

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

(Atlanta)

1:99cv141

In Re: Theragenics Corp SEC

Date Filed: 01/15/1999
Assigned To: Judge Thomas W Thrash
Referred To:
Nature of suit: Securities (850)
Cause: Securities Exchange Act
Lead Docket: None
Other Docket: None
Jurisdiction: Federal Question

Class Code: LEAD 8MOS
Closed: No
Statute: 15:78
Jury Demand: Plaintiff
Demand Amount: \$0

Litigants

Attorneys

MCV Sales Inc Profit Sharing Plan & Trust DTD
6/16/75, on Behalf of Itself and All Others Similarly
Situated
PLAINTIFF

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley

1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Steven G Schulman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Samuel H Rudman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300
Address Terminated On 3/ 28/ 03

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165

USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Peter Corey
PLAINTIFF

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta GA 30309

USA
404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Herbert Garbutt
PLAINTIFF

M Richard Komins, PHV
[COR LD NTC]
Barrack Rodos & Bacine
2001 Market Street
3300 Two Commerce Square
Philadelphia , PA 19103
USA
215-963-0600

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr

[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]

Robert Hudson
PLAINTIFF

Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]

Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

James J Holten
PLAINTIFF

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley

1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Daniel Kursman
PLAINTIFF

Leonard Barrack, PHV
[COR LD NTC]
Barrack Rodos & Bacine
2001 Market Street
3300 Two Commerce Square
Philadelphia PA 19103

USA
215-963-0600

M Richard Komins, PHV
[COR LD NTC]
Barrack Rodos & Bacine
2001 Market Street
3300 Two Commerce Square
Philadelphia , PA 19103
USA
215-963-0600

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA

404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

W H Thead, Jr
PLAINTIFF

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Robert L Thomas, Jr
PLAINTIFF

Martin D Chitwood
[COR LD NTC]

Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk

501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Zachary Alan Starr, PHV

[COR LD]

Starr & Holman

10 East 40TH Street
Suite 2904
New York , NY 10016
USA
212-684-6442

Sidney Fielden
PLAINTIFF

Fred Taylor Isquith, PHV

[COR LD]

Wolf Haldenstein Adler Freeman & Herz

270 Madison Avenue
New York , NY 10016
USA
212-545-4600
212-545-4690 Direct

Shane T Rowley, PHV

[COR LD]

Wolf Haldenstein Adler Freeman & Herz

270 Madison Avenue
New York , NY 10016
USA
212-545-4600

Martin D Chitwood

[COR LD NTC]

Chitwood & Harley

1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr

[COR LD NTC]

[Term: 09/02/2003]

Chitwood & Harley

1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA

404-873-3900

Address Terminated On 12/ 1/ 03

John O'Shea Sullivan

[COR LD NTC]

[Term: 08/19/1999]

Chitwood & Harley

1230 Peachtree Street, NE

2300 Promenade II

Atlanta , GA 30309

USA

404-873-3900

Address Terminated On 9/ 27/ 99

Krissi T Gore

[COR LD NTC]

Chitwood & Harley

1230 Peachtree Street, NE

2300 Promenade II

Atlanta , GA 30309

USA

404-873-3900

Salvatore J Graziano, PHV

[COR LD NTC]

Milberg Weiss Bershad Hynes & Lerach

One Pennsylvania Plaza

48TH Floor

New York , NY 10119-0165

USA

212-594-5300

Keith M Fleischman, PHV

[COR LD NTC]

Milberg Weiss Bershad Hynes & Lerach

One Pennsylvania Plaza

48TH Floor

New York , NY 10119-0165

USA

212-594-5300

Jeffrey R Krinsk, PHV

[COR LD NTC]

Finkelstein & Krinsk

501 West Broadway

1250 the Koll Center

San Diego , CA 92101-3579

USA

619-238-1333

Bruce B Bernstein
PLAINTIFF

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman PHV

[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Robert I Harwood, PHV
[COR LD]
Wechsler Harwood
488 Madison Avenue
8TH Floor
New York , NY 10022
USA
212-953-7400
212-953-3630

Jeffrey M Haber, PHV
[COR LD]
Wechsler Harwood
488 Madison Avenue
8TH Floor
New York , NY 10022
USA
212-953-7400
Address Terminated On 4/ 20/ 00

Frederick W Gerkens, PHV
[COR LD]
Wechsler Harwood
488 Madison Avenue
8TH Floor
New York , NY 10022
USA
212-953-7400

Geraldine Byers
PLAINTIFF

Marc H Edelson, PHV
[COR LD NTC]
Hoffman & Edelson

45 West Court Street
Doylestown , PA 18901
USA
215-230-8043

Joshua N Rubin, PHV

[COR LD]

Abbey Gardy

212 East 39TH Street
New York , NY 10016
USA
212-889-3700

Martin D Chitwood

[COR LD NTC]

Chitwood & Harley

1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr

[COR LD NTC]

[Term: 09/02/2003]

Chitwood & Harley

1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan

[COR LD NTC]

[Term: 08/19/1999]

Chitwood & Harley

1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore

[COR LD NTC]

Chitwood & Harley

1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309

USA
404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Paul J Scarlato, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Robert S Kitchenoff, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Bruce G Murphy, PHV
[COR LD NTC]

Howard B Marks
PLAINTIFF

Law Offices of Bruce G Murphy
265 LLWYDS Lane
Vero Beach , FL 32963-3252
USA
561-231-4202

Marc H Edelson, PHV
[COR LD NTC]
Hoffman & Edelson
45 West Court Street
Doylestown , PA 18901
USA
215-230-8043

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE

2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Jonathan M Plasse, PHV
[COR LD]
Goodkind Labaton Rudoff & Sucharow
100 Park Avenue
12TH Floor
New York , NY 10017-5563
USA
212-907-0700
212-907-0863

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Paul J Scarlato, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Alexander T Kowalski
PLAINTIFF

Robert S Kitchenoff, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Marc H Edelson, PHV
[COR LD NTC]
Hoffman & Edelson
45 West Court Street
Doylestown , PA 18901
USA
215-230-8043

