

US District Court for the
Eastern District of Pennsylvania

2:97cv1214

Berkowitz v. Conrail, Inc, et al

Date Filed: 02/18/1997
Assigned To: Judge Donald W Vanartsdalen
Referred To:
Nature of suit: Securities (850)
Cause: Securities Exchange Act
Lead Docket: None
Other Docket: Dkt # in USDC EDPA : is 96-7167
Jurisdiction: Federal Question

Class Code: e-SPEC
CLOSED
Closed: Yes
Statute: 15:78m(a)
Jury Demand: Plaintiff
Demand
Amount: \$0

Litigants

Attorneys

Barry Berkowitz
PLAINTIFF

Stephen D Ramos
[COR LD NTC]
Berger & Montague, PC
1622 Locust Street
Philadelphia , PA 19103-6365
USA
FAX 215-875-5804

Sherrie R Savett
[COR LD NTC]
1622 Locust Street
Philadelphia , PA 19103
USA
FAX 215-875-5715

v.

Conrail, Inc
DEFENDANT

Raymond MC Garry
[COR LD NTC]
Buchanan Ingersoll Prof Corp
301 Grant Street
20TH Floor
Pittsburgh , PA 15219
USA

John Beerbower
[COR LD NTC]

Cravath, Swaine & Moore
825 8TH Avenue
Worldwide Plaza
New York , NY 10019-7475
USA

John D Buretta
[COR LD NTC]
Cravath, Swaine & Moore
825 8TH Avenue
Worldwide Plaza
New York , NY 10019
USA

David M Levan
DEFENDANT

Raymond MC Garry
[COR LD NTC]
Buchanan Ingersoll Prof Corp
301 Grant Street
20TH Floor
Pittsburgh , PA 15219
USA

John Beerbower
[COR LD NTC]
Cravath, Swaine & Moore
825 8TH Avenue
Worldwide Plaza
New York , NY 10019-7475
USA

John D Buretta
[COR LD NTC]
Cravath, Swaine & Moore
825 8TH Avenue
Worldwide Plaza
New York , NY 10019
USA

Date	#	Proceeding Text
02/18/1997	1	Complaint. filing fee \$150 receipt #624457. (tj) [Entry date 02/20/97]
02/18/1997	--	Summons(es) issued Forwarded: 2 originals to counsel 2/20/97. (tj) [Entry date 02/20/97]
02/18/1997	--	Demand for jury trial by PLAINTIFF BARRY BERKOWITZ. (tj) [Entry date 02/20/97]
02/18/1997	--	Special Case Management Track. (tj) [Entry date 02/20/97]
03/25/1997	2	MOTION by DEFENDANT CONRAIL, INC., DEFENDANT DAVID M. LEVAN

TO DISMISS PLAINTIFFS' COMPLAINT PURSUANT TO RULE 12(b)(6) FOR FAILURE TO STATE A CLAIM FOR WHICH RELIEF MAY BE GRANTED, MEMORANDUM, CERTIFICATE OF SERVICE. (ph) [Entry date 03/26/97]

