

U.S. District Court
Eastern District of North Carolina (Western Division)
CIVIL DOCKET FOR CASE #: 5:96-cv-00642-BO

La Joie v. Factory Stores of, et al
Assigned to: Judge Terrence W. Boyle
Demand: \$0
Lead case: [5:96-cv-00642-BO](#)
Member case:
[5:96-cv-00910-BO](#)
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 07/19/1996
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Aldran H. La Joie
*on behalf of himself and all others
similarly situated*

represented by **L. Bruce McDaniel**
McDaniel & Anderson, LLP
mcdas@mcdas.com
P. O. Box 58186
Raleigh, NC 27658
919-872-3000
Fax: 790-9273
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Factory Stores of America, Inc.

represented by **Jeffrey J. Davis**
Moore & Van Allen
jeffdavis@mvalaw.com
100 North Tryon Street
Suite 4700
Charlotte, NC 28202-4003
704-331-1037
Fax: 378-2037
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan D. Sasser
Ellis & Winters
P. O. Box 33550
Raleigh, NC 27636
919-865-7002
Fax: 865-7010
Email: jon.sasser@elliswinters.com

TERMINATED: 10/17/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Kearns Davis
Bell, Davis & Pitt, P.A.
P.O. Box 21029
Winston-Salem, NC 27120-1029
919-722-3700
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

J. Dixon Fleming, Jr.

represented by **Jeffrey J. Davis**
(See above for address)
TERMINATED: 02/18/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan D. Sasser
(See above for address)
TERMINATED: 10/17/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert W. Spearman
Parker, Poe, Adams & Bernstein
150 Fayetteville Street Mall
Suite 1400
Raleigh, NC 27601
919-828-0564
Fax: 834-4564
Email: bobspearman@parkerpoe.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Kearns Davis
(See above for address)
TERMINATED: 02/18/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

David A. Hodson

represented by **George C. Covington**
Kennedy, Covington, Lobdell & Hickman
100 N. Tryon St.
Suite 4200
Charlotte, NC 28202

704-331-7400
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Kearns Davis
(See above for address)
TERMINATED: 02/18/1997
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/19/1996	1	Complaint filed; allegations of Federal Securities Fraud; pla seeks compensations damages, atty fees, experts' fees costs, interest, and for TRIAL BY JURY (fdc) (Entered: 07/22/1996)
07/19/1996		Summons(es) issued for Factory Stores of America, J. Dixon Fleming Jr., David A. Hodson (fdc) (Entered: 07/22/1996)
07/19/1996		Filing Fee Paid; FILING FEE \$ 120.00 RECEIPT # 35340 (fdc) (Entered: 07/22/1996)
07/19/1996		(fdc) (Entered: 07/22/1996)
07/26/1996		Summons(es) re-issued for David A. Hodson (fdc) (Entered: 08/16/1996)
08/07/1996	2	Motion by Factory Stores of, J. Dixon Fleming Jr. to extend time to ans. w/consent. (fdc) (Entered: 08/08/1996)
08/08/1996	3	Order granting [2-1] motion to extend time to ans., set answer due for 9/9/96 for J. Dixon Fleming Jr., for Factory Stores of signed by Wells, Deputy Clerk. Served. (fdc) (Entered: 08/08/1996)
08/27/1996	5	Return of service executed as to David A. Hodson 8/22/96 by personal service; Answer due on 9/11/96 for David A. Hodson (bb) (Entered: 08/28/1996)
09/03/1996	6	Motion by Factory Stores of, J. Dixon Fleming Jr., David A. Hodson to extend time to file responsive pleading ; copy to Clerk w/prop. order (bb) (Entered: 09/04/1996)
09/10/1996	7	Order granting [6-1] motion to extend time to file responsive pleading, reset answer due for 9/27/96 for David A. Hodson, for J. Dixon Fleming Jr., for Factory Stores of signed by DAvid Daniel, Clerk; served. (bb) (Entered: 09/20/1996)
09/27/1996	8	Motion by Factory Stores of, J. Dixon Fleming Jr., David A. Hodson to dismiss (fdc) (Entered: 10/01/1996)
09/27/1996	9	Memorandum by Factory Stores of, J. Dixon Fleming Jr., David A. Hodson in support of [8-1] motion to dismiss - w/Appendix filed in separate binder. (fdc) (Entered: 10/01/1996)
10/22/1996	10	Motion by Aldran H. La Joie to extend time (bb) (Entered: 10/24/1996)

