

US District Court for the  
Southern District of California

3:99cv151

Broudo, et al v. Dura Pharmaceuticals, et al

Date Filed: 01/27/1999	Class Code:
Assigned To: Judge M James Lorenz	Closed: No
Referred To: Magistrate Judge William McCurine, Jr	Statute: 15:78m(a)
Nature of suit: Securities (850)	Jury Demand:
Cause: Securities Exchange Act	Demand Amount: \$0
Lead Docket: None	
Other Docket: None	
Jurisdiction: Federal Question	

**Litigants**

**Attorneys**

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PLAINTIFF

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Ronald L Futterman, as Trustee for the Futterman &  
Howard, CHTD Employee Profit Sharing Trust  
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v.

Dura Pharmaceuticals, Inc  
DEFENDANT

William F Sullivan  
[COR LD NTC]  
Paul Hastings Janofsky and Walker  
3579 Valley Centre Drive  
San Diego , CA 92130  
USA  
(858)720-2500  
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Merrill Lynch and Co, Inc/Merrill Lynch, Pierce  
Fenner and Smith, Inc  
DEFENDANT

J Anthony Sinclitico, III  
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Nissan Motor Co, , A Japanese Corporation  
DEFENDANT

-----  
Scott Rothstein, on Behalf of Themselves and All  
Others Similarly Situated  
PLAINTIFF

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Stuart Gollomp, on Behalf of Themselves and All

William S Lerach

Others Similarly Situated  
PLAINTIFF

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Jeff Bedard, on Behalf of Themselves and All Others  
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Roberta Speck, on Behalf of Herself and All Others  
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Pelican Financial, LLC, on Behalf of Itself and All  
Others Similarly Situated  
PLAINTIFF

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Others Similarly Situated  
PLAINTIFF

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v.

Pierce Fenner & Smith, Inc  
DEFENDANT

-----  
Michael Marty  
PLAINTIFF

Timothy J Burke  
[COR LD NTC]  
Stull Stull and Brody  
10940 Wilshire Boulevard  
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(310)209-2087

<b>Date</b>	<b>#</b>	<b>Proceeding Text</b>
1/27/1999	1	Complaint Filed; (referred to Magistrate James F. Stiven ) Receipt No/Amt of Fee: 45763/\$150 (jrl) [Entry date 01/28/99] [3:99cv151]
1/27/1999	2	Summons issued as to defendant Dura Pharmaceuticals, defendant Cam L Garner, defendant James W Newman, defendant Charles W Prettyman, defendant Walter F Spath, defendant James C Blair, defendant Julia R Brown, defendant Joseph C Cook Jr, defendant Mitchell R Woodbury, defendant Merrill Lyncy and Co (jrl) [Entry date 01/28/99] [3:99cv151]
2/1/1999	3	Minutes: Enter Order by Judge John S. Rhoades recusing himself and orders that the case be reassigned to another judge; Case reassigned to Judge Jeffrey T. Miller (ryc) [Entry date 02/02/99] [3:99cv151]
2/12/1999	4	Return of Service of summons and cmp executed upon Chris McGraff on behalf of defendant Dura Pharmaceuticals on 2/3/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
2/12/1999	5	Return of Service of summosn and cmp executed upon Chris McGraff on behalf of defendant Cam L Garner on 2/3/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
2/12/1999	6	Return of Service of summons & cmp executed upon Chris McGraff on behalf of defendant James W Newman on 2/3/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
2/12/1999	7	Return of Service of summons & cmp executed upon Chris McGraff on behalf of defendant Charles W Prettyman on 2/3/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]

