

US District Court Civil Docket as of 01/07/2000
Retrieved from the court on Thursday, March 11, 2004

U.S. District - New Mexico
(Albuquerque)

1:96cv442

Donnarumma, et al v. Ortenzio, et al

Date Filed: 04/02/1996	Class Code: CLOSED
Assigned To: District Judge Bruce D Black	Closed: yes
Referred To: Magistrate Judge Leslie C Smith	Statute: 28:1331
Nature of suit: Securities (850)	Jury Demand: b
Cause: Fed. Question: Securities Violation(28:1331sv)	Demand Amount: \$0
Lead Docket: none	NOS Description: Securities
Other Docket: None	
Jurisdiction: Federal Question(3)	

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Date	#	Proceeding Text
04/02/1996	--	FILING FEE PAID: on 4/2/96 in the amount of \$120.00, receipt #: 101563.
04/02/1996	1	COMPLAINT w/jury demand (7 Summons(es) issued) (referred to Magistrate Leslie C. Smith) RE: [45] AMENDED COMPLAINT [1-1] by plaintiff;...
04/08/1996	2	RETURN OF SERVICE executed upon defendant Horizon/CMS Healthca on 4/5/96
04/24/1996	3	ENTRY OF APPEARANCE for defendant Horizon/CMS Healthca by John M. Eaves, John G. Baugh, Charles W Schwartz, Christopher W Byrd, Richard D Milvenan, Barry D Burgdorf
04/25/1996	4	UNCONTESTED MOTION by defendant Horizon/CMS Healthca to extend time

until 5/14/96 in which to answer complaint RE: [5] ORDER by Judge Bruce D. Black granting...

04/29/1996 5 ORDER by Judge Bruce D. Black granting deft Horizon/CMS's motion to extend time until 5/14/96 in which to answer complaint [4-1] (cc: all counsel) RE: [4] UNCONTESTED MOTION by defendant...

04/30/1996 6 ENTRY OF APPEARANCE for defendant Russell L Carson by Rex D. Throckmorton

04/30/1996 7 RETURN OF SERVICE executed upon deft Neal M Elliott on 4/23/96

04/30/1996 8 RETURN OF SERVICE executed upon deft Ernest A Schofield on 4/11/96

05/03/1996 9 INITIAL SCHEDULING ORDER by Magistrate Leslie C. Smith ; Rule 16 scheduling conference set for 6/25/96 at 2:30 pm in Albuquerque, NM; Provisional Discovery Plan and IPTR due 6/7/96 (cc: all counsel)

05/13/1996 10 RETURN OF SERVICE executed upon defendant Russell L Carson on 5/2/96

05/14/1996 11 MOTION by defendant Horizon/CMS Healthca to extend time until 6/17/96 within which to answer complaint RE: [13] ORDER by Judge Bruce D. Black...

05/16/1996 12 RETURN OF SERVICE executed upon defendant Rocco A Ortenzio on 4/20/96

05/20/1996 13 ORDER by Judge Bruce D. Black granting defts' motion to extend time until 6/17/96 within which to answer complaint [11-1] (cc: all counsel) RE: [11] MOTION by defendant Horizon/CMS...

05/23/1996 14 WAIVER OF SERVICE upon defendant Klemett L Belt Jr on 5/21/96 RE: [15] AFFIDAVIT of Timara Harrison regarding...

05/23/1996 15 AFFIDAVIT of Timara Harrison regarding executed service [14-1] RE: [14] WAIVER OF SERVICE upon defendant...

05/31/1996 16 RETURN OF SERVICE executed upon deft Klemett L Belt Jr on 5/28/96

05/31/1996 17 ENTRY OF APPEARANCE for defts Neal M Elliott, Klemett L Belt Jr, and Ernest A Schofield by Russell Moore, Charles A. Pharris, Spencer Reid

06/03/1996 18 ORDER by Magistrate Leslie C. Smith Rule 16 scheduling conference set for 6/25/96 is vacated (cc: all counsel)

06/04/1996 19 NOTICE of case management conference before Judge Bruce D Blank and Magistrate Judge Leslie C Smith on 6/26/96 at 1:30 pm in Albuquerque, NM (CLERK: ljs) (cc: all counsel by ljs)

06/07/1996 20 ORDER SETTING AGENDA FOR CASE MANAGEMENT CONFERENCE by Magistrate Leslie C. Smith as described herein (cc: all counsel)

06/13/1996 21 ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE by defendant Robert A Ortenzio on 4/16/96

06/18/1996 22 SECOND UNOPPOSED MOTION by defendants to extend time until 6/28/96 in which to file an answer or other response RE: [23] ORDER by Judge Bruce D. Black granting...

06/19/1996 23 ORDER by Judge Bruce D. Black granting deft Horizon/CMS Healthcare Corp's second unopposed motion to extend time until 6/28/96 in which to file an answer or other response [22-1] (cc: all counsel) RE: [22] SECOND UNOPPOSED MOTION by defendants...

06/19/1996 24 NOTICE by Alderete and Baskin plaintiffs submission regarding appointment of a lead pltf and a lead counsel

06/25/1996 25 UNOPPOSED MOTION by plaintiffs for leave to exceed the 50 page limit for exhibits attached to the declaration of G Paul Howes in support of pltf's mtn to appoint lead pltf's and lead pltf's co-lead counsel RE: [26] ORDER by Magistrate Leslie C. Smith...

06/25/1996 26 ORDER by Magistrate Leslie C. Smith granting pltf's motion for leave to exceed the 50 page limit for exhibits attached to the declaration of G Paul Howes in support of pltf's mtn to appoint lead pltf's and lead pltf's co-lead counsel [25-1] and that the exhibits attached to the above declaration shall not exceed 100 pages (cc: all counsel) RE: [25] UNOPPOSED MOTION by plaintiffs for...

