

General Docket
US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 00-17098

Filed: 11/1/00

Nsuit: 3850 SEC (Fed)

Nevius, et al v. Read-Rite Corp., et al

Appeal from: Northern District of California (San Jose)

Case type information:

- 1) civil
- 2) private
- 3) (null)

Lower court information:

District: 0971-5 : CV-98-20434-JF
court reporter: Peter Torreano, Court Reporter
presiding judge: Jeremy Fogel, District Judge
Date Filed: 1/24/97
Date order/judgment: 10/17/00
Date NOA filed: 10/27/00

Fee status: paid

Prior cases:

None

Current cases:

companion:	Lead	Member	Start	End
	00-17098	00-17282	3/20/03	

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00-17098 Nevius, et al v. Read-Rite Corp., et al

In re: READ-RITE CORPORATION
SECURITIES LITIGATION

JAMES C. NEVIUS
Plaintiff - Appellant

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Sherrie R. Savett, Esq.
(See above)
[COR LD NTC ret]
Stuart J. Guber, Esq.
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GOLD & BENNETT
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San Francisco, CA 94105

WILLIAM MOLAIR, on behalf of
themselves and all others
similarly situated
Plaintiff - Appellant

Sherrie R. Savett, Esq.
(See above)
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Stuart J. Guber, Esq.
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Solomon B. Cera, Esq.
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v.

READ-RITE CORPORATION
Defendant - Appellee

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Palo Alto, CA 94304-1050

CYRIL J. YANSOUNI
Defendant - Appellee

Boris Feldman, Esq.
(See above)
[COR LD NTC ret]
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FRED SCHWETTMANN, DR.
Defendant - Appellee

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Gregory L. Watts, Esq.
(See above)
[COR LD NTC ret]

LORI HOLLAND
Defendant - Appellee

Boris Feldman, Esq.
(See above)
[COR LD NTC ret]
Gregory L. Watts, Esq.
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[COR LD NTC ret]

PETER G. BISCHOFF

Boris Feldman, Esq.

Defendant - Appellee (See above)
[COR LD NTC ret]
Gregory L. Watts, Esq.
(See above)
[COR LD NTC ret]

H. VAUGHAN BLAXTER, III
Defendant - Appellee
Boris Feldman, Esq.
(See above)
[COR LD NTC ret]
Gregory L. Watts, Esq.
(See above)
[COR LD NTC ret]

REX S. JACKSON
Defendant - Appellee
Boris Feldman, Esq.
(See above)
[COR LD NTC ret]
Gregory L. Watts, Esq.
(See above)
[COR LD NTC ret]

MICHAEL A. KLYSZEIKO
Defendant - Appellee
Boris Feldman, Esq.
(See above)
[COR LD NTC ret]
Gregory L. Watts, Esq.
(See above)
[COR LD NTC ret]

SHERRY F. MCVICAR
Defendant - Appellee
Boris Feldman, Esq.
(See above)
[COR LD NTC ret]

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Gregory L. Watts, Esq.
(See above)
[COR LD NTC ret]

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00-17098 Nevius, et al v. Read-Rite Corp., et al

In re: READ-RITE CORPORATION SECURITIES LITIGATION

JAMES C. NEVIUS; WILLIAM MOLAIR, on behalf of themselves and
all others similarly situated

Plaintiffs - Appellants

v.

READ-RITE CORPORATION; CYRIL J. YANSOUNI; FRED SCHWETTMANN,
DR.; LORI HOLLAND; PETER G. BISCHOFF; H. VAUGHAN BLAXTER,
III; REX S. JACKSON; MICHAEL A. KLYSZEIKO; SHERRY F. MCVICAR

