

U.S. District Court
District of Minnesota (DMN)
CIVIL DOCKET FOR CASE #: 0:97-cv-00005-DWF-RLE

In Re: Digi Intl Sec Lit, et al v. , et al
Assigned to: Judge Donovan W Frank
Referred to: Chief Mag. Judge Raymond L Erickson
Demand: \$0

Date Filed: 01/03/1997
Jury Demand: None
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Lead case: [0:97-cv-00005-DWF-RLE](#)

Member cases:

- [0:97-cv-00156-DWF-RLE](#)
- [0:97-cv-00295-DWF-RLE](#)
- [0:97-cv-00351-DWF-RLE](#)
- [0:97-cv-00440-DWF-RLE](#)
- [0:97-cv-00538-DWF-RLE](#)

Cause: 15:78m(a) Securities Exchange Act

Plaintiff

Dennis D'Hondt

*individually and on behalf of all persons
similarly situated*

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Date Filed	#	Docket Text
01/03/1997	1	COMPLAINT - Summons issued. Assigned to Judge John R. Tunheim per SEC list and referred to Magistrate Judge Raymond L. Erickson (22 pgs) (DFL) (Entered:

		01/03/1997)
01/27/1997	2	STIPULATION AND ORDER (Magistrate Judge Raymond L Erickson / 1/27/97) re: pltf's motion to consolidate (cc: all counsel) (3 pgs) (SEA) (Entered: 01/27/1997)
01/27/1997	3	SUMMONS - RETURN OF SERVICE executed upon defendant Digi International, defendant Gerald A Wahl, defendant Gary L Deaner on 1/6/97. (4pgs) ((Entered: 01/29/1997)
01/27/1997	3	SUMMONS - RETURN OF SERVICE executed upon defendant Ervin F Kamm Jr on 1/22/97. (4pgs) ((Entered: 01/29/1997)
01/31/1997	4	ORDER OF DIRECTION TO THE CLERK OF COURT FOR REASSIGNMENT OF RELATED CASE (Judge John R. Tunheim / 1/31/97 & Judge Richard H. Kyle / 1/31/97) That Case No. 97-156 be assigned to Judge John R. Tunheim. (cc: all counsel) 1pg (VEM) (Entered: 01/31/1997)
02/18/1997	5	ORDER OF DIRECTION TO THE CLERK OF COURT FOR REASSIGNMENT OF RELATED CASE (Judge Tunheim / 2/18/97; Judge Davis / 2/18/97) that Cv 97-295 (Siegel vs. Digi) is transferred to Judge Tunheim. (cc: all counsel) 1 page (PJS) (Entered: 02/19/1997)
03/07/1997	6	NOTICE OF MOTION by plaintiffs to consolidate cases and appointment of lead plaintiffs and co-lead counsel (to Magistrate Judge Raymond L. Erickson) (4pgs) {cases: 97-156 JRT/RLE, 97-351 MJD/AJB, 97-295 JRT/RLE, 97-538 JMR/RLE} ((Entered: 03/10/1997)
03/07/1997	7	MEMORANDUM by plaintiffs in support of motion to consolidate cases and appointment of lead plaintiffs and co-lead counsel [6-1] [6-2] (16pgs) ((Entered: 03/10/1997)
03/07/1997	8	AFFIDAVIT of Karen M. Hanson regarding motion to consolidate cases [6-1], regarding motion appointment of lead plaintiffs and co-lead counsel [6-2] (5pgs + exh.) ((Entered: 03/10/1997)
03/20/1997	9	RESPONSE by defendants to motion to consolidate cases [6-1], to motion appointment of lead plaintiffs and co-lead [6-2] (25 pgs) (DFL) (Entered: 03/21/1997)
03/20/1997	10	AFFIDAVIT of Jeffrey D. Hedlund regarding response [9-1] (3+ pgs) (DFL) (Entered: 03/21/1997)
03/21/1997	11	RESPONSE by dfts to pltfs motion for consolidation and appoinment of lead plaintiffs and lead counsel [6-1] [6-2] (16pgs) ((Entered: 03/24/1997)
03/21/1997	12	AFFIDAVIT of Jeffrey D. Hedlund regarding motion to consolidate cases [6-1], regarding motion appointment of lead plaintiffs and co-lead counsel [6-2] (68pgs) ((Entered: 03/24/1997)
03/25/1997	15	PETITION AND ORDER for admission pro hac vice (Clerk Francis E. Dosal) on behalf of plaintiff by Lawrence D Levit (1 pg) (DFL) (Entered: 03/28/1997)
03/25/1997	16	PETITION AND ORDER for admission pro hac vice (Clerk Francis E. Dosal) on behalf of plaintiff by Robert M Kornreich (1 pg) (DFL) (Entered: 03/28/1997)