06/25/1996 27 MOTION by plaintiffs to consolidate related cases for all purposes RE: [28] MEMORANDUM of points and authorities by... RE: [31] JOINT RESPONSE by defendants to motion... RE: [32] REPLY memorandum by plaintiffs to...

06/25/1996 28 MEMORANDUM of points and authorities by plaintiffs in support of motion to consolidate related cases for all purposes [27-1] RE: [27] MOTION by plaintiffs to consolidate...

06/25/1996 29 MOTION by plaintiffs for order to be appointed lead pltf's pursuant to 27(a)(3)(b) of the securities act of 1933 and 21D(a)(3)(B) of the securities exchange act of 1934 and for appointment of lead pltf's co-lead counsel RE: [30] MEMORANDUM of points and authorities by... RE: [31] JOINT RESPONSE by defendants to motion... RE: [32] REPLY memorandum by plaintiffs to... RE: [33] DECLARATION of G Paul Howes in support... RE: [38] ORDER APPOINTING LEAD COUNSEL by Judge...

06/25/1996 30 MEMORANDUM of points and authorities by plaintiffs in support of motion for order to be appointed lead pltf's pursuant to 27(a)(3)(b) of the securities act of 1933 and 21D(a)(3)(B) of the securities exchange act of 1934 and for appointment of lead pltf's co-lead counsel [29-1] RE: [29] MOTION by plaintiffs for order to be...

06/25/1996 31 JOINT RESPONSE by defendants to motion for order to be appointed lead pltf's pursuant to 27(a)(3)(b) of the securities act of 1933 and 21D(a)(3)(B) of the securities exchange act of and for appointment of lead pltf's co-lead counsel [29-1] and motion to consolidate related cases for all purposes [27-1] RE: [27] MOTION by plaintiffs to consolidate... RE: [29] MOTION by plaintiffs for order to be...

06/25/1996 32 REPLY memorandum by plaintiffs to response to motion for order to be appointed lead pltf's pursuant to 27(a)(3)(b) of the securities act of 1933 and 21D(a)(3)(B) of the securities exchange act of 1934 and for appointment of lead pltf's co-lead counsel [29-1] and motion to consolidate related cases for all purposes [27-1] RE: [27] MOTION by plaintiffs to consolidate... RE: [29] MOTION by plaintiffs for order to be...

06/25/1996 33 DECLARATION of G Paul Howes in support of motion for order to be appointed lead pltf's pursuant to 27(a)(3)(b) of the securities act of 1933 and 21D(a)(3)(B) of the securities exchange act of 1934 and for appointment of lead pltf's co-lead counsel [29-1] RE: [29] MOTION by plaintiffs for order to be...

06/25/1996 34 (NOTICE) THE Aldrete Pltf's and Baskin Pltf's submission regarding: (1) appointment of a lead counsel; and (2) lead counsel

06/26/1996 35 CERTIFICATE of Service by pltf's of Motion to Consolidate Related Cases;

Memorandum of Points & Authorities in Support of Motion to Consolidate; Proposed Order Consolidated Related Cases; Motion to be Appointed Lead Pltfs & for Appointment of Lead Pltfs Co-Lead Counsel; Memorandum of Points & Authorities in Support of Motion to Be Appointed Lead Pltfs & for Appointment of Lead Pltfs Co-Lead Counsel; Proposed Order Appointing Lead Pltfs & for Appointment of Lead Pltfs Co-Lead Counsel; Declaration of G. Paul Howes in Support of Motion to be Appointed Lead Pltfs & Appointment of Lead Pltfs Co-Lead Counsel to counsel on 6/3/96

- 06/26/1996 36 CLERK'S MINUTES: case management conference held before Magistrate Leslie C. Smith
- 07/03/1996 37 ENTRY OF APPEARANCE for defendant Rocco A Ortenzio by Martin K. Holland, Harvey Pitt, John Sullivan, Karl Groskaufmanis
- 07/17/1996 38 ORDER APPOINTING LEAD COUNSEL by Judge Bruce D. Black granting pltfs Donnarumma and Alderete' motion to appoint lead counsel and that lead counsel for pltfs shall be G Paul Howes and liaison counsel for pltfs shall be Turner W Branch and John W Boyd; lead counsel for defts shall be Charles W Schwartz and liaison copunsel for defts shall be John M Eaves and Charles A Pharris as described herein [29-1] (cc: all counsel) RE: [29] MOTION by plaintiffs for order to be...
- 07/31/1996 39 ORDER OF CONSOLIDATION for discovery and pretrial proceedings only by Judge Bruce D. Black as described herein (CV 96-447 JC, CV 96-555 SC, CV 96-560 MV, CV 96 610 MV, CV 96-614 MV CV 96-626 MV, CV 96-634 BB, CV 96-752 LH CV 96-818 SC) (cc: all counsel) RE: [41] CASE MANAGEMENT ORDER by Magistrate...
- 07/31/1996 40 ORDER appointing Lead pltfs and amended Order appointing Lead Counsel by Judge Bruce D. Black as follows: Lead counsel for pltfs shall be Alan Schulman; liaison counsel for pltfs shall be Turner Branch and David Freedman; Lead counsel for defts shall be Charles W Schwartz; liaison counsel for defts shall be John M Eaves and Russell D Moore (cc: all counsel) RE: [41] CASE MANAGEMENT ORDER by Magistrate...
- 07/31/1996 41 CASE MANAGEMENT ORDER by Magistrate Leslie C. Smith as described herein [40-1], [39-1] (cc: all counsel) RE: [39] ORDER OF CONSOLIDATION for discovery... RE: [40] ORDER appointing Lead pltfs and amended...
- 09/13/1996 42 ENTRY OF APPEARANCE for deft Robert A Ortenzio by Victor R. Ortega, Andrew S. Montgomery, and Edward M Posner
- 09/26/1996 43 NOTICE by plaintiffs' attorneys of law firm name change
- 09/27/1996 44 NOTICE of change of address by counsel for pltf Barry Baskin
- 09/30/1996 45 AMENDED COMPLAINT [1-1] by plaintiff; jury demand; adding Jerry Rosenbaum, Matthew Berenda Sr, Patricia A Berenda, Matthew Berenda Jr, Elwood Kismer, Michael E Hanson, Tom Richter, Mark Gaynor, George Bowles, Robert Marschke, S Michael Theophano, Jacob Wiesel, Annette Wiesel, Steve Alderete, Donnette Alderete, Michael Carver, Jacob Goldfarb, Malka Goldfarb, Turnberry Asset, Anthony Moore Jr, Aniela Moore, Alexander Weingarten, George Orban Sr (- Summons(es) issued) RE: [1] COMPLAINT w/jury demand (7 Summons(es))...
- 09/30/1996 46 CERTIFICATE of service of amended complaint by plaintiffs to counsel on