00-17098 Nevius, et al v. Read-Rite Corp., et al

11/1/00 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): Y. setting schedule as follows: CADS is past due; CADS must be filed no later than 11/8/00; appellants' designation of RT is due 11/6/00; appellees' designation of RT is due 11/16/00; appellant shall order transcript by 11/27/00; court reporter shall file transcript in DC by 12/27/00; certificate of record shall be filed by 1/3/01; appellants' opening brief is due 2/12/01; appellees' brief is due 3/14/01; appellants' optional reply brief is due 14 days from service of the answering brief. [00-17098] (hh) [00-17098]

11/21/00 Filed Solomon B. Cera for Appellants William Molair and James C. Nevius Civil Appeals Docketing Statement; served on 11/21/00 (to CONFATT) [00-17098] [00-17098] (hh) [00-17098]

11/29/00 Filed aplt C. Nevius and William Molair's notice of order of transcript. RT ordered: already filed. (CASEFILES) [00-17098] (hh) [00-17098]

12/4/00 Filed certificate of record on appeal RT filed in DC 5/23/97, 8/4/98, 6/7/99 and 9/25/00. [00-17098] (hh) [00-17098]

12/27/00 Filed motion and deputy clerk order PROMO:(Deputy Clerk: lkk) Aples' motion to consolidate appeal nos. 00-17282 and 00-17098 is GRANTED. The opening briefs for both appeals are due 2/26/01; the consolidated answering brief is due 3/28/01. The optional reply brief is due 14 days from service of the ans brf. (Motion recvd 12/21/00) [00-17098, 00-17282] (hh) [00-17098 00-17282]

2/27/01 Filed supplemental/amended certificate of record. [00-17098] (hh) [00-17098]

2/28/01 Filed order CONFATT (em) Case referred to Confatt for assessment conference only. Conference to be on 3/27/01 at 1:30pm Pacific (S.F.) Time. By telephone (y/n): y. The briefing schedules prevsly set by the court are VACATED. [00-17098, 00-17282] (hh) [00-17098 00-17282]

3/2/01 Rec'd notice of appearance of Patrick J. Coughlin and Jeffrey W. Lawrence as counsel for aplt's Ferrari, et al. in 00-17282, dated 3/2/01 (CASEFILES) [00-17098, 00-17282] (hh) [00-17098 00-17282]

3/29/01 Filed order CONFATT (DEL) A further pre-briefing conference will be held on 4/26/01 at 3:00 p.m. PST. By telephone (y/n): y. The brfg schedules previously set by the crt remain vacated [00-17098, 00-17282] (mhf) [00-17098 00-17282]

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5/1/01 Filed order CONFATT (DEL) A further assessment conference will be held by telephone on 5/31/01, at 10:00am Pacific (S.F.) Time. The briefing schedules prevsly set by the court remain VACATED. [00-17098, 00-17282] (hh) [00-17098 00-17282]

6/5/01 Filed order CONFATT (DEL) A further assessment conference will be held by telephone on 7/26/01, at 10:00am Pacific (S.F.) Time. The briefing schedules prevsly set by the court remain VACATED. [00-17098, 00-17282] (hh) [00-17098 00-17282]

7/27/01 Filed order CONFATT (DEL) A further assessment conference will be held by telephone on 9/11/01, at 10:00am Pacific (S.F.) Time. The briefing schedules prevsly set by the court remain VACATED. [00-17098, 00-17282] (hh) [00-17098 00-17282]

9/17/01 Filed order CONFATT (DEL) A further assessment conference will be held by telephone on 9/25/01, at 10:00am Pacific (S.F.) Time. The briefing schedules prevsly set by the court remain VACATED. [00-17098, 00-17282] (hh) [00-17098 00-17282]

12/21/01 Filed order CONFATT (DEL) A further assessment conference will be held on 2/26/02 at 10:00am pacific by phone. [00-17098, 00-17282] (em) [00-17098 00-17282]

2/28/02 Filed order CONFATT (DEL) A further assessment conference will be held by telephone on 4/18/02, at 10:00am Pacific (S.F.) Time. The briefing schedules remain vacated. [00-17098, 00-17282] (hh) [00-17098 00-17282]