03/26/1997	13	RESPONSE by plaintiff to defendants' memo with respect to motion for consolidation and appointment of lead plaintiffs and lead counsel [11-1] (14 pgs) (DFL) (Entered: 03/27/1997)
03/26/1997	14	AFFIDAVIT of Karen M. Hanson (4+ pgs) (DFL) (Entered: 03/27/1997)
03/31/1997	17	ORDER FOR REASSIGNMENT OF RELATED CASE (Judge John R. Tunheim / 3/28/97 & Judge James M. Rosenbaum /3/31/97) That case 97-538 be assigned to Judge Tunheim. (cc: all counsel) (1pg) ((Entered: 04/01/1997)
04/03/1997	18	MEMORANDUM ORDER (Magistrate Judge Raymond L. Erickson / 4/2/97) establishing 97-5 as the Master Docket; granting motion to consolidate cases [6-1] 0:97-cv-5 with member cases 0:97-cv-156, 0:97-cv-351, 0:97-cv-295, 0:97-cv-538; that 97-440 shall be consolidated with these actions, but solely for pretrial purposes; that the caption of the consolidated actions shall be as follows: In re Digi International Inc. Securities Litigation; that within 30 days, plaintiffs shall file a consolidated amended complaint and that, within 45 days after service, defendant shall file an answer, or otherwise respond to the consolidated amended complaint; that no cause has been shown to amend the complaint in 97-440, and the defendants shall serve and file an answer to that complaint in both the master file and in 97-440, but thereafter, the filings in 97-440 shall be docketed in the master file; that plaintiffs' motion to appoint lead plaintiffs is granted; that plaintiffs' motion to appoint Lockridge Grindal Nauen & Holstein; Wolf Popper; and Abbey Gardy & Squitieri as lead counsel is granted (cc: all counsel) (21 pgs) (DFL) (Entered: 04/03/1997)
04/18/1997	19	TRANSCRIPT OF PROCEEDINGS re: motions held 3/27/97 before Magistrate Judge Raymond L. Erickson (Reporters Diversified Service, Duluth, MN) (separate) ((Entered: 04/21/1997)
04/28/1997	20	NOTICE AND MOTION by defendant for protective order , to stay discovery (to Magistrate Judge Raymond L. Erickson) , ret. 5/12/97 at 9:00 a.m. (2 pgs) (DFL) (Entered: 04/30/1997)
04/28/1997	21	MEMORANDUM by defendant in support of motion for protective order [20-1], of motion to stay discovery [20-2] (12 pgs) (DFL) (Entered: 04/30/1997)
04/28/1997	22	CERTIFICATION of defendants pursuant to Local Rule 37.1 (18 pgs) (DFL) (Entered: 04/30/1997)
04/28/1997	23	AFFIDAVIT of Jeffrey D. Hedlund regarding motion for protective order [20-1], regarding motion to stay discovery [20-2] (2+ pgs) (DFL) (Entered: 04/30/1997)
05/08/1997	24	STIPULATION AND ORDER (Magistrate Judge Raymond L. Erickson /5/8/97) Pltfs shall have 7 add'l days in which to serve & file a Consolidated Amended Complt - to be served & filed on 5/12/97; defts shall, w/i 45 days after service, serve & file a response; pltfs shall defer the return date on the subpoena served upon Coopers & Lybrand until after the parties have held a Rule 26(f) meeting; all other discovery shall be stayed until after the Rule 26(f) meeting; the hearing scheduled for 5/12/97 on defts' motion for protective order [20-1] motion to stay discovery (to Magistrate Judge Raymond L. Erickson) [20-2] is canceled. (cc: all counsel) (4pgs) ((Entered: 05/08/1997)

05/12/1997	25	CONSOLIDATED AMENDED COMPLAINT [1-1] by plaintiff; jury demand (51pgs) ((Entered: 05/13/1997)
06/30/1997	26	STIPULATION AND ORDER (Magistrate Judge Raymond L. Erickson /6/25/97) That: dfts shall have until 7/3/97 in which to answer or otherwise plead with respect to the Consolidated Amended Complaint in the consolidated putative class actions. (cc: all counsel) (3pgs) ((Entered: 07/01/1997)
07/03/1997	27	LETTER from Jeffrey D. Hedlund, Re: service of dispositive motion papers (2 pgs) (DFL) (Entered: 07/08/1997)
07/17/1997	28	LETTER to court from defendants regarding dispositive motion (2pgs) ((Entered: 07/21/1997)
09/10/1997	30	MOTION by defendant to dismiss consolidated amended complaint w/prejudice (to Judge John R. Tunheim) (8pgs) ((Entered: 09/16/1997)
09/10/1997	31	MEMORANDUM by defendants in support of motion to dismiss consolidated amended complaint w/prejudice [30-1] (31pgs) ((Entered: 09/16/1997)
09/10/1997	32	AFFIDAVIT of Ahna M. Thoresen regarding motion to dismiss consolidated amended complaint w/prejudice [30-1] (3pgs+exh) ((Entered: 09/16/1997)
09/10/1997	33	MEMORANDUM by class plaintiffs in opposition to motion to dismiss consolidated amended complaint w/prejudice [30-1] (41pgs) ((Entered: 09/16/1997)
09/10/1997	34	AFFIDAVIT of Patricia A. Bloodwood regarding memorandum [33-1] (2pgs+exh) ((Entered: 09/16/1997)
09/10/1997	35	REPLY by defendants to motion to dismiss consolidated amended complaint w/prejudice [30-1] (17pgs) ((Entered: 09/16/1997)
09/10/1997	36	SECOND AFFIDAVIT of Ahna M. Thoresen regarding reply [35-1] (2pgs+exh) ((Entered: 09/16/1997)
09/10/1997	37	MOTION by defendants to dismiss amended complaint w/prejudice (to Judge John R. Tunheim) (8pgs) (Modified on 09/16/1997 (Entered: 09/16/1997)
09/10/1997	38	MEMORANDUM by defendants in support of motion to dismiss amended complaint (to Judge John R. Tunheim) [37-1] ((Entered: 09/16/1997)
09/10/1997	39	AFFIDAVIT of Jeffrey D. Hedlund regarding memorandum [38-1] (2pgs+exh) ((Entered: 09/16/1997)
09/10/1997	40	REPLY by defendants to motion to dismiss amended complaint [37-1] (10pgs) ((Entered: 09/16/1997)
09/10/1997	41	SECOND AFFIDAVIT of Jeffrey D. Hedlund regarding reply [40-1] (13pgs) ((Entered: 09/16/1997)
09/10/1997		Pro hac vice papers being sent regarding attorneys Martin D. Chitwood and Craig G. Harley. ((Entered: 09/19/1997)
09/15/1997	29	PRETRIAL NOTICE AND ORDER ; pretrial status conference set for 9:00 on 10/15/97 (11pgs) ((Entered: 09/15/1997)