9/30/96

- 10/03/1996 47 ENTRY OF APPEARANCE for plaintiffs by Donald L. Perelman
- 11/27/1996 48 JOINT MOTION by the parties herein for order to modify the case management order
- 12/06/1996 49 NOTICE by plaintiffs of related case filing
- 12/10/1996 50 AMENDED CASE MANAGEMENT ORDER by Judge Bruce D. Black as described herein (see Order for specifics) (cc: all counsel)
- 12/19/1996 51 MOTION on behalf of all defts for leave to incorporate Horizon/CMS Healthcare Corporation's motion to dismiss with supporting memorandum, by reference RE: [53] ORDER by Judge Bruce D. Black granting...
- 12/19/1996 52 MOTION by defendants for leave to incorporate Horizon/CMS Health care Corporation's motion to dismiss and supporting memorandum, by reference RE: [53] ORDER by Judge Bruce D. Black granting...
- 01/03/1997 53 ORDER by Judge Bruce D. Black granting defts' motion for leave to incorporate Horizon/CMS Healthcare Corporation's motion to dismiss [51-1] in 1:96-cv-00442 (cc: all counsel) RE: [51] MOTION on behalf of all defts for... RE: [52] MOTION by defendants for leave to...
- 01/06/1997 54 AMENDED MOTION by defendants for leave to incorporate other defts' motions to dismiss and supporting memoranda, by reference RE: [55] ORDER by Judge Bruce D. Black granting...
- 01/08/1997 55 ORDER by Judge Bruce D. Black granting defts' amended motion for leave to incorporate other defts' motions to dismiss and supporting memoranda, by reference [54-1] in 1:96-cv-00442 (cc: all counsel) RE: [54] AMENDED MOTION by defendants for leave...
- 01/14/1997 56 NOTICE by plaintiff Jerry Rosenbaum of attorneys' firm name change
- 01/14/1997 57 CERTIFICATE of service of attorneys' firm name change by plaintiff Jerry Rosenbaum to counsel on 1/9/97
- 01/15/1997 58 CERTIFICATE of Service by deft Horizon/CMS Healthcare of Order granting amended mtn for leave to incorporate other defts' mtn to dismiss to all counsel on 1/14/97
- 01/24/1997 59 NOTICE by plaintiff George Orban Sr of change of address
- 02/24/1997 60 NOTICE by defendant Horizon/CMS Healthcare of related case filing RE: [65] RESPONSE by defendant Horizon/CMS...
- 02/24/1997 61 CERTIFICATE of service of notice of related case filing by defendant Horizon/CMS Healthcare to counsel on 2/24/97
- 03/17/1997 62 MOTION by defendant Horizon/CMS Healthcare for order for extension of time in which all defts must serve their replies in support of their motions to dismiss and serve their responses to pltf's motion for class certification RE: [63] STIPULATED ORDER by Judge Bruce D....
- 03/20/1997 63 STIPULATED ORDER by Judge Bruce D. Black granting motion for order for extension of time in which all defts must serve their replies in support of their motions to dismiss and serve their responses to pltf's motion for class certification [62-1] and that the motion hearing scheduled for 3/21/97 is hereby VACATED (cc: all counsel) RE: [62] MOTION by defendant Horizon/CMS...

03/21/1997 64 ORDER by Magistrate Leslie C. Smith Telephonic Status hearing set for 3/31/97 at 10:00 AM, Las Cruces, NM (cc: all counsel)

03/25/1997 65 RESPONSE by defendant Horizon/CMS Healthcare to pltfs' opposition to def'ts notice of related cases [60-1] RE: [60] NOTICE by defendant Horizon/CMS...

03/31/1997 66 CLERK'S MINUTES: before Magistrate Leslie C Smith: Status hearing held; parties to submit stipulated proposed settlement within 2 to 3 weeks as to most claims

04/02/1997 67 NOTICE by defendant Horizon/CMS Healthcare of related case filings

04/02/1997 68 CERTIFICATE of service of notice of related cae filing by defendant Horizon/CMS Healthcare to counsel on 4/2/97

04/08/1997 69 NOTICE by defendant Horizon/CMS Healthcare of related case filing

04/08/1997 70 CERTIFICATE of service of notice of related case filing by defendant Horizon/CMS Healthcare to counsel on 4/8/97

05/13/1997 71 NOTICE by plaintiffs of change of name for Law Firm Zwerling, Schachter, Zwerling & Koppell

05/22/1997 72 MINUTE ORDER: setting hearing on preliminary settlement approval for 6/16/97 at 1:15 pm in Albuquerque, NM (CLERK: ljs) (cc: all counsel by ljs)

06/12/1997 73 EX-PARTE MOTION by the Baskin pltfs' for order requiring the Milberg Firm to modify the proposed settlement agreement and the settlement notice RE: [74] RESPONSE in opposition by Lead Counsel...

