

US District Court for the  
Eastern District of Pennsylvania

2:96cv633

In Re: Cephalon, Inc, et al v. , et al

Date Filed: 01/29/1996  
Assigned To: Judge Clifford Scott Green  
Referred To:  
Nature of suit: Securities (850)  
Cause: Securities Exchange Act  
Lead Docket: None  
Other Docket: None  
Jurisdiction: Federal Question

Class Code: e-SPEC CLOSED  
SEALDC  
Closed: Yes  
Statute: 15:78m(a)  
Jury Demand: Plaintiff  
Demand  
Amount: \$0

**Litigants**

**Attorneys**

David Steinberg, on Behalf of Himself and All  
Others Similarly Situated  
PLAINTIFF  
[Term: 07/01/1996]

Marian P Rosner  
[COR LD NTC]  
Wolf, Popper, Ross, Wolf & Jones  
845 Third Avenue  
New York , NY 10022-6689  
USA  
Tel 212-759-4600

Susan S Thomas  
[COR LD NTC]  
Berger and Montague, PC  
1622 Locust St  
Philadelphia , PA 19103  
USA  
Tel 215-875-4602

Mark C Rifkin  
[COR LD NTC]  
Rifkin & Associates LLC  
222 W Lancaster Avenue  
PO Box 1785, Ste 201  
Paoli , PA 19301  
USA  
610-993-9591

Joseph George  
PLAINTIFF

Eleanor Morris Illoway  
[COR LD NTC]

Harkins Cunningham  
2005 Market Street  
1800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6704  
Fax 215-851-6710

Sherrie R Savett  
[COR LD NTC]  
1622 Locust Street  
Philadelphia , PA 19103  
USA  
Tel 215-875-3000  
Fax 215-875-5715

v.

Cephalon, Inc  
DEFENDANT  
[Term: 07/01/1996]

Eleanor Morris Illoway  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
1800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6704  
Fax 215-851-6710

John G Harkins, Jr  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
2800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6701  
Fax 215-851-6710

David J Creagan  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
2800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6701

Frank Baldino, Jr  
DEFENDANT

Eleanor Morris Illoway  
[COR LD NTC]

[Term: 07/01/1996]

Harkins Cunningham  
2005 Market Street  
1800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6704  
Fax 215-851-6710

John G Harkins, Jr  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
2800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6701  
Fax 215-851-6710

David J Creagan  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
2800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6701

Bruce A Peacock  
DEFENDANT  
[Term: 07/01/1996]

Eleanor Morris Illoway  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
1800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6704  
Fax 215-851-6710

John G Harkins, Jr  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
2800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6701  
Fax 215-851-6710

David J Creagan  
[COR LD NTC]

Harkins Cunningham  
2005 Market Street  
2800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6701

v.

Sands Point Partners, LP  
MOVANT

Sherrie R Savett  
[COR LD NTC]  
1622 Locust Street  
Philadelphia , PA 19103  
USA  
Tel 215-875-3000  
Fax 215-875-5715

Robert C Finkel  
[COR LD NTC]  
Wolf, Popper, Ross, Wolf & Jones  
845 Third Avenue  
New York , NY 10022-6689  
USA  
Tel 212-759-4600

Rose Guida  
MOVANT  
[Term: 03/24/1998]

Mark C Rifkin  
[COR LD NTC]  
[Term: 03/24/1998]  
Rifkin & Associates LLC  
222 W Lancaster Avenue  
PO Box 1785, Ste 201  
Paoli , PA 19301  
USA  
610-993-9591

United States of America  
MOVANT

Douglas W Stearn  
[COR LD NTC]  
US Department of Justice Office of Consumer  
Litigation  
PO Box 386  
Washington , DC 20044  
USA

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In Re: Cephalon, Inc Securities Litigation  
UNKNOWN

Carole A Broderick  
[COR LD NTC]  
Berger & Montague, PC

1622 Locust Street  
Philadelphia , PA 19103-6365  
USA  
Tel 215-875-3000  
Fax 215-875-5804

Eleanor Morris Illoway  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
1800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6704  
Fax 215-851-6710

Marian P Rosner  
[COR LD NTC]  
Wolf, Popper, Ross, Wolf & Jones  
845 Third Avenue  
New York , NY 10022-6689  
USA  
Tel 212-759-4600

Mark C Rifkin  
[COR LD NTC]  
Rifkin & Associates LLC  
222 W Lancaster Avenue  
PO Box 1785, Ste 201  
Paoli , PA 19301  
USA  
610-993-9591

---

Michael F Murphy, Dr  
MOVANT

Eleanor Morris Illoway  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street  
1800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6704  
Fax 215-851-6710