09/30/1997	42	REQUEST by parties for continuance of Pretrial conference set for 10/15/97 at 9:00 am (6 pgs) (SEA) (Entered: 09/30/1997)
09/30/1997	43	ORDER (Magistrate Judge Raymond L Erickson / 9/30/97) granting request [42] pretrial status conference stricken from 10/15/97 9:00 am Court calendar (cc: all counsel on all consolidated cases) (1 pg) (SEA) (Entered: 09/30/1997)
10/03/1997	45	MOTION by defendant to dismiss amended complaint (to Judge John R. Tunheim) Ret. 10/31/97 at 10:00 a.m. (1pg) ((Entered: 10/08/1997)
10/03/1997	46	MOTION by defendant to dismiss consolidated amended complaint (to Judge John R. Tunheim) Ret. 10/31/97 at 10:00 a.m. (3pgs) ((Entered: 10/08/1997)
10/06/1997	44	PETITION AND ORDER for admission pro hac vice (Clerk Francis E. Dosal) on behalf of plaintiffs by James S Notis 1pg (VEM) (Entered: 10/06/1997)
10/31/1997	47	MINUTES:(Judge John R. Tunheim / Karen Grufman) Motion of dfts to dismiss consolidated amended complaint is under advisement. ((Entered: 11/04/1997)
12/18/1997	48	SUPPLEMENT submission by plaintiffs re motion to dismiss consolidated amended complaint [46-1], re motion to dismiss amended complaint [45-1] (10 pgs) (DFL) (Entered: 12/19/1997)
05/22/1998	49	MEMORANDUM OPINION AND ORDER (Judge John R. Tunheim) 1. Dfts' motion to dismiss class pltf's claims [30] is granted in part and denied in part; 2. Dfts' motion to dismiss class LSERS's claims [37] is granted in part and denied in part; 3. Dfts' motions are denied as to the portion of class pltf's and LSERS's section 10(b) claims (count 1 in both complaints) against Digi, Kamm, and Wall (during his tenure of Digi), premised on allegations of Digi's false or misleading statements and accounting practices relating to AetherWorks, excluding the portion of LSERS's claim involving the 72,200 shares of stock it sold before 11/14/96; 4. Dfts' motions are granted as to all remaining portions of class pltf's and LSERS's section 10(b) claims, and these portions are dismissed; 5. Dfts' motions are denied as to the portion of class pltf's and LSERS's section 20(a) claims (count 2 in both complaints) against Kamm and Wall (during his tenure at Digi) which are premised on allegations of Digi's false or misleading statements and accounting practices relating to AetherWorks, excluding the portion of LSERS's claim involving the 72,200 shares of stock it sold before 11/14/96; 6. Dfts' motions are granted as to all remaining portions of class pltf's and LSERS's section 20(a) claims, and these portions are dismissed; 7. Dfts' motion is granted as to LSERS's section 18(a) claim (count 3), and this claim is dismissed; 8. Dfts' motion is granted as to LSERS's common-law fraud and negligent misrepresentation claims (count 4), and these claims are dismissed; 9. LSERS's request for leave to amend its complaint is denied (cc: all counsel) (32 pgs) (SJH) (Entered: 05/26/1998)
06/10/1998	50	ANSWER by defendant Digi International to Consolidated Amended Clas Action Complaint (21pgs) ((Entered: 06/12/1998)
06/10/1998	51	ANSWER by defendant Ervin F Kamm Jr to Consolidated Amended Clas Action Complaint (23pgs) (Modified on 06/12/1998 (Entered: 06/12/1998)
06/10/1998	52	ANSWER by defendant Gerald A Wahl to Consolidated Amended Class Action Complaint (23pgs) ((Entered: 06/12/1998)