- 2/12/1999 8 Return of Service of summons & cmp executed upon Chris McGraff on behalf of defendant Walter F Spath on 2/3/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
- 2/12/1999 9 Return of Service summons & cmp executed upon Chris McGraff on behalf of defendant James C Blair on 2/3/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
- 2/12/1999 10 Return of Service summons & cmp executed upon Chris McGraff on behalf of defendant Julia R Brown on 2/3/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
- 2/12/1999 11 Return of Service of summons & cmp executed upon defendant Joseph C Cook Jr on 2/2/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
- 2/12/1999 12 Return of Service summons & cmp executed upon Chris McGraff on behalf of defendant Mitchell R Woodbury on 2/3/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
- 2/12/1999 13 Return of Service summons & cmp executed upon Alfredo Perez on behalf of defendant Merrill Lynch and Co on 2/1/99 by personal svc (ryc) [Entry date 02/16/99] [3:99cv151]
- 3/29/1999 14 Notice of Motion and Motion by plaintiff for the Dura Pharmaceuticals Plaintiffs group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [ motion(s) referred to Judge Jeffrey T. Miller ] motion hrg set for 5/24/99 at 10:30 am (meg) [Entry date 03/30/99] [3:99cv151]
- 3/29/1999 15 Memorandum of points and authorities by plaintiff in support of motion for the Dura Pharmaceuticals Plaintiffs group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [14-1] (meg) [Entry date 03/30/99] [3:99cv151]
- 3/29/1999 16 Declaration of Tor Gronborg by plaintiff re motion for the Dura Pharmaceuticals Plaintiffs group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [14-1] (meg) [Entry date 03/30/99] [3:99cv151]
- 3/30/1999 17 Stipulation and Order by Judge Jeffrey T. Miller, consolidation of cases for all purposes; notice of pendency and briefing schedule; Case consolidated 3:99-cv-151 with member cases 3:99-cv-196, 3:99-cv-215, 3:99-cv-231, 3:99-cv-306 New Parties plaintiff Scott Rothstein, Stuart Gollomp, Jeff Bedard, defendant Pierce Fenner, plaintiff Roberta Speck, Pelican Financial, Martha A Deadrick (transfer letter prepared) (meg) [Entry date 03/31/99] [3:99cv151]
- 4/6/1999 18 Proof of service by defendant Dura Pharmaceuticals in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant James C Blair in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Mitchell R Woodbury in 3:99-cv-00151 of: stip re: consolidation of cases; notice of pendency and briefing schedule (meg) [Entry date 04/07/99] [3:99cv151]
- 5/10/1999 19 Response by defendant Dura Pharmaceuticals in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant James C Blair in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Mitchell R Woodbury in 3:99-cv-00151 to pla's motion for the Dura Pharmaceuticals Plaintiffs group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [14-1] (meg) [Entry date 05/11/99] [3:99cv151]

- 5/10/1999 20 Appendix of supplemental authorities filed by defendant Dura Pharmaceuticals in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant W Prettyman in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant James C Blair in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Joseph Cook Jr in 3:99-cv-00151, defendant Mitchell R Woodbury in 3:99-cv-00151 in support of dft's response to pla's mot for appt of lead pla's cnsl (meg) [Entry date 05/11/99] [3:99cv151]
- 5/12/1999 21 DISCREPANCY ORDER by Judge Jeffrey T. Miller accepting document: joinder from defendant Merrill Lynch and Co in 3:99-cv-00151, no response on file, document is to be filed nunc pro tunc to the date received (meg) [Entry date 05/12/99] [3:99cv151]
- 5/12/1999 22 JOINDER by defendant Merrill Lynch and Co in 3:99-cv-00151, defendant Pierce Fenner in 3:99-cv-00151 joining in the Dura Dfts' response to plas' motion for the Dura Pharmaceuticals Plaintiffs group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [14-1] (nunc pro tunc to 5/10/99) (meg) [Entry date 05/12/99] [Edit date 05/12/99] [3:99cv151]
- 5/12/1999 23 Proof of service by defendant Dura Pharmaceuticals in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant James C Blair in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Mitchell R Woodbury in 3:99-cv-00151 of: dft's resp to pla's mot for the appointment of lead Pla's cnsl; Appendix of supplemental authorities in support of dft's resp to pla's mot for appointment of lead pla's cnsl (meg) [Entry date 05/13/99] [3:99cv151]
- 5/12/1999 24 Proof of service by defendant Dura Pharmaceuticals in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant James C Blair in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Mitchell R Woodbury in 3:99-cv-00151 of: dft's resp to pla's mot for the appointment of lead pla's cnsl and appendix of supplemental authorities (meg) [Entry date 05/13/99] [3:99cv151]
- 5/21/1999 25 DISCREPANCY ORDER by Judge Jeffrey T. Miller accepting document: reply memorandum in support of pla's mot to appoint lead pla and supplement declaration of Henry Rosen from plaintiff Michael Broudo in 3:99-cv-00151, non-compliance with local rule 15.1, document is to be filed nunc pro tunc to the received (meg) [Entry date 05/21/99] [3:99cv151]
- 5/21/1999 26 Reply memorandum by plaintiff Michael Broudo in 3:99-cv-00151 to opposition to motion for the Dura Pharmaceuticals group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [14-1] (nunc pro tunc to 5/17/99) (meg) [Entry date 05/21/99] [3:99cv151]
- 5/21/1999 27 Supplemental Declaration of Henry Rosen by plaintiff Michael Broudo in 3:99-cv-00151 re motion reply [26-1] (nunc pro tunc to 5/17/99) (meg) [Entry date 05/21/99] [3:99cv151]

