

United States District Court
District of Massachusetts
(Boston)

CIVIL DOCKET FOR CASE #: 1:99-cv-10237-NG

Alabaster v. Bastiaens, et al
Assigned to: Nancy Gertner
Demand: \$0

Related Cases: [1:99-cv-10390-NG](#)
[1:99-cv-10391-NG](#)

Cause: 15:78m(a) Securities Exchange Act

Date Filed: 02/05/1999
Jury Demand: None
Nature of Suit: 160 Stockholders Suits
Jurisdiction: Federal Question

Consolidated Plaintiff

Louis Fishman

represented by **David C. Katz**
Weiss & Yourman
551 Fifth Avenue
New York, NY 10076
212-682-3025
Email: dkatz@wllawny.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Glen DeValerio
Berman DeValerio Pease Tabacco Burt &
Pucillo
One Liberty Square
8th Floor
Boston, MA 02109
617/542-8300
Fax: 617-542-1194
Email: gdevalerio@bermanesq.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey C Block
Berman DeValerio Pease Tabacco Burt &
Pucillo
One Liberty Square
8th Floor
Boston, MA 02109
617-542-8300
Fax: 617-542-1194
Email: jblock@bermanesq.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Joseph H. Weiss
Weiss & Yourman
551 Fifth Avenue
Suite 1600
New York, NY 10176
212-682-3025
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Consolidated Plaintiff

Anna D'Amico

represented by **David C. Katz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Glen DeValerio
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey C Block
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph H. Weiss
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Consolidated Plaintiff

Michael S. Maisano

represented by **David C. Katz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Glen DeValerio
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey C Block
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph H. Weiss
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

A. Michael Alabaster
on behalf of himself and all others
similarly situated

represented by **David C. Katz**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Glen DeValerio
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Shapiro
National Lawyers Guild
14 Beacon Street
Boston, MA 02108
617-227-7335
Fax: 617-742-5858
Email: jshapiro@sswg.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph H. Weiss
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Norman Berman
Berman DeValerio Pease Tabacco Burt &
Pucillo
One Liberty Square
Boston, MA 02109
617-542-8300
Email: NBerman@Bermanesq.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Gaston Bastiaens

represented by **M. Frederick Pritzker**
Brown Rudnick Berlack Israels LLP
One Financial Center
Boston, MA 02111

617-856-8200
Fax: 617-856-8201
Email: mfpritzker@brbilaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Carl Dammekens

represented by **M. Frederick Pritzker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lernout & Hauspie NV Speechproducts

represented by **M. Frederick Pritzker**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/05/1999	1	Complaint filed. Case assigned to Judge: Gertner. Receipt #: 12075 Amount:\$ 150.00. Fee Status: pd (fmr) (Entered: 02/09/1999)
02/05/1999		Summons issued for Gaston Bastiaens, Carl Dammekens, Lernout & Hauspie (fmr) (Entered: 02/09/1999)
03/22/1999	2	Motion by A. Michael Alabaster in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10390, Michael S. Maisano in 1:99-cv-10391 to consolidate cases , filed. (fmr) (Entered: 03/25/1999)
03/22/1999	3	Memorandum by A. Michael Alabaster in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10390, Michael S. Maisano in 1:99-cv-10391 in support of [2-1] motion to consolidate cases in 1:99-cv-10237, [2-1] motion to consolidate cases in 1:99-cv-10390, [2-1] motion to consolidate cases in 1:99-cv-10391, filed. (fmr) (Entered: 03/25/1999)
03/22/1999	4	Affidavit of Mark Smilow , re: [2-1] motion to consolidate cases in 1:99-cv-10237, 1:99-cv-10390, 1:99-cv-10391, [1-1] complaint in 1:99-cv-10390, [0-0] summons in 1:99-cv-10391, filed. (fmr) (Entered: 03/25/1999)
04/09/1999		Motion to consolidate sent to chambers for ruling (fmr) (Entered: 04/09/1999)
04/12/1999		Judge Nancy Gertner . Endorsed Order entered granting [2-1] motion to consolidate cases in 1:99-cv-10237, 1:99-cv-10390, 1:99-cv-10391. (fmr) (Entered: 04/13/1999)
04/12/1999	5	Judge Nancy Gertner . Order consolidating cases and appointing lead counsel