John G Harkins, Jr  
[COR LD NTC]  
Harkins Cunningham  
2005 Market Street

2800 One Commerce Square  
Philadelphia , PA 19103-1742  
USA  
Tel 215-851-6701  
Fax 215-851-6710

<b>Date</b>	<b>#</b>	<b>Proceeding Text</b>
01/29/1996	1	Complaint, filing fee \$120 receipt #580278. (tj) [Entry date 01/30/96]
01/29/1996	--	Summons(es) issued Forwarded to: counsel 1/30/96. (tj) [Entry date 01/30/96]
01/29/1996	--	Demand for jury trial by PLAINTIFF DAVID STEINBERG. (tj) [Entry date 01/30/96]
01/29/1996	--	Special Case Management Track. (tj) [Entry date 01/30/96]
03/06/1996	2	Appearance of ELEANOR MORRIS ILLLOWAY for DEFENDANT CEPHALON, INC., DEFENDANT FRANK BALDINO JR., DEFENDANT BRUCE A. PEACOCK, Certificate of Service. (jo) [Entry date 03/06/96]
03/08/1996	3	STIPULATION AND ORDER THAT EACH OF THE DEFENDANTS CEPHALON, INC., FRANK BALDINO, JR. AND BRUCE A PEACOCK IS DEEMED TO HAVE ACCEPTED SERVICE OF THE COMPLAINTS IN THESE ACTIONS AS OF THE DATE SET FORTH ABOVE; THESE ACTIONS SHALL BE CONSOLIDATED PURSUANT TO FRCP 42(a); PLAINTIFFS HOOSHMAND AND KEARNEY MAY FILE A CONSOLIDATED AMENDED COMPLAINT WITH RESPECT TO THESE ACTIONS; DEFENDANTS SHALL NOT BE REQUIRED TO RESPOND TO THE COMPLAINTS OR TO ANY CONSOLIDATED AMENDED COMPLAINT BY ANSWER OR MOTION UNTIL 5 BUSINESS DAYS AFTER THE COURT SHALL HAVE APPROVED CLASS COUNSEL, AND THEIR TIME TO MOVE OR ANSWER IS EXTENDED TO AND INCLUDING SUCH DATE OR 5/3/96, WHICHEVER IS SOONER; THESE ACTIONS ARE CONFIRMED AS ACTIONS TO BE MANAGED UNDER THE PLAN AS A SPECIAL MANAGEMENT TRACK ACTION AND THE COURT SHALL SCHEDULE SUCH CONFERENCE OR CONFERENCES AND TAKE ANY OTHER ACTION AS IT DEEMS APPROPRIATE UNDER THE PLAN AS APPLIED TO A SPECIAL MANAGEMENT TRACK ACTION ETC ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 3/11/96 ENTERED AND COPIES MAILED. (ph) [Entry date 03/11/96]
03/08/1996	--	Consolidated Lead Case (ph) [Entry date 03/11/96]
03/27/1996	5	MOTION BY MOVANT SANDS POINT PARTNERS FOR CONSOLIDATION AND APPOINTMENT OF SANDS POINT PARTNERS, L.P. AS LEAD PLAINTIFF, MEMORANDUM, CERTIFICATE OF SERVICE. (jo) [Entry date 03/28/96]
03/27/1996	4	Consolidated Complaint by PLAINTIFF DAVID STEINBERG, NOTICE ONLY MATTHEW HOOSHMAND, NOTICE ONLY FRANK KEARNEY. (jo) [Entry date 03/28/96]
03/29/1996	6	MOTION BY NOTICE ONLY MATTHEW HOOSHMAND, NOTICE ONLY FRANK KEARNEY TO CONSOLIDATE ACTIONS, FOR CLASS CERTIFICATION AND FOR APPOINTMENT OF LEAD PLAINTIFF, MEMORANDUM, CERTIFICATE OF SERVICE. (jo) [Entry date 04/01/96]

- 05/22/1996 7 Memorandum of Law by SANDS POINT PARTNERS L.P. in further support of MOTION FOR APPOINTMENT AS LEAD PLAINTIFF, affidavits. (jcw) [Entry date 05/22/96]
- 05/31/1996 8 Affidavit of Martin Rudolph Re: stock transactions. (jo) [Entry date 06/03/96]
- 06/24/1996 9 Supplemental Memorandum by MOVANT SANDS POINT PARTNERS in further support of MOTION FOR APPOINTMENT OF LEAD PLAINTIFF. (jo) [Entry date 06/25/96]
- 06/24/1996 10 Report of Pretrial Conference held on 6/24/96. (jo) [Entry date 06/25/96]
- 07/01/1996 11 ORDER THAT THE LETTERS FROM COUNSEL BE FILED AND DOCKETED; THE STIPULATION REGARDING CONSOLIDATION, APPT. OF LEAD PLFF, APPROVAL OF CLASS COUNSEL, AMENDED CONSOLIDATION COMPLAINT, CLASS CERTIFICATION AND CONDUCT OF DISCOVERY IS APPROVED; COUNSEL FOR ANY PARTY MAY FILE BY 7/10/96 ANY APPROPRIATE MOTION IN REGARD TO THE APPT OF LEAD PLFF AND LEAD COUNSEL AND PLFF SANDS POINT PARTNERS' REQUEST FOR AUTHORIZATION TO FILE A CORRECTED AMENDED COMPLAINT IS CONSIDERED AS A MOTION AND SAID MOTION IS GRANTED. (SIGNED BY JUDGE CLIFFORD S. GREEN) 7/2/96 ENTERED AND COPIES MAILED. (ks) [Entry date 07/02/96]
- 07/01/1996 12 Stipulation regarding Consolidation, Appt of Lead Plff, Approval of Class Counsel, Amended Consolidated Complaint, Defts' response thereto, Class Certification and Conduct of Discovery; C.A. 96-967, 96-2135, 96-2213, 96-2522 shall be consolidated under the caption In re: Cephalon, Inc. Securities Litigation, C.A. 96-633; the claims of plff Steinberg against defts Cephalon, Baldino and Peacock shall be voluntarily dismissed without prejudice pursuant to Rule 41(a), etc. (ks) [Entry date 07/02/96] [Edit date 07/02/96]
- 07/01/1996 13 Letter dated 6/26/96 from Mark C. Rifkin to Judge Green re: the amended class action complaints filed 6/24/96 by Plff Sands Point Partners, L.P. (ks) [Entry date 07/02/96]
- 07/01/1996 14 Letter dated 6/27/96 from Sherri R. Savett and Marian P. Rosner, counsel for Sands Point Partners in response to Mr. Rifkin's letter. (ks) [Entry date 07/02/96]
- 07/01/1996 15 Letter dated 6/27/96 from Stuart H. Savett to Judge Green re: Mr. Klein does not seek to represent class, etc. (ks) [Entry date 07/02/96]
- 07/11/1996 16 ORDER THAT THE ABOVE MENTIONED LETTERS BE FILED AND DOCKETED. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 7/12/96 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 07/12/96]
- 07/11/1996 17 Letter from John G. harkins, Jr. to Judge Green dated 7/10/96 re: paragraph 6 of order of 7/1/96. (jo) [Entry date 07/12/96]
- 07/11/1996 18 Letter from Mark C. Rifkin to Judge Green dated 7/10/96 re: reply to the supplemental memorandum. (jo) [Entry date 07/12/96]
- 07/11/1996 19 Letter from Sherrie R. Savett to Judge Green dated 7/10/96 re: requests for discovery and for delay of the court's rulings on the motions for appointment of lead plaintiff should be denied. (jo) [Entry date 07/12/96]
- 07/12/1996 20 MOTION BY NOTICE ONLY MATTHEW HOOSHMAND, NOTICE ONLY FRANK KEARNEY FOR LEAVE TO TAKE DISCOVERY, MEMORANDUM,