06/16/1997 74 RESPONSE in opposition by Lead Counsel (pltfs) to motion for order requiring the Milberg Firm to modify the proposed settlement agreement the settlement notice [73-1] RE: [73] EX-PARTE MOTION by the Baskin pltfs'...

06/16/1997 75 UNOPPOSED MOTION by plaintiffs for order to preliminarily approve settlement, certify a settlement class, schedule the final approval hearing and direct that notice of settlement and the final approval hearing be sent to class RE: [76] MEMORANDUM by plaintiffs in support of... RE: [78] ORDER by Judge Bruce D. Black granting... RE: [79] CLERK'S MINUTES: before Judge Bruce D.... RE: [105] MEMORANDUM of law by plaintiffs in... RE: [108] DECLARATION of Alan Schulman in support...

06/16/1997 76 MEMORANDUM by plaintiffs in support of motion for order to preliminarily approve settlement, certify a settlement class, schedule the final approval hearing and direct that notice of settlement and the final approval hearing be sent to class [75-1] RE: [75] UNOPPOSED MOTION by plaintiffs for...

06/16/1997 77 STIPULATION of settlement by parties herein

06/16/1997 78 ORDER by Judge Bruce D. Black granting motion for order to preliminarily approve settlement, certify a settlement class, schedule the final approval hearing and direct that notice of settlement and the final approval hearing be sent to class [75-1] as described herein (see Order for all specifics) 1:96-cv-00442 (cc: all counsel) RE: [75] UNOPPOSED MOTION by plaintiffs for... RE: [80] ORDER sua sponte by Judge Bruce D....

06/16/1997 79 CLERK'S MINUTES: before Judge Bruce D. Black re motion for preliminary settlement approval; Court enters Order on preliminary settlement approval [75-1] C/R: J.Bean RE: [75] UNOPPOSED MOTION by plaintiffs for... RE: [0]

TRANSCRIPT OF PROCEEDINGS before Judge...

- 06/18/1997 80 ORDER sua sponte by Judge Bruce D. Black directing the Clerk's Office to administratively close the consolidated cases in this action, this lead case shall remain open until the fairness hearing has been conducted and final closing documents have been submitted to the Court by the parties and as further described herein [78-1] (cc: all counsel) RE: [78] ORDER by Judge Bruce D. Black granting...
- 07/02/1997 -- TRANSCRIPT OF PROCEEDINGS before Judge Bruce D. Black held on 6/16/97; (re [79-1]) lodged in separate file folder RE: [79] CLERK'S MINUTES: before Judge Bruce D....
- 07/11/1997 81 ENTRY OF APPEARANCE for movant State of Wisconsin by Amanda J. Ashford
- 07/30/1997 82 ORDER by Magistrate Leslie C Smith: hearing on (unfiled) mtn by State of Wisconsin Investment Board for leave to take discovery on expedited basis to be held telephonically on 8/5/97 at 1:15 PM in Las Cruces (cc: all counsel)
- 07/31/1997 83 ADVISORY NOTICE by defendant Horizon/CMS Healthcare in response to Clerk's letter of 7/15/97
- 07/31/1997 84 CERTIFICATE of service of advisory notice in response to clerk's letter of 7/15/97 by defendant Horizon/CMS Healthcare to counsel on 7/31/97
- 08/01/1997 85 MOTION by movant State of Wisconsin Investment Board for leave to take discovery on an expedited basis RE: [86] (RESPONSE) Memorandum in opposition by... RE: [87] CLERK'S MINUTES: hearing before... RE: [88] MEMORANDUM, OPINION, AND ORDER: by...
- 08/01/1997 86 (RESPONSE) Memorandum in opposition by plaintiffs to motion for leave to take discovery on an expedited basis [85-1] RE: [85] MOTION by movant State of Wisconsin...
- 08/05/1997 87 CLERK'S MINUTES: hearing before Magistrate Leslie C Smith re: mtn by State of Wisconsin Investment Bd for leave to take discovery on expedited basis [85-1]; mtn denied; order forthcoming RE: [85] MOTION by movant State of Wisconsin...
- 08/06/1997 88 MEMORANDUM, OPINION, AND ORDER: by Magistrate Leslie C Smith denying mtn for leave to take discovery on an expedited basis [85-1] by State of Wisconsin (cc: all counsel) RE: [85] MOTION by movant State of Wisconsin...
- 08/14/1997 89 OBJECTIONS by movant State of Wisconsin Investment Board and Colorado Public Employees' Retirement Association to the proposed settlement, which was preliminarily approved on 6/16/97, and set for a hearing on 9/12/97
- 08/18/1997 90 REQUEST by plaintiff W Smith for placement on service list
- 08/18/1997 90 ENTRY OF APPEARANCE for plaintiff W Smith by attorney Lawrence W Schonbrun
- 08/18/1997 91 REQUEST by plaintiff W Smith to file class member objection under pseudonym pending fairness settlement hearing RE: [92] DECLARATION of Lawrence W Schonbrun in...
- 08/18/1997 92 DECLARATION of Lawrence W Schonbrun in support of request to file class member objection under pseudonym pending fairness settlement hearing [91-1] RE: [91] REQUEST by plaintiff W Smith to file...
- 08/18/1997 93 NOTICE by plaintiff W Smith of objection and intention to appear at hearing on

proposed settlement and award of attorneys' fees and expenses RE: [94] DECLARATION of Lawrence W Schonbrun in...