		entered . (fmr) (Entered: 04/13/1999)
04/13/1999		Consolidated Lead Case. Member cases:99-10380; 99-10390; 99-10391 (fmr) (Entered: 04/13/1999)
05/13/1999	6	STIPULATION (Motion) by A. Michael Alabaster in 1:99-cv-10237, Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237, to extend time to 6/28/99 to file amended complaint , filed. (fmr) (Entered: 05/14/1999)
05/17/1999		Judge Nancy Gertner . Endorsed Order entered granting [6-1] stipulation motion to extend time to 6/28/99 to file amended complaint . (fmr) (Entered: 05/18/1999)
05/17/1999		Consolidated amended complaint by 6/28/99; dft will answer by 8/20/99; motions to dismiss by 10/1/99 (fmr) (Entered: 05/18/1999)
06/28/1999	7	STIPULATION (Motion) by A. Michael Alabaster in 1:99-cv-10237, Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237, regarding filing of consolidated class action , filed. (fmr) (Entered: 06/29/1999)
07/07/1999		Judge Nancy Gertner . Endorsed Order entered granting [7-1] stipulation motion regarding filing of consolidated class action. cc/cl. [EOD Date 7/8/99] (ktb) (Entered: 07/08/1999)
07/22/1999	8	Amended complaint by A. Michael Alabaster in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 filed. (Answer due 8/1/99 for Lernout & Hauspie, for Carl Dammekens, for Gaston Bastiaens) . Amended complaint amends [1-1] complaint ; adding . (fmr) (Entered: 07/22/1999)
08/25/1999	9	Notice of change of address by Richard Kilseimer filed . (fmr) (Entered: 08/25/1999)
09/02/1999	10	Judge Nancy Gertner . Notice of Hearing/conference: set scheduling conference for 2:30 11/16/99 . (fmr) (Entered: 09/02/1999)
09/17/1999	11	STIPULATION (Motion) by A. Michael Alabaster in 1:99-cv-10237, Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237, for order of scheduling order as to answer , filed. (fmr) (Entered: 09/17/1999)
09/20/1999		Judge Nancy Gertner . Endorsed Order entered granting [11-1] stipulation motion for order of scheduling order as to answer . [EOD Date 9/20/99] (fmr) (Entered: 09/20/1999)
10/15/1999	12	Motion by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 for leave to file brief in excess of 20 pgs. , filed. (fmr) (Entered: 10/18/1999)
10/15/1999	13	Motion by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237,

		Lernout & Hauspie in 1:99-cv-10237 to dismiss , filed. (fmr) (Entered: 10/18/1999)
10/15/1999	14	Memorandum by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 in support of [13-1] motion to dismiss , filed. (fmr) (Entered: 10/18/1999)
10/15/1999	15	Appendix/exhibits by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 in support of [14-1] support memorandum , filed. (fmr) (Entered: 10/18/1999)
10/15/1999	16	Affidavit of Douglas Henkin , re: [14-1] support memorandum , filed. (fmr) (Entered: 10/18/1999)
10/18/1999		Judge Nancy Gertner . Endorsed Order entered granting [12-1] motion for leave to file brief in excess of 20 pgs. . [EOD Date 10/18/99] (fmr) (Entered: 10/18/1999)
10/18/1999		Declaration of Douglas Henkin and appendix to memorandum in support of motion to dismiss (docs 15 and 16) sent to records room (fmr) (Entered: 10/18/1999)
11/08/1999	17	Joint statement by A. Michael Alabaster in 1:99-cv-10237, Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 , re: scheduling conference, filed. (fmr) (Entered: 11/08/1999)
11/16/1999		Scheduling conference held . (fmr) (Entered: 11/17/1999)
11/16/1999	18	Judge Nancy Gertner . Clerk's Notes: re: scheduling conference, Opposition to motion to dismiss due 11/24/99, reply due 12/20/99. All discovery on hold until the resolution of the motion to dismiss. Class action case Motion hearing set for 3:00 1/13/00 for [13-1] motion to dismiss Court Reporter: none (fmr) (Entered: 11/17/1999)
11/22/1999	19	STIPULATION (Motion) by A. Michael Alabaster in 1:99-cv-10237, Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237, to extend time to 12/3/99, reply due 12/29/99 to respond and reply to motion , filed. (fmr) (Entered: 11/23/1999)
11/23/1999		Judge Nancy Gertner . Endorsed Order entered granting [19-1] stipulation motion to extend time to 12/3/99, reply due 12/29/99 to respond and reply to motion . [EOD Date 11/23/99] (fmr) (Entered: 11/23/1999)
12/03/1999	20	Assented to Motion by A. Michael Alabaster in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 for leave to file brief exceeding 20 pgs. , filed. (fmr) (Entered: 12/06/1999)
12/03/1999	21	Memorandum by A. Michael Alabaster in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 in opposition to [13-1] motion to dismiss , filed. (fmr) (Entered: 12/06/1999)
12/06/1999		Judge Nancy Gertner . Endorsed Order entered granting [20-1] motion for leave to file brief exceeding 20 pgs. . [EOD Date 12/6/99] (fmr) (Entered: 12/06/1999)

