

**U.S. District Court**  
**Northern District of Georgia (Atlanta)**  
CIVIL DOCKET FOR CASE #: 1:99-cv-00141-TWT

In Re: Theragenics Corp SEC, et al v. , et al  
Assigned to: Judge Thomas W. Thrash, Jr  
Demand: \$0  
Lead case: [1:99-cv-00141-TWT](#) ([View Member Cases](#))  
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 01/15/1999  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**MCV Sales Inc. Profit Sharing Plan &  
Trust dtd 6/16/75**  
*on behalf of itself and all others similarly  
situated*

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**Defendant**

**M. Christine Jacobs**

represented by **Dan Shamus McDevitt**  
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**John Patterson Brumbaugh**  
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**Defendant**

**Bruce W. Smith**

represented by **Dan Shamus McDevitt**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/15/1999	1	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) (Entered: 01/24/1999)
01/15/1999	2	ANSWERS TO MANDATORY DISCLOSURES by plaintiff (bsm) (Entered: 01/24/1999)
03/02/1999	3	Application for admission of Samuel Rudman & Steven Schulman pro hac vice for plaintiff (to judge) (pdw) (Entered: 03/09/1999)

03/15/1999		ENDORSED ORDER by Judge Thomas W. Thrash GRANTING [3-1] pro hac vice application (cc) (pdw) (Entered: 03/16/1999)
03/16/1999	4	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) (Entered: 03/17/1999)
03/30/1999	5	Acknowledgment of service, entry of appearance, and proposed consent scheduling order by defendants. (pdw) (Entered: 04/01/1999)
03/30/1999		Added attorneys for defendants: Martin Robert Thornton, Michael R. Smith, Letitia M. Brown, Dan Shamus McDevitt. (pdw) (Entered: 04/01/1999)
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) (Entered: 04/05/1999)
04/19/1999	6	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) (Entered: 04/20/1999)
05/04/1999	7	Application for admission of Salvatore J. Graziano and Keith M. Fleischman pro hac vice for plaintiffs (to TWT) (bsm) Modified on 05/14/1999 (Entered: 05/06/1999)
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) (djh) (Entered: 05/14/1999)
05/11/1999		Added attorney for plaintiff in 1:99-cv-00141: Keith M. Fleischman. (djh) (Entered: 05/14/1999)
05/27/1999		Proposed consent order extending time until 6/18/99 to file a consolidated amended cmp. (to TWT) (gjt) (Entered: 06/02/1999)
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) Modified on 06/07/1999 (Entered: 06/07/1999)
06/18/1999	9	Applications for admission of Dennis J. Johnson and Jacob B. Perkinson pro hac vice for Sara Cheeseman (to TWT) (llg) Modified on 06/24/1999 (Entered: 06/23/1999)

06/18/1999	10	AMENDED COMPLAINT; jury demand (bsm) (Entered: 06/26/1999)
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) (Entered: 06/26/1999)
06/24/1999	12	Application for admission of Jeffrey R. Krinsk pro hac vice for plaintiffs (to TWT) (bsm) Modified on 06/26/1999 (Entered: 06/26/1999)
06/25/1999		ENDORSED ORDER on applications by Judge Thomas W. Thrash APPROVING [9-1] pro hac vice applications (cc) (bsm) (Entered: 06/26/1999)
06/28/1999		ENDORSED ORDER on applications by Judge Thomas W. Thrash APPROVING [11-1] pro hac vice applications (cc) (bsm) (Entered: 06/29/1999)
06/28/1999		ENDORSED ORDER on application by Judge Thomas W. Thrash APPROVING [12-1] pro hac vice application (cc) (bsm) (Entered: 06/29/1999)
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) (Entered: 08/13/1999)
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) (Entered: 08/24/1999)
09/03/1999	15	MOTION by defendants to dismiss plaintiffs' consolidated amended complaint with memorandum and appendix in support. (llg) (Entered: 09/07/1999)
09/28/1999		SUBMITTED to Judge Thomas W. Thrash on [15-1] motion to dismiss plaintiffs' consolidated amended complaint (llg) (Entered: 09/28/1999)
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) (Entered: 10/20/1999)
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) (Entered: 10/20/1999)
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) (Entered: 10/22/1999)
10/27/1999		SUBMITTED to Judge Thomas W. Thrash on [15-1] motion to dismiss plaintiffs' consolidated amended complaint (FILE IN CHAMBERS) (llg) (Entered: 10/27/1999)
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) (Entered: 11/18/1999)
11/24/1999	19	Reply brief by dfts to their [15-1] motion to dismiss plaintiffs' consolidated amended complaint. (dfb) (Entered: 11/26/1999)