06/16/1998	53	ORDER (Magistrate Judge Raymond L. Erickson / 6/16/98) ; pretrial status conference set for 9:15 7/28/98 (cc: all counsel) (10 pgs) (SEA) (Entered: 06/16/1998)
06/16/1998	54	ANSWER by defendant Digi International to amended complaint re: Civ 97-440 (24 pgs) (SEA) (Entered: 06/17/1998)
06/16/1998	55	ANSWER by defendant Ervin F Kamm Jr to amended complaint [25] re: Civ 97-440 (24 pgs) (SEA) (Entered: 06/17/1998)
06/16/1998	56	ANSWER by defendant Gerald A Wahl to amended complaint re: Civ 97-440 (22 pgs) (SEA) (Entered: 06/17/1998)
07/30/1998	57	PRETRIAL ORDER (Magistrate Judge Raymond L. Erickson / 7/28/98) ; amd complaint set for 11/1/98 ; discovery set for 7/1/99 ; non-dispositive motions set for 8/1/99 ; dispositive set for 10/1/99 ; ready for trial set for 11/1/99 (cc: all counsel) (6pgs) ((Entered: 07/30/1998)
11/04/1998	58	NOTICE (Clerk Francis E. Dosal) Case reassigned to Judge Donovan W. Frank ; RLE will remain the magistrate judge assigned to this case 1pg(s) (cc: all counsel) (SJH) (Entered: 11/04/1998)
01/11/1999	59	PROTECTIVE ORDER (Magistrate Judge Raymond L. Erickson 1/11/99) 9pg(s) (cc: all counsel) ((Entered: 01/12/1999)
02/09/1999	60	MOTION by plaintiffs to compel discovery (to Magistrate Judge Raymond L. Erickson) in Duluth , ret. 2/25/99 at 1:30 p.m. 3pg(s) (SJH) (Entered: 02/11/1999)
02/09/1999		NOTICE SENT to out of state attorney: Lee Squitieri (SJH) (Entered: 02/11/1999)
02/10/1999	70	MOTION by plaintiffs to compel responses to class pltfs' first request for production of documents (to Magistrate Judge Raymond L. Erickson) Ret. 2/25/99 at 1:30 p.m. in Duluth, MN (3 pgs) (JMR) (Entered: 02/12/1999)
02/11/1999	61	MEMORANDUM by plaintiffs in support of motion to compel responses to pltf's subpoena duces tecum directed to nonparty Coopers & Lybrand (13 pgs) (JMR) (Entered: 02/12/1999)
02/11/1999	62	MEMORANDUM by plaintiffs in support of motion to compel responses to class pltfs' first request for production of documents directed to all defts (25 pgs) (JMR) (Entered: 02/12/1999)
02/11/1999	63	AFFIDAVIT of Gregg M. Fishbein 3pg(s) (JMR) (Entered: 02/12/1999)
02/11/1999	64	AFFIDAVIT of Jean K. Jones in support of motion and in compliance with local rule 37.1 (6 pgs + exhibits) (separate) (JMR) (Entered: 02/12/1999)
02/11/1999	65	AFFIDAVIT of Jean K. Janes (4 pgs + exhibits) (separate) (JMR) (Entered: 02/12/1999)
02/11/1999	66	MOTION by defendants for protective order (to Magistrate Judge Raymond L. Erickson) Ret. 2/25/99 at 1:30 p.m. (2 pgs) (JMR) (Entered: 02/12/1999)
02/11/1999	67	MEMORANDUM by defendants in support of motion for protective order [66-1] 8pg(s) (JMR) (Entered: 02/12/1999)

02/11/1999	68	AFFIDAVIT of Wendy J. Wildung 37pg(s) (JMR) (Entered: 02/12/1999)
02/11/1999	69	Defts' Local Rule 37.1 certification (3 pgs) (JMR) (Entered: 02/12/1999)
02/18/1999	71	LETTER to court from plaintiffs re stipulation and order 2pg(s) ((Entered: 02/18/1999)
02/18/1999	72	STIPULATION AND ORDER (Magistrate Judge Raymond L. Erickson) withdrawing defts' motion for protective order [66-1] and pltf's motion to compel discovery [60-1] 3pg(s) (cc: all counsel) ((Entered: 02/18/1999)
02/18/1999	73	MEMORANDUM by defendants in opposition to motion to compel responses to class pltf's first request for production of documents [70-1] 21pg(s) (JMR) (Entered: 02/19/1999)
02/18/1999	74	AFFIDAVIT of Wendy J. Wildung 22pg(s) (JMR) (Entered: 02/19/1999)
02/18/1999	75	AFFIDAVIT of Kris Krishnan 5pg(s) (JMR) (Entered: 02/19/1999)
02/22/1999	76	Copy of LETTER from plaintiff's re service of motion papers 1pg(s) ((Entered: 02/24/1999)
03/04/1999	77	MINUTE ORDER (Magistrate Judge Raymond L. Erickson / 3/4/99) granting in part, denying in part pltf's motion to compel discovery [60-1] as is more fully expressed in the text of this order but without prejudice to the motion's renewal upon the pltf's showing of a particularized need for the same 7pg(s) (cc: all counsel) ((Entered: 03/05/1999)
04/30/1999	78	STIPULATION AND ORDER (Magistrate Judge Raymond L. Erickson / 4/30/99) ; discovery set for 9/1/99 ; non-dispositive motions set for 10/1/99 ; dispositive motions set for 12/1/99 ; ready for trial set for 1/1/00 4pg(s)(cc: all counsel) ((Entered: 04/30/1999)
06/11/1999	79	MINUTE ORDER (Magistrate Judge Raymond L. Erickson / 6/11/99) pltf's informal motion for a protective order is DENIED in part and DEFERRED in part; with respect to pltf's motion for class certification, the deft's responsive memorandum and any supporting materials shall be served by no later than 8/20/99 and pltf's reply by 9/10/99; the parties are free to depose expert witnesses at any time within the parameters set by the court's scheduling order but absent compelling cause, no expert witness shall be deposed more than on one occasion; pltf Dennis D'Hondt shall make himself available for his depo in this District at a date and time to be determined by the parties; the parties shall file letter briefs with the court which are to more fully address the appropriateness of deposing the 8 lead pltf's who have not been proffered as class representatives by no later than 6/24/99 7pg(s) (cc: all counsel) ((Entered: 06/11/1999)
06/24/1999	80	Letter BRIEF FILED by Wendy Wildung counsel for defendants re the need for depositions of nine lead Pltf's who have not been proffered as class representatives 15pgs (JMR) (Entered: 06/25/1999)
06/29/1999	81	Letter BRIEF FILED by plaintiff supporting their request for a protective order 17pgs (copy) (JMR) (Entered: 07/01/1999)
07/09/1999	82	LETTER (dated 6/3/99) to court from plaintiffs re class certification 2pg(s) (

