

U.S. District Court
Central District Of California
(Southern Division - Santa Ana)
CIVIL DOCKET FOR CASE #: 8:96-cv-00081-GLT-EE

Darrin J Carmonta v. Larry Dingus, et al
Assigned to: Judge Gary L. Taylor
Referred to: Discovery Elgin Edwards
Demand: \$0
Cause: 15:0078m(a) Securities Exchange Act

Date Filed: 01/26/1996
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Darrin J Caramonta

*On Behalf of Himself and All Others
Similarly Situated & Derivatively on
Behalf of Touchstone Software
Corporation*

represented by **Alan Schulman**

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Defendant

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Defendant

Touchstone Software Corporation
*and as Nominal Defendant on Derivative
Claims*

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Date Filed	#	Docket Text
01/26/1996	1	COMPLAINT (Summons(es) issued) (referred to Discovery Elgin Edwards) Jury Demand (jd) (Entered: 01/30/1996)
02/09/1996	2	Revised certification of named pla purs to Fed securities laws by plaintiff (lisp) (Entered: 02/12/1996)

02/20/1996	3	STIPULATION and ORDER ext ti to 3/4/96 to respond to cmp by Judge Gary L. Taylor (lisp) (Entered: 02/21/1996)
02/21/1996	4	EX PARTE APPLICATION by plaintiff Darrin J Caramonta for temporary restraining order , and for an OSC why preliminary injunction to freeze proceeds of insider sales should not be entered LDG TRO & ORD (tt) (Entered: 02/22/1996)
02/21/1996	5	APPLICATION by plaintiff Darrin J Caramonta for an OSC why prelim inj should not be entered (tt) (Entered: 02/22/1996)
02/21/1996	6	MEMORANDUM by plaintiff Darrin J Caramonta in support of motion for temporary restraining order [4-1], of motion for an OSC why preliminary injunction to freeze proceeds of insider sales should not be entered [4-2] (tt) (Entered: 02/22/1996)
02/21/1996	7	DECLARATION of Mark Kangas by plaintiff Darrin J Caramonta (tt) (Entered: 02/22/1996)
02/21/1996	8	DECLARATION of Albert Rossi by plaintiff Darrin J Caramonta (tt) (Entered: 02/22/1996)
02/21/1996	9	DECLARATION of Helen J. Hodges in sup by plaintiff Darrin J Caramonta re [4-1], re [4-2] (tt) (Entered: 02/22/1996)
02/21/1996	10	EX PARTE APPLICATION by plaintiff Darrin J Caramonta to expedite discovery LDG ORD (tt) (Entered: 02/22/1996)
02/21/1996	11	MEMORANDUM by plaintiff Darrin J Caramonta in support of motion to expedite discovery [10-1] (tt) (Entered: 02/22/1996)
02/21/1996	12	DECLARATION of Helen J. Hodges in sup by plaintiff Darrin J Caramonta re [10-1] (tt) (Entered: 02/22/1996)
02/26/1996	13	RETURN OF proof of service on summons and cmplt executed upon defendant Larry Dingus 2/1/96 at 3:06 pm, personally served; defendant C Shannon Jenkins 1/30/96 at 4:26 pm, personally served; defendant Ronald Maas 1/30/96 at 4:15 pm, personally served; defendant Kenneth Welch III 2/7/96 at 9:55 am, personally served; defendant Donald Watters 2/1/96 at 3:10 pm, person served Donald C. Watters, Jr., defendant Sigmund Fidyke 2/1/96 at 3:10 pm, person served Sigmund A. Fidyke, III, defendant Touchstone Software on 1/30/96 at 4:15 pm, person served Ronald Maas, Vice President (vv) Modified on 02/29/1996 (Entered: 02/27/1996)
02/27/1996	14	STIPULATION and ORDER ext of ti & briefing schedule by Judge Gary L. Taylor (lisp) (Entered: 02/28/1996)
03/11/1996	15	NOTICE OF MOTION AND MOTION by defendant Larry Dingus, defendant C Shannon Jenkins, defendant Ronald Maas, defendant Kenneth Welch III, defendant Donald Watters, defendant Sigmund Fidyke, defendant Touchstone Software to dismiss ; motion hearing set for 10:00 4/22/96 (tt) (Entered: 03/12/1996)
03/11/1996	16	MEMORANDUM by defendants in support of motion to dismiss [15-1] (tt) (Entered: 03/12/1996)
03/11/1996	17	MEMORANDUM by defendant in opposition to motion for an OSC why

