION and ORDER by Judge William H. Alsup : granting order received [0-0] setting hearing on motion to dismiss first amended class action complaint [61-1] 8:00 8/17/00; dft's reply to plt's opposition to Motion to Dismiss is extended to 8/3/00 (cc: all counsel) [3:99-cv-00048] (rbe) [Entry date 07/19/00] [3:99cv48]

08/03/2000 69 REPLY by defendant in 3:99-cv-00048 re opposition [67-1] [3:99-cv-00048] (rbe) [Entry date 08/04/00] [3:99cv48]

08/03/2000 70 PROOF OF SERVICE by defendant in 3:99-cv-00048 of reply [69-1] [3:99-cv-00048] (rbe) [Entry date 08/04/00] [3:99cv48]

08/17/2000 71 MINUTES: (C/R Rosita Flores) (Hearing Date: 8/17/00) that the motion to dismiss first amended class action complaint [61-1] is submitted [3:99-cv-00048] (rbe) [Entry date 08/21/00] [3:99cv48]

09/01/2000 72 EX-PARTE Request before Judge William H. Alsup by Plaintiff in 3:99-cv-00048 to strike defendant's post-hearing letter brief on motion to dismiss [3:99-cv-00048] (rbe) [Entry date 09/05/00] [3:99cv48]

09/01/2000 -- RECEIVED Proposed Order (Plaintiff in 3:99-cv-00048) re: motion to strike defendant's post-hearing letter brief on motion to dismiss [72-1] [3:99-cv-00048] (rbe) [Entry date 09/05/00] [3:99cv48]

09/01/2000 73 PROOF OF SERVICE by Plaintiff in 3:99-cv-00048 of order received [0-0], motion to strike defendant's post-hearing letter brief on motion to dismiss [72-1] [3:99-cv-00048] (rbe) [Entry date 09/05/00] [3:99cv48]

09/05/2000 74 LETTER dated 8/24/00 from Cheryl E. Diaz in 3:99-cv-00048 re points raised on 8/17/00 hearing [3:99-cv-00048] (rbe) [Entry date 09/07/00] [3:99cv48]

09/14/2000 75 ORDER by Judge William H. Alsup granting motion to dismiss first amended class action complaint [61-1] terminating case (3:97-cv-00233) ; appeal filing ddl 10/16/00; leave to amend is denied (Date Entered: 9/15/00) (cc: all counsel) [3:99-cv-00048] (rbe) [Entry date 09/15/00] [3:99cv48]

09/19/2000 76 JUDGMENT: bv Judge William H. Alsup terminating case: JUDGMENT is entered in

favor of defendants (Date Entered: 9/21/00) (cc: all counsel) [3:99-cv-00048] (rbe) [Entry date 09/21/00] [3:99cv48]

10/13/2000 77 NOTICE OF APPEAL by Plaintiff Gordon K. Aaron, Plaintiff Fay H. Aaron from Dist. Court decision Scheduling order terminating case [76-1], judgment [76-2], Scheduling order terminating case (3:97-cv-00233) ; appeal filing ddl 10/16/00 [75-1], order [75-2], order [54-1] Fee status paid [3:99-cv-00048] (rbe) [Entry date 10/17/00] [3:99cv48]

10/13/2000 -- Docket fee notification form and case information sheet to USCA [77-1] [3:99-cv-00048] (rbe) [Entry date 10/17/00] [3:99cv48]

10/13/2000 -- Copy of notice of appeal and docket sheet to all counsel [3:99-cv-00048] (rbe) [Entry date 10/17/00] [3:99cv48]

10/23/2000 78 TRANSCRIPT DESIGNATION and Ordering Form filed by Plaintiff Gordon K. Aaron, Plaintiff Fay H. Aaron for dates 8/17/00; 3/3/00 ; C/R: R. Flores; J. Thomsen; appeal [77-1] [3:99-cv-00048] (rbe) [Entry date 10/24/00] [3:99cv48]