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Jeffrey L Kodroff, PHV
[COR LD]
Spector Roseman & Kodroff
1818 Market Street
Suite 2500
Philadelphia , PA 19103
USA
215-496-0300

Paul J Scarlato, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Robert S Kitchenoff, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100

Philadelphia , PA 19103
USA
215-545-7200

Sara Cheeseman
PLAINTIFF

Marc H Edelson, PHV
[COR LD NTC]
Hoffman & Edelson
45 West Court Street
Doylestown , PA 18901
USA
215-230-8043

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Krissi T Gore
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta GA 30309

USA
404-873-3900

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Paul J Scarlato, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Robert S Kitchenoff, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Dennis J Johnson, PHV
[COR LD NTC]

Law Offices of Dennis J Johnson
1690 Williston Road
South Burlington , VT 05403
USA
802-862-0030

Jacob B Perkinson, PHV
[COR LD NTC]
Law Offices of Dennis J Johnson
1690 Williston Road
South Burlington , VT 05403
USA
802-862-0030

Jerry L Jensen
PLAINTIFF

Marc H Edelson, PHV
[COR LD NTC]
Hoffman & Edelson
45 West Court Street
Doylestown , PA 18901
USA
215-230-8043

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta GA 30309

USA
404-873-3900
Address Terminated On 9/ 27/ 99

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Kevin J Yourman, PHV
[COR LD]
Weiss & Yourman
10940 Wilshire Boulevard
24TH Floor
Los Angeles , CA 90024
USA
310-208-2800

Jordan L Lurie, PHV
[COR LD]
Weiss & Yourman
10940 Wilshire Boulevard
24TH Floor
Los Angeles , CA 90024
USA
310-208-2800

Michael D Braun PHV

[COR LD]
Stull Stull & Brody
10940 Wilshire Boulevard
Suite 2300
Los Angeles , CA 90024
USA
310-209-2468

Paul J Scarlato, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Robert S Kitchenoff, PHV
[COR LD NTC]
Weinstein Kitchenoff Scarlato & Goldman
1845 Walnut Street
Suite 1100
Philadelphia , PA 19103
USA
215-545-7200

Joseph S Butler
PLAINTIFF

Marc H Edelson, PHV
[COR LD NTC]
Hoffman & Edelson
45 West Court Street
Doylestown , PA 18901
USA
215-230-8043

Martin D Chitwood
[COR LD NTC]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900

Alan R Perry, Jr
[COR LD NTC]
[Term: 09/02/2003]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II

Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 12/ 1/ 03

John O'Shea Sullivan
[COR LD NTC]
[Term: 08/19/1999]
Chitwood & Harley
1230 Peachtree Street, NE
2300 Promenade II
Atlanta , GA 30309
USA
404-873-3900
Address Terminated On 9/ 27/ 99

Salvatore J Graziano, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Keith M Fleischman, PHV
[COR LD NTC]
Milberg Weiss Bershad Hynes & Lerach
One Pennsylvania Plaza
48TH Floor
New York , NY 10119-0165
USA
212-594-5300

Jeffrey R Krinsk, PHV
[COR LD NTC]
Finkelstein & Krinsk
501 West Broadway
1250 the Koll Center
San Diego , CA 92101-3579
USA
619-238-1333

Jacqueline Sailer, PHV
[COR LD]
Rabin & Peckel
275 Madison Avenue
34TH Floor
New York , NY 10016
USA

212-682-1818

Brian P Murray, PHV

[COR LD]

Rabin & Peckel

275 Madison Avenue

34TH Floor

New York , NY 10016

USA

212-682-1818

Paul J Scarlato, PHV

[COR LD NTC]

Weinstein Kitchenoff Scarlato & Goldman

1845 Walnut Street

Suite 1100

Philadelphia , PA 19103

USA

215-545-7200

Robert S Kitchenoff, PHV

[COR LD NTC]

Weinstein Kitchenoff Scarlato & Goldman

1845 Walnut Street

Suite 1100

Philadelphia , PA 19103

USA

215-545-7200

v.

Theragenics Corp
DEFENDANT

Michael R Smith

[COR LD NTC]

King & Spalding

191 Peachtree Street, NE

Atlanta , GA 30303-1763

USA

404-572-4600

Martin Robert Thornton

[COR LD NTC]

King & Spalding

191 Peachtree Street, NE

Atlanta , GA 30303-1763

USA

404-572-4600

Letitia A McDonald

[COR LD NTC]

King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

Dan Shamus McDevitt
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

John Patterson Brumbaugh
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600
404-572-5100

M Christine Jacobs
DEFENDANT

Michael R Smith
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

Martin Robert Thornton
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

Letitia A McDonald
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

Dan Shamus McDevitt
[COR LD NTC]

King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

John Patterson Brumbaugh
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600
404-572-5100

Bruce W Smith
DEFENDANT

Michael R Smith
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

Martin Robert Thornton
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

Letitia A McDonald
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

Dan Shamus McDevitt
[COR LD NTC]
King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600

John Patterson Brumbaugh
[COR LD NTC]

King & Spalding
191 Peachtree Street, NE
Atlanta , GA 30303-1763
USA
404-572-4600
404-572-5100