08/18/1997 94 DECLARATION of Lawrence W Schonbrun in support of class member objections [93-1] RE: [93] NOTICE by plaintiff W Smith of...

08/18/1997 95 OBJECTIONS by movant Ronald Gottesman to application for attorneys' fees RE: [153] DECLARATION of Elliott J Weiss re...

08/18/1997 96 CERTIFICATE of service of objectors request for production of documents by movant State of Wisconsin to counsel on 8/15/97

08/19/1997 97 NOTICE by plaintiffs of settlement of excluded claims

08/20/1997 98 CERTIFICATE of Service by State of Wisconsin Investment Board & Colorado Public Employees' Retirement Association of interrog(s) to counsel on 8/18/97

09/02/1997 99 NOTICE by plaintiffs of change of address for attorney William M Audet

09/02/1997 100 CERTIFICATE of service of responses to document subpoena by movant State of Wisconsin to counsel on 8/29/97

09/04/1997 101 UNOPPOSED MOTION by plaintiffs to exceed page limitation for memorandum of law in support of class pltfs' motion for final approval of the proposed settlement RE: [104] ORDER by Senior Judge E. L. Mechem for...

09/04/1997 102 UNOPPOSED MOTION by plaintiffs to exceed page limitation for memorandum of law in support of class pltfs' motion for award of attorneys' fees and reimbursement of expenses to counsel for pltfs and the class RE: [103] ORDER by Senior Judge E. L. Mechem for...

09/04/1997 103 ORDER by Senior Judge E. L. Mechem for Judge Bruce D Black granting motion to exceed page limitation for memorandum of law in support of class pltfs' motion for award of attorneys' fees and reimbursement of expenses to counsel for pltfs and the class [102-1]; The Memorandum of Law shall not exceed 45 pages (cc: all counsel) RE: [102] UNOPPOSED MOTION by plaintiffs to...

09/04/1997 104 ORDER by Senior Judge E. L. Mechem for Judge Bruce D Black granting motion to exceed page limitation for memorandum of law in support of class pltfs' motion for final approval of the proposed settlement [101-1]; The Memorandum of Law shall not exceed 50 pages (cc: all counsel) RE: [101] UNOPPOSED MOTION by plaintiffs to...

09/05/1997 105 MEMORANDUM of law by plaintiffs in support of class pltfs' motion for final approval of the proposed settlement and plan of allocation [75-1] RE: [75] UNOPPOSED MOTION by plaintiffs for...

09/05/1997 106 MEMORANDUM of law by plaintiffs in support of representative pltfs' application for attorneys' fees and reimbursement of expenses (mtn not on file)

09/05/1997 107 STIPULATION by pltfs of settlement of the excluded claims

09/05/1997 108 DECLARATION of Alan Schulman in support of motions to approve proposed settlement and for an award of attorneys' fees and reimbursement of expenses to counsel for pltfs and the class [75-1] RE: [75] UNOPPOSED MOTION by plaintiffs for... RE: [109] APPENDIX to the declaration of Alan... RE: [110] APPENDIX to the declaration of Alan... RE: [111] APPENDIX to the declaration of Alan... RE: [112] APPENDIX to the declaration of Alan...

09/05/1997 109 APPENDIX to the declaration of Alan Schulman in support of motions to approve

proposed settlement and for an award of attorneys' fees and reimbursement of expenses to counsel for pltfs and the class [108-1] (Volume I of IV) RE: [108] DECLARATION of Alan Schulman in support...

09/05/1997 110 APPENDIX to the declaration of Alan Schulman in support of motions to approve proposed settlement and for an award of attorneys' fees and reimbursement of expenses to counsel for pltfs and the class [108-1] (Volume II of IV) RE: [108] DECLARATION of Alan Schulman in support...

09/05/1997 111 APPENDIX to the declaration of Alan Schulman in support of motions to approve proposed settlement and for an award of attorneys' fees and reimbursement of expenses to counsel for pltfs and the class [108-1] (Volume III of IV) RE: [108] DECLARATION of Alan Schulman in support...

09/05/1997 112 APPENDIX to the declaration of Alan Schulman in support of motions to approve proposed settlement and for an award of attorneys' fees and reimbursement of exp[enses to counsel for pltfs and the class [108-1] (Volume IV of IV) RE: [108] DECLARATION of Alan Schulman in support...

09/05/1997 113 BRIEF (MEMORANDUM) by defendant Horizon/CMS Healthcare in support of proposed settlement

09/05/1997 114 DECLARATION by Charles W. Schwartz on behalf of defendant Horizon/CMS Healthcare

09/05/1997 115 CERTIFICATE by defendant Horizon/CMS Healthcare of service of brief in support of proposed settlement & declaration of Charles W. Schwartz to opposing counsel 9/5/97

09/05/1997 116 MOTION by movant Ronald Gottesman for attorney fees (no amount specified) RE: [117] MEMORANDUM & joint affidavit of Joseph...

09/05/1997 117 MEMORANDUM & joint affidavit of Joseph H. Weiss & Charles R. Peifer in support of Ronald Gottesman's motion for attorney fees [116-1] RE: [116] MOTION by movant Ronald Gottesman for...