10/26/2000 -- NOTIFICATION by Circuit Court of Appellate Docket Number 00-16975 [3:99-cv-00048] (rbe) [Entry date 10/30/00] [3:99cv48]

12/07/2000 79 LETTER BRIEF FILED by defendant Carlos Herrera, defendant Bernardo Jimenez, defendant Gerald Laubach, defendant Douglas Luke, defendant Robert Serenbetz to address points raised at the 8.17.00 motion to dismiss hearing [3:99-cv-00048] (rp) [Entry date 12/08/00] [3:99cv48]

12/27/2000 80 CERTIFIED COPY of USCA Order setting assessment conference [3:99-cv-00048] (rp) [Entry date 12/28/00] [3:99cv48]

02/06/2001 81 CERTIFIED COPY of USCA Order re further assessment conference [3:99-cv-00048] (rp) [Entry date 02/12/01] [3:99cv48]

02/27/2001 82 CERTIFIED COPY of USCA Order re telephone conference [3:99-cv-00048] (rp) [Entry date 03/06/01] [3:99cv48]

01/24/2002 -- RECORD on Appeal to USCA, cnsl notified. re appeal [77-1] [3:99-cv-00048] (rcs) [3:99cv48]

01/31/2002 83 RECEIPT from USCA of clerk's record on appeal in 2 volumes and 2 expandos [3:99-cv-00048] (kpc) [Entry date 02/04/02] [3:99cv48]

10/10/2002 84 CERTIFIED COPY of USCA Order: affirming in part, reversing in part, remanding the decision of the District Court [Appeal [77-1] [3:99-cv-00048] (kpc) [Entry date 10/15/02] [3:99cv48]

10/31/2002 85 ANSWER by defendant to complaint [58-1] [3:99-cv-00048] (kpc) [Entry date 11/01/02] [3:99cv48]

01/21/2003 91 RECORD ON APPEAL RETURNED FROM USCA [77-1] [3:99-cv-00048] (db) [Entry date 02/18/03] [3:99cv48]

01/29/2003 87 CLERK'S NOTICE Case Management Conference set for 11:00 2/20/03 ; Parties requesting a continuance shall submit a stipulation and proposed order, if parties are unable to reach a stipulation, the requesting party shall submit an ex parte application and proposed order. [3:99-cv-00048] (db) [Entry date 02/04/03] [3:99cv48]

02/07/2003 -- RECEIVED Proposed Order (Plaintiff. defendant.) continuing case management

conference [3:99-cv-00048] (db) [Entry date 02/11/03] [3:99cv48]

02/07/2003 88 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [3:99-cv-00048] (db) [Entry date 02/11/03] [3:99cv48]

02/10/2003 89 STIPULATION and ORDER by Judge William H. Alsup : Case Management Statement is due 2/14/03 ; Case Management Conference set for 11:00 3/13/03 ; (cc: all counsel) [3:99-cv-00048] (cci) [Entry date 02/11/03] [3:99cv48]

02/10/2003 90 MAIL [89-1] returned from Post Office, Attorney Robert Crowe is no longer with Girard Gibbs and De Bartolomeo LLP. Firm was notified to submit change of attorney record. [3:99-cv-00048] (db) [Entry date 02/13/03] [3:99cv48]

02/18/2003 93 MAIL [89-2] returned from Post Office addressed to Robert K. Crowe [3:99-cv-00048] (db) [Entry date 03/03/03] [3:99cv48]

02/21/2003 92 RECORD ON APPEAL RETURNED FROM USCA [77-1] [3:99-cv-00048] (db) [3:99cv48]

03/14/2003 94 ORDER by Judge William H. Alsup Discovery cutoff set for 11/7/03 ; Deadline for all motion filings is 5/15/03 ; All motions will be heard by 6/19/03 ; Pretrial conference set for 3/1/04 ; Jury trial of 7 days will be held 8:00 3/15/04 ; (Date Entered: 3/18/03) (cc: all counsel) [3:99-cv-00048] (db) [Entry date 03/18/03] [3:99cv48]