12/29/1999	22	Motion by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 for leave to file reply brief in excess of 20 pg , filed. (fmr) (Entered: 12/30/1999)
12/29/1999	23	Reply/response by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 to [21-1] opposition memorandum , filed. (fmr) (Entered: 12/30/1999)
12/29/1999	24	Affidavit Douglas Henkin , re: [23-1] reply , filed. (fmr) (Entered: 12/30/1999)
12/29/1999	25	Appendix/exhibits by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 in support of [23-1] reply , filed. (fmr) (Entered: 12/30/1999)
12/30/1999		Judge Nancy Gertner . Endorsed Order entered granting [22-1] motion for leave to file reply brief in excess of 20 pg . [EOD Date 12/30/99] (fmr) (Entered: 12/30/1999)
01/19/2000		Motion hearing re: [13-1] motion to dismiss at 2:30 2/9/00 (fmr) (Entered: 01/19/2000)
02/09/2000		Motion hearing re: [13-1] motion to dismiss Motion hearing held (fmr) (Entered: 02/14/2000)
02/09/2000	26	Judge Nancy Gertner . Clerk's Notes: re: motion hearing Motion to dismiss taken under advisementCourt Reporter: Hagopian (fmr) (Entered: 02/14/2000)
02/14/2000	27	Transcript of proceedings for held on proceeding date: 2/9/00 before Judge: Gertner. Court Reporter: Hagopian (fmr) (Entered: 02/15/2000)
04/28/2000		Case closed. Memo to follow (fmr) (Entered: 05/01/2000)
05/05/2000	28	Motion by A. Michael Alabaster in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 for leave to file supplemental authority , filed. (fmr) (Entered: 05/08/2000)
05/08/2000		Judge Nancy Gertner . Endorsed Order entered granting [28-1] motion for leave to file supplemental authority . Supplemental authority attached to the motion for leave as an exhibit [EOD Date 5/8/00] (fmr) (Entered: 05/08/2000)
05/10/2000	29	Motion by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 for leave to file supplemental authority , filed. (fmr) (Entered: 05/10/2000)
05/10/2000		Judge Nancy Gertner . Endorsed Order entered granting [29-1] motion for leave to file supplemental authority . [EOD Date 5/10/00] (fmr) (Entered: 05/10/2000)
05/10/2000	30	Response by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 in opposition to [28-1] motion for leave to file supplemental authority , filed. (fmr) (Entered: 05/10/2000)
05/10/2000	30	Memorandum by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 in support of [29-1] motion for leave to file supplemental authority , filed. (fmr) (Entered: 05/10/2000)

05/30/2000	31	Memorandum by A. Michael Alabaster in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 re: response to supplemental authority filed. (fmr) (Entered: 05/31/2000)
06/19/2000	32	Reply/response by Gaston Bastiaens in 1:99-cv-10237, Carl Dammekens in 1:99-cv-10237, Lernout & Hauspie in 1:99-cv-10237 to [31-1] memorandum , filed. (fmr) (Entered: 06/19/2000)
07/27/2000	33	Judge Nancy Gertner . Order of Dismissal entered. [EOD Date 7/31/00] (fmr) (Entered: 07/31/2000)
07/27/2000	34	Judge Nancy Gertner . Memorandum and Order entered. granting [13-1] motion to dismiss [EOD Date 7/31/00] (fmr) (Entered: 07/31/2000)
08/30/2000	35	Notice of appeal by A. Michael Alabaster in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 filed. Fee Status: pd Fee Amount: \$ 105.00 Receipt #: 24964 Appeal record due on 9/14/00 (fmr) (Entered: 08/31/2000)
10/13/2000		Certified copy of docket and record on appeal forwarded to U.S. Court of Appeals re: [35-1] appeal . (jr) (Entered: 10/13/2000)
10/25/2000		US Court of Appeals Case Number assigned to [35-1] appeal : USCA NUMBER: 00-2251. (jr) (Entered: 10/25/2000)
02/02/2001	36	Motion by A. Michael Alabaster in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 to remand , filed. (fmr) (Entered: 02/06/2001)
02/02/2001	37	Memorandum by A. Michael Alabaster in 1:99-cv-10237, Louis Fishman in 1:99-cv-10237, Anna D'Amico in 1:99-cv-10237, Michael S. Maisano in 1:99-cv-10237 in support of [36-1] motion to remand , filed. (fmr) (Entered: 02/06/2001)
02/06/2001	38	Letter by Glen DeValerio in 1:99-cv-10237 dated: 2/6/01 to: Judge Gertner re: motion to amend complaint filed. (fmr) (Entered: 02/06/2001)
02/08/2001	39	Letter by Joseph H. Weiss in 1:99-cv-10237 dated: 2/8/01 to: Judge Gertner re: response to 2/6/01 letter filed. (fmr) (Entered: 02/09/2001)
02/13/2001	40	Letter by Michael Hircfeld dated: 2/12/01 to: Judge Gertner re: status of case with appeal and bankruptcy filed. (fmr) (Entered: 02/13/2001)
02/14/2001	41	Letter by Jeffrey C Block in 1:99-cv-10237 dated: 2/13/01 to: Judge Gertner re: reply to 2/8/01 letter filed. (fmr) (Entered: 02/14/2001)
02/15/2001	42	Letter by Joseph H. Weiss in 1:99-cv-10237 dated: 2/15/01 to: Judge Gertner re: response to 2/12; 2/13 letters filed. (fmr) (Entered: 02/16/2001)
02/21/2001		Motion # 36 sent to chambers as no opposition has been filed and time has run. Letters filed subsequent to motion also forwarded to chambers (fmr) (Entered: 02/21/2001)
02/28/2001	43	Letter by Jeffrey C Block in 1:99-cv-10237 dated: 2/28/01 to: Judge Gertner re: motion to amend complaint filed. (fmr) (Entered: 03/01/2001)