| Date | # | Proceeding Text |
|-------------|----------|--|
| 01/15/1999 | <u>1</u> | COMPLAINT filed and summons issued. Consent form to proceed before U.S. magistrate and pretrial instructions given to attorney; jury demand FILING FEE \$ 150.00 RECEIPT # 434002 (bsm) [Entry date 01/24/99] [1:99cv141] |
| 01/15/1999 | <u>2</u> | ANSWERS TO MANDATORY DISCLOSURES by plaintiff (bsm) [Entry date 01/24/99] [1:99cv141] |
| 03/02/1999 | <u>3</u> | Application for admission of Samuel Rudman & Steven Schulman pro hac vice for plaintiff (to judge) (pdw) [Entry date 03/09/99] [1:99cv141] |
| 03/15/1999 | -- | ENDORSED ORDER by Judge Thomas W. Thrash GRANTING [3-1] pro hac vice application (cc) (pdw) [Entry date 03/16/99] [1:99cv141] |
| 03/16/1999 | <u>4</u> | MOTION by defendant Theragenics Corp for consolidation and for appointment as lead plaintiffs and for approval of selection of lead counsel with brief in support, notice of filing original affidavit, and affidavit of Steven G. Schulman. (pdw) [Entry date 03/17/99] [1:99cv141] |
| 03/30/1999 | <u>5</u> | Acknowledgment of service, entry of appearance, and proposed consent scheduling order by defendants. (pdw) [Entry date 04/01/99] [1:99cv141] |
| 03/30/1999 | -- | Added attorneys for defendants: Martin Robert Thornton, Michael R. Smith, Letitia M. Brown, Dan Shamus McDevitt. (pdw) [Entry date 04/01/99] [1:99cv141] |
| 04/02/1999 | -- | ENDORSED CONSENT SCHEDULING ORDER by Judge Thomas W. Thrash APPROVING [5-1] proposed consent scheduling order: parties to file proposed consent consolidation order by 4/19/99; dfts to file response to consolidation and lead pla motion by 4/19/99; plas to file consolidated amended complaint w/in 45 days of appointment of lead pla and counsel; dft to file consolidated response to consolidated amended complaint; plas to file motion for class certification w/in 30 days after dfts answer consolidated amended complaint. (cc) (pdw) [Entry date 04/05/99] [1:99cv141] |
| 04/19/1999 | <u>6</u> | CONSENT ORDER by Judge Thomas W. Thrash, consolidating cases, 1:99-cv-141-TWT to be lead case, counsel to call attention to the Clerk when filing or transferring any case that might properly be consolidated as part of this consolidated action; MCV Sales Inc. Profit Sharing Plan & Trust Dtd. 6/16/75, Peter Corey, Herbert Garbutt, Robert Hudson, James J. Holten, Daniel Kursman, w.H. Thead, Jr., and Robert L. Thomas, Jr., appointed lead plaintiffs; law firms of Milberg, Weiss, Bershad, Hynes, & Lerach LLP, Chitwood & Harley, and Barrach, Rodos, & Bacine appointed lead counsel (cc) (pdw) [Entry date 04/20/99] [1:99cv141 1:99cv175 1:99cv201 1:99cv205 1:99cv253 1:99cv271 1:99cv354 1:99cv407 1:99cv425 1:99cv443 1:99cv488] |
| 05/04/1999 | <u>7</u> | Application for admission of Salvatore J. Graziano and Keith M. Fleischman pro hac vice for plaintiffs (to TWT) (bsm) [Entry date 05/06/99] [Edit date 05/14/99] [1:99cv141] |

05/11/1999 -- ENDORSED ORDER on appl phv by Judge Thomas W. Thrash GRANTING [7-1] pro hac vice applications of Keith Fleischman and Salvatore Graziano (cc) (dj) [Entry date 05/14/99] [1:99cv141]

05/11/1999 -- Added attorney for plaintiff in 1:99-cv-00141: Keith M. Fleischman. (dj) [Entry date 05/14/99] [1:99cv141]

05/27/1999 -- Proposed consent order extending time until 6/18/99 to file a consolidated amended cmp. (to TWT) (gjt) [Entry date 06/02/99] [1:99cv141]

06/04/1999 8 CONSENT ORDER by Judge Thomas W. Thrash, extending time until 6/18/99 to file consolidated amended complaint and scheduling order Ans due 60 days after plas file consolidated amended cmp. (cc) (gjt) [Entry date 06/07/99] [Edit date 06/07/99] [1:99cv141]

06/18/1999 9 Applications for admission of Dennis J. Johnson and Jacob B. Perkinson pro hac vice for Sara Cheeseman (to TWT) (llg) [Entry date 06/23/99] [Edit date 06/24/99] [1:99cv141]

06/18/1999 10 AMENDED COMPLAINT; jury demand (bsm) [Entry date 06/26/99] [1:99cv141]

06/22/1999 11 Applications for admission of Marc H. Edelson, Robert S. Kitchenoff, Paul J. Scarlato pro hac vice for plaintiffs (to TWT) (bsm) [Entry date 06/26/99] [1:99cv141]

06/24/1999 12 Application for admission of Jeffrey R. Krinsk pro hac vice for plaintiffs (to TWT) (bsm) [Entry date 06/26/99] [Edit date 06/26/99] [1:99cv141]

06/25/1999 -- ENDORSED ORDER on applications by Judge Thomas W. Thrash APPROVING [9-1] pro hac vice applications (cc) (bsm) [Entry date 06/26/99] [1:99cv141]

06/28/1999 -- ENDORSED ORDER on applications by Judge Thomas W. Thrash APPROVING [11-1] pro hac vice applications (cc) (bsm) [Entry date 06/29/99] [1:99cv141]

06/28/1999 -- ENDORSED ORDER on application by Judge Thomas W. Thrash APPROVING [12-1] pro hac vice application (cc) (bsm) [Entry date 06/29/99] [1:99cv141]

08/12/1999 13 CONSENT ORDER by Judge Thomas W. Thrash, extending time to 9/3/99 to answer [10-1] amended complaint, if defendants file a motion to dismiss, plaintiffs shall have 45 days to file an opposition and plaintiffs shall have 30 days to reply. (cc) (llg) [Entry date 08/13/99] [1:99cv141]

08/19/1999 14 Certification of Consent to Substitution of Counsel for plaintiffs terminating attorney John O'Shea Sullivan. Martin D. Shitwood and Alan R. Perry, Jr. will continue to represents plaintiffs. (llg) [Entry date 08/24/99] [1:99cv141]

09/03/1999 15 MOTION by defendants to dismiss plaintiffs' consolidated amended complaint with memorandum and appendix in support. (llg) [Entry date 09/07/99] [1:99cv141]

09/28/1999 -- SUBMITTED to Judge Thomas W. Thrash on [15-1] motion to dismiss plaintiffs' consolidated amended complaint (llg) [Entry date 09/28/99] [1:99cv141]

10/18/1999 -- Proposed consent order extending the time for plas to respond to defts' motion to dismiss to 10/19/99. (to TWT) (llg) [Entry date 10/20/99] [1:99cv141]