- 5/25/1999 28 Stipulation and Order by Judge Jeffrey T. Miller: re motion for the Dura Pharmaceuticals Plaintiffs group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [14-1], motion hearing continued to 10:30 6/1/99 (andy) [Entry date 05/25/99] [3:99cv151]
- 6/1/1999 29 Minutes: Enter Order by Judge Jeffrey T. Miller that the motion for the Dura Pharmaceuticals Plaintiffs group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [14-1] is submitted and court to prepare order; Court Reporter: D. Henson (andy) [Entry date 06/03/99] [3:99cv151]
- 6/18/1999 30 Order by Judge Jeffrey T. Miller granting motion for the Dura Pharmaceuticals Plaintiffs group to be appointed lead pla pursuant to 21D(a)(3)(B) and to approve selection of cnsl [14-1]; Dura Pharmaceutical Plaintiffs Group satisfies the necessary requirements and therefore is appointed lead pla in this consolidated action; furthermore the court approves law firms Milberg, Wiess, Bershad, Hynes & Lerach, LLP and Berstein, Litowitz, Berger & Grossman and Cohen, Milstein, Hausfeld & Toll as lead counsel for proposed class (andy) [Entry date 06/21/99] [3:99cv151]
- 8/4/1999 31 Stipulation to continue date to file and serve amended complaint and briefing schedule and Order by Judge Jeffrey T. Miller: it is ordered that pla amended complaint shall be filed and served by 9/15/99; dft shall file their responsive pleading within 45 days and opposition papers shall be filed 45 days after service of the motion and reply papers shall be filed 21 days after service of pla opposition papers (andy) [Entry date 08/05/99] [3:99cv151]
- 9/7/1999 32 Ex Parte Application by plaintiff's in 3:99-cv-00151 to stay proceedings pending Ninth Circuit ruling regarding En Banc review of In Re Silicon Graphics (andy) [Entry date 09/08/99] [3:99cv151]
- 9/16/1999 33 Order by Judge Jeffrey T. Miller denying plaintiffs' ex parte application to stay proceedings pending ninth circuit ruling re: en banc review of in re silicon graphics [32-1] (kjl) [Entry date 09/16/99] [3:99cv151]
- 9/16/1999 34 Order by Judge Jeffrey T. Miller denying stipulation continuing briefing schedule. (kjl) [Entry date 09/16/99] [3:99cv151]
- 9/17/1999 35 Order by Judge Jeffrey T. Miller in support of denial of stipulation and motion for stay (kjl) [Entry date 09/17/99] [3:99cv151]
- 9/22/1999 36 Stipulation and Order by Judge Jeffrey T. Miller: plaintiffs' consolidated amended complaint shall be filed on or before 10/7/99 and defendants' Answer or pleading responsive to the consolidated amended complaint shall be filed on or before 11/22/99 for Nissan Motor Company, for Pierce Fenner, for Merrill Lynch and Co, for Mitchell R Woodbury, for Joseph C Cook Jr, for Julia R Brown, for James C Blair, for Walter F Spath, for Charles W Prettyman, for James W Newman, for Cam L Garner, for Dura Pharmaceuticals (kjl) [Entry date 09/23/99] [3:99cv151]
- 10/7/1999 37 Consolidated and Amended complaint [1-1]; demand jury trial (kjl) [Entry date 10/08/99] [3:99cv151]
- 11/12/1999 38 Order by Judge Jeffrey T. Miller:Case reassigned to Judge M. J. Lorenz (andy) [Entry date 11/15/99] [3:99cv151]

- 11/22/1999 39 Notice of Motion and Motion by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [ motion(s) referred to Judge M. J. Lorenz ]; motion hrg set for 2/28/00 at 10:00 am (meg) [Entry date 11/23/99] [3:99cv151]
- 11/22/1999 40 Memorandum of points and authorities by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 in support of motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] (meg) [Entry date 11/23/99] [3:99cv151]
- 11/22/1999 41 Declaration of Sean T. Prosser by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 re motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] (meg) [Entry date 11/23/99] [3:99cv151]
- 11/22/1999 42 Appendix of unpublished authorities Filed by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 (meg) [Entry date 11/23/99] [3:99cv151]
- 11/22/1999 43 Request for Judicial Notice by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] (meg) [Entry date 11/23/99] [3:99cv151]
- 12/8/1999 44 Stipulation and Order by Judge Napoleon A. Jones : re motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1], hrg set for 2/28/00 at 10:00; opposition to motion due by 1/20/00; reply to opposition to motion due by 2/14/00 (meg) [Entry date 12/09/99] [3:99cv151]
- 12/22/1999 45 Pro Hac Vice approved by Judge M. J. Lorenz on behalf of plaintiff Michael Broudo in 3:99-cv-00151 for Michael D Donovan; local counsel Blake M. Harper (cag) [Entry date 12/22/99] [3:99cv151]
- 1/11/2000 46 Order by Magistrate Judge James F. Stiven Case referred to Magistrate Judge Nita L. Stormes (orig in 98cv176) (meg) [Entry date 01/12/00] [3:99cv151]