12/17/1999	20	Notice of of filing supplemental authority by plaintiffs (llg) (Entered: 12/17/1999)
02/01/2000	21	Notice of filing supplemental authority in support of [15-1] motion to dismiss by defendants. (llg) (Entered: 02/02/2000)
04/11/2000	22	Notice of supplemental authority by plaintiff in 1:99-cv-00141. (ck) (Entered: 04/12/2000)
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) (fmm) (Entered: 07/20/2000)
07/20/2000		Terminated submissions. (fmm) (Entered: 07/20/2000)
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) (Entered: 08/23/2000)
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) (Entered: 09/05/2000)
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) (Entered: 09/06/2000)
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) (Entered: 10/03/2000)
10/06/2000	28	MOTION by defendants to dismiss plas' second amended complaint with brief and appendix in support. (crc) (Entered: 10/11/2000)
10/31/2000		SUBMITTED to Judge Thomas W. Thrash on [28-1] motion to dismiss plas' second amended complaint (crc) (Entered: 10/31/2000)
11/02/2000		Proposed Consent order re briefing schedule from the parties. (to TWT) (crc) (Entered: 11/03/2000)
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) (Entered: 11/09/2000)
11/21/2000	30	Memo by plaintiffs in opposition to [28-1] motion to dismiss plas' second amended complaint (crc) (Entered: 11/22/2000)
11/22/2000		SUBMITTED to Judge Thomas W. Thrash on [28-1] motion to dismiss plas' second amended complaint. (File in chambers.) (crc) (Entered: 11/22/2000)

11/30/2000		Terminated submissions. (crc) (Entered: 11/30/2000)
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) (Entered: 12/07/2000)
12/19/2000	32	Reply brief to [28-1] motion to dismiss plas' second amended complaint by defendants (crc) (Entered: 12/20/2000)
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) (Entered: 04/02/2001)
04/02/2001		Terminated submissions. (crc) (Entered: 04/02/2001)
04/13/2001	34	MOTION by defendants for reconsideration of [33-1] order with brief in support. (crc) (Entered: 04/17/2001)
04/30/2001	35	Response by plaintiffs in opposition to [34-1] motion for reconsideration of [33-1] order (crc) (Entered: 05/01/2001)
05/07/2001		SUBMITTED to Judge Thomas W. Thrash on [34-1] motion for reconsideration of [33-1] order (crc) Modified on 05/07/2001 (Entered: 05/01/2001)
05/16/2001	36	ORDER by Judge Thomas W. Thrash DENYING [34-1] motion for reconsideration of [33-1] order (cc) (crc) (Entered: 05/17/2001)
05/17/2001		Terminated submissions. (crc) (Entered: 05/17/2001)
05/21/2001	66	Certified copy of ORDER of USCA denying petition for permission to appeal; USCA dkt no. 02-90018 H (crc) (Entered: 05/22/2002)
05/23/2001	37	Application for admission of M. Richard Komins pro hac vice for plaintiff Herbert Garbutt and, plaintiff Daniel Kursman (crc) (Entered: 05/24/2001)
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) (Entered: 05/24/2001)
05/30/2001		ENDORSED ORDER by Judge Thomas W. Thrash APPROVING [37-1] pro hac vice application as to M. Richard Komins (cc) (crc) (Entered: 05/30/2001)
05/30/2001	39	Certificate of interested persons. (to judge) (crc) (Entered: 05/31/2001)
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) (Entered: 06/15/2001)
07/17/2001	41	MOTION by plaintiff to certify class action with brief in support. (crc) (Entered: 07/17/2001)