10/18/1999 16 CONSENT ORDER by Judge Thomas W. Thrash granting extension of time to 10/19/99 for plas to respond to defts' motion to dismiss plas' consolidated amended complaint. [15-1] motion to dismiss plaintiffs' consolidated amended complaint to be submitted on 10/22/99 (cc) (llg) [Entry date 10/20/99] [1:99cv141]

10/19/1999 17 Response by plaintiffs in 1:99-cv-00141 to [15-1] motion to dismiss plaintiffs' consolidated amended complaint, with compendium of unreported decisions. (pdw) [Entry date 10/22/99] [1:99cv141]

10/27/1999 -- SUBMITTED to Judge Thomas W. Thrash on [15-1] motion to dismiss plaintiffs' consolidated amended complaint (FILE IN CHAMBERS) (llg) [Entry date 10/27/99] [1:99cv141]

11/17/1999 18 CONSENT ORDER by Judge Thomas W. Thrash, extending time ntil 11/24/99 to file reply brief in support of [15-1] motion to dismiss plaintiffs' consolidated amended complaint (cc) (bsm) [Entry date 11/18/99] [1:99cv141]

11/24/1999 19 Reply brief by dfts to their [15-1] motion to dismiss plaintiffs' consolidated amended complaint. (dfb) [Entry date 11/26/99] [1:99cv141]

12/17/1999 20 Notice of of filing supplemental authority by plaintiffs (llg) [Entry date 12/17/99] [1:99cv141]

02/01/2000 21 Notice of filing supplemental authority in support of [15-1] motion to dismiss by defendants. (llg) [Entry date 02/02/00] [1:99cv141]

04/11/2000 22 Notice of supplemental authority by plaintiff in 1:99-cv-00141. (ck) [Entry date 04/12/00] [1:99cv141]

07/20/2000 23 ORDER by Judge Thomas W. Thrash GRANTING [15-1] motion to dismiss plaintiffs' consolidated amended complaint and GRANTING plas leave to file a second amended complaint w/in 30 days from docketing this order. [23-1] order to be submitted on 8/25/00 if not amended complaint filed (cc) (fms) [Entry date 07/20/00] [1:99cv141]

07/20/2000 -- Terminated submissions. (fms) [Entry date 07/20/00] [1:99cv141]

08/21/2000 24 SECOND AMENDED COMPLAINT (as allowed by the 7/20/00 order) by plaintiff in 1:99-cv-00141; jury demand (as) [Entry date 08/23/00] [1:99cv141]

09/01/2000 25 Certification of Consent to Substitution of Counsel for plaintiffs Corey D. Holzer, substiuting Martin Chitwood of Chitwood and Harley replacing attorney Corey D. Holzer. (crc) [Entry date 09/05/00] [1:99cv141]

09/05/2000 26 CONSENT ORDER by Judge Thomas W. Thrash, extending time to respond to second [24-1] amended complaint thru 9/29/00, Answer due 9/29/00 for Theragenics Corp, for M. Christine Jacobs, for Bruce W. Smith. If dfts file a motion to dismiss all or part of second amended complaint then plas shall have thru 10/31/00 to file an opposition. Dfts shall have thru 11/15/00 to file any opposition. (cc) (crc) [Entry date 09/06/00] [1:99cv141]

10/02/2000 27 ORDER by Judge Thomas W. Thrash, extending time to respond to second [24-1] amended complaint . If dft's file a motion for to dismiss to the second amended cmp, plas' shall have thru 11/9/00 to file any oppositions. Dfts shall have thru and including 11/22/00 to file a reply to plas' opposition, if any. (cc) (crc) [Entry date 10/03/00] [1:99cv141]

10/06/2000 28 MOTION by defendants to dismiss plas' second amended complaint with brief and appendix in support. (crc) [Entry date 10/11/00] [1:99cv141]

10/31/2000 -- SUBMITTED to Judge Thomas W. Thrash on [28-1] motion to dismiss plas' second amended complaint (crc) [Entry date 10/31/00] [1:99cv141]

11/02/2000 -- Proposed Consent order re briefing schedule from the parties. (to TWT) (crc) [Entry

date 11/03/00] [1:99cv141]

- 11/08/2000 29 CONSENT ORDER by Judge Thomas W. Thrash that pla shall respond to [28-1] motion to dismiss plas' second amended complaint by 11/21/00 and dfts shall file a reply brief by 12/08/00, [28-1] motion to dismiss plas' second amended complaint to be submitted on 12/11/00 (cc) (crc) [Entry date 11/09/00] [1:99cv141]
- 11/21/2000 30 Memo by plaintiffs in opposition to [28-1] motion to dismiss plas' second amended complaint (crc) [Entry date 11/22/00] [1:99cv141]
- 11/22/2000 -- SUBMITTED to Judge Thomas W. Thrash on [28-1] motion to dismiss plas' second amended complaint. (File in chambers.) (crc) [Entry date 11/22/00] [1:99cv141]
- 11/30/2000 -- Terminated submissions. (crc) [Entry date 11/30/00] [1:99cv141]
- 12/06/2000 31 CONSENT ORDER by Judge Thomas W. Thrash, extending time to file a reply brief in support of [28-1] motion to dismiss plas' second amended complaint, [28-1] motion to dismiss plas' second amended complaint to be submitted on 12/20/00 (cc) (crc) [Entry date 12/07/00] [1:99cv141]
- 12/19/2000 32 Reply brief to [28-1] motion to dismiss plas' second amended complaint by defendants (crc) [Entry date 12/20/00] [1:99cv141]
- 04/02/2001 33 ORDER by Judge Thomas W. Thrash DENYING [28-1] motion to dismiss plas' second amended complaint by Theragenics Corp, M. Christine Jacobs, Bruce W. Smith (cc) (crc) [Entry date 04/02/01] [1:99cv141]
- 04/02/2001 -- Terminated submissions. (crc) [Entry date 04/02/01] [1:99cv141]
- 04/13/2001 34 MOTION by defendants for reconsideration of [33-1] order with brief in support. (crc) [Entry date 04/17/01] [1:99cv141]
- 04/30/2001 35 Response by plaintiffs in opposition to [34-1] motion for reconsideration of [33-1] order (crc) [Entry date 05/01/01] [1:99cv141]
- 05/07/2001 -- SUBMITTED to Judge Thomas W. Thrash on [34-1] motion for reconsideration of [33-1] order (crc) [Entry date 05/01/01] [Edit date 05/07/01] [1:99cv141]
- 05/16/2001 36 ORDER by Judge Thomas W. Thrash DENYING [34-1] motion for reconsideration of [33-1] order (cc) (crc) [Entry date 05/17/01] [1:99cv141]
- 05/17/2001 -- Terminated submissions. (crc) [Entry date 05/17/01] [1:99cv141]
- 05/21/2001 66 Certified copy of ORDER of USCA denying petition for permission to appeal; USCA dkt no. 02-90018 H (crc) [Entry date 05/22/02] [1:99cv141]
- 05/23/2001 37 Application for admission of M. Richard Komins pro hac vice for plaintiff Herbert Garbutt and, plaintiff Daniel Kursman (crc) [Entry date 05/24/01] [1:99cv141]
- 05/23/2001 38 CONSENT Scheduling ORDER by Judge Thomas W. Thrash. Parties to file certificate of interested persons asap. Dfts shall file their answer to amended complaint no later than 06/18/01. The parties shall hold their Rule 26(f) conference no later than 7/6/1. Parties shall file prel report no later than 7/17/1. Dfts shall file their initial disclosures not later than 7/17/01. Pla shall file their motion for class certification by 7/17/1. See order for details (cc) (crc) [Entry date 05/24/01] [1:99cv141]
- 05/30/2001 -- ENDORSED ORDER by Judge Thomas W. Thrash APPROVING [37-1] pro hac vice application as to M. Richard Komins (cc) (crc) [Entry date 05/30/01] [1:99cv141]