- CERTIFICATE OF SERVICE. (jo) [Entry date 07/15/96]
- 07/18/1996 21 Memorandum by MOVANT SANDS POINT PARTNERS in opposition to plaintiffs' MOTION FOR LEAVE TO TAKE DISCOVERY, Certificate of Service. (jo) [Entry date 07/19/96]
- 07/18/1996 22 MEMORANDUM AND ORDER THAT ANY PLAINTIFF IN THIS MATTER IS GRANTED LEAVE TO TAKE DISCOVERY OF ANY OTHER PLAINTIFF IN THIS MATTER ON THE ISSUE OF THE APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL. DISCOVERY ON THE ISSUE OF THE APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL IS TO BE COMPLETED WITHIN 20 DAYS OF THE DATE OF THIS ORDER. THE PARTIES SHALL SUBMIT ALL MOTIONS, SUPPORTING MEMORANDA AND BRIEFS ON THE ISSUE OF APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL WITHIN 30 DAYS OF THE DATE OF THIS ORDER. (SIGNED BY JUDGE CLIFFORD S. GREEN) 7/19/96 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 07/19/96]
- 07/25/1996 23 MOTION BY MOVANT SANDS POINT PARTNERS FOR RECONSIDERATION OR MODIFICATION OF THE COURT'S 7/18/96 ORDER, MEMORANDUM, CERTIFICATE OF SERVICE. (jo) [Entry date 07/25/96]
- 08/08/1996 24 JOINT MOTION BY PLAINTIFFS DAVID STEINBERG, ET AL. FOR APPOINTMENT OF LEAD PLAINTIFFS AND LEAD COUNSEL, MEMORANDUM, CERTIFICATE OF SERVICE. (jo) [Entry date 08/09/96]
- 08/27/1996 25 MEMORANDUM AND ORDER THAT PLAINTIFFS' JOINT MOTION FOR APPOINTMENT OF LEAD PLAINTIFFS AND LEAD COUNSEL IS GRANTED. PLAINTIFFS SANDS POINT, KEARNEY AND GUIDA ARE HEREBY APPOINTED LEAD PLAINTIFFS PURSUANT TO SECTION 21D(a)(3)(B) OF THE ACT, BECAUSE THEY COLLECTIVELY HAVE THE LARGEST FINANCIAL INTEREST IN THE RELIEF SOUGHT BY THE CLASS AND OTHERWISE SATISFY THE REQUIREMENTS OF RULE 23 OF THE FEDERAL RULES OF CIVIL PROCEDURE, ETC. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 8/28/96 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 08/28/96] [Edit date 08/28/96]
- 08/27/1996 26 ORDER THAT PLAINTIFF'S MOTION FOR RECONSIDERATION, MOTION FOR MODIFICATION OF THE COURT'S ORDER IS DISMISSED AS MOOT. FURTHER ORDERED THAT ALL OTHER OUTSTANDING MOTIONS IN THIS MATTER ARE DISMISSED AS MOOT. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 8/28/96 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 08/28/96] [Edit date 08/28/96]
- 09/11/1996 27 STIPULATION AND ORDER THAT THE TIME FOR THE SAID PLAINTIFFS TO FILE AND SERVE THEIR CONSOLIDATED AMENDED COMPLAINT IS EXTENDED TO 10/18/96. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 9/12/96 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 09/12/96]
- 10/18/1996 28 Amended complaint by PLAINTIFF DAVID STEINBERG , amending [4-1] complaint against CEPHALON, INC, Certificate of service (ph) [Entry date 10/21/96]
- 11/12/1996 29 STIPULATION AND ORDER THAT THE TIME FOR THE SAID DEFENDANTS TO ANSWER, MOVE OR OTHERWISE RESPOND TO THE CONSOLIDATED CLASS ACTION COMPLAINT IS EXTENDED UNTIL 12/30/96. ( SIGNED BY

JUDGE CLIFFORD S. GREEN ) 11/13/96 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 11/13/96]