		Modified on 07/12/1999 (Entered: 07/12/1999)
07/09/1999	83	LETTER (dated 6/9/99) to court from defendants re class certification 4pg(s) + exhibits (Modified on 07/12/1999 (Entered: 07/12/1999)
07/09/1999	84	LETTER (dated 6/23/99) to court from plaintiffs in support of request for protective order 17pg(s) ((Entered: 07/12/1999)
07/09/1999	85	LETTER (dated 6/24/99) to court from defendants re depositions of 9 lead ptlfs 15pg(s) ((Entered: 07/12/1999)
07/30/1999	86	TRANSCRIPT OF telephone motion hearing held 7/9/99 by Magistrate Judge Raymond L. Erickson (C/R Jean Arends, Reporters Diversified) (SEPARATE) ((Entered: 08/02/1999)
08/02/1999	87	MOTION by ptlfs to disqualify counsel (to Magistrate Judge Raymond L. Erickson) 2pg(s) (PAK) (Entered: 08/05/1999)
08/02/1999	88	LETTER to court from ptlfs counsel re: filing of motion papers. 1pg(s) (PAK) (Entered: 08/05/1999)
08/11/1999	89	MOTION by defendants to dismiss amended complaint of Louisiana State Employees Retirement System (to Magistrate Judge Raymond L. Erickson) ret 8/25/99 at 10:00 in St. Paul 1pg(s) ((Entered: 08/16/1999)
08/11/1999	90	RESPONSE by defendant to Louisian State Employees Retirement System motions for protective order and to compel discovery and in support of cross-motion for dismissal 11pg(s) ((Entered: 08/16/1999)
08/11/1999	91	AFFIDAVIT of Jeffrey D. Hedlund regarding response [90-1] 18pg(s) ((Entered: 08/16/1999)
09/09/1999	92	MEMORANDUM by plaintiff in support of motion to disqualify defendant's counsel. [87-1] (sealed) (separate) (MKC) (Entered: 09/10/1999)
09/09/1999	93	AFFIDAVIT of Jean K. Janes regarding motion to disqualify counsel [87-1] (sealed) (separate) (MKC) (Entered: 09/10/1999)
09/15/1999	94	MEMORANDUM by defendants in opposition to motion to disqualify counsel [87-1] 25pg(s) (JMR) (Entered: 09/16/1999)
09/15/1999	95	AFFIDAVIT of James E. Nicholson 3pg(s) (JMR) (Entered: 09/16/1999)
09/15/1999	96	AFFIDAVIT of Wendy J. Wildung 3pg(s) + exhibits (JMR) Modified on 09/16/1999 (Entered: 09/16/1999)
09/16/1999	97	MOTION by plaintiffs to strike supplemental expert report of Donald M. Nicholson (to Magistrate Judge Raymond L. Erickson) ret. 9/30/99 at 11:00 a.m. 7pgs (JMR) (Entered: 09/17/1999)
09/16/1999	98	MEMORANDUM by plaintiffs in support of motion to strike supplemental expert report of Donald M. Nicholson [97-1] 6pg(s) (JMR) Modified on 09/17/1999 (Entered: 09/17/1999)
09/16/1999	99	AFFIDAVIT of Gregg M. Fishbein regarding motion to strike supplemental expert report of Donald M. Nicholson [97-1] 61pg(s) (JMR) (Entered: 09/17/1999)

09/21/1999	100	Amended NOTICE by plaintiffs of hearing setting hearing for motion to disqualify counsel (to Magistrate Judge Raymond L. Erickson) at 11:00 a.m. 9/30/99 2pg(s) [87-1] (JMR) (Entered: 09/22/1999)
09/23/1999	101	MEMORANDUM by defendants in opposition to motion to strike supplemental expert report of Donald M. Nicholson [97-1] 13pg(s) (JMR) (Entered: 09/24/1999)
09/23/1999	102	AFFIDAVIT of Wendy J. Wildung 3pg(s) + attachments (separate) (JMR) (Entered: 09/27/1999)
10/20/1999	103	ORDER (Magistrate Judge Raymond L. Erickson / 10/20/99) ; settlement conference set for 10:00 11/22/99 in 0:97-cv-00005 in Duluth 2pg(s) (cc: all counsel) ((Entered: 10/20/1999)
11/08/1999	104	STIPULATION AND ORDER (Magistrate Judge Raymond L. Erickson / 11/8/99) dispositive moving papers served by 11/19/99; responsive papers served by 1/7/00; reply papers served by 1/21/00 ; all dispositive motions filed with the Court by 1/28/00 3pg(s)(cc: all counsel) ((Entered: 11/08/1999)
12/07/1999	105	LETTER to Judge Frank dated 12/6/99 from Jacqueline McKone re rejection of reasons for transcription errors 1pg (JMR) (Entered: 12/09/1999)
12/22/1999	106	STIPULATION AND ORDER (Magistrate Judge Raymond L. Erickson) that the pretrial scheduling Order is modified to provide the following briefing schedule with respect to dispositive motions: moving papers shall be served by 11/19/99; responsive papers shall be served by 1/21/00; reply papers shall be served by 2/4/00; all papers shall be filed with the Court by 2/11/00 ; dispositive motions set for 2/11/00 3 pg(s)(cc: all counsel) (SEA) (Entered: 12/22/1999)
01/07/2000	107	MEMORANDUM ORDER: (Magistrate Judge Raymond L. Erickson / 1/7/00) denying pltf's motion to disqualify counsel [87-1]; denying pltf's motion to strike supplemental expert report of Donald M. Nicholson [97-1]; defts' informal request for attys' fees and costs associated with defending the pltfs' motion to disqualify is GRANTED; the defts shall submit to the pltf an account of the reasonable attys' fees and costs associated with responding to the pltfs' motion to disqualify counsel as more fully detailed in the text of this order and if the parties are unable to amicably resolve the issue of attys' fees and costs, they are to promptly submit the issue to the court in accordance with the directives contained in this Order 30pg(s) (cc: all counsel) ((Entered: 01/07/2000)
01/14/2000	108	MEMORANDUM ORDER: (Magistrate Judge Raymond L. Erickson / 1/14/00) denying deft's motion for sanctions [89-1]; LSER's informal motion for a protective order and to compel is DENIED ; discovery extended to 9/22/99 for the exclusive purposes of conducting the deposition of Robert Stillman, of producing any previously requested but yet outstanding discovery and should the defts so choose, to conduct the depositions of LSER's custodian(s) of records in Baton Rouge; that LSER's local counsel has been directed to review and sign all submissions hereafter made to the Court in this case on behalf of LSERS 13pg(s) (cc: all counsel) ((Entered: 01/14/2000)
01/25/2000	109	LETTER to court from Jean K. Janes, Re: service of plaintiff's opposition to summary judgment motion papers 2pg(s) (DFL) (Entered: 01/27/2000)