05/30/2001 [39](#) Certificate of interested persons. (to judge) (crc) [Entry date 05/31/01] [1:99cv141]

06/15/2001 [40](#) CONSENT ORDER by Judge Thomas W. Thrash, dfts must answer pla second amended complaint by 07/17/01; notwithstanding the time to answer discovery shall commence on 07/17/01; and all other deadlines imposed by this court's order of 05/23/01 shall remain in full force and effect. Discovery ends 3/17/02 (cc) (crc) [Entry date 06/15/01] [1:99cv141]

07/17/2001 [41](#) MOTION by plaintiff to certify class action with brief in support. (crc) [Entry date 07/19/01] [1:99cv141]

07/17/2001 [42](#) ANSWER to second amended complaint [24-1] by defendants (crc) [Entry date 07/19/01] [1:99cv141]

07/17/2001 [43](#) Preliminary Report and Discovery Schedule. (to judge) (crc) [Entry date 07/19/01] [1:99cv141]

07/18/2001 [44](#) Notice of filing page correction for preliminary planning report and discovery schedule by plaintiffs (crc) [Entry date 07/20/01] [1:99cv141]

07/19/2001 -- ENDORSED ORDER by Judge Thomas W. Thrash APPROVING [43-1] preliminary statement (cc) (crc) [Entry date 07/19/01] [1:99cv141]

07/19/2001 [45](#) ANSWERS TO INITIAL DISCLOSURES by defendants (crc) [Entry date 07/20/01] [1:99cv141]

08/07/2001 -- SUBMITTED to Judge Thomas W. Thrash on [41-1] motion to certify class action (crc) [Entry date 08/07/01] [1:99cv141]

09/06/2001 [46](#) Amended memo by plaintiffs in 1:99-cv-00141 in support of [41-1] motion to certify class action (crc) [Entry date 09/07/01] [1:99cv141]

10/11/2001 [47](#) Stipulation and PROTECTIVE ORDER ENTERED regarding confidential information. (crc) [Entry date 10/12/01] [1:99cv141]

10/12/2001 -- Terminated submissions. (crc) [Entry date 10/12/01] [1:99cv141]

11/02/2001 -- Proposed Consent order extending time for dfts to respond to [41-1] motion to certify class thru 12/14/01. (to TWT) certify class action . (crc) [Entry date 11/05/01] [1:99cv141]

11/06/2001 [48](#) CONSENT ORDER by Judge Thomas W. Thrash, extending time to respond to [41-1] motion to certify class action thru 12/14/01 and until 1/1/01 for pla to file their reply brief , [41-1] motion to certify class action to be submitted on 1/12/02 (cc) (crc) [Entry date 11/07/01] [1:99cv141]

11/21/2001 [49](#) MOTION by defendants to compel answer to interrogatories with brief in support. (crc) [Entry date 11/27/01] [1:99cv141]

12/03/2001 [50](#) Memo of law by plaintiff in 1:99-cv-00141 in opposition to [49-1] motion to compel answer to interrogatories (crc) [Entry date 12/05/01] [1:99cv141]

12/05/2001 -- SUBMITTED to Judge Thomas W. Thrash on [49-1] motion to compel answer to interrogatories (crc) [Entry date 12/05/01] [1:99cv141]

12/14/2001 [51](#) Memo by defendants in opposition to [41-1] motion to certify class action (crc) [Entry date 12/17/01] [1:99cv141]

12/14/2001 [52](#) Notice of original discovery by defendants (crc) [Entry date 12/17/01] [1:99cv141]

12/14/2001 -- Deposition of HERBERT GARBUTT, ROBERT L. THOMAS, JR., MELVIN VAN DYE AND PETER COREY, M.D. taken for defendants (crc) [Entry date 12/17/01] [1:99cv141]

12/20/2001 53 Reply brief to [49-1] motion to compel answer to interrogatories by defendants (crc) [Entry date 12/21/01] [1:99cv141]

01/09/2002 -- Proposed Consent order extending time for plas to reply to dfts opposition to [41-1] motion to certify class action thru 1/25/02. (to TWT) (crc) [Entry date 01/10/02] [1:99cv141]

01/14/2002 54 CONSENT ORDER by Judge Thomas W. Thrash, extending time for plas to reply to dfts opposition to [41-1] motion to certify class action, [41-1] motion to certify class action to be submitted on 1/28/02 (cc) (crc) [Entry date 01/15/02] [1:99cv141]