		07/19/2001)
07/17/2001	42	ANSWER to second amended complaint [24-1] by defendants (crc) (Entered: 07/19/2001)
07/17/2001	43	Preliminary Report and Discovery Schedule. (to judge) (crc) (Entered: 07/19/2001)
07/18/2001	44	Notice of filing page correction for preliminary planning report and discovery schedule by plaintiffs (crc) (Entered: 07/20/2001)
07/19/2001		ENDORSED ORDER by Judge Thomas W. Thrash APPROVING [43-1] preliminary statement (cc) (crc) (Entered: 07/19/2001)
07/19/2001	45	ANSWERS TO INITIAL DISCLOSURES by defendants (crc) (Entered: 07/20/2001)
08/07/2001		SUBMITTED to Judge Thomas W. Thrash on [41-1] motion to certify class action (crc) (Entered: 08/07/2001)
09/06/2001	46	Amended memo by plaintiffs in 1:99-cv-00141 in support of [41-1] motion to certify class action (crc) (Entered: 09/07/2001)
10/11/2001	47	Stipulation and PROTECTIVE ORDER ENTERED regarding confidential information. (crc) (Entered: 10/12/2001)
10/12/2001		Terminated submissions. (crc) (Entered: 10/12/2001)
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) (Entered: 11/05/2001)
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) (Entered: 11/07/2001)
11/21/2001	49	MOTION by defendants to compel answer to interrogatories with brief in support. (crc) (Entered: 11/27/2001)
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) (Entered: 12/05/2001)
12/05/2001		SUBMITTED to Judge Thomas W. Thrash on [49-1] motion to compel answer to interrogatories (crc) (Entered: 12/05/2001)
12/14/2001	51	Memo by defendants in opposition to [41-1] motion to certify class action (crc) (Entered: 12/17/2001)
12/14/2001	52	Notice of original discovery by defendants (crc) (Entered: 12/17/2001)
12/14/2001		Deposition of HERBERT GARBUTT, ROBERT L. THOMAS, JR., MELVIN VAN DYE AND PETER COREY, M.D. taken for defendants (crc) (Entered: 12/17/2001)
12/20/2001	53	Reply brief to [49-1] motion to compel answer to interrogatories by defendants (crc) (Entered: 12/21/2001)

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) (Entered: 01/10/2002)
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) (Entered: 01/15/2002)
01/22/2002	55	Notice of chnage of address by plaintiffs' counsel Weinstein Kitchenoff Scarlato and Goldman, LTD (crc) (Entered: 01/24/2002)
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) (Entered: 01/25/2002)
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) Modified on 01/28/2002 (Entered: 01/28/2002)
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) (Entered: 01/29/2002)
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) (Entered: 01/30/2002)
01/31/2002	59	MOTION by defendants for leave to file supplemental brief in support of motion to compel with brief in support. (crc) (Entered: 02/01/2002)
02/04/2002		Steno notes of proceedings held 01/29/02 before Judge Thomas W. Thrash , by Court Reporter Linda Baggett. (crc) (Entered: 02/04/2002)
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) (Entered: 02/22/2002)
03/05/2002	60	ORDER by Judge Thomas W. Thrash GRANTING [49-1] motion to compel answer to interrogatories (cc) (crc) (Entered: 03/05/2002)
03/05/2002		Terminated submissions. (crc) (Entered: 03/05/2002)
03/12/2002		Proposed Consent scheduling order. (to TWT) (crc) (Entered: 03/13/2002)
03/18/2002	61	CONSENT Scheduling ORDER by Judge Thomas W. Thrash. See order for details. Discovery ends 8/30/02 (cc) (crc) (Entered: 03/19/2002)
03/26/2002	63	Notice of filing Supplemental authority by plaintiffs (crc) (Entered: 03/28/2002)
03/27/2002	62	ORDER by Judge Thomas W. Thrash GRANTING [41-1] motion to certify class action (cc) (crc) (Entered: 03/28/2002)
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) (Entered: 04/15/2002)

