

**U.S. District Court**  
**Northern District of California (S.F.)**  
CIVIL DOCKET FOR CASE #: 97-CV-4066

Rudolph, et al v. S3 Incorporated, et al

Filed: 11/05/97  
Assigned to: Judge Vaughn R. Walker  
Jury demand: Plaintiff  
Demand: \$0,000  
Nature of Suit: 850  
Lead Docket: None  
Jurisdiction: Federal Question  
Dkt# in other court: None  
Cause: 15:78m(a) Securities Exchange Act

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EDWARD RUDOLPH  
Plaintiff

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[COR NTC]  
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Blake M. Harper

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MAURICE KRISSEL  
Plaintiff

Jeffrey H. Squire  
(See above)  
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Ellen Gusikoff Stewart  
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Mel E. Lifshitz  
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(See above)  
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Blake M. Harper  
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William S. Lerach  
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IDY MANDEL  
Plaintiff

Jeffrey H. Squire  
(See above)  
[COR NTC]

Robert M. Roseman  
(See above)  
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Ellen Gusikoff Stewart  
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Mel E. Lifshitz  
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Robert C. Finkel  
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Blake M. Harper  
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LORRY WAGNER, on behalf of  
themselves and all others  
similarly situated  
Plaintiff

William S. Lerach  
(See above)  
[COR LD NTC]

Jeffrey H. Squire  
(See above)  
[COR NTC]

Robert M. Roseman  
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[COR NTC]

Blake M. Harper  
(See above)  
[COR NTC]  
William S. Lerach  
(See above)  
[COR LD NTC]

v.

S3 INCORPORATED  
defendant

GARY J. JOHNSON  
defendant

NEAL G. MARGULIS  
defendant

DIOSDADO P. BANATAO  
defendant

DALE R. LINDLY  
defendant

TERRY N. HOLDT  
defendant

GEORGE A. HERVEY  
defendant

RONALD T. YARA  
defendant

JACKSON K.C. HU  
defendant

HARRY L. DICKINSON  
defendant

CARMELO J. SANTORO  
defendant

JOHN C. COLLIGAN  
defendant

ROBERT P. LEE  
defendant

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STATE OF WISCONSIN INVESTMENT  
BOARD  
Miscellaneous

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## DOCKET PROCEEDINGS

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DATE	#	DOCKET ENTRY
11/5/97	1	COMPLAINT Summons(es) issued; Fee status pd entered on 11/5/97 in the amount of \$ 150.00 ( Receipt No. 44606); jury demand [3:97-cv-04066] (mcl) [Entry date 11/10/97] [3:97cv4066]
11/5/97	2	ORDER RE COURT PROCEDURE and SCHEDULE by Judge Vaughn R. Walker : Proof of service to be filed by 12/22/97 ; counsels' case management statement to be filed by 2/24/98 ; initial case management conference will be held 9:00 3/6/98 . (cc: all counsel) (mcl) [Entry date 11/10/97] [3:97cv4066]
11/5/97	3	NOTICE by Plaintiffs to preserve documents [3:97-cv-04066] (mcl) [Entry date 11/10/97] [3:97cv4066]

11/14/97 4 NOTICE OF PUBLICATION on 11/7/97 [3:97-cv-04066] (llm)  
[Entry date 11/18/97] [3:97cv4066]

11/20/97 5 NOTICE OF PUBLICATION on 11/7/97 [3:97-cv-04066] (llm)  
[Entry date 11/26/97] [3:97cv4066]

11/25/97 6 NOTICE by defendant S3 Incorporated of related case(s)  
C97-4079 MHP; C 97-4084 CW [3:97-cv-04066] (llm)  
[Entry date 12/01/97] [3:97cv4066]

12/9/97 7 NOTICE by defendant S3 Incorporated of counsel's change of  
address [3:97-cv-04066] (llm) [Entry date 12/15/97]  
[3:97cv4066]

12/11/97 8 NOTICE OF PENDENCY OF OTHER ACTIONS by Plaintiffs  
[3:97-cv-04066] (llm) [Entry date 12/15/97] [3:97cv4066]

12/17/97 9 CASE MANAGEMENT SCHEDULING ORDER AFTER REASSIGNMENT by  
Judge Vaughn R. Walker : initial case management conference  
will be held 10:00 1/22/98 . (cc: all counsel)  
[3:97-cv-04066] (llm) [Entry date 01/07/98] [3:97cv4066]