11/15/1996 30 Notice of change of affiliation of counsel by Kevin M. Prongay on behalf of plaintiff. (jo) [Entry date 11/18/96]

12/30/1996 31 MOTION BY DEFENDANT CEPHALON, INC., DEFENDANT FRANK BALDINO JR., MOVANT MICHAEL F. MURPHY TO DISMISS THE CONSOLIDATED CLASS ACTION COMPLAINT, MEMORANDUM, APPENDIX, CERTIFICATE OF SERVICE. (td) [Entry date 01/03/97]

01/22/1997 32 Certification of named Plaintiff Rose M. Guida pursuant to federal securities laws, certificate of service. (jcw) [Entry date 01/23/97]

02/07/1997 33 STIPULATION AND ORDER THAT THE TIME FOR THE SAID PLAINTIFFS TO RESPOND TO DEFENDANTS' MOTION TO DISMISS THE CONSOLIDATED CLASS ACTION COMPLAINT IS EXTENDED UNTIL 3/3/97 AND THAT TIME FOR THE SAID DEFENDANTS TO REPLY TO PLAINTIFFS' RESPONSE IS EXTENDED UNTIL 4/14/97. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 2/7/97 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 02/07/97]

03/05/1997 34 STIPULATION AND ORDER THAT THE TIME FOR THE FILING OF PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS BE EXTENDED TO 3/5/97. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 3/6/97 ENTERED AND COPIES MAILED; 3/5/97 COPIES FAXED. (jo) [Entry date 03/06/97]

03/05/1997 35 Memorandum by CEPHALON, INC in opposition to defendants' MOTION TO DISMISS THE CONSOLIDATED CLASS ACTION COMPLAINT, Certificate of Service. (jo) [Entry date 03/06/97]

04/16/1997 36 Reply Memorandum by DEFENDANT FRANK BALDINO JR., CEPHALON, INC, MOVANT MICHAEL F. MURPHY in further support of defendants' MOTION TO DISMISS THE CONSOLIDATED CLASS ACTION COMPLAINT, Certificate of Service. (jo) [Entry date 04/17/97]

06/26/1997 37 Surreply Memorandum by PLAINTIFF DAVID STEINBERG in opposition to defendants' MOTION TO DISMISS THE CONSOLIDATED CLASS ACTION COMPLAINT, Exhibits, Certificate of Service. (jo) [Entry date 06/27/97]

08/29/1997 38 MEMORANDUM AND ORDER THAT DEFENDANTS' MOTION FOR DISMISSAL IS DENIED. FURTHER ORDERED THAT DEFENDANTS FILE AN ANSWER TO PLAINTIFFS' COMPLAINT WITHIN 20 DAYS OF THE DATE OF THIS ORDER. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 8/29/97 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 08/29/97]

09/18/1997 39 Answer to Complaint by DEFENDANT FRANK BALDINO JR., DEFENDANT BRUCE A. PEACOCK, MOVANT MICHAEL F. MURPHY, Certificate of Service. (jo) [Entry date 09/19/97]

10/09/1997 40 Notice of change of address by LAWRENCE E. FELDMAN, Certificate of Service. (jo) [Entry date 10/09/97]

10/16/1997 41 STIPULATION AND ORDER REGARDING CASE MANAGEMENT PLAN. PLAINTIFFS' CONSOLIDATED MOTION FOR CLASS CERTIFICATION SHALL BE SERVED AND FILED NO LATER THAN 10/31/97. ALL FACT DISCOVERY

MUST BE COMPLETED ON OR BEFORE 12/31/98. ALL EXPERT DISCOVERY MUST BE COMPLETED ON OR BEFORE 3/3/98. (SIGNED BY JUDGE CLIFFORD S. GREEN) 10/16/97 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 10/16/97]

- 10/23/1997 42 Notice of change of address by STUART H. SAVETT, Certificate of Service. (jo) [Entry date 10/23/97]
- 10/29/1997 43 MOTION by PLAINTIFF DAVID STEINBERG FOR CLASS CERTIFICATION , MEMORANDUM, CERTIFICATE OF SERVICE. (jl) [Entry date 10/30/97]
- 11/04/1997 44 STIPULATION AND ORDER THAT THE TIME FOR SUBMISSION OF A PROPOSED ORDER REGARDING CONFIDENTIALITY SHOULD BE EXTENDED TO AND INCLUDING 11/10/97. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 11/4/97 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 11/04/97]
- 11/12/1997 45 Praecipe by PLAINTIFF DAVID STEINBERG, DEFENDANT CEPHALON, INC., DEFENDANT FRANK BALDINO JR. to append exhibit. (jo) [Entry date 11/13/97]
- 11/14/1997 46 CONFIDENTIALITY STIPULATION AND ORDER THAT THE PROVISIONS OF THIS CONFIDENTIALITY STIPULATION AND ORDER SHALL APPLY TO DISCOVERY IN THIS LITIGATION, ETC. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 11/14/97 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 11/14/97]
- 11/14/1997 -- Certain documents governed by Protective Order. (jo) [Entry date 11/14/97]
- 12/09/1997 47 ORDER GRANTING PLAINTIFF'S MOTION FOR CLASS CERTIFICATION. THIS ACTION IS CERTIFIED AS A CLASS ACTION PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23, ETC. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 12/9/97 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 12/09/97] [Edit date 12/09/97]
- 12/10/1997 48 ORDER THAT THIS COURT'S ORDER DATED DECEMBER 8, 1997 IS VACATED AS BEING PREMATURE. PURSUANT TO THE STIPULATION OF THE PARTIES FILED OCTOBER 16, 1997, DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION, IF ANY, SHALL BE FILED AND SERVED NO LATER THAN JANUARY 30, 1998. (SIGNED BY JUDGE CLIFFORD S. GREEN) 12/11/97 ENTERED AND COPIES MAILED AND FAXED. (dt) [Entry date 12/11/97]
- 01/27/1998 49 STIPULATION AND ORDER THAT THE TIME FOR THE SAID DEFENDANTS TO RESPOND TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION IS EXTENDED UNTIL 3/31/98. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 1/28/98 ENTERED AND COPIES MAILED; 1/27/98 COPIES FAXED. (jo) [Entry date 01/28/98]
- 02/09/1998 50 MOTION by MOVANT ROSE GUIDA FOR PROTECTIVE ORDER , MEMORANDUM, CERTIFICATE OF SERVICE. (jl) [Entry date 02/09/98]
- 02/20/1998 51 Memorandum by DEFENDANT CEPHALON, INC., DEFENDANT FRANK BALDINO JR., MOVANT MICHAEL F. MURPHY in opposition to MOTION FOR PROTECTIVE ORDER, Certificate of Service. (jo) [Entry date 02/23/98]
- 03/03/1998 52 AMENDED MOTION by PLAINTIFF DAVID STEINBERG FOR CLASS