- 1/21/2000 47 Stipulation and Order by Judge M. J. Lorenz setting brief scheduled re motion to dismiss consolidated and amended cmp [39-1]: plas' opposition to motion by 2/3/00, dfts' reply to opposition to motion by 2/28/00, motion hearing set for 10:00 4/24/00. (lmh) [Entry date 01/24/00] [3:99cv151]
- 2/2/2000 48 Stipulation and Order setting briefing schedule by Judge M. J. Lorenz : re motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1]; opposition to motion due by 2/10/00; reply to opposition to motion due by 3/6/00; motion hearing set for 10:00 4/24/00 (meg) [Entry date 02/03/00] [3:99cv151]
- 2/18/2000 49 Notice of Motion and Motion by plaintiff David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Michael Broudo in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151, plaintiff Jeff Bedard in 3:99-cv-00151, plaintiff Roberta Speck in 3:99-cv-00151, plaintiff Pelican Financial in 3:99-cv-00151, plaintiff Martha A Deadrick in 3:99-cv-00151, plaintiff Scott Rothstein in 3:99-cv-00151, plaintiff Faye Wright in 3:99-cv-00151, plaintiff Robert Johnson in 3:99-cv-00151 for leave to file brief in excess of 25 pages [motion referred to Judge M. J. Lorenz ] motion hrg set for 4/24/00 at 10:00 (jrl) [Entry date 02/18/00] [3:99cv151]
- 2/18/2000 50 Memorandum of points and authorities by plaintiff David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Michael Broudo in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151, plaintiff Jeff Bedard in 3:99-cv-00151, plaintiff Roberta Speck in 3:99-cv-00151, plaintiff Pelican Financial in 3:99-cv-00151, plaintiff Martha A Deadrick in 3:99-cv-00151, plaintiff Scott Rothstein in 3:99-cv-00151, plaintiff Faye Wright in 3:99-cv-00151, plaintiff Robert Johnson in 3:99-cv-00151 in support of motion for leave to file brief in excess of 25 pages [49-1] (jrl) [Entry date 02/18/00] [3:99cv151]
- 2/18/2000 51 Order by Judge M. J. Lorenz granting motion for leave to file brief in excess of 25 pages [49-1] (jrl) [Entry date 02/18/00] [3:99cv151]
- 2/18/2000 52 Opposition by plaintiff David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Michael Broudo in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151, plaintiff Jeff Bedard in 3:99-cv-00151, plaintiff Roberta Speck in 3:99-cv-00151, plaintiff Pelican Financial in 3:99-cv-00151, plaintiff Martha A Deadrick in 3:99-cv-00151, plaintiff Scott Rothstein in 3:99-cv-00151, plaintiff Faye Wright in 3:99-cv-00151, plaintiff Robert Johnson in 3:99-cv-00151 to motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] (jrl) [Entry date 02/18/00] [3:99cv151]
- 2/18/2000 53 Declaration by Henry Rosen for plaintiff David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Michael Broudo in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151, plaintiff Jeff Bedard in 3:99-cv-00151, plaintiff Roberta Speck in 3:99-cv-00151, plaintiff Pelican Financial in 3:99-cv-00151, plaintiff Martha A Deadrick in 3:99-cv-00151, plaintiff Scott Rothstein in 3:99-cv-00151, plaintiff Faye Wright in 3:99-cv-00151, plaintiff Robert Johnson in 3:99-cv-00151 re motion response [52-1] (jrl) [Entry date 02/18/00] [3:99cv151]
- 3/3/2000 54 Stipulation and Order by Judge M. J. Lorenz: setting briefing schedule re motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] reply brief to motion due by 3/24/00. Hearing on dfts mot to dismiss the consolidated amended cmp shall remain as ordered by ct, 4/24/00 at 10:00 am. (meg) [Entry date 03/03/00] [3:99cv151]