01/22/2002 55 Notice of chnage of address by plaintiffs' counsel Weinstein Kitchenoff Scarlato and Goldman, LTD (crc) [Entry date 01/24/02] [1:99cv141]

01/24/2002 -- Proposed Consent order extending time to file reply brief to [41-1] motion to certify class action thru 01/25/02 and to exceed page limitation. (to TWT) (crc) [Entry date 01/25/02] [1:99cv141]

01/25/2002 56 Reply brief in further support of [41-1] motion to certify class action by plaintiffs with affidavit of Krissi Temple (crc) [Entry date 01/28/02] [Edit date 01/28/02] [1:99cv141]

01/29/2002 57 CONSENT ORDER by Judge Thomas W. Thrash, extending time to file reply to [41-1] motion to certify class action thru 1/25/02 and to file excess pages limitation, [41-1] motion to certify class action to be submitted on 1/28/02 (cc) (crc) [Entry date 01/29/02] [1:99cv141]

01/29/2002 58 Motion HEARING held before Judge Thomas W. Thrash [49-1] motion to compel answer to interrogatories. Court heard from counsel. Motion taken under advisement and will issue a written order. (crc) [Entry date 01/30/02] [1:99cv141]

01/31/2002 59 MOTION by defendants for leave to file supplemental brief in support of motion to compel with brief in support. (crc) [Entry date 02/01/02] [1:99cv141]

02/04/2002 -- Steno notes of proceedings held 01/29/02 before Judge Thomas W. Thrash , by Court Reporter Linda Baggett. (crc) [Entry date 02/04/02] [1:99cv141]

02/22/2002 -- SUBMITTED to Judge Thomas W. Thrash on [59-1] motion for leave to file supplemental brief in support of motion to compel. (File in chambers.) (crc) [Entry date 02/22/02] [1:99cv141]

03/05/2002 60 ORDER by Judge Thomas W. Thrash GRANTING [49-1] motion to compel answer to interrogatories (cc) (crc) [Entry date 03/05/02] [1:99cv141]

03/05/2002 -- Terminated submissions. (crc) [Entry date 03/05/02] [1:99cv141]

03/12/2002 -- Proposed Consent scheduling order. (to TWT) (crc) [Entry date 03/13/02] [1:99cv141]

03/18/2002 61 CONSENT Scheduling ORDER by Judge Thomas W. Thrash. See order for details. Discovery ends 8/30/02 (cc) (crc) [Entry date 03/19/02] [1:99cv141]

03/26/2002 63 Notice of filing Supplemental authority by plaintiffs (crc) [Entry date 03/28/02] [1:99cv141]

03/27/2002 62 ORDER by Judge Thomas W. Thrash GRANTING [41-1] motion to certify class action (cc) (crc) [Entry date 03/28/02] [1:99cv141]

04/12/2002 64 Notice to take deposition of Lynne Rogers, Glen Dill, Janet Zeman, Suzanne Boles-Cramer, Randy Whaley, Ronald Warren, Bruce Smith and Christine Jacobs by plaintiffs (crc) [Entry date 04/15/02] [1:99cv141]

04/17/2002 65 ORDER by Judge Thomas W. Thrash GRANTING [59-1] motion for leave to file supplemental brief in support of motion to compel (cc) (crc) [Entry date 04/18/02] [1:99cv141]

04/19/2002 -- Terminated submissions. (crc) [Entry date 04/19/02] [1:99cv141]

07/01/2002 67 CONSENT ORDER by Judge Thomas W. Thrash, extending time to respond to discovery thru 7/25/2 (cc) (crc) [Entry date 07/02/02] [1:99cv141]

07/15/2002 -- Copy sent to Jeffrey Krinsk, Esq. of [67-1] consent order returned undeliverable - marked unable to deliver as addressed. Contacted office per Kim address is correct remailed. (crc) [Entry date 07/17/02] [Edit date 07/17/02] [1:99cv141]

09/23/2002 68 Notice of change of firm name by plaintiff Bruce B. Bernstein's counsel. Wechsler Harwood Halebian & Feffer, LLP to Wechsler Hawrood, LLP (crc) [Entry date 09/24/02] [1:99cv141]

09/30/2002 69 Revised scheduling ORDER by Judge Thomas W. Thrash, See order for details. Motions for sum jgm are due on 6/5/3. Discovery ends 4/21/03 (cc) (crc) [Entry date 10/01/02] [1:99cv141]

11/22/2002 70 Certification of Consent to Substitution of Counsel for plaintiffs replacing Lauren E. Wagner. (crc) [Entry date 11/25/02] [1:99cv141]

02/04/2003 71 Notice by CRD, tele-conference set for 10:30 on 2/7/03. Mr. Chitwood's office to originate call. (cc by CRD) (crc) [Entry date 02/05/03] [1:99cv141]

02/07/2003 72 TELE-CONFERENCE HELD before Judge Thomas W. Thrash. Court heard from counsel on discovery scheduling dispute. Court allowing pla to file supplemental expert reports after dfts file their rebuttal expert reports. Counsel to confer and present scheduling order on experts. Mr. Thornton to summerize ruling and present to court either as one or separate orders. Court directed clerk to file corr with attachments re the discovery dispute showing cause for this hearing. (crc) [Entry date 02/12/03] [1:99cv141]

02/07/2003 73 Correspondence by plaintiffs re discovery dispute. (crc) [Entry date 02/12/03] [1:99cv141]

02/07/2003 74 Correspondence in response to plas' letter re discovery scheduling dispute by defendants. (crc) [Entry date 02/12/03] [1:99cv141]

02/18/2003 75 ORDER by Judge Thomas W. Thrash, revising scheduling order dft to conduct discovery relating to experts designated by plas thru 3/21/03, dft designate rebuttal experts and reports by 4/18/3, pla to conduct rebuttal discovery thru 05/16/03, pla supplemental reports by 06/06/03 and dfts to depose pla experts by 6/27/03. Discovery ends 6/27/03 (cc) (crc) [Entry date 02/21/03] [1:99cv141]