03/18/2003 95 PROOF OF SERVICE by Plaintiff of standing order and order setting case management conference [3:99-cv-00048] (db) [Entry date 03/20/03] [3:99cv48]

04/16/2003 -- RECEIVED Proposed Protective Order (defendants) [3:99-cv-00048] (db) [Entry date 04/18/03] [3:99cv48]

04/25/2003 96 ORDER by Judge William H. Alsup for protective order subject to stated conditions (Date Entered: 4/29/03) (cc: all counsel) [3:99-cv-00048] (db) [Entry date 04/29/03] [3:99cv48]

04/29/2003 97 MINUTES: (C/R Rosita Flores) (Hearing Date: 3/13/03) Discovery cutoff set for 11/7/03 ; Deadline for all motion filings is 12/18/03 ; Pretrial conference set for 2:00 3/1/04 ; Jury trial of 7-10 days, will be held 8:00 3/15/04 ; Add/Amend Parties 3/31/03, Supplement Initial Disclosures 4/15/03. Designation of Experts 11/7/03, Rebuttal Expert & Reports: 14 days after rebuttal expert and reports. Ordered after Hearing: Case caption shall be changed to In Re DNAP Securities Litigation. Case is referred to Magistrate Judge Chen for settlement conference. Motion for class certification shall be filed by 5/15/03. [3:99-cv-00048] (db) [Entry date 05/01/03] [3:99cv48]

05/15/2003 98 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge William H. Alsup by Plaintiff to certify class action with Notice set for 6/19/03 at 8:00 AM. [3:99-cv-00048] (cci) [Entry date 05/20/03] [3:99cv48]

05/15/2003 99 DECLARATION by Anthony K. Lee on behalf of Plaintiff re motion to certify class action [98-1] [3:99-cv-00048] (cci) [Entry date 05/20/03] [3:99cv48]

05/15/2003 100 PROOF OF SERVICE by Plaintiff of declaration [99-1], motion to certify class action [98-1] [3:99-cv-00048] (cci) [Entry date 05/20/03] [3:99cv48]

06/13/2003 101 Statement by Plaintiff, defendant in NON-Opposition to motion to certify class action [98-1] [3:99-cv-00048] (cci) [Entry date 06/19/03] [3:99cv48]

06/18/2003 102 NOTICE by Plaintiff Gordon K. Aaron. Plaintiff Fav H. Aaron of Withdrawal of [98-11