- 3/13/2000 55 Notice by defendant Dura Pharmaceuticals in 3:99-cv-00151 of change of address: Brobeck Phleger & Harrison, 12390 El Camino Real, San Diego, CA 92130 (858)720-2500, fax (858)720-2555. (Atty Maint) (lmh) [Entry date 03/14/00] [3:99cv151]
- 3/24/2000 56 Statement by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151 ; in response to plas' mot to file a brief in excess of 25 pages. (meg) [Entry date 03/27/00] [3:99cv151]
- 3/24/2000 57 Reply by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151 to opposition to motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] (meg) [Entry date 03/27/00] [3:99cv151]
- 3/24/2000 58 Supplemental appendix of unpublished authorities filed by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151 in support of mot to dismiss plas' consolidated and amended cmp (meg) [Entry date 03/27/00] [3:99cv151]
- 3/24/2000 59 Second Request for Judicial Notice by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151 motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] (meg) [Entry date 03/27/00] [3:99cv151]
- 3/31/2000 60 Notice by plaintiff in 3:99-cv-00151 of change of address for Kohn, Swift and Graf, One South Broad Street, Ste 2100., Philadelphia, PA 19107-3389 (atty maint) (meg) [Entry date 04/05/00] [3:99cv151]
- 4/24/2000 61 Minutes: Enter Order by Judge M. J. Lorenz that the motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] is under submission Court Reporter: Jeannette Hill (meg) [Entry date 04/26/00] [3:99cv151]
- 4/27/2000 62 DISCREPANCY ORDER by Judge M. J. Lorenz accepting document: supplemental from plaintiff David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151, plaintiff Jeff Bedard in 3:99-cv-00151, plaintiff Roberta Speck in 3:99-cv-00151, plaintiff Pelican Financial in 3:99-cv-00151, plaintiff Scott Rothstein in 3:99-cv-00151, plaintiff Faye Wright in 3:99-cv-00151, plaintiff Robert Johnson in 3:99-cv-00151, non-compliance with local rule 15.1, document is to be filed nunc pro tunc to the date received (meg) [Entry date 04/27/00] [3:99cv151]
- 4/27/2000 63 NUNC PRO TUNC 4/25/00 Submission of Supplemental authority in support of plas' opposition to dfts' mot to dismiss by plaintiff David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151, plaintiff Jeff Bedard in 3:99-cv-00151, plaintiff Roberta Speck in 3:99-cv-00151, plaintiff Pelican Financial in 3:99-cv-00151, plaintiff Scott Rothstein in 3:99-cv-00151, plaintiff Faye Wright in 3:99-cv-00151, plaintiff Robert Johnson in 3:99-cv-00151 (meg) [Entry date 04/27/00] [3:99cv151]