CERTIFICATION , CERTIFICATE OF SERVICE. (jl) [Entry date 03/03/98]

- 03/10/1998 53 ORDER THAT PLAINTIFF'S MOTION FOR PROTECTIVE ORDER IS DENIED AND THE DEPOSITION OF PLAINTIFF ROSE GUIDA SHALL BE HELD AT THE OFFICES OF HARKINS CUNNINGHAM, 1800 ONE COMMERCE SQUARE, 2005 MARKET STREET, PHILADELPHIA, PA AT A DATE AND TIME TO BE DETERMINED BY THE PARTIES. FURTHER ORDERED THAT PURSUANT TO RULE 37(a)(4) THE DEFENDANTS MAY FILE A MOTION FOR ATTORNEY'S FEES INCURRED IN RELATION TO PLAINTIFF'S MOTION FOR PROTECTIVE ORDER. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 3/11/98 ENTERED AND COPIES MAILED; 3/10/98 COPIES FAXED. (jo) [Entry date 03/11/98]
- 03/24/1998 54 Letter from John G. Harkins, Jr. to Judge Green dated 3/20/98 re: stipulation of voluntary dismissal without prejudice. (jo) [Entry date 03/24/98]
- 03/24/1998 55 STIPULATION AND ORDER THAT PLAINTIFF GUIDA SHALL DISMISS HER INDIVIDUAL CLAIMS WITHOUT PREJUDICE AND PURSUANT TO RULE 41(a)(1) AND SHALL BE WITHDRAWN AS A LEAD PLAINTIFF AND AS A PROPOSED CLASS REPRESENTATIVE. EACH SIDE SHALL BEAR ITS OWN COSTS. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 3/24/98 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 03/24/98]
- 04/02/1998 56 STIPULATION AND ORDER THAT THE TIME FOR THE SAID DEFENDANTS TO RESPOND TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION IS EXTENDED UNTIL 4/3/98. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 4/2/98 ENTERED AND COPIES MAILED AND FAXED. (jo) [Entry date 04/02/98]
- 04/03/1998 57 Memorandum by DEFENDANT CEPHALON, INC., DEFENDANT FRANK BALDINO JR., MOVANT MICHAEL F. MURPHY in opposition to plaintiffs' MOTION FOR CLASS CERTIFICATION, Certificate of Service. (jo) [Entry date 04/03/98]
- 05/11/1998 58 STIPULATION AND ORDER THAT PLAINTIFFS SHALL FILE A REPLY MEMORANDUM IN SUPPORT OF THIER MOTION FOR CLASS CERTIFICATION ON OR BEFORE 5/11/98. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 5/12/98 ENTERED AND COPIES MAILED AND FAXED; 5/11/98 COPIES FAXED. (jo) [Entry date 05/12/98] [Edit date 05/12/98]
- 05/14/1998 59 STIPULATION AND ORDER THAT TIME FOR FILING OF PLAINTIFFS REPLY MEMORANDUM IN SUPPORT OF THEIR MOTION FOR CLASS CERTIFICATION IS EXTENDED TO 5/22/98. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 5/15/98 ENTERED AND COPIES MAILED; 5/14/98 COPIES FAXED. (jo) [Entry date 05/15/98]
- 05/22/1998 60 Reply Memorandum by PLAINTIFF DAVID STEINBERG in further support of their MOTION FOR CLASS CERTIFICATION, Certificate of Service. (jo) [Entry date 05/26/98]
- 08/12/1998 61 MEMORANDUM AND ORDER THAT MOTION FOR CLASS CERTIFICATION IS GRANTED AS TO THEIR CLAIMS UNDER THE FEDERAL SECURITIES LAWS AND THE NEGLIGENT MISREPRESENTATION CLAIM; PLAINTIFF JOSEPH GEORGE IS NAMED AND APPOINTED AS AN ADDITIONAL LEAD PLAINTIFF, ETC. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 08/12/98 ENTERED AND COPIES MAILED AND FAXED. (pmh) [Entry date 08/12/98]