02/09/2000	110	MOTION by defendants for summary judgment against the class pltfs (to Judge Donovan W. Frank) 6pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	111	MEMORANDUM by defendants in support of motion for summary judgment against the class pltfs [110-1] 30pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	112	AFFIDAVIT of Ervin F. Kamm, Jr. 6pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	113	AFFIDAVIT of James E. Nicholson 2pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	114	AFFIDAVIT of John P. Schinas 4pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	115	AFFIDAVIT of Gerald A. Wall 3pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	116	MOTION by defendants for summary judgment (to Judge Donovan W. Frank) , and for sanctions against pltf Louisiana State Employees Retirement System (was to Judge Donovan W. Frank - now to Magistrate Judge Raymond Erickson) 2pg(s) (JMR) Modified on 08/18/2000 (Entered: 02/11/2000)
02/09/2000	117	AFFIDAVIT of I. Walton Bader regarding motion for summary judgment [116-1] [116-2] 40pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	118	MEMORANDUM by class plaintiff Louisiana State Employees Retirement System in opposition to motion for summary judgment and for sanctions against counsel for class pltf Louisiana State Employees Retirement System [116-2] 21pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	119	MEMORANDUM by defendants in support of motion for summary judgment and for sanctions against pltf Louisiana State Employees Retirement System [116-1] [116-2] 24pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	120	REPLY memorandum by defendants to motion for summary judgment against the class pltfs [116-1] 9pgs (JMR) (Entered: 02/11/2000)
02/09/2000	121	MOTION by defendants to strike affidavits of L. Walton Bader and Henry F. Otto (to Judge Donovan W. Frank) 1pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	122	BRIEF by defendants in support of motion to strike affidavits of L. Walton Bader and Henry F. Otto [121-1] 5pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	123	NOTICE by defendants of hearing setting hearings for defts' motion for sumjgm against the class pltfs; defts' motion for sumjgm and for sanctions against pltf. Louisiana State Employees Retirement System; and defts' motion to strike affidavit of I. Walton Bader and Henry F. Otto ret. 4/28/00 at 10:00 a.m. 3pgs [121-1] [116-1] [116-2] [110-1] (JMR) (Entered: 02/11/2000)
02/09/2000	124	AFFIDAVIT of I. Walton Bader regarding motion for sanctions [116-2] 17pgs + exhibits (separate) (JMR) (Entered: 02/11/2000)
02/09/2000	125	AFFIDAVIT of C. David Flower 4pg(s)+ exhibits (separate) (JMR) (Entered: 02/11/2000)
02/09/2000	126	MEMORANDUM by plaintiffs in opposition to motion for summary judgment dated 1/21/00 [116-1] [110-1] (sealed)(separate) (JMR) (Entered: 02/11/2000)
02/09/2000	127	AFFIDAVIT of Jean K. Janes in support of pltfs' response to defts' motion for