- 6/7/2000 64 Notice of change of address: Effective immediately, the Law Offices of Steven E. Cauley has changed its name to Cauley & Geller, LLP; The new address is 11311 Arcade Drive, ste #201, Little Rock, Arkansas 72212: The firm's Little Rock phone # (501)312-8500 and fax #(501)312-8505 remain unchanged; Paul Geller, formerly Shepherd & Geller has joined Cauley & Geller, LLP as a partner and maintains the office in Florida; Effective 6/1/00, the Florida office address will be: One Boca Place, 2255 Glades Road, Ste 421A, Boca Raton, Florida 33431; (atty not in this case)(no atty maintenance completed) (axc) [Entry date 06/08/00] [Edit date 06/08/00] [3:99cv151]
- 6/9/2000 65 DISCREPANCY ORDER by Judge M. J. Lorenz accepting document: Notice of recently decided authority in support of pla's opp to dft's motion to dismiss from plaintiff David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151, non-compliance with local rule 7.1.e or 47.1.b.1, document is to be filed nunc pro tunc to the date received (llh) [Entry date 06/09/00] [3:99cv151]
- 6/9/2000 66 Notice by plaintiffs David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151 of filing Notice of recently decided authority in support of pla's opp to dfts motion to dismiss; NUNC PRO TUNC TO 6/8/00 (llh) [Entry date 06/09/00] [3:99cv151]
- 7/11/2000 67 Order by Judge M. J. Lorenz; case consolidated 3:99-cv-151 with member cases 3:99-cv-769, new parties plaintiff Michael Marty to case(s) 3:99-cv-00151 (lmh) [Entry date 07/13/00] [3:99cv151]
- 7/12/2000 68 Order by Judge M. J. Lorenz granting motion to dismiss consolidated and amended cmp pursuant to FRCP 9(b) and 12(b)(6) [39-1] without prejudice. Plas shall file and serve an amd cmp w/in 60 days of the date of this order is stamped filed. (meg) [Entry date 07/13/00] [3:99cv151]
- 8/31/2000 69 Order by Judge M. J. Lorenz setting hrg on dfts mot to dismiss to 1/16/01 at 10:30 am. (meg) [Entry date 09/01/00] [3:99cv151]
- 8/31/2000 70 Stipulation and Order by Judge M. J. Lorenz re filing amd cmp and briefing schedule. Plas shall have until 9/25/00 to file the second amd consolidated cmp. Dfts have until 11/1/00 to file mot to dismiss. Oppos due 12/1/00. Reply due 12/15/00. The hrg on dfts mot to dismiss shall be calendared at the ct's discretion. (meg) [Entry date 09/01/00] [3:99cv151]
- 9/22/2000 71 Notice by plaintiff in 3:99-cv-00151 of change of address for Law Offices of Richard D. Kranich at 531 Main Street, Ste 407., New York, NY 10044-0107 (atty maint) (meg) [Entry date 09/25/00] [3:99cv151]
- 9/25/2000 72 Second consolidated amended complaint [37-1]; demand for jury trial (meg) [Entry date 09/26/00] [3:99cv151]
- 11/15/2000 73 Order by Judge M. J. Lorenz setting hrg on dfts' motion to dismiss from 1/16/01 to 3/12/01 at 10:30. (vls) [Entry date 11/16/00] [3:99cv151]
- 11/15/2000 74 Stipulation and Order by Judge M. J. Lorenz : setting briefing schedule: Dfts have until 11/1/00 to file their motion to dismiss plas second amended consolidated cmp, and plas have until 12/1/00 to file an opposition; and dfts have until 11/22/00 to file their motion to dismiss; plas have until 1/12/01 to file an opposition to dfts' motion to dismiss; dfts have until 1/29/01 to file a reply brief; and the hrg on dfts' motion to dismiss the cmp shall be continued from 1/16/01 and calendared at the ct's discretion. (vls) [Entry date 11/16/00] [3:99cv151]

- 11/22/2000 75 Notice of Motion and Motion by defendant Dura Pharmaceuticals in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151 to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [ motion(s) referred to Judge M. J. Lorenz ] motion hrg set for 3/12/01 at 10:30 (vls) [Entry date 11/24/00] [3:99cv151]
- 11/22/2000 76 Memorandum of points and authorities by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 in support of motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1] (vls) [Entry date 11/24/00] [3:99cv151]
- 11/22/2000 77 Declaration of Sean T. Prosser by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 re motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1] (vls) [Entry date 11/24/00] [3:99cv151]
- 11/22/2000 78 Notice by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 of filing dfts's appendix of supplemental authorities in support of motion to dismiss plas' second consolidated and amended cmp (vls) [Entry date 11/24/00] [3:99cv151]
- 11/22/2000 79 Request for Judicial Notice by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1] (vls) [Entry date 11/24/00] [3:99cv151]
- 12/20/2000 80 Stipulation and Order by Judge M. J. Lorenz : re motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b) [75-1]; opposition to motion due 1/26/01; reply to opposition to motion due 2/19/01; hrg on dfts mot to dismiss shall remain 3/12/01 at 10:30 am. (meg) [Entry date 12/21/00] [3:99cv151]
- 2/2/2001 81 Request by plaintiffs in 3:99-cv-00151 for: leave of court to file brief (memo of p/a in oppos to mot to dismiss plas 2nd consolidated amd cmp) in excess of 25 pages. (meg) [Entry date 02/02/01] [Edit date 02/02/01] [3:99cv151]
- 2/2/2001 82 Order by Judge M. J. Lorenz granting request for leave of court to file brief in excess of 25 pages [81-1] (meg) [Entry date 02/02/01] [3:99cv151]