09/10/1997 118 SUPPLEMENTAL Declaration of Class Member by pltf W Smith

09/10/1997 119 MEMORANDUM in opposition to application for attorneys' fees for Joseph H Weiss and Charles R Peifer (counsel in the Gottesman action)

09/11/1997 120 MEMORANDUM brief by movant State of Wisconsin in opposition to attorney fee petition RE: [121] DECLARATION of Abbott A Leban [120-1]... RE: [122] DECLARATION of Keith L Johnson [120-1]... RE: [123] DECLARATION of Dennis P Lynch [120-1]... RE: [124] DECLARATION of George Kim Johnson... RE: [128] DECLARATION of Keith L Johnson [120-1]...

09/11/1997 121 DECLARATION of Abbott A Leban [120-1] RE: [120] MEMORANDUM brief by movant State of...

09/11/1997 122 DECLARATION of Keith L Johnson [120-1] RE: [120] MEMORANDUM brief by movant State of...

09/11/1997 123 DECLARATION of Dennis P Lynch [120-1] RE: [120] MEMORANDUM brief by movant State of...

09/11/1997 124 DECLARATION of George Kim Johnson [120-1] RE: [120] MEMORANDUM brief by movant State of...

09/11/1997 125 CERTIFICATE of service of responses to documents subpoena by movant

Colorado Public to counsel on 9/10/97

09/11/1997 126 SUPPLEMENTAL submission by plaintiffs re: objection of Lawrence Schonbrun

09/12/1997 127 RESPONSE to objections to application for attorneys' fees by movant Ronald Gottesman

09/12/1997 128 DECLARATION of Keith L Johnson [120-1] RE: [120] MEMORANDUM brief by movant State of...

09/12/1997 129 CLERK'S MINUTES: Fairness hearing held before Judge Bruce D. Black; Court executes final judgment and motion to dismiss; C/R: J.Bean RE: [130] FINAL JUDGMENT AND ORDER OF DISMISSAL:... RE: [0] TRANSCRIPT OF PROCEEDINGS before Judge...

09/12/1997 130 FINAL JUDGMENT AND ORDER OF DISMISSAL: by Judge Bruce D. Black re [129-1] in 1:96-cv-00442 dismissing case (1:96-cv-00752 1:96-cv-00634 1:96-cv-00626 1:96-cv-00614 1:96-cv-00610 1:96-cv-00560 1:96-cv-00555 1:96-cv-00447) (cc: all counsel) RE: [129] CLERK'S MINUTES: Fairness hearing held... RE: [131] ORDER by Judge Bruce D. Black awarding...

09/22/1997 -- TRANSCRIPT OF PROCEEDINGS before Judge Bruce D. Black held on 9/12/97; (re [129-1]) lodged in separate file folder RE: [129] CLERK'S MINUTES: Fairness hearing held...

09/30/1997 132 Supplemental submission of representative pltfs' counsel in support of reimbursement of meal and hotel expenses

10/01/1997 131 ORDER by Judge Bruce D. Black awarding attorneys' fees and reimbursement of expenses as described herein (see Order for specifics) [130-1] (cc: all counsel) RE: [130] FINAL JUDGMENT AND ORDER OF DISMISSAL:...

10/09/1997 133 NOTICE by plaintiffs of lead counsel's proposed fee allocation

10/17/1997 134 NOTICE by plaintiffs Laison Counsel and Baskins pltfs' counsels' proposal for division of attorneys' fees amongst pltfs' counsel

10/27/1997 135 MEMORANDUM by class plaintiffs in opposition to motion for award of attorneys' fees of the State of Wisconsin Investment Board and Colorado Public Employees' Retirement Association

11/05/1997 136 MOTION by movants State of Wisconsin and Colorado Public for attorney fees RE: [137] MEMORANDUM brief by movants State of... RE: [138] DECLARATION of Keith L Johnson re... RE: [139] DECLARATION of Jay W Eisenhofer re... RE: [140] OBJECTIONS by movant Ronald Gottesman... RE: [144] REPLY by State of Wisconsin, Colorado...

11/05/1997 137 MEMORANDUM brief by movants State of Wisconsin and Colorado Public in support of motion for attorney fees [136-1] RE: [136] MOTION by movants State of Wisconsin...

11/05/1997 138 DECLARATION of Keith L Johnson re motion for attorney fees [136-1] RE: [136] MOTION by movants State of Wisconsin...

11/05/1997 139 DECLARATION of Jay W Eisenhofer re motion for attorney fees [136-1] RE: [136] MOTION by movants State of Wisconsin...

11/07/1997 140 OBJECTIONS by movant Ronald Gottesman to proposed allocation of attorney fees [136-1] RE: [136] MOTION by movants State of Wisconsin... RE: [153] DECLARATION of Elliott J Weiss re...

11/07/1997 141 NOTICE by movant Ronald Gottesman of submission of costs

11/12/1997 142 REPLY DECLARATION of Jay W. Eisenhofer re motion for attorney's fees [136-1]

11/12/1997 143 REPLY DECLARATION of Keith Johnson re motion for attorney's fees [136-1]

11/12/1997 144 REPLY by State of Wisconsin, Colorado Public to class pltf's response to motion for attorney fees [136-1] RE: [136] MOTION by movants State of Wisconsin...