4/22/02 Filed order CONFATT (DEL) The briefing schedule shall be as follows: aplts shall file the opening briefs for both appeals on or before 6/17/02; aples shall file the consoldiated answering brief on or before 8/16/02; aplts may file optional reply briefs within 14 days from the date of the ans brfs. This briefing schedule bars aplts and aples from seeking telephonic 14-day ext of time for filing the opening and answering brfs. Further ext for filing such brfs shall require a written motion demonstrating "extraordinary and compelling circumstances." 9th Cir.R. 31-2.2(a). The court has determined that these appeals will not be selected for inclusion in the mediation rpogram. Csl are requested to contact the circuit mediator should circumstances develop that might warrant the re-initiation of settlement discussions. All other inquiries regarding these appeals, including requests for ext of time, should be directed to the clerk's office. [00-17098, 00-17282] (hh) [00-17098 00-17282]

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6/11/02 Filed motion and deputy clerk order PROMO:(Deputy Clerk: jlc) The unopposed motion of aplts in appeal no. 00-17282 for an ext of time to file their opening brief is GRANTED. The court, sua sponte, grants an ext of time to file the opening brief in appeal no. 00-17098. The opening briefs for both appeals are now due 7/8/02; aples consolidated answering brief is due 8/7/02. The optional reply briefs are due 14 days from service of the ans brf. (Motion recvd 6/4/02) [00-17098, 00-17282] (hh) [00-17098 00-17282]

7/8/02 Filed original and 15 copies Appellants Ferrari, et al's in 00-17282 opening brief (Informal: no) 33 pages and five excerpts of record in 1volumes; served on 7/8/02 (replacement covers needed with both case #, counsel notified) [00-17098, 00-17282] (dg) [00-17098 00-17282]

7/9/02 Filed original and 15 copies Appellant William Molair, James C. Nevius in 00-17098 opening brief (Informal: No) 51 pages; 3 vols. of EOR; served on 7/8/02 [00-17098, 00-17282] (ru) [00-17098 00-17282]

7/25/02 Filed notice of joint brief by Appellees to appellants opening brief due 8/28/02; 5 additional pages are authorized for aplee(s) only. (CASEFILE) [00-17098, 00-17282] (ru) [00-17098 00-17282]

8/21/02 Filed motion of Appellees and deputy clerk order :(Deputy Clerk: lkk) Appellees' motion for an extension of time to file the answering brief is granted. The consolidated answering brief is due Sept 10, 2002. The optional reply briefs are due 14 days from service of the consolidated answering brief. in 00-17098, 00-17282 (Motion recvd 8/13/02) [00-17098, 00-17282] (ru) [00-17098 00-17282]

9/5/02 Filed original and 15 copies Appellees Read-Rite Corporation et al. 66 pages brief, 2 vols. of Supp EOR; served on 9/5/02 [00-17098, 00-17282] (ru) [00-17098 00-17282]

9/17/02 Filed motion of Appellants and deputy clerk order :(Deputy Clerk: lkk) granting appellants' joint unopposed motion for 30 day extension of time to file reply briefs [4532838-1] appellants' reply brief due 10/23/02 in 00-17098, 00-17282 (Motion recvd 9/17/02) [00-17098, 00-17282] (ru) [00-17098 00-17282]

9/27/02 Calendar check performed [00-17098, 00-17282] (mw) [00-17098 00-17282]

9/30/02 Calendar materials being prepared. [00-17098, 00-17282] [00-17098, 00-17282] (mw) [00-17098 00-17282]

10/4/02 CALENDARED: SAN FRAN Dec 5 2002 900 am Courtroom 2 [00-17098, 00-17282] (aw) [00-17098 00-17282]

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10/22/02 Filed Aples' motion for continuance of oral argument; served on 10/22/02 (Faxed to Panel) [4563716] (gva)

[00-17098 00-17282]