		summary judgment and exhibits dated 1/21/00 [110-1][116-1] (sealed) (separate) (JMR) (Entered: 02/11/2000)
02/09/2000	128	AFFIDAVIT of Subramanian Krishnan 62pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	129	AFFIDAVIT of Ahna M. Thoresen 24pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	130	AFFIDAVIT of Maureen McGarrigle 3pg(s) (JMR) (Entered: 02/11/2000)
02/09/2000	131	AFFIDAVIT of Wendy J. Wildung [116-1] [116-2] [110-1] (6 pgs + exhibits) (some exhibits sealed/separate others unsealed/ separate) (JMR) Modified on 02/14/2000 (Entered: 02/11/2000)
02/09/2000	132	EXHIBITS 1 - 13 to affidavit of Wendy Wildung [131-1] [116-1] [116-2] [110-1] (sealed - separate) (JMR) Modified on 02/11/2000 (Entered: 02/11/2000)
02/09/2000	133	EXHIBITS 29 - 46 to affidavit of Wendy Wildung [131-1] [116-1] [116-2] [110-1] [121-1] (sealed - separate) (JMR) Modified on 02/14/2000 (Entered: 02/11/2000)
02/09/2000	134	EXHIBITS 48 - 59 to affidavit of Wendy J. Wildung [131-1] [116-1] [116-2] [110-1] (sealed - separate) (JMR) Modified on 02/11/2000 (Entered: 02/11/2000)
02/09/2000	135	EXHIBIT 61 to affidavit of Wendy J. Wildung [131-1] [116-1] [116-2] [110-1] (sealed - separate) (JMR) Modified on 02/11/2000 (Entered: 02/11/2000)
02/09/2000	136	EXHIBITS 63-64 to affidavit of Wendy J. Wildung [116-1] [116-2] [110-1] [131-1] (sealed - separate) (JMR) (Entered: 02/11/2000)
02/09/2000	137	EXHIBITS to affidavit of Wendy Wildung [121-1] [116-1] [116-2] [110-1] [131-1] (separate) (JMR) Modified on 02/14/2000 (Entered: 02/14/2000)
02/09/2000	138	EXHIBITS 2,4,14 to affidavit of Wendy Wildung [121-1] [116-1] [116-2] (separate) (JMR) (Entered: 02/14/2000)
02/09/2000	139	EXHIBITS 47, 62, 65 - 75 to affidavit of Wendy Wildung [131-1] [121-1][116-1] [116-2] [121-1] (separate) (JMR) Modified on 02/14/2000 (Entered: 02/14/2000)
02/22/2000	140	EXHIBIT 2 to affidavit of C. David Flower filed 2/9/00 [125-1] (separate) (JMR) (Entered: 02/24/2000)
02/24/2000	141	LETTER to court from defendants requesting a ruling on pltf's request for a protective order 2pg(s) (Modified on 02/24/2000 (Entered: 02/24/2000)
02/24/2000	142	MEMORANDUM ORDER: (Magistrate Judge Raymond L. Erickson / 2/24/00) granting pltf's informal motion for a protective order with respect to the 8 lead pltf's who are not seeking certification as class representatives as is more fully explained in the text of this order 6pg(s) (cc: all counsel) (Entered: 02/24/2000)
04/05/2000	143	MOTION by defts for an order removing lead pltf's (to Magistrate Judge Raymond L. Erickson) (5pg(s) (DDB) Modified on 04/10/2000 (Entered: 04/07/2000)
04/05/2000	144	MEMORANDUM by deft in support of its motion for an order removing lead pltf's [143-1]. (25pg(s) (DDB) (Entered: 04/07/2000)
04/05/2000	145	AFFIDAVIT of Wendy J.Wildung regarding defts' motion for an order removing lead pltf's [143-1]. (3pg(s) +EXHIBITS (SEPARATE) (DDB) (Entered:

		04/07/2000)
04/06/2000	146	ORDER of Reference (Judge Donovan W. Frank) that the dfts' motion to remove lead pltfs in the above-entitled matter is referred to Magistrat Judge Raymond L. Erickson (referring to Magistrate Judge Raymond L. Erickson motion for an order removing lead pltfs (to Magistrate Judge Raymond L. Erickson) [143-1] FILERS"as to ,n,pty,all" the motion for an order removing lead pltfs (to Magistrate Judge Raymond L. Erickson) [143-1] 1pg(s) (cc: all counsel) (SJH) (Entered: 04/10/2000)
04/12/2000	147	NOTICE by defts of hearing setting hearing for motion for an order removing lead pltfs (to Magistrate Judge Raymond L. Erickson - Duluth) [143-1]. ret. at 11:00 a.m. on 5/18/00 (2pg(s) (DDB) (Entered: 04/17/2000)
04/26/2000	148	MOTION by pltfs for an order maintaining this action as a class action (was to Judge Donovan W. Frank - now to Magistrate Judge Raymond L. Erickson) (4pg(s) (DDB) Modified on 05/05/2000 (Entered: 05/01/2000)
04/26/2000	149	MEMORANDUM by pltfs in support of their motion for an order maintaining this action as a class action [148-1]. (19pg(s) (DDB) (Entered: 05/01/2000)
04/26/2000	150	AFFIDAVIT of Jean K. Janes regarding pltfs' motion for an order maintaining this action as a class action [148-1]. (59pg(s) (DDB) (Entered: 05/01/2000)
04/26/2000	151	MEMORANDUM by defts in opposition to pltfs motion for an order maintaining this action as a class action [148-1]. (32pg(s) (DDB) (Entered: 05/01/2000)
04/26/2000	152	AFFIDAVIT of Wendy J. Wildung regarding defts' memorandum in opposition to pltfs' motion for an order maintaining this action as a class action [148-1]. (3pg(s) +EXHIBITS (SEPARATE) (DDB) (Entered: 05/01/2000)
04/26/2000	153	REPLY by pltfs in support of their motion for an order maintaining this action as a class action [148-1]. (19pg(s) (DDB) (Entered: 05/01/2000)
04/26/2000	154	AFFIDAVIT of Gregg M. Fishbein regarding pltfs' reply memorandum in support of their motion for an order maintaining this action as a class action [148-1]. (3pg(s) +EXHIBITS (SEPARATE) (DDB) (Entered: 05/01/2000)
04/28/2000	155	MINUTES:(Judge Donovan W. Frank / Bruce Tiffany) deft's motion for sumjgm against class pltfs. - taken under advisement [110-1]. Deft's motion for sumjgm and sanctions against Louisiana State Employees System - taken under advisement [116-1]. Deft's motion to strike affidavits of L. Walton Bader and Henry Otto - taken under advisement [121-1]. Pretrial - pltfs moiton to certify class is pending. After decision of the motions heard and this motion pending a trial ready date will be set 60 to 90 days out. 1pg (JMR) (Entered: 05/02/2000)
05/03/2000	156	ORDER (Judge Donovan W. Frank) of reference. Pltfs' motion for class certification is referred to Magistrate Judge Raymond L. Ericskon [148-1] 1pg(s) (cc: all counsel) (JMR) Modified on 05/05/2000 (Entered: 05/05/2000)
05/04/2000	157	NOTICE by pltfs of hearing setting hearing for their motion for an order maintaining this action as a class action (was to Judge Donovan W. Frank - now to Magistrate Judge L. Erickson - Duluth) [148-1]. ret. at 10:00 a.m. on 6/8/00. (3pg(s) (DDB) (Entered: 05/08/2000)