11/21/1997 145 MINUTE ORDER setting a hearing on division of attorneys' fee issues for 2/13/98 at 9:00 am before Judge Bruce D Black (cc: all counsel - electronically)

11/26/1997 146 RESPONSE of Barrack, Rodos & Bacine in opposition to the objections of counsel for Baskin and Gottesman to the proposed allocation of attorney's fees

11/28/1997 147 MEMORANDUM by Lead Counsel in support of fee allocation and response to objections of Baskin and Gottesman counsel

12/01/1997 148 RESPONSE of Freedman, Boyd, Daniels, Hollander, Guttman & Goldberg, PA in opposition to the objections of counsel for Baskin & Gottesman to the proposed allocation of attorneys' fees

12/02/1997 149 Corrected Memorandum of Lead Counsel in support of fee allocation and response to objections of Baskin & Gottesman counsel [147-1]

12/19/1997 150 REPLY by movants counsel concerning the Milberg Firm's proposed fee allocation and counsel's request for reimbursement of costs

01/30/1998 151 MINUTE ORDER rescheduling fee allocation dispute hearing from 2/13/98 at 1:15 pm to 3/6/98 at 8:00 am, before Judge Bruce D Black (cc: all counsel electronically)

03/02/1998 152 REPLY brief by Turner Branch and the Baskin pltf's counsel in further support of their objection to the Milberg WeissFirm's proposed allocation of the Court-awarded attorneys' fees

03/05/1998 153 DECLARATION of Elliott J Weiss re objection to the allocation of attorneys' fees [140-1], [95-1] RE: [95] OBJECTIONS by movant Ronald Gottesman... RE: [140] OBJECTIONS by movant Ronald Gottesman...

03/06/1998 154 CLERK'S MINUTES: hearing on pltf's attorneys fees allocation; objectors' mtn for attorneys fees before Judge Bruce D. Black; taken under advisement; C/R: S.Huseby RE: [0] TRANSCRIPT OF PROCEEDINGS before Judge...

03/11/1998 -- TRANSCRIPT OF PROCEEDINGS before Judge Bruce D. Black held on 3/6/98; (re [154-1]) lodged in separate file folder RE: [154] CLERK'S MINUTES: hearing on pltf's...

03/27/1998 155 MEMORANDUM, OPINION, AND ORDER allocating attorneys' fees by Judge Bruce D. Black as described herein (cc: all counsel) RE: [166] NOTICE OF APPEAL by movants Colorado... RE: [167] AMENDED NOTICE OF APPEAL by movant... RE: [169] CROSS NOTICE OF APPEAL by plaintiffs...

04/03/1998 156 MOTION by movant State of Wisconsin for clarification and for reconsideration of the Court's Memorandum Opinion and Order of 3/27/98 RE: [157] (RESPONSE) Memorandum in opposition by... RE: [158] REPLY by movant State of Wisconsin in... RE: [159] CLERK'S MINUTES: before Judge Bruce D.... RE: [160] SUPPLEMENTAL SUBMISSION by movant State... RE: [163] RESPONSE by class plaintiffs to State... RE: [165] SUPPLEMENTAL ORDER ON STATE

FUNDS'...

- 04/20/1998 157 (RESPONSE) Memorandum in opposition by class pltfs to State Funds' motion for clarification and/or consideration [156-1] RE: [156] MOTION by movant State of Wisconsin for...
- 04/23/1998 158 REPLY by movant State of Wisconsin in support of motion for reconsideration of the Court's Memorandum Opinion and Order of 3/27/98 [156-2] RE: [156] MOTION by movant State of Wisconsin for...
- 04/27/1998 159 CLERK'S MINUTES: before Judge Bruce D. Black hrg on mtn for clarification by objector [156-1], [156-2] C/R: Jennifer Bean RE: [156] MOTION by movant State of Wisconsin for... RE: [0] TRANSCRIPT OF PROCEEDINGS before Judge...
- 05/04/1998 160 SUPPLEMENTAL SUBMISSION by movant State of Wisconsin re motion for clarification and/or reconsideration [156-1] RE: [156] MOTION by movant State of Wisconsin for... RE: [161] DECLARATION by Keith L Johnson for... RE: [162] DECLARATION by Jay W Esenhofer for...
- 05/04/1998 161 DECLARATION by Keith L Johnson for movant State of Wisconsin re supplemental submission in support of mtn for clarification and/or reconsideration [160-1] RE: [160] SUPPLEMENTAL SUBMISSION by movant State...
- 05/04/1998 162 DECLARATION by Jay W Esenhofer for movant State of Wisconsin re supplemental submission in support of mtn for clarification and/or reconsideration [160-1] RE: [160] SUPPLEMENTAL SUBMISSION by movant State...
- 05/14/1998 163 RESPONSE by class plaintiffs to State Fund's supplemental submission and further opposition to the mtn for clarification and/or consideration [156-1] RE: [156] MOTION by movant State of Wisconsin for... RE: [164] SUPPLEMENTAL DECLARATION of Alan...
- 05/14/1998 164 SUPPLEMENTAL DECLARATION of Alan Schulman in support of class pltfs' response to State Funds' supplemental submission and further opposition to the State Funds' mtn for clarification and/or consideration [163-1] RE: [163] RESPONSE by class plaintiffs to State...
- 05/20/1998 165 SUPPLEMENTAL ORDER ON STATE FUNDS' COSTS by Judge Bruce D. Black granting in part mtn for clarification [156-1] and granting in part mtn for reconsideration of the Court's Memorandum Opinion and Order of 3/27/98 [156-2] as further described herein (see order for specifics) (cc: all counsel) RE: [156] MOTION by movant State of Wisconsin for... RE: [166] NOTICE OF APPEAL by movants Colorado... RE: [167] AMENDED NOTICE OF APPEAL by movant... RE: [169] CROSS NOTICE OF APPEAL by plaintiffs...
- 06/18/1998 166 NOTICE OF APPEAL by movants Colorado Public and State of Wisconsin from Dist. Court Orders filed March 27, 1998 and May 20, 1998 [165-1], [155-1] ; Fees \$105.00 - Distribution as required. (cc: all counsel) RE: [155] MEMORANDUM, OPINION, AND ORDER... RE: [165] SUPPLEMENTAL ORDER ON STATE FUNDS'... RE: [179] COPY of USCA Order: dismissing the...
- 06/23/1998 167 AMENDED NOTICE OF APPEAL by movant (intervenor) Colorado Public and State of Wisconsin from Dist. Court order and memorandum opinion and order [165-1], [155-1] ; Fees previously paid - Distribution as required. (cc: all counsel) RE: [155] MEMORANDUM, OPINION, AND ORDER... RE: [165] SUPPLEMENTAL ORDER ON STATE FUNDS'... RE: [168] TRANSCRIPT Order Form (TOF) from... RE: [170] TRANSCRIPT Order Form completed by