		preliminary injunction to freeze proceeds of insider sales should not be entered [4-2] (tt) (Entered: 03/12/1996)
03/11/1996	18	MEMORANDUM by defendant in opposition to motion to expedite discovery [10-1] (tt) (Entered: 03/12/1996)
03/11/1996	19	DECLARATION of Paul R. Besette in opp by defendant re [10-1], re [4-2] (tt) (Entered: 03/12/1996)
03/18/1996	20	REPLY MEMORANDUM by plaintiff Darrin J Caramonta in support of motion for temporary restraining order [4-1], of motion for an OSC why preliminary injunction to freeze proceeds of insider sales should not be entered [4-2] (tt) (Entered: 03/21/1996)
03/18/1996	21	REPLY in supt by plaintiff Darrin J Caramonta to mot for expedited discovery (tt) (Entered: 03/21/1996)
03/18/1996	22	SUPPLEMENT by plaintiff Darrin J Caramonta re declaration [9-1] (tt) (Entered: 03/21/1996)
03/18/1996	23	DECLARATION of Shelia Doncaster by plaintiff Darrin J Caramonta (tt) (Entered: 03/21/1996)
03/24/1996	24	ORDER by Judge Gary L. Taylor granting applic of non-res atty Robert J. Dyer III to appear for plf (tt) (Entered: 03/26/1996)
03/25/1996	25	ORDER by Judge Gary L. Taylor granting applic of non-res atty F. James Donnelly to appear for plf (tt) (Entered: 03/26/1996)
03/25/1996	26	SUR-REPLY Memo of P/A in opposition to plf's by defendant re [10-1] mot for expedited discovery. (et) (Entered: 03/27/1996)
03/25/1996	27	SUR-REPLY memo of P/A in opposition to plf's mot for P/I to freeze assets & to impose a constructive trust by defendant(s) re [4-2] (et) (Entered: 03/27/1996)
03/25/1996	28	DECLARATION of Neill W. Freeman in supprt of su-reply memo of P/A & in opposition to plf's mot for P/I to freeze assets & to impose a constructive trust by defendant re [4-2] (et) (Entered: 03/27/1996)
03/26/1996	29	SUPPLEMENTAL by defendant re declaration [19-1] of Paul R. Besette in opposition to plf's mot for P/I to freeze assets & to impose a constructive trust. (et) (Entered: 03/27/1996)
03/26/1996	30	MINUTES: continuing hearing on motion to expedite discovery [10-1] 1:00 4/1/96, continuing hearing on motion for temporary restraining order [4-1] 1:00 4/1/96, continuing hearing on motion for an OSC why preliminary injunction to freeze proceeds of insider sales should not be entered [4-2] 1:00 4/1/96 by Judge Gary L. Taylor CR: (none present) (jd) (Entered: 03/29/1996)
03/29/1996	31	NOTICE OF MOTION AND MOTION by plaintiff Darrin J Caramonta to be appointed lead plaintiffs , and for appointment of lead plaintiffs' counsel ; motion hearing set for 10:00 4/22/96 (dhl) (Entered: 04/03/1996)
03/29/1996	32	MOTION by plaintiff Darrin J Caramonta to strike dfts' sur-reply on the motion to freeze and the sur-reply on the motion for expedited discovery ; motion hearing set