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) (Entered: 04/18/2002)
04/19/2002		Terminated submissions. (crc) (Entered: 04/19/2002)
07/01/2002	67	CONSENT ORDER by Judge Thomas W. Thrash, extending time to respond to discovery thru 7/25/2 (cc) (crc) (Entered: 07/02/2002)
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) Modified on 07/17/2002 (Entered: 07/17/2002)
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) (Entered: 09/24/2002)
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) (Entered: 10/01/2002)
11/22/2002	70	Certification of Consent to Substitution of Counsel for plaintiffs replacing Lauren E. Wagner. (crc) (Entered: 11/25/2002)
02/04/2003	<a href="#">71</a>	Notice by CRD, tele-conference set for 10:30 on 2/7/03 . Mr. Chitwood's office to originate call. (cc by CRD) (crc) (Entered: 02/05/2003)
02/07/2003	<a href="#">72</a>	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 summarize 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) (Entered: 02/12/2003)
02/07/2003	<a href="#">73</a>	Correspondence by plaintiffs re discovery dispute. (crc) (Entered: 02/12/2003)
02/07/2003	<a href="#">74</a>	Correspondence in response to plas' letter re discovery scheduling dispute by defendants. (crc) (Entered: 02/12/2003)
02/18/2003	<a href="#">75</a>	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) (Entered: 02/21/2003)
02/27/2003		Steno notes of proceedings held 02/7/3 before Judge Thomas W. Thrash , by Court Reporter Linda Baggett. (crc) (Entered: 02/27/2003)
03/28/2003	<a href="#">76</a>	TRANSCRIPT of hearing on motion to compel filed for dates of 1/29/02 Court Reporter: Linda W. Baggett - (daf) (Entered: 03/31/2003)
04/21/2003	<a href="#">77</a>	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 depost 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) (Entered: 04/21/2003)
05/05/2003	<a href="#">78</a>	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) (Entered: 05/06/2003)
05/19/2003		Steno notes of proceedings held 05/05/03 before Judge Thomas W. Thrash , by Court Reporter Linda Baggett. (crc) (Entered: 05/19/2003)
05/19/2003	<a href="#">79</a>	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) (Entered: 05/20/2003)
05/29/2003	<a href="#">80</a>	Notice to take deposition of Louis Guth by defendants. (crc) (Entered: 06/02/2003)
05/29/2003	<a href="#">81</a>	Notice to take deposition of Kent E. Wallner by defendants. (crc) (Entered: 06/02/2003)
06/04/2003	<a href="#">82</a>	Letter by defendants re: settlement filed pursuant to the [79-1] order (to TWT) (ck) Modified on 06/12/2003 (Entered: 06/12/2003)
06/20/2003	<a href="#">83</a>	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) (Entered: 06/23/2003)
09/02/2003	<a href="#">84</a>	Notice of Substitution of Counsel by plaintiffs Alan Perry, Jr. is longer associated with Chitwood & Harley; Chitwood & Harley will continue to represent plaintiffs (dr) (Entered: 09/05/2003)
09/04/2003	<a href="#">85</a>	TRANSCRIPT filed RE: status conference before Judge Thrash for dates of 5/5/03 Court Reporter: Linda Baggett (dr) (Entered: 09/05/2003)
09/10/2003	<a href="#">86</a>	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) (Entered: 09/10/2003)
09/30/2003	<a href="#">87</a>	MOTION by defendants to file under seal memorandum, appendix, and statement of facts in support of defendants' summary judgment motion (dr) (Entered: 10/01/2003)
09/30/2003	88	MOTION by defendants for summary judgment [notice sent to parties] (**FILED UNDER SEAL**) (dr) (Entered: 10/01/2003)
09/30/2003	89	Memorandum by defendants in Support of [88-1] motion for summary judgment (**FILED UNDER SEAL**) (dr) (Entered: 10/01/2003)