Ct.... RE: [179] COPY of USCA Order: dismissing the...

06/29/1998 168 TRANSCRIPT Order Form (TOF) from Appellant. Transcript Dates: 4/27/98 re [167-1] RE: [167] AMENDED NOTICE OF APPEAL by movant...

06/29/1998 170 TRANSCRIPT Order Form completed by Ct. Rptr. Paul Baca ; Date of Transcript 4/27/98 ; Est Completion Dt 7/29/98 RE: [167] AMENDED NOTICE OF APPEAL by movant...

07/01/1998 169 CROSS NOTICE OF APPEAL by plaintiffs Matthew Berenda Jr, Matthew Berenda Sr, and Jerry Rosenbaum from Dist. Court Memorandum Opinion and Order filed 3/27/98 and the Supplemental Order on State Funds' costs filed 5/20/98 [165-1], [155-1] ; Fees \$105.00 - Distribution as required. (cc: all counsel) RE: [155] MEMORANDUM, OPINION, AND ORDER... RE: [165] SUPPLEMENTAL ORDER ON STATE FUNDS'... RE: [0] ACKNOWLEDGEMENT of receipt of... RE: [0] ACKNOWLEDGEMENT of receipt of... RE: [179] COPY of USCA Order: dismissing the...

07/07/1998 -- ACKNOWLEDGEMENT of receipt of preliminary record by USCA on 6/30/98 - USCA Number: 98-2167 RE: [169] CROSS NOTICE OF APPEAL by plaintiffs...

07/09/1998 -- ACKNOWLEDGEMENT of receipt of preliminary record by USCA on 7/7/98 - USCA Number: 98-2179 RE: [169] CROSS NOTICE OF APPEAL by plaintiffs...

07/10/1998 171 TRANSCRIPT Order Form completed by Ct. Rptr. Syd Huseby ; Date of Transcript 3/6/98- transcript on file

07/13/1998 172 DECLARATION of Keith L. Johnson

07/13/1998 173 DECLARATION of Denise T. DiPersio

07/15/1998 -- LETTER sent to USCA re complete transcript of proceedings. Dt of Transcript: 4/27/98 and 3/6/98

07/15/1998 -- TRANSCRIPT OF PROCEEDINGS before Judge Bruce D. Black held on 4/27/98 (motion for clarification and/or reconsideration) ; (re [159-1]) lodged in separate file folder RE: [159] CLERK'S MINUTES: before Judge Bruce D....

07/15/1998 174 DECLARATION of G. Peter Buchband

07/29/1998 175 MINUTE ORDER setting hrg on SWIB's objection to final allocation plan for 11/25/98 at 9:00 am before Judge Bruce D Black (cc: all counsel, electronically)

07/30/1998 176 DECLARATION of Joy Ann Bull in support of approval of the plan of allocation

09/09/1998 177 NOTICE by deft Horizon/CMS Healthcare of name change of attorney firm; new name is Fredman,Boyd,Daniels,Hollander,Goldberg & Cline, P A

11/12/1998 178 NOTICE of hearing by Clerk of Court before Judge Bruce D Black rescheduling mtn hrg from 11-25-98 to 12-1-98 at 3:00 pm in Albuquerque (cc: all counsel, electronically)

09/28/1999 179 COPY of USCA Order: dismissing the appeal. Each party to bear its own costs on appeal [169-1] [167-1][166-1] RE: [166] NOTICE OF APPEAL by movants Colorado... RE: [167] AMENDED NOTICE OF APPEAL by movant... RE: [169] CROSS NOTICE OF APPEAL by plaintiffs...

11/22/1999 180 (MOTION) APPLICATION by plaintiffs for order for approval of plan allocation and for leave to distribute class settlement funds RE: [181] MEMORANDUM of points and authorities by... RE: [182] DECLARATION of Joy Ann Bull re motion... RE: [183] DECLARATION of Cheryl Washington re...

11/22/1999 181 MEMORANDUM of points and authorities by plaintiffs in support of motion for order for approval of plan allocation [180-1] and motion for leave to distribute class settlement funds [180-2] RE: [180] (MOTION) APPLICATION by plaintiffs for...

11/22/1999 182 DECLARATION of Joy Ann Bull re motion for order for approval of plan allocation [180-1] and motion for leave to distribute class settlement funds [180-2] RE: [180] (MOTION) APPLICATION by plaintiffs for...

11/22/1999 183 DECLARATION of Cheryl Washington re motion for order for approval of plan allocation [180-1] and motion for leave to distribute class settlement funds [180-2] RE: [180] (MOTION) APPLICATION by plaintiffs for...

12/20/1999 184 ORDER by Judge Bruce D. Black approving plan of allocation and authorizing distribution of class settlement funds as described herein (cc: all counsel)

01/07/2000 185 DECLARATION of service of order approving plan of allocation and authorizing distribution of class settlement funds