05/05/2000	158	NOTICE by defts of hearing setting hearing for their motion for an order removing lead pltf (to Magistrate Judge Raymond L. Erickson - Duluth) [143-1]. ret. at 10:00 a.m. on 6/8/00 (2pg(s) (DDB) (Entered: 05/09/2000)
06/01/2000	159	MEMORANDUM by pltf in opposition to deft's motion for an order removing lead pltf [143-1]. (20pg(s) (DDB) (Entered: 06/02/2000)
06/01/2000	160	AFFIDAVIT of Gregg M. Fishbein in support of pltf's memorandum in opposition to defts' motion for an order removing lead pltf [143-1]. (9pg(s) (DDB) (Entered: 06/02/2000)
08/17/2000	161	MEMORANDUM, OPINION, AND ORDER: (Judge Donovan W. Frank) The motion by the defts for sumjgm against the class pltf is granted. The class pltf's complaint is dismissed with prejudice. The motion of the defts for sumjgm against pltf Louisiana State Employees Retirement System is granted. Louisiana State Employees Retirement System's complaint is dismissed with prejudice. The motion by the defts to strike the affidavits of I. Walton Bader and Henry F. Otto is granted in part and denied in part. The motion is granted as to the Bader affidavit, submitted in opposition to the sumjgm motion, and denied as to the Otto affidavit. The defts' motion for sanctions against pltf Louisiana State Employees Retirement System is referred to Magistrate Judge Raymond Erickson. (c: attys.) 23pgs [110-1] [116-1} [116-2] [121-1] (JMR) (Entered: 08/17/2000)
08/17/2000	162	JUDGMENT: 1pg(s) (cc: all counsel) (JMR) (Entered: 08/17/2000)
09/01/2000	163	NOTICE OF APPEAL to the Eighth Circuit Court of Appeals by Louisiana State Employees Retirement System from Judge Donovan W. Frank's order and judgment entered on 8/17/00 [162-1] [161-2] (3pgs) (Receipt# 235798) (BLW (Entered: 09/06/2000)
09/06/2000		DELIVERED/MAILED TWO CERTIFIED and one uncertified copy of each of the following to the Court of Appeals, St. Paul Office: Notice of Appeal, Order, Judgment and District Court Clerk's Docket Entries. Copy of Notice of Appeal mailed to counsel (BLW (Entered: 09/06/2000)
09/13/2000		NOTIFICATION BY CIRCUIT COURT of Appellate Docket Number 00-3162MNMI (doc 163-1) (BLW (Entered: 09/14/2000)
09/14/2000	164	NOTICE OF APPEAL to the Eighth Circuit Court of Appeals by plaintiffs' from Judge Donovan W. Frank's final judgment and Memorandum Opinion and Order entered on 8/17/00 and order of Judge Tunheim entered on 5/22/98 [162-1] [161-2] (2pgs) (Receipt #419203) (BLW (Entered: 09/18/2000)
09/18/2000		DELIVERED/MAILED TWO CERTIFIED and one uncertified copy of each of the following to the Court of Appeals, St. Paul Office: Notice of Appeal, Order, Judgment and District Court Clerk's Docket Entries. Copy of Notice of Appeal mailed to counsel (BLW (Entered: 09/18/2000)
09/20/2000		NOTIFICATION BY CIRCUIT COURT of Appellate Docket Number 00-3227MNMI (doc #164-1) (BLW (Entered: 09/21/2000)
10/20/2000	165	NOTICE of hearing ; In court hearing re Defendant's Motion for sanctions against Plaintiff set for 11:30 11/8/00 in St. Paul Court Rm. 3 before Magistrate Judge Erickson 2pg(s) (JMH) Modified on 10/23/2000 (Entered: 10/20/2000)

10/26/2000	166	TRANSCRIPT OF motions of defendants held 10/31/97 before Judge John R. Tunheim (Grufman, Karen J.) (SEPARATE) (DFL) (Entered: 10/27/2000)
01/19/2001	167	TRANSCRIPT OF Hearing held 4/28/00 before the Honorable Judge Donovan W. Frank (Bruce R. Tiffany). (SEPARATE) (DDB) (Entered: 01/22/2001)
10/09/2001	168	CERTIFIED COPY OF OPINION FROM USCA (Bowman) (Heaney) (Kopf) - J; filed 7/5/01 affirming the decision of the District Court [164-1] [163-1] as to Digi Intl (BLW (Entered: 10/10/2001)
10/09/2001	169	CERTIFIED COPY of judgment from USCA that the judgment of the distric tcourt is affirmed in accordance with the opinion of this Court - MANDATE ISSUED 10/5/01 (Notice to Counsel) (5pgs) (BLW (Entered: 10/10/2001)
07/23/2002	170	NOTICE OF INTENT TO DESTROY DOCUMENTS UNDER SEAL. 1pg (VEM) (Entered: 07/23/2002)

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