10/23/02 Filed original and 15 copies Ferrari Aplt's rpy brief , (Informal: No) 28 pages; served on 10/23/02 [00-17098, 00-17282] (kkw) [00-17098 00-17282]

10/24/02 Filed original and 15 copies William Molair in 00-17098, James C. Nevius in 00-17098 reply brief, (Informal: No) 31 pages; served on 10/23/02 panel. [00-17098, 00-17282] (kkw) [00-17098 00-17282]

10/28/02 Filed order (Deputy Clerk: hh) Appellees' motion for continuance of oral argument is denied. [4563716-1] [00-17098, 00-17282] (ru) [00-17098 00-17282]

11/20/02 Filed Ferrari appellant's additional citations, served on 11/20/02 (Panel by fax) [00-17098, 00-17282] (ru) [00-17098 00-17282]

12/2/02 Received letter from Sanford Svetcov, attorney for appellants, dated 12/2/02 re: "Please advise the panel that one of the cases cited in appellants' Rule 28(j) letter dated November 20, 2002 has been vacated..." (PANEL by fax) [00-17098, 00-17282] (ru) [00-17098 00-17282]

12/5/02 ARGUED AND SUBMITTED TO Melvin BRUNETTI, A. W. TASHIMA, David A. Ezra [00-17098, 00-17282] (tu) [00-17098 00-17282]

12/11/02 Filed appellants Joan D. Ferrari, et al., in 00-17282 additional citations, served on 12/11/02 (faxed to PANEL) [00-17098, 00-17282] (hh) [00-17098 00-17282]

12/11/02 Received Appellants Joan D. Ferrari, et al., in 00-17282 letter dated 12/11/02 re: appellees contention at oral argument. (faxed to PANEL) [00-17098, 00-17282] (hh) [00-17098 00-17282]

12/12/02 Received Appellees Read-Rite Corporation, et al., letter dated 12/12/02 re: Aplt Ferrari seeks leave to file a supp'l letter brief. Aples believe that add'l briefing is not warranted (see ltr for full text). (faxed to PANEL) [00-17098, 00-17282] (hh) [00-17098 00-17282]

12/12/02 Received Appellants Joan D. Ferrari in 00-17282, letter dated 12/12/02 re: reply to aples' letter response (see letter for full text). (faxed to PANEL) [00-17098, 00-17282] (hh) [00-17098 00-17282]

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12/19/02 Filed order (Melvin BRUNETTI, A. W. TASHIMA, David A. Ezra,): The letter request of Nevius appellants for leave to file a supplemental letter brief is denied. [00-17098, 00-17282] (ru) [00-17098 00-17282]

1/22/03 Filed Ferrari appellants additional citations, served on 1/22/03 (PANEL by fed ex) [00-17098, 00-17282] (ru) [00-17098 00-17282]

1/23/03 Received Attorney's Boris Feldman for Appellee Read-Rite letter dated 1/23/03 re: Appellee's response to Appellant Ferrari's 28(j) letter. (PANEL by fax and fed ex) [00-17098, 00-17282] (ru) [00-17098 00-17282]

1/23/03 Received attorney Sanford Svetcov for Appellant Joan D. Ferrari, letter dated 1/23/03 re: Appellant's reply to appellee's reponse to Appellant's 28(j) letter. (PANEL by fax and fed ex) [00-17098, 00-17282] (ru) [00-17098 00-17282]

3/14/03 Filed Appellants' in 00-17282(only) motion to dismiss case pursuant to FRAP 42(b). [00-17282] . Served on 3/14/03 (PANEL by fax) [00-17282] (dg) [00-17282]

7/3/03 FILED OPINION: AFFIRMED (Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Melvin BRUNETTI; A. W. TASHIMA; David A. Ezra, author.) FILED AND ENTERED JUDGMENT. [00-17098] (ru) [00-17098]

7/25/03 MANDATE ISSUED [00-17098] (ru) [00-17098]

10/6/03 NO ORIGINAL RECORD (jay) [00-17098]

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