- 08/19/1998 62 MOTION by DEFENDANT CEPHALON, INC., DEFENDANT FRANK BALDINO JR., MOVANT MICHAEL F. MURPHY FOR LEAVE TO FILE MOTION FOR PROTECTIVE ORDER UNDER SEAL , CERTIFICATE OF SERVICE. (pmh) [Entry date 08/20/98]
- 08/19/1998 63 MOTION by DEFENDANT CEPHALON, INC., DEFENDANT FRANK BALDINO JR., MOVANT MICHAEL F. MURPHY FOR PROTECTIVE ORDER. ( UNSEALED PURSUANT TO ORDER DATED 11/3/98) (td) [Entry date 08/20/98] [Edit date 11/04/98]
- 09/03/1998 64 Memorandum by PLAINTIFF JOSEPH GEORGE in opposition to MOTION FOR PROTECTIVE ORDER , Certificate of Service. (Unsealed pursuant to order dated 11/3/98) (pmh) [Entry date 09/04/98] [Edit date 11/04/98]
- 09/16/1998 65 ORDER THAT MOTION FOR LEAVE TO FILE MOTION FOR PROTECTIVE ORDER UNDER SEAL IS GRANTED; CLERK OF THE COURT IS DIRECTED TO MAINTAIN DEFENDANTS' MOTION FOR PROTECTIVE ORDER, MEMORANDUM OF LAW IN SUPPORT AND ACCOMPANYING EXHIBITS UNDER SEAL UNTIL FURTHER ORDER OF THIS COURT. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 09/17/98 ENTERED AND COPIES MAILED AND FAXED 09/16/98. (pmh) [Entry date 09/17/98]
- 09/17/1998 68 ORDER THAT PLAINTIFFS AND DEFENDANTS WILL DIVIDE EQUALLY THE COSTS ASSOCIATED WITH THE COPYING OF THE 100 BOXES OF DOCUMENTS IN QUESTION ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 09/18/98 ENTERED AND COPIES MAILED AND FAXED. (pmh) [Entry date 09/18/98]
- 09/18/1998 66 Letter from John G. Harkins, Jr. to Judge Green dated 09/10/98, re: production of documents to plaintiffs. (pmh) [Entry date 09/18/98] [Edit date 09/18/98]
- 09/18/1998 67 Letter from Sherrie R. Savett to Judge Green dated 09/09/98, re: defendnats' refusal to produce documents. (pmh) [Entry date 09/18/98]
- 09/22/1998 69 Reply Memorandum by DEFENDANT FRANK BALDINO JR., CEPHALON, INC, MOVANT MICHAEL F. MURPHY in support of MOTION FOR PROTECTIVE ORDER , Certificate of Service. (Unsealed pursuant to order dated 11/3/98) (pmh) [Entry date 09/22/98] [Edit date 11/04/98]
- 09/22/1998 70 STIPULATION AND ORDER THAT DEFENDANTS SHALL HAVE LEAVE TO FILE A REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION FOR PROTECTIVE ORDER; PLAINTIFFS' SURREPLY SHALL BE DUE ON OR BEFORE 09/29/98. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 09/23/98 ENTERED AND COPIES MAILED AND FAXED. (pmh) [Entry date 09/23/98]
- 09/25/1998 71 MOTION BY PLAINTIFF JOSEPH GEORGE TO COMPEL PRODUCTION OF DOCUMENTS, AND FOR SANCTIONS , MEMORANDUM, CERTIFICATE OF COUNSEL, CERTIFICATE OF SERVICE. (mc) [Entry date 09/28/98]
- 09/29/1998 72 Plffs' Surreply Memorandum in opposition to defts' motion for protective order, Certificate of Service. ( Unsealed pursuant to order dated 11/3/98) (td) [Entry date 09/30/98] [Edit date 11/04/98]
- 10/06/1998 73 ORDER THAT HEARING FOR MOTION FOR PROTECTIVE ORDER IS SET FOR 10/14/98 AT 4:00 ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 10/07/98 ENTERED AND COPIES MAILED AND FAXED. (pmh) [Entry date 10/07/98]

10/09/1998 74 Memorandum by DEFENDANT CEPHALON, INC., DEFENDANT FRANK BALDINO JR., MOVANT MICHAEL F. MURPHY in opposition to MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND MOTION FOR SANCTIONS , Certificate of Service. (pmh) [Entry date 10/09/98]

10/09/1998 75 Praecipe by DEFENDANT FRANK BALDINO JR., CEPHALON, INC, MOVANT MICHAEL F. MURPHY to append exhibit, cert. of service. (cb) [Entry date 10/13/98]

10/19/1998 76 ORDER GRANTING PLFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND DEFTS SHALL PRODUCE ALL DOCUMENTS RESPONSIVE TO REQUEST NO. 19 OF PLFFS' FIRST REQUEST FOR PRODUCTION OF DOUMENTS, INCLUDING THE DATA DISKS IN QUESTION, WITHIN 20 DAYS; PLFFS' MOTION FOR SANCTIONS IS DENIED. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 10/19/98 ENTERED AND COPIES MAILED AND FAXED 10/19/98. (sc) [Entry date 10/19/98]

10/22/1998 77 MEMORANDUM-ORDER DENYING DEFT'S MOTION FOR PROTECTIVE ORDER, ETC., WITH RESPECT TO THE FDA BRIEFING DOCUMENT, DEFTS' MOTION IS DENIED WITHOUT PREJUDICE TO FILE A NEW MOTION WITHIN 10 DAYS, ETC. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 10/23/98 ENTERED AND COPIES MAILED AND FAXED 10/22/98. (sc) [Entry date 10/23/98]