		for 1:00 4/4/96 (dhl) (Entered: 04/03/1996)
03/29/1996	33	NOTICE OF MOTION AND MOTION by plaintiff Darrin J Caramonta to consolidate related cases for all purposes ; motion hearing set for 10:00 4/22/96 (dhl) (Entered: 04/03/1996)
03/29/1996		LODGED/PROPOSED Order (FWD TO CRD) (dhl) (Entered: 04/03/1996)
03/29/1996	34	DECLARATION of Helen J Hodges by plaintiff Darrin J Caramonta in suppt of [31-1], in suppt of [31-2] (dhl) (Entered: 04/03/1996)
03/29/1996	35	MEMORANDUM by plaintiff Darrin J Caramonta in support of motion to consolidate related cases [33-1] (dhl) (Entered: 04/03/1996)
03/29/1996	36	MEMORANDUM by plaintiff Darrin J Caramonta in support of motion to be appointed lead plaintiffs [31-1], of motion for appointment of lead plaintiffs' counsel [31-2] (dhl) (Entered: 04/03/1996)
03/29/1996	37	Second supplemental DECLARATION of Helen J Hodges by plaintiff Darrin J Caramonta in suppt of [32-1] (dhl) (Entered: 04/03/1996)
04/02/1996	38	STIPULATION and ORDER by Judge Gary L. Taylor setting hearing on motion to dismiss [15-1] 10:00 5/13/96; plntf oppstn shall be fld/srvd NLT 4/9/96; Reply shall be fld/srvd NLT 5/6/96. (jd) (Entered: 04/04/1996)
04/04/1996	40	MINUTES: denying motion to expedite discovery [10-1], denying motion for temporary restraining order [4-1] setting hearing on motion to dismiss [15-1] 10:00 5/13/96 opp due 4/9/96, rply to be submitted nlt 5/6/96 by Judge Gary L. Taylor CR: Sally Marshall (tt) (Entered: 04/11/1996)
04/09/1996	39	MEMO IN OPPOSITION by plaintiff Darrin J Caramonta motion to dismiss [15-1] (bp) (Entered: 04/11/1996)
04/09/1996	41	STIPULATION and ORDER by Judge Gary L. Taylor setting hearing on motion to consolidate related cases [33-1] 10:00 5/13/96, setting hearing on motion for appointment of lead plaintiffs' counsel [31-2] 10:00 5/13/96 re ext of time, brfg sched (see doc for fur details) (tt) (Entered: 04/12/1996)
04/18/1996	42	Memo of P&A in opp by defendants to motion for appointment of lead plaintiffs' counsel [31-2] (tt) (Entered: 04/22/1996)
04/18/1996	43	DECLARATION of Jane Rowen in opp by defendants re [31-2] (tt) (Entered: 04/22/1996)
04/25/1996	44	NOTICE OF MOTION AND MOTION by plaintiff Darrin J Caramonta to certify a plf class & subclass ; motion hearing set for <date not set> Hrg dt will be ntcd aft 5/13/96 (tt) (Entered: 04/26/1996)
04/25/1996	45	MEMORANDUM by plaintiff Darrin J Caramonta in support of motion to certify a plf class & subclass [44-1] (tt) (Entered: 04/26/1996)
04/25/1996	46	DECLARATION of Helen J. Hodges in sup by plaintiff Darrin J Caramonta re [44-1] (tt) (Entered: 04/26/1996)
05/06/1996	47	DECLARATION of Howard M. Privette in sup by defendant re [15-1] (tt)