02/27/2003 -- Steno notes of proceedings held 02/7/3 before Judge Thomas W. Thrash , by Court Reporter Linda Baggett. (crc) [Entry date 02/27/03] [1:99cv141]

03/28/2003 76 TRANSCRIPT of hearing on motion to compel filed for dates of 1/29/02 Court Reporter: Linda W. Baggett - (daf) [Entry date 03/31/03] [1:99cv141]

04/21/2003 77 Revised CONSENT Scheduling ORDER by Judge Thomas W. Thrash. Dfts shall

designate rebuttal experts and provide reports by 05/02/03. Pla discovery relating to same shall be completed by 05/30/03. Pla supplemental reports due on 06/20/03. Dft shall deposit pla experts on supplements by 07/11/03. Sum Jgms are due 45 days after the close of all expert discovery. Responses are due 45 days after the motions are filed. (cc) (crc) [Entry date 04/21/03] [1:99cv141]

- 05/05/2003 78 CONFERENCE HELD before Judge Thomas W. Thrash re plas's request for a settlement conference. Plas have until noon on May 6 to present a demand to dfts. Dfts will have 2 weeks to respond. Two weeks later a report is due to the court. The court will then do one of three things recruit another District Judge for settlement discussions, order mediation or provide a list of names for counsel to select a mediator or the court could select one if the parties cannot agree. (crc) [Entry date 05/06/03] [1:99cv141]
- 05/19/2003 -- Steno notes of proceedings held 05/05/03 before Judge Thomas W. Thrash , by Court Reporter Linda Baggett. (crc) [Entry date 05/19/03] [1:99cv141]
- 05/19/2003 79 ORDER by Judge Thomas W. Thrash plas shall convey a settlement demand to dfts by noon on 05/6/3; dfts shall respond by 05/20/03 and the parties shall report to the court by 06/3/03 as to the status of settlement and whether the parties wish the court to order mediation (cc) (crc) [Entry date 05/20/03] [1:99cv141]
- 05/29/2003 80 Notice to take deposition of Louis Guth by defendants. (crc) [Entry date 06/02/03] [1:99cv141]
- 05/29/2003 81 Notice to take deposition of Kent E. Wallner by defendants. (crc) [Entry date 06/02/03] [1:99cv141]
- 06/04/2003 82 Letter by defendants re: settlement filed pursuant to the [79-1] order (to TWT) (ck) [Entry date 06/12/03] [Edit date 06/12/03] [1:99cv141]
- 06/20/2003 83 Revised CONSENT SCHEDULING ORDER by Judge Thomas W. Thrash Plas shall submit supplemental reports from designated experts by 7/8/03; Dfts shall depose plas' experts on or before 8/1/03; Parties shall file dispositive motions 45 days after close of expert discovery; Responses to summary judgment motions to be filed 30 days after such motions are filed. (cc) (aet) [Entry date 06/23/03] [1:99cv141]
- 09/02/2003 84 Notice of Substitution of Counsel by plaintiffs Alan Perry, Jr. is longer associated with Chitwood & Harley; Chitwood & Harley will continue to represent plaintiffs (dr) [Entry date 09/05/03] [1:99cv141]
- 09/04/2003 85 TRANSCRIPT filed RE: status conference before Judge Thrash for dates of 5/5/03 Court Reporter: Linda Baggett (dr) [Entry date 09/05/03] [1:99cv141]
- 09/10/2003 86 CONSENT ORDER by Judge Thomas W. Thrash modifying briefing schedule for motions for summary judgment until 9/30/03 and extending page limitations to 50 pages for briefs in support, and 30 pages for any reply (cc) (dr) [Entry date 09/10/03] [1:99cv141]
- 09/30/2003 87 MOTION by defendants to file under seal memorandum, appendix, and statement of facts in support of defendants' summary judgment motion (dr) [Entry date 10/01/03] [1:99cv141]
- 09/30/2003 88 MOTION by defendants for summary judgment [notice sent to parties] (**FILED UNDER SEAL**) (dr) [Entry date 10/01/03] [1:99cv141]
- 09/30/2003 89 Memorandum by defendants in Support of [88-1] motion for summary judgment (**FILED UNDER SEAL**) (dr) [Entry date 10/01/03] [1:99cv141]