04/11/2001		Judge Nancy Gertner . Endorsed Order entered denying [36-1] motion to remand . [EOD Date 4/12/01] cc: all counsel of record. (eaf) (Entered: 04/12/2001)
04/16/2001		Transmitted supplemental record on appeal: re: [35-1] appeal Document numbers: 36 (jr) (Entered: 04/16/2001)
05/03/2001	44	Motion by A. Michael Alabaster in 1:99-cv-10237 to expedite consideration on motion for reconsideration , filed. (eaf) (Entered: 05/04/2001)
05/03/2001	45	Motion by A. Michael Alabaster in 1:99-cv-10237 for reconsideration of [0-0] endorsed order , filed. (eaf) (Entered: 05/04/2001)
05/11/2001	46	Judge Nancy Gertner . Order entered [45-1] motion for reconsideration of [0-0] endorsed order plaintiffs are ordered to explain how the stay affects proceedings in this court by 5/23/01. Dfts shall make any necessary arguments re: the effect of the stay in their opposition to the motion for reconsideration no later than 5/31/01. . [EOD Date 6/8/01] (jf) (Entered: 06/08/2001)
05/22/2001	47	Suggestion of bankruptcy by Gaston Bastiaens in 1:99-cv-10237 filed. c/s. (jf) (Entered: 05/22/2001)
05/23/2001	48	Memorandum by A. Michael Alabaster in 1:99-cv-10237 re: concerning the effect of the stay in the First Circuit on proceedings before the court, filed. (eaf) (Entered: 05/24/2001)
05/30/2001	49	Response by Lernout II Lead Plaintiffs' in opposition to [45-1] motion for reconsideration of [0-0] endorsed order , filed.c/s. (jf) (Entered: 05/31/2001)
05/31/2001	50	Response by Lernout & Hauspie Speeche Products, N.V.'s in 1:99-cv-10237 in opposition to [45-1] motion for reconsideration , filed. c/s. not scanned because bound. (jf) (Entered: 06/01/2001)
06/01/2001		#44, 45 & 49 to chambers (dw) at M. Williams request. (mcm) (Entered: 06/03/2001)
06/07/2001		Judge Nancy Gertner . Endorsed Order entered denying [45-1] motion for reconsideration of [0-0] endorsed order . [EOD Date 6/11/01] cc/cl. (jf) (Entered: 06/11/2001)
06/07/2001		Judge Nancy Gertner . Endorsed Order entered mootng [44-1] motion to expedite consideration on motion for reconsideration . [EOD Date 6/11/01] cc/cl. (jf) (Entered: 06/11/2001)
04/04/2002	51	Mandate of US Court of Appeals re: [35-1] appeal dismissing [35-1] appeal. (jr) (Entered: 04/04/2002)
04/04/2002		Record on appeal returned from U.S. Court of Appeals, re: [35-1] appeal. (jr) (Entered: 04/04/2002)
04/04/2002		Closed flag. (jr) (Entered: 04/04/2002)
05/16/2002		Transmitted supplemental record on appeal: re: appeal. Document numbers: recertifying case per order of the USCA (jr) (Entered: 05/16/2002)

Note: Links in this docket are stored in the PACER system (**P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords). PACER is a service of United States Judiciary. To view and retrieve the linked documents from PACER you must be a registered user. To register, fill out one of the [registration forms](#) available on the PACER site. The United States Congress has given the Judicial Conference of the United States, the judicial governing body of the U.S. Federal Courts, authority to impose user fees for electronic access to case information. For more information visit the PACER site at <http://pacer.psc.uscourts.gov/pacerdesc.html>