		(Entered: 05/14/1996)
05/06/1996	48	Rply memo in sup by plaintiff Darrin J Caramonta to motion for appointment of lead plaintiffs' counsel [31-2] (tt) (Entered: 05/14/1996)
05/06/1996	49	Rply memo of P&A in sup by defendants to motion to dismiss [15-1] (tt) (Entered: 05/14/1996)
05/08/1996	50	MINUTES: Ord cont hearing on motion to consolidate related cases [33-1] 10:00 5/20/96, cont hearing on motion for appointment of lead plaintiffs' counsel [31-2] 10:00 5/20/96, cont hearing on motion to dismiss [15-1] 10:00 5/20/96 by Judge Gary L. Taylor CR: none (krpa) (Entered: 05/14/1996)
05/08/1996	51	NOTICE of recent Ord appoint lead pla & lead pla's cnsl under the private sec lit reform act of 1995 by plaintiff Darrin J Caramonta (krpa) (Entered: 05/14/1996)
05/15/1996	52	Addendum to rply memo in suppt of dfts' motion to dismiss [15-1] (krpa) (Entered: 05/23/1996)
05/15/1996	53	DECLARATION of Paul R Bessette by defendant Larry Dingus, defendant C Shannon Jenkins, defendant Ronald Maas, defendant Kenneth Welch III, defendant Donald Watters, defendant Sigmund Fidyke, defendant Touchstone Software re opp to pltf's mtn to be appoint lead pla & for appoint of lead cnsl [31-2] (krpa) (Entered: 05/23/1996)
05/20/1996	54	MINUTES: that the motion for appointment of lead plaintiffs' counsel [31-2] is submitted, that the motion to dismiss [15-1] is submitted by Judge Gary L. Taylor CR: n/a (tt) (Entered: 05/29/1996)
05/22/1996	55	Suppl memo in opp by plaintiff Darrin J Caramonta to motion to dismiss [15-1] (tt) (Entered: 05/30/1996)
05/24/1996	57	RESPONSE by defendant Larry Dingus, defendant C Shannon Jenkins, defendant Ronald Maas, defendant Kenneth Welch III, defendant Donald Watters, defendant Sigmund Fidyke, defendant Touchstone Software to pla's post-hrg suppl memo in opp to dft' mtn to dism [15-1] (krpa) (Entered: 06/03/1996)
05/28/1996	56	STIPULATION and ORDER by Judge Gary L. Taylor staying all proceedings pend the submission of a stip of settlement , terminating case ; (ENT-5-31-96) Mld ntc of entry to cnsl/ptys; MD JS 6 (krpa) (Entered: 05/31/1996)
10/10/1996	58	ORDER by Judge Gary L. Taylor objections due 11/18/96 to proposed class action settlement , ; IN COURT HEARING RE: class settlement set on 11:00 12/2/96 (th) (Entered: 10/11/1996)
10/10/1996	59	STIPULATION of Settlement (th) (Entered: 10/11/1996)
11/14/1996	60	OBJECTIONS to request for atty fees in settlement funds by Richard Raney, member of settlement class [58-1] (th) (Entered: 11/15/1996)
11/25/1996	61	NOTICE OF MOTION AND MOTION by plaintiff Darrin J Caramonta for final approval of stip of settlement , and for attorney fees & expenses , and for order for approval of plan of allocation motion hearing set for 11:00 12/2/96 (th) (Entered: 11/26/1996)

11/25/1996	62	MEMORANDUM of P/A by plaintiff Darrin J Caramonta in support of motion for final approval of stip of settlement [61-1], of motion for attorney fees & expenses [61-2], of motion for order for approval of plan of allocation [61-3] (th) (Entered: 11/26/1996)
11/25/1996	63	MEMORANDUM by plaintiff Darrin J Caramonta in support of motion for final approval of stip of settlement [61-1], of motion for attorney fees & expenses [61-2], of motion for order for approval of plan of allocation [61-3] (th) (Entered: 11/26/1996)
11/25/1996	65	DECLARATION of Helen Hodges by plaintiff Darrin J Caramonta re motions for final settlement [61-1], re [61-2], re [61-3] (th) (Entered: 11/26/1996)
11/25/1996	66	DECLARATION of D Lee Janvrin by plaintiff Darrin J Caramonta re mailing of notices of proposed settlement & proof of clm & release form & publication of settlement notice per requirements for class action re [61-1], re [61-2], re [61-3] (th) (Entered: 11/26/1996)
11/25/1996	67	DECLARATION of Keith F Park by plaintiff Darrin J Caramonta re atty fees & expenses [61-1], re [61-2], re [61-3] (th) (Entered: 11/26/1996)
11/25/1996	68	DECLARATION of Dyer, Connelly & Lilley by plaintiff Darrin J Caramonta re atty fees [61-2] (th) (Entered: 11/26/1996)
11/25/1996	69	DECLARATION of Barrack Rodos & Bacine by plaintiff Darrin J Caramonta re atty fees [61-2] (th) (Entered: 11/26/1996)
11/26/1996	64	MEMORANDUM of P/A by plaintiff Darrin J Caramonta in support of motion for attorney fees & expenses [61-2] (th) (Entered: 11/26/1996)
12/02/1996	70	MINUTES: taking under advisement on the motion for final approval of stip of settlement [61-1], taking under advisement on the motion for attorney fees & expenses [61-2], taking under advisement on the motion for order for approval of plan of allocation [61-3] by Judge Gary L. Taylor CR: Sally Marshall (th) (Entered: 12/04/1996)
12/04/1996	71	PROOF OF SERVICE by plaintiff Darrin J Caramonta of notice of mot for final approval of settlement & supporting documents on attached service list by federal express on 11/22/96. (th) (Entered: 12/05/1996)
12/23/1996	72	Supplemental DECLARATION of Keith F Park by plaintiff re mot for atty fees [61-1], re [61-3] (th) (Entered: 12/26/1996)
03/10/1997	73	MINUTES: approving plan of allocation & modifying req for atty fees: the court concludes that the case was sufficiently risky to justify a fee award of 25% of the common fund; with regard to costs, court orders cnsl to provide a detailed accounting of compensation requested for experts/consultants/investigators (Park decl page 2) incl hours expended who performed & at what rate in 20 days of this order; by Judge Gary L. Taylor CR: n/a (th) (Entered: 03/14/1997)
04/10/1997	74	DECLARATION of Albert Rossi CPA by plaintiff Darrin J Caramonta (krpa) (Entered: 04/16/1997)
04/10/1997	75	DECLARATION of John Torkelsen by plaintiff Darrin J Caramonta in suppt of