10/26/1998 78 Report of Pretrial Conference held on 10/14/98. (jl) [Entry date 10/26/98]

11/03/1998 79 ORDER THAT THE PAPERS FILED UNDER SEAL BY BOTH PARTIES REGARDING DEFTS' MOTION FOR PROTECTIVE ORDER ARE NO LONGER UNSER THE PROTECTION OF THE COURT FOR CONFIDENTIALITY PURPOSES, AND THE CLERK OF THE COURT IS DIRECTED TO UNSEAL DOCKET ENTRIES 63, 64, 69 AND 72. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 11/4/98 ENTERED AND COPIES MAILED AND FAXED. (gn) [Entry date 11/04/98]

01/04/1999 80 STIPULATION AND ORDER THAT THE DATE FOR COMPLETION OF ALL EXPERT DISCOVERY IS EXTENDED UNTIL 8/31/99; AND THAT THE DATE OF DEFTS' COMPLIANCE WITH THE COURT'S ORDER OF 10/19/98 IS EXTENDED UNTIL 12/18/98. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 1/4/99 ENTERED AND COPIES MAILED AND FAXED. (gn) [Entry date 01/04/99]

01/20/1999 81 Notice of change of address by MARK C. RIFKIN, Certificate of Service. (fdc) [Entry date 01/20/99]

04/01/1999 82 ORDER THAT A STATUS CONFERENCE WILL BE HELD ON 4/22/99 AT 3:00PM IN CHAMBERS. ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 4/2/99 ENTERED AND COPIES MAILED AND FAXED. (gn) [Entry date 04/02/99]

04/23/1999 83 Report of Status Conference held on 4/22/99, case settles, hearing scheduled on 7/29/99. (jl) [Entry date 04/23/99]

06/07/1999 84 PRELIMINARY APPROVAL ORDER WITH COURT APPROVAL THAT A HEARING SHALL BE HELD ON 7/29/99 AT 11:00AM IN COURTROOM 15613. (PROPOSED SETTLEMENT AGREEMENT ATTACHED) ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 6/7/99 ENTERED AND COPIES MAILED AND FAXED. (gn) [Entry date 06/07/99] [Edit date 06/07/99]

07/22/1999 85 MOTION by NOTICE ONLY FRANK KEARNEY, MOVANT SANDS POINT

PARTNERS, PLAINTIFF JOSEPH GEORGE FOR ENTRY OF FINAL JUDGMENT OF DISMISSAL WITH PREJUDICE, and FOR AWARD OF ATTORNEY FEES AND EXPENSES, MEMORANDUM, DECLARATION, AFFIDAVITS. (jl) [Entry date 07/23/99]

- 07/22/1999 86 Memorandum of law by NOTICE ONLY FRANK KEARNEY, MOVANT SANDS POINT PARTNERS, PLAINTIFF JOSEPH GEORGE in support of proposed class action settlement. (jl) [Entry date 07/23/99]
- 07/22/1999 87 Affidavit Re: ACS FINANCIAL & SECURITIES SERVICES REGARDING MAILING OF THE CLASS NOTICE, AND PROOF OF CLAIM AND RELEASE FORMS, AND RECEIPT OF OBJECTIONS AND REQUESTS FOR EXCLUSION. (jl) [Entry date 07/23/99]
- 07/29/1999 88 ORDER THAT FINAL JUDGMENT OF DISMISSAL WITH PREJUDICE THAT THE COURTS THAT NO JUST REASON EXISTS FOR DELAY IN ENTERING FINAL JUDGMENT PURSUANT TO RULE 54 (b) OF THE FEDERAL RULES OF CIVIL PROCEDURE IN ACCORDANCE WITH STIPULATION. ACCORDINGLY, THE CLERK IS HEREBY DIRECTED TO ENTER THIS JUDGMENT FORTHWITH PURSUANT TO RULE 54 (b). THE COURT AWARDS TO PLAINTIFFS' COUNSEL THE SUM OF \$ 5,100,000 IN ATTORNEY FEES AND THE SUM OF \$388,176 AS REIMBURSEMENT OF EXPENSES, TOGETHER WITH INTEREST OF BOTH AMOUNTS FOR THE SAME TIME PERIOD AND THE SAME RATE AS EARNED ON THE SETTLEMENT FUND. THE FEES AND EXPENSES SHALL BE DISTRIBUTED AMONG PLAINTIFFS' COUNSEL AS PROVIDED IN THE STIPULATION, SPECIFICALLY BY PLAINTIFFS' LEAD COUNSEL WHO SHALL AT THEIR DISCRETION ALLOCATE THE FEES AND EXPENSES SO AWARD AMONG ALL PLAINTIFFS' COUNSEL IN SUCH A MANNER AS THEY DETERMINE APPROPRIATE TO REFLECT THE CONTRIBUTIONS OF EACH OF PLAINTIFFS' COUNSEL TO THE SUCCESSFUL PROSECUTION OF THE ACTION ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 7/30/99 ENTERED AND COPIES MAILED AND FAXED. (jl) [Entry date 07/30/99]
- 07/29/1999 -- Case closed (jmp) [Entry date 07/30/99]
- 08/05/1999 89 Supplement of PLAINTIFF JOSEPH GEORGE affidavit in support of payment of expert expense, certificate of service. (jl) [Entry date 08/05/99]
- 08/27/1999 90 ORDER THAT A CONFERENCE WILL BE HELD IN THE ABOVE CAPTIONED CASE ON 9/9/99 AT 3:00 P.M. IN CHAMBERS. (SIGNED BY JUDGE CLIFFORD S. GREEN) 8/27/99 ENTERED AND COPIES MAILED AND FAXED. (fb) [Entry date 08/27/99]
- 08/27/1999 91 ORDER THAT THIS COURT AUTHORIZES THE PAYMENT OF \$11,000 TO ROBERT MAKUCH, PH.D. FOR THE BALANCE OWED TO HIM FOR HIS SERVICES AS AN EXPERT IN THIS LITIGATION, ETC.. (SIGNED BY JUDGE CLIFFORD S. GREEN) 8/27/99 ENTERED AND COPIES MAILED AND FAXED. (fb) [Entry date 08/27/99]
- 12/23/1999 92 MOTION by MOVANT UNITED STATES TO SEAL, (filed under seal). (jl) [Entry date 12/23/99] [Edit date 01/03/00]
- 01/03/2000 93 ORDER THAT THE MOTION OF THE UNITED STATES FILED ON 12/23/99 IS PLACED UNDER SEAL ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 1/3/00

