

U.S. District Court
Southern District of New York
(Foley Square)
CIVIL DOCKET FOR CASE #: 1:99-cv-00527-JES

Packer v. Agribiotech, Inc., et al
Assigned to: Judge John E. Sprizzo
Demand: \$0
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 01/25/1999
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Marc Packer
*Individually and on behalf of all those
similarly situated*

represented by **Aaron Lee Brody**
Stull, Stull & Brody
6 East 45th Street
5th Floor
New York, NY 10017
(212) 687-7230
LEAD ATTORNEY

Arnold Levin
Levin, Fishbein, Sedran & Berma
510 Walnut Street, Suite 500
Philadelphia, PA 19106
(215) 592-1500
Fax: 215 592 4663
Email: alevin@lfsblaw.com
LEAD ATTORNEY

Barbara A. Podell
Savett, Frutkin, Podell & Ryan, P.C.
325 Chestnut Street
Suite 700
Philadelphia, PA 19106
(215) 923-5400
LEAD ATTORNEY

David Jaroslawicz
Jaroslawicz & Jaros, ESQS.
150 William Street, 19th Floor
New York, NY 10038
(212)227-2780
LEAD ATTORNEY

Jules Brody

Stull Stull & Brody
6 East 45th Street, 5th Floor
New York, NY 10017
(212) 687-7230
Fax: (212) 490-2022
LEAD ATTORNEY

Stuart H. Savett
Savett, Frutkin, Podell & Ryan, P.C.
325 Chestnut Street
Suite 700
Philadelphia, PA 19106
(215) 923-5400
LEAD ATTORNEY

V.

Defendant

Agribiotech, Inc.

Defendant

Johnny R. Thomas

Date Filed	#	Docket Text
01/25/1999	1	CLASS ACTION COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$150.00; RECEIPT # 335601 (pl) (Entered: 01/27/1999)
01/25/1999		Magistrate Judge Kevin N. Fox is so Designated. (pl) (Entered: 01/27/1999)
03/17/1999	3	Advisory to Court regarding the Edwards plttfs Group's Motion to be appointed Lead Plttfs under 21D(A)(3)(b) of the Securities Exchange Act of 1934 and for approval of Lead plttfs' choice of Lead Counsel in the United States District Court, District of New Mexico. (lam) (Entered: 03/24/1999)
03/18/1999	4	NOTICE OF MOTION for an order pursuant to Section 21D of the Securities Act of 1934, as amended appointing the Packer Group as Lead Plaintiff, and the firm of Stull Stull & Brody and Savett Frutkin Podell & Ryan, P.C. as Co-Lead Counsel and the firm of Wolf Haldenstein Adler Freeman & Herz LLP as Liaison Counsel for plaintiffs and the class in the captioned actions presently pending in this District ; and for an order pursuant to Rule 42 of the FRCP consolidating all captioned actions presently pending in this District (kw) Modified on 03/24/1999 (Entered: 03/24/1999)
03/18/1999	5	MEMORANDUM in support of [4-1] motion for an order pursuant to Section 21D