		fees & reimbursment of expenses (krpa) (Entered: 04/16/1997)
04/15/1997	80	PROOF OF SERVICE by plaintiff of decl fo Albert Rossi on opposing cnsl by fed ex 4/15/97 (th) (Entered: 04/21/1997)
04/17/1997	76	MINUTES: Crt has reviewed cnsl's suppl dec submitted in suppt of its req for reimbursment of lit expenses & concludes the amount of req is reasonable; however, cnsl's costs are subtracted from the fund by Judge Gary L. Taylor CR: none (krpa) Modified on 04/17/1997 (Entered: 04/17/1997)
04/17/1997	77	ORDER apprv plan of allocation: crt finds & concludes that the formula for the calculation of the clms of auth clmnts which is set forth in the plan of allocation of stlmnt fund & in the ntc of prop stlmnt of class & derivative lit & stlmnt hrg sent to stlmnt class members provides a fair & reasonable basis upon which to allocate the proceeds of the stlmnt fund estab by the stip among stlmnt class members w/ due consid having been given to admin convenience & nec; this Crt finds & concludes that the plan of allocation set forth in the ntc is in all respects fair reasonable & adequate & the Crt hereby apprvs the plan of allocation by Judge Gary L. Taylor; (ENT-4-17-97) (krpa) (Entered: 04/17/1997)
04/17/1997	78	ORDER by Judge Gary L. Taylor granting pla's motion for attorney fees & expenses [61-2]; all of the capitalized terms used herein shall have the same meaning as set forth in the stip of stlmnt dtd as of 8-22-97; this Crt has jhuris over the subj matter of this appl & all matters rel thereto includ all members of the class who have not timely & validly req exclusion; the Crt awards rep plas' cnsl attys' fees in the amount of 25% of the stlmnt fund in cash & stlmnt stock plus lit expenses incurred in an aggregate amount of \$71,561.14 together w/ the int earned thereon for the same per & at the same rate as that earned on the case portion of the stlmnt fund until pd; said fees & expense shall be allocated among rep plas' cnsl in a manner which reflects each such rep plas' cnsl's contribution to the institution prosecution & resolution of the lit; the Crt finds that the amount of fees awarded is fair & reasonable under the percentage of recovery method; cnsl's attys fee award is to be cal after the lit expenses are subtracted from the stlmnt fund; the fees & exp & int earned shall be pd to rep plas' cnsl w/i 3 bus dys after the dt this ord is executed subj to the terms & conds & obligations of the stip & in part par 7.2 thereof which terms & conds & obligations are incorp herein. (ENT-4-17-97) (krpa) (Entered: 04/17/1997)
04/17/1997	79	FINAL JUDGMENT AND ORDER: by Judge Gary L. Taylor . granting motion for final approval of stip of settlement [61-1]i; dfts have denied & cont to deny each & all clms alleged in the lit; (ENT-4-17-97) (cc: all counsel) (krpa) (Entered: 04/17/1997)

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