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) (Entered: 10/01/2003)
09/30/2003	91	Appendix Volume I by defendants to [88-1] motion for summary judgment (***FILED UNDER SEAL***) (dr) (Entered: 10/01/2003)
09/30/2003	92	Appendix Volume II by defendants to [88-1] motion for summary judgment (***FILED UNDER SEAL***) (dr) (Entered: 10/01/2003)
09/30/2003	93	Appendix Volume III by defendants to [88-1] motion for summary judgment (***FILED UNDER SEAL***) (dr) (Entered: 10/01/2003)
09/30/2003	94	Appendix Volume IV by defendants to [88-1] motion for summary judgment (***FILED UNDER SEAL***) (dr) (Entered: 10/01/2003)
10/09/2003	<a href="#">95</a>	CORRECTED [88-1] motion for sum. jgm. by defts. (er) (Entered: 10/14/2003)
10/10/2003	<a href="#">96</a>	Notice of original declarations and affidavits by defendants. (dfb) (Entered: 10/17/2003)
10/10/2003	97	Defendants' notice of filng original declaration of M. Christine Jacobs. ***FILED UNDER SEAL*** (dfb) (Entered: 10/17/2003)
10/10/2003	98	Defendants' notice of filing original declaration of Bruce W. Smith. ***FILED UNDER SEAL*** (dfb) (Entered: 10/17/2003)
10/10/2003	<a href="#">99</a>	Declaration of Tracy M. Culver filed by defendants. (dfb) (Entered: 10/17/2003)
10/10/2003	<a href="#">100</a>	Affidavit of Caroline Burgonio, dated August 26, 2002, filed by defendants. (dfb) Modified on 10/17/2003 (Entered: 10/17/2003)
10/10/2003	<a href="#">101</a>	Affidavit of Ashley M. Brown, dated August 28, 2002, filed by defendants. (dfb) Modified on 10/17/2003 (Entered: 10/17/2003)
10/10/2003	<a href="#">102</a>	Affidavit of RBC Dain Rauscher, Inc., dated August 9, 2002 filed by defendants. (dfb) (Entered: 10/17/2003)
10/10/2003	<a href="#">103</a>	Affidavit of Juan V. Noble, dated August 21, 2002, filed by defendants. (dfb) (Entered: 10/17/2003)
10/10/2003	<a href="#">104</a>	MOTION by defendants for leave to file or cause to be filed under seal original deposition transcripts and declarations with brief in support. (dfb) (Entered: 10/17/2003)
10/10/2003	<a href="#">105</a>	Notice of filing (sealed) original deposition transcripts by defendants. (dfb) (Entered: 10/17/2003)
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) Modified on 10/17/2003 (Entered: 10/17/2003)
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) Modified on 10/17/2003 (Entered: 10/17/2003)

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) (Entered: 10/17/2003)
10/10/2003	109	Deposition of GREGG A. DICKERSON, M.D. taken for defendants. ***FILED UNDER SEAL*** (dfb) (Entered: 10/17/2003)
10/10/2003	<a href="#">110</a>	Defendants' request to file original deposition transcripts. (dfb) (Entered: 10/17/2003)
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) (Entered: 11/04/2003)
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) (Entered: 11/06/2003)
11/07/2003	<a href="#">111</a>	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 dfts due 1/12/04 (cc) (dr) (Entered: 11/12/2003)
11/17/2003	<a href="#">112</a>	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) (Entered: 11/19/2003)
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) (Entered: 12/09/2003)
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) (Entered: 12/09/2003)
12/08/2003	115	Declaration of Krissi T. Gore (***FILED UNDER SEAL***) (dr) (Entered: 12/09/2003)
12/15/2003	<a href="#">116</a>	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) (Entered: 12/16/2003)
01/02/2004	<a href="#">117</a>	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) (Entered: 01/05/2004)
01/07/2004		Terminated submissions. (fmm) (Entered: 01/07/2004)
01/30/2004	<a href="#">118</a>	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) (Entered: 02/02/2004)
01/30/2004	119	Reply memorandum in support of [88-1] motion for summary judgment by defendants (***FILED UNDER SEAL***) (dr) (Entered: 02/02/2004)
01/30/2004	120	Response by defendant in 1:99-cv-00141 to [114-1] statement of material facts (***FILED UNDER SEAL***) (dr) (Entered: 02/02/2004)