10/23/1996	11	Order granting [10-1] motion to extend time, Response to motion reset to 11/15/96 for [8-1] motion to dismiss signed by David Daniel, Clerk; served. (bb) (Entered: 10/24/1996)
11/15/1996	12	Motion by Aldran H. La Joie to extend time to respond to motion to dismiss (bb) (Entered: 11/20/1996)
11/19/1996	13	Order granting [12-1] motion to extend time to respond to motion to dismiss, Response to motion reset to 11/22/96 for [8-1] motion to dismiss signed by David Daniel, Clerk; served. (bb) (Entered: 11/20/1996)
11/22/1996	14	Response by Aldran H. La Joie to [8-1] motion to dismiss w/attachments (bb) (Entered: 12/02/1996)
12/10/1996	15	Motion by Factory Stores of, J. Dixon Fleming Jr., David A. Hodson to extend time to serve reply brief (bb) (Entered: 12/19/1996)
12/13/1996	16	Order granting [15-1] motion to extend time to serve reply brief, Reply to Response to Motion reset to 12/20/96 for [8-1] motion to dismiss signed by David Daniel, Clerk; served. (bb) (Entered: 12/19/1996)
12/20/1996	17	Reply by Factory Stores of, J. Dixon Fleming Jr., David A. Hodson to response to [8-1] motion to dismiss - w/Exh. A-C. (fdc) (Entered: 01/02/1997)
01/23/1997	18	Motion by Aldran H. La Joie, Factory Stores of, J. Dixon Fleming Jr., David A. Hodson to consolidate cases (bb) (Entered: 01/27/1997)
02/10/1997	19	Consent Motion by J. Dixon Fleming Jr., David A. Hodson for Davis and Russell, L.C. and Millian and Flanagan, Washington, DC to withdraw as attorney defendants Fleming and Hodson have retained other counsel who are filing notices of appearance. (fdc) (Entered: 02/10/1997)
02/10/1997	20	Notice of attorney appearance for J. Dixon Fleming Jr. by Robert W. Spearman (fdc) (Entered: 02/10/1997)
02/11/1997		Motion(s) submitted: [19-1] motion for Davis and Russell, L.C. and Millian and Flanagan, Washington, DC to withdraw as attorney submitted, [18-1] motion to consolidate cases submitted, [8-1] motion to dismiss submitted to Judge Boyle (bb) (Entered: 02/11/1997)
02/18/1997	21	Order granting [18-1] motion to consolidate casesi for all purposes; the caption of these cases shall be In re FAC Realty Securities Litigation and the files of these consolidated cases shall be maintained in one file under Master File No. 5:96-CV-642-BO(1); docketing will only be done in the Master File No. signed by Judge Boyle; served. (bb) (Entered: 02/20/1997)
02/18/1997	22	Order granting [19-1] motion for Davis and Russell, L.C. and Millian and Flanagan, Washington, DC to withdraw as attorney (Terminated attorney William Kearns Davis for David A. Hodson, attorney William Kearns Davis for J. Dixon Fleming, attorney Jeffrey J. Davis for J. Dixon Fleming signed by Judge Boyle; served. (bb) (Entered: 02/20/1997)
02/18/1997		5:96-cv-642 with member cases 5:96-cv-910 (bb) (Entered: 03/12/1997)
02/18/1997		Cases consolidated; 5:96-CV-642 is lead case (bb) (Entered: 03/12/1997)