ENTERED AND COPIES MAILED. (jl) [Entry date 01/03/00]

- 01/03/2000 94 ORDER THAT, SINCE THE DUTIES IMPOSED ON SANDS POINT PARTNERS, L.P. BY THE CONFIDENTIALITY AGREEMENT AND ORDER IN THIS CASE ARE PREEMPTED BY THE GRAND JURY SUBPOENA SERVED UPON IT, SAND POINT PARTNERS, L.P. MAY COMPLY WITH THE GRAND JURY SUBPOENA WITHOUT DISCLOSURE TO OR THE APPROVAL OF THE OTHER PARTIES TO THIS ACTION ( SIGNED BY JUDGE CLIFFORD S. GREEN ) 1/3/00 ENTERED AND COPIES MAILED. (jl) [Entry date 01/03/00]
- 01/03/2000 95 MOTION by MOVANT UNITED STATES FOR RELIEF FROM CONFIDENTIALITY AGREEMENT AND ORDER (filed under seal). (jl) [Entry date 01/03/00]
- 09/27/2000 96 MOTION by MOVANT SANDS POINT PARTNERS, PLAINTIFF JOSEPH GEORGE TO APPROVE DISTRIBUTION OF THE NET SETTLEMENT FUND AND TO AWARD FEES AND EXPENSES TO THE SETTLEMENT ADMINISTRATOR, AFFIDAVIT IN SUPPORT, CERTIFICATE OF SERVICE. (Affidavit Attached) (fp) [Entry date 09/27/00]
- 10/03/2000 97 Corrected Affidavit of Stuart Dym, Certificate of Service. (fp) [Entry date 10/04/00]
- 10/13/2000 98 Affidavit of STUART DYM in Further Support of MOTION TO APPROVE DISTRIBUTION OF THE NET SETTLEMENT FUND, Certificate of Service. (fp) [Entry date 10/13/00]
- 10/24/2000 99 ORDER THAT THE NET SETTLEMENT FUND, AS DEFINED IN THE STIPULATION OF SETTLEMENT, BE DISTRIBUTED TO THE AUTHORIZED CLAIMANTS WHO TIMELY FILED THEIR CLAIMS AND TO THOSE CLAIMANTS WHOSE CLAIMS WERE FILED LATE BUT WHO, IN EVERY OTHER RESPECT HAVE FILED VALID CLAIMS, AND WHOSE DISTRIBUTIVE SHARE OF THE NET SETTLEMENT FUND IS IN EXCESS OF 410.00, AS SET FORTH IN EXHIBIT G TO THE CORR. DYM AFF.; AND IT IS FURTHER ORDERED THAT THE CLAIMS SET FORTH IN EXHIBIT F TO THE CORR. DYM AFF. ARE REJECTED AND THAT ANY FUTURE CLAIMS ARE HEREBY REJECTED AS UNTIMELY; AND IT IS FURTHER ORDERED THAT FEES AND REIMBURSEMENT OF EXPENSES OF \$100,985.67 ARE APPROVED FOR PAYMENT TO ACS FINANCIAL & SECURITIES SERVICES, THE CLAIMS ADMINISTRATOR, OUT OF THE NET SETTLEMENT FUND, AS REQUESTED IN PARAGRAPH 13 OF THE CORR. DYM AFF.; AND IT IS FURTHER ORDERED THAT AFTER THE SETTLEMENT ADMINISTRATOR HAS MADE REASONABLE AND DILIGENT EFFORTS TO DISTRIBUTE THE CASH PORTION OF THE NET SETTLEMENT FUND TO THOSE AUTHORIZED CLAIMANTS LISTED IN EXHIBIT G TO THE DYM AFF., ANY BALANCE REMAINING IN THE CASH PORTION OF THE NET SETTLEMENT FUND ONE (1) YEAR AFTER THE INITIAL DISTRIBUTION SHALL BE CONTRIBUTED TO NON-SECTARIAN, NOT-FOR-PROFIT, 501(c)(3) ORGANIZATION(S) DESIGNATED BY LEAD COUNSEL AND DISTRIBUTED PURSUANT TO FURTHER ORDER OF THIS COURT; ETC. (SIGNED BY JUDGE CLIFFORD S. GREEN) 10/25/00 ENTERED AND COPIES MAILED AND FAXED. (fp) [Entry date 10/25/00]