		of the Securities Act of 1934, as amended appointing the Packer Group as Lead Plaintiff, and the firm of Stull Stull & Brody and Savett Frutkin Podell & Ryan, P.C. as Co-Lead Counsel and the firm of Wolf Haldenstein Adler Freeman & Herz LLP as Liaison Counsel for plaintiffs and the class in the captioned actions presently pending in this District, and [4-2] motion for an order pursuant to Rule 42 of the FRCP consolidating all captioned actions presently pending in District. (kw) Modified on 03/24/1999 (Entered: 03/24/1999)
03/18/1999		Pre-trial conference held before Judge Sprizzo. (kw) (Entered: 03/24/1999)
03/19/1999	2	STIPULATION and ORDER extending time for defts to move or otherwise respond to the Class Action Complaint: reset answer due for 6/25/99 for Johnny R. Thomas, for Agribiotech, Inc. (signed by Judge John E. Sprizzo). (lam) (Entered: 03/24/1999)
03/19/1999	6	ORDER, defendants may file a motion to transfer venue pursuant to 28 USC 1404, not to exceed 15 pages in length by 3/23/99 ; plaintiffs may file a response to defendants' motion ; and a cross motion for appointment of lead counsel and lead plaintiff, not to exceed 25 pages in length by 3/30/99 ; defendants may file a reply to the plaintiffs' cross-motion only, not to exceed 15 pages in length by 4/1/99 ; set pretrial conference for 10:45 a.m. on 4/23/99 (signed by Judge John E. Sprizzo); Copies mailed (kw) (Entered: 03/24/1999)
03/23/1999	7	NOTICE OF MOTION by Agribiotech, Inc., and Johnny R. Thomas for an order transferring this action to the District of Nevada pursuant to 28 USC 1404(a) ; declaration of Douglas A. Fisher in support is attached; Return date 4/23/99. (kw) (Entered: 03/29/1999)
03/23/1999	8	DECLARATION in support by David L. Lansky of Agribiotech, Inc., and Johnny R. Thomas's [7-1] motion for an order transferring this action the District of Nevada pursuant to 28 USC 1404(a). (kw) (Entered: 03/29/1999)
03/23/1999	9	MEMORANDUM by Agribiotech, Inc., and Johnny R. Thomas in support of [7-1] motion for an order transferring this action to the District of Nevada pursuant to 28 USC 1404(a). (kw) (Entered: 03/29/1999)
03/23/1999	10	SUPPLEMENTAL AFFIDAVIT of Ira P. Lustbader in support of Re: [4-1] motion for an order pursuant to Section 21D of the Securities Act of 1934, as amended appointing the Packer Group as Lead Plaintiff, and the firm of Stull Stull & Brody and Savett Frutkin Podell & Ryan, P.C. as Co-Lead Counsel and the firm of Wolf Haldenstein Adler Freeman & Herz LLP as Liaison Counsel for plaintiffs and the class in the captioned actions presently pending in this District, and [4-2] motion for an order pursuant to Rule 42 of the FRCP consolidating all captioned actions presently pending in this District. (kw) (Entered: 03/29/1999)
03/24/1999	11	NOTICE of attorney appearance by Stuart D. Wechsler on behalf of putative class members Ted Edwards, Reno Vitale, et al., Irwin Pugatch, Edward S. Finkelstein, Daniel and Charlotte Rubenstone Family Trust and Ron Bennett and James Tucci. (kw) (Entered: 03/29/1999)
03/26/1999	12	NOTICE OF MOTION by the Edwards Plaintiffs Group for an order appointing the proposed Lead Plaintiffs as Lead Plaintiffs in the securities class action lawsuits ; and for an order approving their selection of Lead Counsel (kw) (Entered: 03/29/1999)

		03/31/1999)
03/26/1999	13	AFFIDAVIT in support by Henry Rosen of Re: [12-1] motion for an order appointing the proposed Lead Plaintiffs as Lead Plaintiffs in the securities class action lawsuits, and [12-2] motion for an order approving their selection of Lead Counsel. (kw) (Entered: 03/31/1999)
03/26/1999	14	MEMORANDUM in support of [12-1] motion for an order appointing the proposed Lead Plaintiffs as Lead Plaintiffs in the securities class action lawsuits, [12-2] motion for an order approving their selection of Lead Counsel. (kw) (Entered: 03/31/1999)
03/31/1999	15	ORDER, that plttfs may file a response to defts' motion, and a cross-motion for appointment of lead counsel and lead plttf, not to exceed 35 pages in length, by 4/7/99; and that the defts may file a reply to the plttfs' cross-motion only, not to exceed 15 pages, by 4/16/99 ; the Edwards plttfs may file a motion for appointment of lead plttf and lead counsel, not to exceed 15 pages, by 4/16/99 ; the pre-trial conference scheduled for 4/23/99 @10:45 shall be adjourned ; set oral argument for 2:00 4/23/99 (signed by Judge John E. Sprizzo); Copies mailed (lam) (Entered: 04/06/1999)
04/05/1999	19	NOTICE of Order transferring related cases to the District of Nevada by Agribiotech, Inc., Johnny R. Thomas and defts in the related cases. (lam) (Entered: 04/09/1999)
04/07/1999	16	NOTICE OF CROSS MOTION by Marc Packer appointing the Packer Group as lead plntf, and the firms of Stull Stull & Brody and Savett Frutkin Podell & Ryan as co-lead counsel and the firm of Wolf Haldenstein et al as liaison counsel ; to consolidate cases 99cv527, 594, 791, 802, 1079, 1323, 1998 , Return date 4/23/99 (cd) (Entered: 04/08/1999)
04/07/1999	17	AFFIDAVIT in support of Fred Isquith by Marc Packer Re: [16-1] cross motion appointing the Packer Group as lead plntf, and the firms of Stull Stull & Brody and Savett Frutkin Podell & Ryan as co-lead counsel and the firm of Wolf Haldenstein et al as liaison counsel, [16-2] cross motion to consolidate cases 99cv527, 594, 791, 802, 1079, 1323, 1998 (cd) (Entered: 04/08/1999)
04/07/1999	18	MEMORANDUM by Marc Packer in support of [16-1] cross motion appointing the Packer Group as lead plntf, and the firms of Stull Stull & Brody and Savett Frutkin Podell & Ryan as co-lead counsel and the firm of Wolf Haldenstein et al as liaison counsel, [16-2] cross motion to consolidate cases 99cv527, 594, 791, 802, 1079, 1323, 1998 (cd) (Entered: 04/08/1999)
04/16/1999	20	AFFIDAVIT in opposition of Ira P. Lustbader, on behalf of the Packer Group, to Re: [12-1] motion for an order appointing the proposed Lead Plaintiffs as Lead Plaintiffs in the securities class action lawsuits, and [12-2] motion for an order approving their selection of Lead Counsel. (kw) (Entered: 04/22/1999)
04/16/1999	21	MEMORANDUM by the Packer Group in opposition to [12-1] motion for an order appointing the proposed Lead Plaintiffs as Lead Plaintiffs in the securities class action lawsuits, and [12-2] motion for an order approving their selection of Lead Counsel. (kw) (Entered: 04/22/1999)