12/17/97 12 ORDER by Judge Vaughn R. Walker relating cases  
3:97-cv-4066 with member case(s) 3:97-cv-4079,  
3:97-cv-4084 (cc: all counsel) [3:97-cv-04066] (slh)  
[Entry date 01/13/98] [3:97cv4066]

12/29/97 10 CERTIFICATE OF SERVICE by Plaintiff of case management  
schedule order [9-1] [3:97-cv-04066] (llm)  
[Entry date 01/07/98] [3:97cv4066]

1/8/98 11 RETURN OF SERVICE executed upon defendants S3 Incorporated  
on 11/20/97, Gary J. Johnson on 11/21/97, Neal G. Margulis  
on 11/20/97, Diosdado P. Banatao on 11/20/97, Dale R. Lindly  
on 12/1/97, Terry N. Holdt on 11/23/97, George A. Hervey on  
11/20/97, Ronald T. Yara 11/20/97, Jackson K.C. Hu on  
11/28/97, Harry L. Dickinson on 12/8/97, Carmelo J. Santoro  
on 11/24/97, John C. Colligan on 11/25/97, Robert P. Lee on  
11/30/97; original summons returned. [3:97-cv-04066] (llm)  
  
[Entry date 01/13/98] [3:97cv4066]

1/13/98 13 ORDER by Judge Vaughn R. Walker : Counsel may submit a  
case management conference statement on or before 1/20/98;  
SWIB is specifically requested to appear at the 1/22/98  
case management conference. (Date Entered: 1/15/98) (cc:  
all counsel) [3:97-cv-04066, 3:97-cv-04079, 3:97-cv-04084]  
(llm) [Entry date 01/15/98] [3:97cv4066 3:97cv4079  
3:97cv4084]

1/13/98 14 LETTER dated 1/2/98 from John A. Busch advising the court that SWIB will not seek lead plaintiff status in the related matters. [3:97-cv-04066] (llm) [Entry date 01/20/98] [3:97cv4066]

1/16/98 15 JOINT CASE MANAGEMENT STATEMENT filed. [3:97-cv-04066] (llm) [Entry date 01/20/98] [3:97cv4066]

1/21/98 16 NOTICE OF APPEARANCE of Class Member State of WI Investment Board [3:97-cv-04066, 3:97-cv-04079, 3:97-cv-04084] (llm) [Entry date 01/27/98] [3:97cv4066 3:97cv4079 3:97cv4084]

1/22/98 17 MINUTES: (C/R JoAnn Bryce) INITIAL CASE MANAGEMENT CONFERENCE - Held; Class Member SWIB's motion for attorney John Busch to appear pro hac vice - granted; court to schedule a further case management conference. [3:97-cv-04066, 3:97-cv-04079] (llm) [Entry date 01/28/98] [3:97cv4066 3:97cv4079]

1/30/98 18 CASE MANAGEMENT ORDER by Judge Vaughn R. Walker re minutes [17-3] Further Case Management Conference set for 2:00 5/1/98 (Date Entered: 2/2/98) (cc: all counsel) [3:97-cv-04066] (llm) [Entry date 02/02/98] [3:97cv4066]

4/19/98 -- RECEIVED [Proposed] Order (Plaintiffs) re: motion for voluntary dismissal of action without prejudice [22-1] [3:97-cv-04066] (llm) [Entry date 05/01/98] [3:97cv4066]

4/21/98 19 SECOND JOINT CASE MANAGEMENT STATEMENT [3:97-cv-04066] (llm) [Entry date 04/22/98] [3:97cv4066]

4/28/98 20 JOINDER by Plaintiff Stanley Zinberg in 3:97-cv-04079 in Second Case Management Statement [19-1] in 3:97-cv-04066 [3:97-cv-04079, 3:97-cv-04066] (llm) [Entry date 04/29/98] [3:97cv4066 3:97cv4079]

4/29/98 -- RECEIVED - Stipulation and [Proposed] Order (Plaintiff in 3:97-cv-04066) rescheduling the case management conference. [3:97-cv-04066] (llm) [Entry date 05/01/98] [3:97cv4066]

4/29/98 21 STIPULATION and ORDER by Judge Vaughn R. Walker : Case Management Conference continued to 10:30 6/5/98 (cc: all counsel) [3:97-cv-04066] (llm) [Entry date 05/01/98] [3:97cv4066]