01/30/2004	<a href="#">121</a>	MOTION by defendants for oral argument on their motion for summary judgment (dr) (Entered: 02/03/2004)
02/18/2004	<a href="#">122</a>	CONSENT SCHEDULING ORDER by Judge Thomas W. Thrash, pla's memorandum reply to dfts' 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) (Entered: 02/19/2004)
02/27/2004	123	REPLY by plaintiffs to defendants' response submitted pursuant to proposed Local Rule 56.1 (**FILED UNDER SEAL**) (dr) (Entered: 03/01/2004)
03/12/2004	<a href="#">124</a>	Response by defendants to [123-1] reply to defendants' response submitted pursuant to proposed LR 56.1 (dr) (Entered: 03/18/2004)
04/12/2004		SUBMITTED to Judge Thomas W. Thrash on [88-1] motion for summary judgment, [121-1] motion for oral argument on their motion for summary judgment, [118-1] motion for leave to file or to cause to be filed under seal reply memorandum and response to statement of material facts (dr) (Entered: 04/12/2004)
06/03/2004	<a href="#">125</a>	Notice of change of law firm name by plaintiffs (dr) (Entered: 06/04/2004)
06/09/2004	<a href="#">126</a>	Notice by CRD GRANTING [121-1] motion for oral argument on their motion for summary judgment, motion hearing set for [88-1] motion for summary judgment 2:30 7/6/04 (dr) (Entered: 06/15/2004)
06/21/2004	<a href="#">127</a>	Attorney appearance for plaintiff Gabriel Berczi by Michael Braun (dr) (Entered: 06/22/2004)
07/23/2004	<a href="#">131</a>	NOTICE of Change of Address for Eric J. Belfi, counsel for Joseph S. Butler (dr) (Entered: 08/03/2004)
07/27/2004	<a href="#">128</a>	SETTLEMENT AGREEMENT <i>Stipulation and Agreement of Settlement</i> by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75. (Attachments: # <a href="#">1</a> Text of Proposed Order Preliminary Approval Order# <a href="#">2</a> Class Notice# <a href="#">3</a> Proof of Claim# <a href="#">4</a> Summary Notice# <a href="#">5</a> Text of Proposed Order Final Approval Order)(Gore, Krissi) (Entered: 07/27/2004)
07/27/2004	<a href="#">129</a>	MOTION for Settlement <i>Plaintiffs' Motion for Preliminary Approval of Class Action Settlement</i> by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75. (Gore, Krissi) (Entered: 07/27/2004)
07/27/2004	<a href="#">130</a>	Plaintiffs' Memorandum in Support of <a href="#">129</a> Motion for Preliminary Approval of Class Action Settlement. (Attachments: # <a href="#">1</a> Text of Proposed Order Preliminary Approval Order)(Gore, Krissi) Modified on 8/1/2004 (dfb). (Entered: 07/27/2004)
07/30/2004	<a href="#">132</a>	PRELIMINARY ORDER FOR NOTICE AND HEARING IN CONNECTION WITH SETTLEMENT PROCEEDINGS; Settlement Fairness Hearing set for 9/29/2004 10:30 AM before Judge Thomas W. Thrash Jr. Signed by Judge Thomas W. Thrash Jr. on 7/30/04. (dr) (Entered: 08/06/2004)
08/06/2004	<a href="#">133</a>	ORDER denying without prejudice defendants' [88] Motion for Summary Judgment. Signed by Judge Thomas W. Thrash, Jr. on 08/06/04. (dfb) (Entered: 08/12/2004)