02/20/1997		Cases consolidated; this case consolidated w/case no. 5:96-CV-910-BO; this case is designated as the Master Case and all filing and docketing to be done in this case (bb) (Entered: 02/21/1997)
02/21/1997	23	Notice of attorney appearance for David A. Hodson by George C. Covington (bb) (Entered: 02/21/1997)
03/07/1997	24	Motion by J. Dixon Fleming Jr., David A. Hodson for Davis, Russell Millian & Flanagan to withdraw as attorneys for defts. Fleming and Hodson. (bb) (Entered: 03/07/1997)
03/07/1997		Motion(s) submitted: [24-1] motion for Davis, Russell Millian & Flanagan to withdraw as attorneys submitted to Judge Boyle (bb) (Entered: 03/07/1997)
05/19/1997	25	Motion by Aldran H. La Joie in 5:96-cv-00642 for appointment of lead plaintiff and of lead counsel ; request for hearing if court is not inclined to grant motion (bb) (Entered: 05/20/1997)
05/19/1997	26	Affidavit of Shane T. Rowley, attorney, filed by Aldran H. La Joie in 5:96-cv-00642 Re: [25-1] motion for appointment of lead plaintiff and of lead counsel (bb) (Entered: 05/20/1997)
05/20/1997		Motion(s) submitted: [25-1] motion for appointment of lead plaintiff and of lead counsel submitted in 5:96-cv-00642 to Judge Boyle (bb) (Entered: 05/20/1997)
06/06/1997	27	Order granting [25-1] motion for appointment of lead plaintiff and of lead counsel; ORDERED that Aldran LaJoie be appointed lead Plaintiff and that Wolf Haldenstein Adler Freeman & Herz be appointed lead counsel and McDaniel & Anderson LLP be appointed Liaison Counsel; signed by Judge Boyle; served. (bb) (Entered: 06/09/1997)
07/18/1997	28	Notice of Change of Address for Kantor & Kantor, to 118 East 60th Street, New York, NY 10022 (bb) (Entered: 07/21/1997)
09/18/1997	29	Motion by Aldran H. La Joie in 5:96-cv-00642 for special hearing , and to lift stay of discovery (bb) (Entered: 09/19/1997)
10/14/1997	30	Motion by Factory Stores of in 5:96-cv-00642, J. Dixon Fleming Jr. in 5:96-cv-00642, David A. Hodson in 5:96-cv-00642 to extend time to respond to plaintiff's motion for scheduling of status conference and lifting stay of discovery (bb) (Entered: 10/15/1997)
10/15/1997		Issued Notice of Hearing: set status conference before Chief Judge Terrence W. Boyle for 2:00 10/20/97 at Raleigh ; fax'd to counsel and notified by telephone; cys to counsel; Chief Judge Boyle; ct. reporter; courtroom deputy; operations manager; criminal section (bb) (Entered: 10/15/1997)
10/16/1997	31	Response by Factory Stores of in 5:96-cv-00642, J. Dixon Fleming Jr. in 5:96-cv-00642, David A. Hodson in 5:96-cv-00642 to [29-1] motion for special hearing, [29-2] motion to lift stay of discovery (bb) (Entered: 10/21/1997)
10/17/1997		Called all counsel and advised hearing has been changed to 2:30 p.m. instead of 2:00 (bb) (Entered: 10/17/1997)
10/20/1997		Motion hearing re: [29-1] motion for special hearing, [29-2] motion to lift stay of

		discovery held at Raleigh before Chief Judge Terrence W. Boyle; the Court will not lift the stay at this time; Carol Williams, Court Reporter 1.0 hours (bb) (Entered: 10/21/1997)
10/27/1997		Transcript Filed - regarding hearing on status conference before Judge Boyle @ Raleigh on Oct. 20, 1997; Court Reporter - Carol Williams (bb) (Entered: 10/27/1997)
11/06/1997	32	Order granting [8-1] motion to dismiss signed by Judge Boyle. OB Ref: BO-8, p. 22; served (bb) (Entered: 11/06/1997)
11/06/1997	33	Judgment for Factory Stores of in 5:96-cv-00642, J. Dixon Fleming Jr. in 5:96-cv-00642, David A. Hodson in 5:96-cv-00642 against Aldran H. La Joie in 5:96-cv-00642: THIS DOCUMENT RELATES TO ALL ACTIONS: Defendants' Motion to Dismiss is granted and this action is hereby DISMISSED. signed by Rebecca Bowen, Dep. Clerk. OB Ref: BO-8, p. 23; served (bb) (Entered: 11/06/1997)
11/06/1997		Case closed non-perm (bb) (Entered: 11/06/1997)
11/06/1997		Case closed non-perm (bb) (Entered: 11/06/1997)

Note: Links in this docket are stored in the PACER system (**P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords). PACER is a service of United States Judiciary. To view and retrieve the linked documents from PACER you must be a registered user. To register, fill out one of the [registration forms](#) available on the PACER site. The United States Congress has given the Judicial Conference of the United States, the judicial governing body of the U.S. Federal Courts, authority to impose user fees for electronic access to case information. For more information visit the PACER site at <http://pacer.psc.uscourts.gov/pacerdesc.html>