- motion to certify class action [3:99-cv-00048] (cci) [Entry date 06/19/03] [3:99cv48]
- 06/18/2003 [103](#) NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge William H. Alsup by Plaintiff Gordon K. Aaron, Plaintiff Fay H. Aaron for voluntary dismissal with Notice set for 7/24/03 8:00 [3:99-cv-00048] (cci) [Entry date 06/19/03] [3:99cv48]
- 06/18/2003 [104](#) DECLARATION by of A.J. De Bartolemeo on behalf of Plaintiff Gordon K. Aaron, Plaintiff Fay H. Aaron re motion for voluntary dismissal [103-1] [3:99-cv-00048] (cci) [Entry date 06/19/03] [3:99cv48]
- 06/18/2003 [105](#) PROOF OF SERVICE by Plaintiff Gordon K. Aaron, Plaintiff Fay H. Aaron of declaration [104-1], motion for voluntary dismissal [103-1], notice [102-1] [3:99-cv-00048] (cci) [Entry date 06/19/03] [3:99cv48]
- 06/19/2003 [106](#) PROOF OF SERVICE re Proposed Order by Plaintiff [3:99-cv-00048] (cci) [Entry date 06/26/03] [3:99cv48]
- 06/19/2003 [107](#) MINUTES: (C/R Debbie Mayer) (Hearing Date: 6/19/03) denying motion for voluntary dismissal [103-1], denying motion to certify class action [98-1] [3:99-cv-00048] (cci) [Entry date 06/26/03] [3:99cv48]
- 07/03/2003 [108](#) ORDER by Judge William H. Alsup denying proposed dismissal of putative class action (Date Entered: 7/17/03) (cc: all counsel) [3:99-cv-00048] (cci) [Entry date 07/17/03] [3:99cv48]
- 07/14/2003 [109](#) MOTION before Judge William H. Alsup by Plaintiff for order for approval of proposed notices of voluntary dismissal with Notice set for 8/21/03 at 8:00 AM [3:99-cv-00048] (cci) [Entry date 07/17/03] [3:99cv48]
- 07/14/2003 [110](#) PROOF OF SERVICE by Plaintiff of motion for order for approval of proposed notices of voluntary dismissal [109-1] [3:99-cv-00048] (cci) [Entry date 07/17/03] [3:99cv48]
- 07/17/2003 [111](#) NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE ORDER by Magistrate Judge Edward M. Chen Settlement conference will be held 9:30 2/6/04 ; (Date Entered: 7/25/03) (cc: all counsel) [3:99-cv-00048] (cci) [Entry date 07/25/03] [3:99cv48]
- 07/25/2003 [112](#) STIPULATION and ORDER by Judge William H. Alsup : for hearing on plaintiffs' motion for approval of proposed notices of voluntary dismissal motions will be heard by 8:00 8/7/03 ; (cc: all counsel) [3:99-cv-00048] (cci) [Entry date 07/30/03] [3:99cv48]
- 08/07/2003 [113](#) MINUTES: Plaintiff's Motion for Approval of Proposed Notices - HELS (C/R Rosita Flores) (Hearing Date: 8/7/03) motion for approval hearing continued to 2:00 11/19/03 ; Parties shall submit a summary report two weeks prior to the approval hearing. Notices shall be sent out by 8/15/03 [3:99-cv-00048] (cci) [Entry date 08/13/03] [3:99cv48]
- 08/11/2003 [114](#) ORDER by Judge William H. Alsup granting motion for order for approval of proposed notices of voluntary dismissal [109-1] (Date Entered: 8/15/03) (cc: all counsel) [3:99-cv-00048] (cci) [Entry date 08/15/03] [3:99cv48]
- 10/21/2003 [115](#) REMINDER NOTICE OF UPCOMING TRIAL AND FINAL PRETRIAL CONFERENCE by Judge William H. Alsup (Date Entered: 10/23/03) (cc: all counsel) [3:99-cv-00048] (cci) [Entry date 10/23/03] [3:99cv48]
- 11/05/2003 [116](#) REPORT Concerning Response of Putative Class Members to Notices of Voluntary Dismissal by Plaintiff Gordon K. Aaron. Plaintiff Fay H. Aaron [3:99-cv-00048] (cci)

[Entry date 11/07/03] [3:99cv48]

- 11/05/2003 [117](#) DECLARATION in Support of plaintiffs' Report Concerning Response of Putative Class Members to Notices of Voluntary Dismissal by A.J. De Bartolomeo on behalf of Plaintiff Gordon K. Aaron, Plaintiff Fay H. Aaron re report [116-1] [3:99-cv-00048] (cci) [Entry date 11/07/03] [3:99cv48]
- 11/05/2003 [118](#) DECLARATION in Support of Plaintiffs' Report Concerning Response of Putative Class Members to Notice of Voluntary Dismissal by Christopher M. Eandi on behalf of Plaintiff Gordon K. Aaron, Plaintiff Fay H. Aaron re report [116-1] [3:99-cv-00048] (cci) [Entry date 11/07/03] [3:99cv48]
- 11/19/2003 [120](#) MINUTES: Final Approval of Settlement - HELD. Ordered After Hearing: Court signed an order approving the settlement (C/R Joan Columbini) (Hearing Date: 11/19/03) [3:99-cv-00048] (cci) [Entry date 12/01/03] [3:99cv48]
- 11/20/2003 [119](#) ORDER by Judge William H. Alsup dismissing case (Date Entered: 11/25/03) (cc: all counsel) [3:99-cv-00048] (cci) [Entry date 11/25/03] [3:99cv48]