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4/29/98 22 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Vaughn R. Walker by Plaintiffs for voluntary dismissal of action without prejudice with Notice set for 6/5/98 at 10:30am [3:97-cv-04066] (llm) [Entry date 05/01/98] [3:97cv4066]

4/29/98 23 DECLARATION of James A. Caputo in support of moving plaintiffs' motion for voluntary dismissal of action without prejudice [22-1] [3:97-cv-04066] (llm) [Entry date 05/01/98] [3:97cv4066]

5/8/98 24 NOTICE of Entry of Order by Plaintiffs rescheduling the case management conference. [3:97-cv-04066] (llm) [Entry date 05/08/98] [3:97cv4066]

5/12/98 25 REPORTER'S TRANSCRIPT; Date of proceedings: 1/22/98 (C/R: JoAnn Bryce) case management minutes [17-3] in 3:97-cv-04066, case management minutes [16-3] in 3:97-cv-04079 [3:97-cv-04066, 3:97-cv-04079] (llm) [Entry date 05/12/98] [3:97cv4066 3:97cv4079]

5/15/98 26 RESPONSE of Class Member State of WI Investment Board to named plaintiffs' motion for voluntary dismissal of action without prejudice [22-1] [3:97-cv-04066] (llm) [Entry date 05/19/98] [3:97cv4066]

5/15/98 27 DECLARATION of Anthony K. Lee in support of Response of Class Member State of Wisconsin Investment Board [26-1] to named plaintiffs' motion for voluntary dismissal of class actions without prejudice. [3:97-cv-04066] (llm) [Entry date 05/19/98] [3:97cv4066]

5/15/98 28 PROOF OF SERVICE by State of WI Investme of declaration [27-1], response [26-1] [3:97-cv-04066] (llm) [Entry date 05/19/98] [3:97cv4066]

5/15/98 29 STATEMENT OF NON-OPPOSITION by defendant Harry L. Dickinson to plaintiff's motion for voluntary dismissal of action without prejudice [22-1] [3:97-cv-04066] (llm) [Entry date 05/19/98] [3:97cv4066]

5/19/98 30 DEFENDANT GEORGE A. HARVEY'S STATEMENT of NON-Opposition to plaintiff's motion for voluntary dismissal of action without prejudice [22-1] [3:97-cv-04066] (llm) [Entry date 05/20/98] [3:97cv4066]

5/19/98 31 RESPONSE by the S3 Defendants to plaintiffs' motion for voluntary dismissal of action without prejudice [22-1] [3:97-cv-04066] (llm) [Entry date 05/20/98] [3:97cv4066]

6/5/98 32 MINUTES: (C/R Dynele Siminov) (Hearing Date: 6/5/98) Plaintiff's motion for voluntary dismissal of action without prejudice [22-1] - GRANTED. Court to dismiss actions upon proof of notice and filing of proof of publication. [3:97-cv-04066] (llm) [Entry date 06/19/98] [3:97cv4066]

6/8/98 33 ORDER by Judge Vaughn R. Walker DISMISSING the action without prejudice pursuant to FRCP 41(a)(2) and 23(e) Counsel shall provide the court with written proof of notice and upon adequate proof, the clerk shall close the file. (Date Entered: 6/19/98) (cc: all counsel) [3:97-cv-04066] (llm) [Entry date 06/19/98] [3:97cv4066]

6/22/98 34 NOTICE OF PUBLICATION on 6/12/98 [3:97-cv-04066] (llm) [Entry date 06/22/98] [3:97cv4066]

6/29/98 35 ORDER by Judge Vaughn R. Walker that for the reasons stated at the hearing held on 6/5/98 (minutes [32-1]), the court dismissed the action without prejudice. Counsel provided proof of notice to the class; terminating case (Date Entered: 7/1/98) (cc: all counsel) [3:97-cv-04066] (llm) [Entry date 07/01/98] [3:97cv4066]

12/10/01 36 NOTICE by Miscellaneous State of WI Investme in 3:97-cv-04066, Miscellaneous State of WI Investme in 3:97-cv-04079 of change of address [3:97-cv-04066, 3:97-cv-04079] (bae) [Entry date 12/14/01] [3:97cv4066 3:97cv4079]

2/25/02 37 NOTICE of Law Firm Name Change by Miscellaneous State of WI Investme in 3:97-cv-04066, Miscellaneous State of WI Investme in 3:97-cv-04079 [3:97-cv-04066, 3:97-cv-04079] (bae) [Entry date 03/05/02] [3:97cv4066 3:97cv4079]

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