- 2/2/2001 83 Memo of points and authorities in Opposition by plaintiffs in 3:99-cv-00151 to motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1] (meg) [Entry date 02/02/01] [Edit date 02/02/01] [3:99cv151]
- 2/20/2001 84 Reply by defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 to opposition to motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1] (meg) [Entry date 02/21/01] [3:99cv151]
- 2/21/2001 85 DISCREPANCY ORDER by Judge M. J. Lorenz accepting document: supplemental request for judicial notice from defendant Dura Pharmaceuticals and defendants in 3:99-cv-00151, non-compliance with local rule 15.1, document is to be filed nunc pro tunc to the date received (bar) [Entry date 02/22/01] [3:99cv151]
- 2/21/2001 86 Supplemental Request for Judicial Notice by defendant Dura Pharmaceuticals and defendants in 3:99-cv-00151 motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1]; NUNC PRO TUNC 2/20/01 (bar) [Entry date 02/22/01] [Edit date 02/22/01] [3:99cv151]
- 2/21/2001 87 Second Appendix of Supplemental Authorities by defendant Dura Pharmaceuticals and defendants in 3:99-cv-00151 re motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1]; NUNC PRO TUNC 2/20/01 (bar) [Entry date 02/22/01] [Edit date 02/22/01] [3:99cv151]
- 2/22/2001 88 Notice by defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Mitchell R Woodbury in 3:99-cv-00151 of filing amended notice of filing date to 3/26/01 at 10:30; chambers will provide minute order (jrl) [Entry date 02/23/01] [3:99cv151]
- 2/26/2001 89 Minutes: Enter Order by Judge M. J. Lorenz re motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1]. Motion hearing set for 3/12/01 is cont to 10:30 3/26/01 Court Reporter: n/a (meg) [Entry date 03/01/01] [3:99cv151]
- 3/26/2001 90 Minutes: Enter Order by Judge M. J. Lorenz that the motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1] is taken under submission; Court Reporter: J. Hill (andy) [Entry date 03/28/01] [3:99cv151]
- 7/10/2001 91 DISCREPANCY ORDER by Judge M. J. Lorenz rejecting document: hrg date is past from defendants, non-compliance with local rule, parties must seek leave to file supplemental authority via ex parte applications. (meg) [Entry date 07/11/01] [3:99cv151]
- 10/9/2001 92 Ex parte Application by plaintiffs requesting the court's permission to file a notice of recent authority. (meg) [Entry date 10/11/01] [3:99cv151]
- 10/30/2001 93 Notice by Paul J Scarlato attorney for defendant Dura Pharmaceuticals in 3:99-cv-00151 of change of address (joeh) [Entry date 10/31/01] [3:99cv151]
- 11/5/2001 94 Notice by Michael D Donovan attorney for plaintiff Michael Broudo in 3:99-cv-00151 of change of address (joeh) [Entry date 11/06/01] [3:99cv151]

- 11/5/2001 95 Order by Judge M. J. Lorenz granting motion to dismiss plas' second consolidated and amended cmp pursuant to 12(b)(6), 9(b); [75-1]. Second consolildated and amended complaint is dismissed with prejudice. Dfts request for judicial notice is granted insofar as the court has relied on those documents. The clerk of the court is directed to enter judgment in this action, and the judgment shall apply to all matters that have been consolidated to the instant master file, in re Dura Securities Litigation 99cv151 L(NLS). (copy of order in member cases) (meg) [Entry date 11/06/01] [Edit date 11/06/01] [3:99cv151]
- 11/6/2001 96 Clerks Judgment: court grants defendant's motion to dismiss plaintiffs' second consolidated and amended complaint. Second consolildated and amended complaint is dismissed with prejudice. Defendants' request for judicial notice is granted insofar as the court has relied on those documents. The clerk of the court is directed to enter judgment in this action, and the judgment shall apply to all matters that have been consolidated to the instant master file, in re Dura Securities Litigation 99cv151 L(NLS). terminating case (meg) [Entry date 11/06/01] [3:99cv151]
- 12/4/2001 97 Notice of appeal by plaintiff Michael Broudo in 3:99-cv-00151, plaintiff Roberta Speck in 3:99-cv-00151 from Dist. Court decision entered on 11/6/01. Receipt No/Amt of Fee: #077354, \$105 [96-2]; t/w civil appeals docketing stmt and representation stmt (other plaintiffs listed in appeal not a party to this case) (aps) [Entry date 12/05/01] [3:99cv151]
- 12/4/2001 98 Notice by William S Lerach attorney for plaintiff David Danis in 3:99-cv-00151, plaintiff Ronald L Futterman in 3:99-cv-00151, plaintiff Michael Broudo in 3:99-cv-00151, plaintiff Stuart Gollomp in 3:99-cv-00151, plaintiff Jeff Bedard in 3:99-cv-00151, plaintiff Roberta Speck in 3:99-cv-00151, plaintiff Pelican Financial in 3:99-cv-00151, plaintiff Martha A Deadrick in 3:99-cv-00151, plaintiff Scott Rothstein in 3:99-cv-00151, plaintiff Faye Wright in 3:99-cv-00151 of change of address (joeh) [Entry date 12/05/01] [3:99cv151]
- 12/5/2001 -- Notice of appeal sent to Circuit Court [97-1] (aps) [Entry date 12/05/01] [3:99cv151]
- 12/10/2001 99 Notification by Circuit Court of Appellate Docket Number [97-1] 01-57136 (aps) [Entry date 12/10/01] [3:99cv151]
- 12/10/2001 100 Received Order for appeal time schedule from USCA: Aplnt to notify aplee of trans ordered: 12/14/01; Aplee to notify aplnt of addtnl trans: 12/24/01; Aplnt to file trans order form w/ USDC: 1/3/02; Ct Rpt to file trans in USDC: 2/4/02 (aps) [Entry date 12/10/01] [3:99cv151]
- 12/17/2001 101 Transcript Designation and Ordering Form for dates: 4/24/00, 3/26/01 [97-1] (aps) [Entry date 12/18/01] [3:99cv151]
- 1/14/2002 -- Reporter's Transcript of proceedings for the following date(s): 4/24/00 (Re: [97-1] ) (andy) [Entry date 01/14/02] [3:99cv151]
- 1/14/2002 -- Reporter's Transcript of proceedings for the following date(s): 3/26/01 (Re: [97-1] ) (andy) [Entry date 01/14/02] [3:99cv151]
- 1/14/2002 102 Mailed Certificate of Record Transmitted to USCA [97-1] (cc: all counsel) (apa) [Entry date 01/14/02] [3:99cv151]
- 3/25/2002 104 Copy of Appellate Court Order: the appellants' motion for an extension of time in which to file the opening brief is granted. (aps) [Entry date 03/26/02] [Edit date 04/24/02] [3:99cv151]
- 4/19/2002 103 Confirmation from USCA in receiving COR (apa) [Entry date 04/22/02] [3:99cv151]