04/16/1999	22	AFFIDAVIT in opposition of Henry Rosen, on behalf of Edwards Plaintiffs Group, to Re: [4-1] motion for an order pursuant to Section 21D of the Securities Act of 1934, as amended appointing the Packer Group as Lead Plaintiff, and the firm of Stull Stull & Brody and Savett Frutkin Podell & Ryan, P.C. as Co-Lead Counsel and the firm of Wolf Haldenstein Adler Freeman & Herz LLP as Liaison Counsel for plaintiffs and the class in the captioned actions presently pending in this District, and [16-1] cross motion appointing the Packer Group as lead plntf, and the firms of Stull Stull & Brody and Savett Frutkin Podell & Ryan as co-lead counsel and the firm of Wolf Haldenstein et al as liaison counsel. (kw) (Entered: 04/22/1999)
04/16/1999	23	OPPOSITION by the Edwards Plaintiffs Group to re: [4-1] motion for an order pursuant to Section 21D of the Securities Act of 1934, as amended appointing the Packer Group as Lead Plaintiff, and the firm of Stull Stull & Brody and Savett Frutkin Podell & Ryan, P.C. as Co-Lead Counsel and the firm of Wolf Haldenstein Adler Freeman & Herz LLP as Liaison Counsel for plaintiffs and the class in the captioned actions presently pending in this District, and [16-1] cross motion appointing the Packer Group as lead plntf, and the firms of Stull Stull & Brody and Savett Frutkin Podell & Ryan as co-lead counsel and the firm of Wolf Haldenstein et al as liaison counsel. (kw) (Entered: 04/22/1999)
04/23/1999		Oral argument held before Judge Sprizzo. re: [7-1] motion for an order transferring this action to the District of Nevada pursuant to 28 USC 1404(a). (kw) Modified on 04/30/1999 (Entered: 04/30/1999)
04/27/1999	24	ORDER, granting [7-1] motion for an order transferring this action to the District of Nevada pursuant to 28 USC 1404(a); the Clerk of Court shall cause to be transferred to the USDC for the District of Nevada the case files ; the Clerk of Court shall close the actions (signed by Judge John E. Sprizzo) Copies mailed (kw) Modified on 04/30/1999 (Entered: 04/30/1999)
04/27/1999		Interdistrict transfer to the District of Nevada; Sent via Federal Express #4453034644 and #4453034655 on 5/5/99. (kw) Modified on 05/05/1999 (Entered: 04/30/1999)
05/10/1999	25	Transcript of record of proceeding before Judge Sprizzo on 3/18/99. (kw) (Entered: 05/10/1999)
05/17/1999	26	ORDER, for Leo P. Cunningham, Esq. to appear pro hac vice (signed by Judge John E. Sprizzo); Copies mailed (Sent document to Attorney Admission Clerk on 5/19/99) (kw) (Entered: 05/19/1999)
05/17/1999		Receipt is acknowledged of the transferred case to the District of Nevada. The case was assigned number: CV-S-99-570-DWH(RJJ) on 5/6/99. (kw) (Entered: 05/25/1999)
06/08/1999	27	Transcript of record of proceedings filed for dates of 4/23/99 @2:30pm before Judge Sprizzo. (lam) (Entered: 06/08/1999)

Note: Links in this docket are stored in the PACER system (Public Access to Court Electronic Records). 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>