- 09/30/2003 [90](#) STATEMENT of Facts as to which there is no genuine issue to be tried re [88-1] motion for summary judgment by defendants (**FILED UNDER SEAL**) (dr) [Entry date 10/01/03] [1:99cv141]
- 09/30/2003 [91](#) Appendix Volume I by defendants to [88-1] motion for summary judgment (**FILED UNDER SEAL**) (dr) [Entry date 10/01/03] [1:99cv141]
- 09/30/2003 [92](#) Appendix Volume II by defendants to [88-1] motion for summary judgment (**FILED UNDER SEAL**) (dr) [Entry date 10/01/03] [1:99cv141]
- 09/30/2003 [93](#) Appendix Volume III by defendants to [88-1] motion for summary judgment (**FILED UNDER SEAL**) (dr) [Entry date 10/01/03] [1:99cv141]
- 09/30/2003 [94](#) Appendix Volume IV by defendants to [88-1] motion for summary judgment (**FILED UNDER SEAL**) (dr) [Entry date 10/01/03] [1:99cv141]
- 10/09/2003 [95](#) CORRECTED [88-1] motion for sum. jgm. by defts. (er) [Entry date 10/14/03] [1:99cv141]
- 10/10/2003 [96](#) Notice of original declarations and affidavits by defendants. (dfb) [Entry date 10/17/03] [1:99cv141]
- 10/10/2003 [97](#) Defendants' notice of filing original declaration of M. Christine Jacobs. (**FILED UNDER SEAL**) (dfb) [Entry date 10/17/03] [1:99cv141]
- 10/10/2003 [98](#) Defendants' notice of filing original declaration of Bruce W. Smith. (**FILED UNDER SEAL**) (dfb) [Entry date 10/17/03] [1:99cv141]
- 10/10/2003 [99](#) Declaration of Tracy M. Culver filed by defendants. (dfb) [Entry date 10/17/03] [1:99cv141]
- 10/10/2003 [100](#) Affidavit of Caroline Burgonio, dated August 26, 2002, filed by defendants. (dfb) [Entry date 10/17/03] [Edit date 10/17/03] [1:99cv141]
- 10/10/2003 [101](#) Affidavit of Ashley M. Brown, dated August 28, 2002, filed by defendants. (dfb) [Entry date 10/17/03] [Edit date 10/17/03] [1:99cv141]
- 10/10/2003 [102](#) Affidavit of RBC Dain Rauscher, Inc., dated August 9, 2002 filed by defendants. (dfb) [Entry date 10/17/03] [1:99cv141]
- 10/10/2003 [103](#) Affidavit of Juan V. Noble, dated August 21, 2002, filed by defendants. (dfb) [Entry date 10/17/03] [1:99cv141]
- 10/10/2003 [104](#) MOTION by defendants for leave to file or cause to be filed under seal original deposition transcripts and declarations with brief in support. (dfb) [Entry date 10/17/03] [1:99cv141]
- 10/10/2003 [105](#) Notice of filing (sealed) original deposition transcripts by defendants. (dfb) [Entry date 10/17/03] [1:99cv141]
- 10/10/2003 [106](#) Deposition of SCOTT D. HAKALA, Ph.D., CFA taken April 2, 2003 at 9:30 a.m. for defendants. (**FILED UNDER SEAL**) (dfb) [Entry date 10/17/03] [Edit date 10/17/03] [1:99cv141]
- 10/10/2003 [107](#) Deposition of SCOTT D. HAKALA, Ph.D., CFA taken August 14, 2003 at 9:40 a.m. for defendants. (**FILED UNDER SEAL**) (dfb) [Entry date 10/17/03] [Edit date 10/17/03] [1:99cv141]
- 10/10/2003 [108](#) Transcript of Videotaped Deposition of ROBERT C. WOLLMAN. MD (with 2 vols of

exhibits) taken March 20, 2003 at 9:00 a.m. for defendants. ***FILED UNDER SEAL*** (dfb) [Entry date 10/17/03] [1:99cv141]

10/10/2003 109 Deposition of GREGG A. DICKERSON, M.D. taken for defendants. ***FILED UNDER SEAL*** (dfb) [Entry date 10/17/03] [1:99cv141]

10/10/2003 110 Defendants' request to file original deposition transcripts. (dfb) [Entry date 10/17/03] [1:99cv141]

11/04/2003 -- SUBMITTED to Judge Thomas W. Thrash on [87-1] motion to file under seal memorandum, appendix, and statement of facts in support of defendants' summary judgment motion (dr) [Entry date 11/04/03] [1:99cv141]

11/06/2003 -- SUBMITTED to Judge Thomas W. Thrash on [104-1] motion for leave to file or cause to be filed under seal original deposition transcripts and declarations (dr) [Entry date 11/06/03] [1:99cv141]

11/07/2003 111 CONSENT ORDER Modifying Briefing Schedule for Summary Judgment by Judge Thomas W. Thrash; response to motion for summary judgment due 12/8/03; any reply brief by dfbs due 1/12/04 (cc) (dr) [Entry date 11/12/03] [1:99cv141]

11/17/2003 112 ORDER by Judge Thomas W. Thrash GRANTING [104-1] motion for leave to file or cause to be filed under seal original deposition transcripts and declarations (cc) (dr) [Entry date 11/19/03] [1:99cv141]

12/08/2003 113 Response by plaintiffs in 1:99-cv-00141 in Opposition to [88-1] motion for summary judgment (***FILED UNDER SEAL***) (dr) [Entry date 12/09/03] [1:99cv141]

12/08/2003 114 STATEMENT of Material Facts as to which there exists a genuine issue to be tried by plaintiffs (***FILED UNDER SEAL***) (dr) [Entry date 12/09/03] [1:99cv141]

12/08/2003 115 Declaration of Krissi T. Gore (***FILED UNDER SEAL***) (dr) [Entry date 12/09/03] [1:99cv141]

12/15/2003 116 ORDER by Judge Thomas W. Thrash GRANTING [87-1] motion to file under seal memorandum, appendix, and statement of facts in support of defendants' summary judgment motion. (cc) (kt) [Entry date 12/16/03] [1:99cv141]

01/02/2004 117 CONSENT ORDER by Judge Thomas W. Thrash, extending time thru 1/30/04 for defendants to file reply brief in support of [88-1] motion for summary judgment (cc) (dr) [Entry date 01/05/04] [1:99cv141]

01/07/2004 -- Terminated submissions. (fms) [Entry date 01/07/04] [1:99cv141]

01/30/2004 118 MOTION by defendants for leave to file or to cause to be filed under seal reply memorandum and response to statement of material facts (dr) [Entry date 02/02/04] [1:99cv141]

01/30/2004 119 Reply memorandum in support of [88-1] motion for summary judgment by defendants (***FILED UNDER SEAL***) (dr) [Entry date 02/02/04] [1:99cv141]

01/30/2004 120 Response by defendant in 1:99-cv-00141 to [114-1] statement of material facts (***FILED UNDER SEAL***) (dr) [Entry date 02/02/04] [1:99cv141]

01/30/2004 121 MOTION by defendants for oral argument on their motion for summary judgment (dr) [Entry date 02/03/04] [1:99cv141]

02/18/2004 122 CONSENT SCHEDULING ORDER by Judge Thomas W. Thrash, pla's memorandum reply to dfbs' response to pla's summary judgment facts shall be deemed timely filed by

2/27/04; dfts' response to reply shall be deemed timely if filed by 3/12/04 (cc) (dr) [Entry date 02/19/04] [1:99cv141]

02/27/2004 123 REPLY by plaintiffs to defendants' response submitted pursuant to proposed Local Rule 56.1 (**FILED UNDER SEAL**) (dr) [Entry date 03/01/04] [1:99cv141]

03/12/2004 124 Response by defendants to [123-1] reply to defendants' response submitted pursuant to proposed LR 56.1 (dr) [Entry date 03/18/04] [1:99cv141]