- 2/26/2003 105 Notice by attorney William F Sullivan attorney for defendant Mitchell R Woodbury in 3:99-cv-00151, defendant Joseph C Cook Jr in 3:99-cv-00151, defendant Julia R Brown in 3:99-cv-00151, defendant Walter F Spath in 3:99-cv-00151, defendant Charles W Prettyman in 3:99-cv-00151, defendant James W Newman in 3:99-cv-00151, defendant Cam L Garner in 3:99-cv-00151, defendant Dura Pharmaceuticals in 3:99-cv-00151 of change of firm name. (swd) [Entry date 02/27/03] [3:99cv151]
- 10/14/2003 -- Received judgement from USCA. Forwarded copy to Court Clerk for calendar. (rv/rmd) (apb) [Entry date 10/17/03] [3:99cv151]
- 10/17/2003 106 Notice of Spreading the Mandate: Appeal mandate hrg set for 10:30 11/17/03 before Judge M. James Lorenz re USCA reversing and remanding the USDC decision " (apb) [Entry date 10/20/03] [3:99cv151]
- 11/17/2003 107 Minutes of Mandate Hearing, certified copy of USCA jgm certified copy of USCA jgm reversing/remanding USDC decision ordered filed and entered. ; appeal mandate hearing set 10:30 11/17/03 Court Reporter: J. Hill (apb) [Entry date 11/19/03] [3:99cv151]
- 11/17/2003 108 Certified copy of judgment from USCA reversing and remanding the Decision of the District Court re appeal [97-1] (apb) [Entry date 11/19/03] [3:99cv151]
- 12/15/2003 109 Minutes: Enter Order by Judge M. J. Lorenz: Status hrg held; cnsl to submit briefing schedule; Court Reporter: Jeannette Hill (ryc) [Entry date 12/15/03] [3:99cv151]
- 12/19/2003 110 Stipulation Regarding Briefing Schedule and Order Thereon by Judge M. J. Lorenz: Lead plaintiffs shall served and file with the Court the cmp no later than 45 days after the U.S. Supreme Court enters its order denying the dfts' petition for certiorari. Dfts shall have 45 days after the filing of the cmp to serve and file with the Court their responsive pleading. In the event that dfts' responsive pleading is a motion to dismiss, lead plaintiffs shall have 45 days after the filing of the motion to dismiss to serve and file with the Court their opposition to dfts' motion to dismiss. Dft shall thereafter have 21 days after the filing of the opposition to serve and file with the Court their reply to lead plaintiffs' opposition to dfts' motion to dismiss. (ryc) [Entry date 12/19/03] [3:99cv151]
- 1/12/2004 111 Order of Transfer by Magistrate Judge Nita L. Stormes: Case referred to Magistrate Judge William McCurine Jr. (new case no. 99cv151-L(WMc) (ryc) [Entry date 01/12/04] [3:99cv151]