08/06/2004	<a href="#">134</a>	ORDER granting defendants' <a href="#">118</a> Motion for leave to file or to cause to be filed under seal reply memorandum and response to statement of material facts . Signed by Judge Thomas W. Thrash, Jr. on 08/06/04. (dfb) (Entered: 08/12/2004)
08/25/2004		Submission of <a href="#">129</a> MOTION for Settlement, submitted to District Judge Thomas W. Thrash Jr.. (dr) (Entered: 08/25/2004)
09/13/2004	<a href="#">135</a>	Notice of Withdrawal of Counsel Marc Godino for plaintiff Gabriel Berczi; papers should be served to Michael Braun (dr) (Entered: 09/16/2004)
09/22/2004	<a href="#">136</a>	MOTION for Settlement <i>Plaintiffs' Motion for Final Approval of Class Action Settlement</i> with Brief In Support by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75. (Attachments: # <a href="#">1</a> Brief Memorandum in Support of Final Approval# <a href="#">2</a> Exhibit Compendium of Cases Part 1# <a href="#">3</a> Exhibit Compendium of Cases Part 2# <a href="#">4</a> Exhibit Compendium of Cases Part 3)(Gore, Krissi) (Entered: 09/22/2004)
09/22/2004	<a href="#">137</a>	MOTION for Attorney Fees <i>Plaintiffs' Motion for an Award of Attorneys' Fees and Reimbursement of Expenses</i> with Brief In Support by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75. (Attachments: # <a href="#">1</a> Brief Memorandum in Support)(Gore, Krissi) (Entered: 09/22/2004)
09/22/2004	<a href="#">138</a>	NOTICE Of Filing Affidavit of Edward J. Sincavage, CPA Regarding Dissemination of Notice to the Class by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75 (Attachments: # <a href="#">1</a> )(Gore, Krissi) (Entered: 09/22/2004)
09/22/2004	<a href="#">139</a>	NOTICE Of Filing Joint Declaration of Co-Lead Counsel in Support of Proposed Settlement and Application for Award of Plaintiffs' Attorneys' Fees and Reimbursement of Expenses by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75 (Attachments: # <a href="#">1</a> Exhibit Declaration of Plaintiffs' Co-Lead Counsel)(Gore, Krissi) (Entered: 09/22/2004)
09/22/2004	<a href="#">140</a>	NOTICE Of Filing Compendium of Plaintiffs' Counsel's Affidavits in Support of an Award of Attorneys' Fees and Reimbursement of Expenses by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75 (Attachments: # <a href="#">1</a> Exhibit Affidavit of Chitwood & Harley LLP# <a href="#">2</a> Exhibit Affidavit of Milberg Weiss# <a href="#">3</a> Exhibit Affidavit of Barrack Rodos & Bacine)(Gore, Krissi) (Entered: 09/22/2004)
09/29/2004	<a href="#">141</a>	NOTICE Of Filing Supplemental Affidavit of Edward J. Sincavage, CPA Regarding Dissemination of Notice to the Class by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75 (Attachments: # <a href="#">1</a> Affidavit Supplemental Affidavit of Edward J. Sincavage, CPA Regarding Dissemination of Notice to the Class)(Gore, Krissi) (Entered: 09/29/2004)
09/29/2004	<a href="#">142</a>	Minute Entry for proceedings held before Judge Thomas W. Thrash Jr.: Final Settlement Conference held on 9/29/2004, GRANTING <a href="#">136</a> MOTION for Settlement Plaintiffs' Motion for Final Approval of Class Action Settlement filed by MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75, and <a href="#">137</a> MOTION for Attorney Fees Plaintiffs' Motion for an Award of Attorneys' Fees and Reimbursement of Expenses filed by MCV Sales Inc. Profit Sharing Plan & Trust; counsel to forward electronic order with corrections required by Court; this will terminate this action. (Court Reporter Darla Coulter.)(dr) (Entered: 09/30/2004)
09/29/2004	<a href="#">143</a>	ORDER AND FINAL JUDGMENT the proposed settlement encompasses the

		following cases consolidated for all purposes with this case: 99cv175, 99cv201, 99cv205, 99cv253, 99cv271, 99cv354, 99cv407, 99cv425, 99cv443, 99cv488. Plaintiffs' counsel are awarded 33 1/3% of the Settlement Fund in fees, and \$477,336.51 in reimbursement of expenses. Signed by Judge Thomas W. Thrash Jr. on 9/29/04. (dr) (Entered: 09/30/2004)
10/13/2004	<a href="#">144</a>	TRANSCRIPT of Proceedings held on 9/30/04 before Judge Thrash. Court Reporter: Darla Coulter. (dr) (Entered: 10/15/2004)
01/19/2005		Steno Notes of proceedings held on 9/29/04 before Judge Thomas W. Thrash Jr., by Darla Coulter (dr) (Entered: 01/19/2005)
01/19/2005		Steno Notes of proceedings held on 7/30/04 before Judge Thomas W. Thrash Jr., by Darla Coulter (dr) (Entered: 01/19/2005)
04/07/2005	<a href="#">145</a>	NOTICE by W. H. Thead, Jr, Robert L. Thomas, Jr, MCV Sales Inc. Profit Sharing Plan & Trust dtd 6/16/75, Peter Corey, Herbert Garbutt, Robert Hudson, James J. Holten of <i>Change of Firm Name</i> (Gore, Krissi) (Entered: 04/07/2005)

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