- 03/28/1997 3 Return of service executed as to DEFENDANT CONRAIL, INC., DEFENDANT DAVID M. LEVAN 3/3/97 - personal (ph)
- 04/14/1997 4 STIPULATION AND ORDER THAT PLFF IS GRANTED AN EXTENSION UNTIL 5/6/97 TO FILE ANY PAPERS IN OPPOSITION TO DEFTS' MOTION TO DISMISS. (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 4/15/97 ENTERED AND COPIES MAILED; COPY FAXED FROM CHAMBERS. (adr) [Entry date 04/15/97]
- 04/28/1997 5 MOTION BY PLAINTIFF BARRY BERKOWITZ TO BE APPOINTED LEAD PLAINTIFF PURSUANT TO S21D(a)(3)(B) OF THE SECURITIES EXCHANGE ACT OF 1934 AND FOR APPOINTMENT OF LEAD PLAINTIFF'S COUNSEL TO SERVE AS CO-LEAD COUNSEL, CERTIFICATION, CERTIFICATE OF SERVICE. (jcw) [Entry date 04/29/97]
- 05/07/1997 6 STIPULATION AND ORDER THAT PLFF IS GRANTED AN EXTENSION OF TIME UNTIL 5/14/97 TIL FILE ANY PAPERS IN OPPOSITION TO DEFTS' MOTION TO DISMISS. (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 5/7/97 ENTERED AND COPIES MAILED; COPIES FAXED FROM CHAMBERS. (adr)
- 05/14/1997 7 Plaintiff's Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiff's Complaint Purusant to Rule 12(b)(6), Certificate of Service. (dt) [Entry date 05/15/97]
- 05/16/1997 8 ORDER THAT PLAINTIFF SHALL ESTABLISH BY AFFIDAVIT (I) THE DATE AND TOME OF DAY ON WHICH PLAINTIFF ORDERED HIS BROKER TO SELL HIS CONRAIL SHARES, ETC. (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 5/16/97 ENTERED AND COPIES MAILED AND FAXED. (cl)
- 05/19/1997 9 MOTION by PLAINTIFF BARRY BERKOWITZ TO CERTIFY CLASS ACTION, MEMORANDUM, CERTIFICATE OF SERVICE. (ph) [Entry date 05/20/97]
- 05/21/1997 10 Affidavit of Cheryl A. Cook, Esq. Re: [8-1] ORDER (ph) [Entry date 05/22/97]
- 05/27/1997 11 Affidavit of Barry Berkowitz Re: Court order of 5/15/97 (ph) [Entry date 05/28/97]
- 05/29/1997 12 ORDER THAT CONSIDERATION OF THE MERITS OF DEFENDANTS' PENDING MOTION TO DISMISS WILL BE STAYED FOR 10 DAYS SO THAT PARTIES MAY RESPOND TO THE ISSUE OF WHETHER THE COMPLAINT SHOULD BE DISMISSED FOR FAILURE TO COMPLY WITH 78u-f(b)(1)-(2) ETC (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 5/30/97 ENTERED AND COPIES MAILED AND FAXED 5/29/97. (ph) [Entry date 05/30/97]
- 06/12/1997 13 MOTION by DEFENDANT CONRAIL, INC., DEFENDANT DAVID M. LEVAN TO DISMISS THE COMPLAINT , MEMORANDUM, CERTIFICATE OF SERVICE. (jl) [Entry date 06/13/97]
- 06/13/1997 14 Amended complaint by PLAINTIFF BARRY BERKOWITZ, certificate of service. (adr) [Entry date 06/16/97]
- 06/18/1997 15 ORDER DENYING DEFENDANTS' MOTION TO DISMISS THE COMPLAINT AS MOOT WITHOUT PREJUDICE TO DEFENDANTS' RIGHT TO FILE A MOTION

TO DISMISS OR OTHER APPROPRIATE MOTION TO AMEND THE COMPLAINT; DENYING PLAINTIFF'S MOTION TO CERTIFY CLASS ACTION; RULING ON PLAINTIFF'S MOTION TO BE APPOINTED LEAD PLAINTIFF AND FOR THE APPOINTMENT OF LEAD COUNSEL IS STAYED PENDING COMPLETION OF THE PLEADINGS (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 6/18/97 ENTERED AND COPIES MAILED AND FAXED. (ph)

- 07/03/1997 16 STIPULATION AND ORDER THAT THE DEFENDANTS SHALL BE GRANTED AN EXTENSION OF TIME UNTIL 7/3/97 TO ANSWER OR OTHERWISE RESPOND TO THE AMENDED COMPLAINT. (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 7/3/97 ENTERED AND COPIES MAILED AND FAXED. (jo)
- 07/03/1997 17 MOTION by DEFENDANT CONRAIL, INC., DEFENDANT DAVID M. LEVAN TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO 15 USC 78u-4 (b)(3)(A) AND RULES 9)b) AND 12 (b)(6) OF THE FRCP, MEMORANDUM, EXHIBITS, CERTIFICATE OF SERVICE. (ph) [Entry date 07/07/97]
- 07/16/1997 18 STIPULATION AND ORDER THAT PLAINTIFF SHALL BE GRANTED AN EXTENSION OF TIME UNTIL 7/31/97 TO FILE WITH THIS COURT AND SERVE ON ALL PARTIES PAPERS IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 7/17/97 ENTERED AND COPIES MAILED AND FAXED. (ph) [Entry date 07/17/97]
- 07/31/1997 19 Memorandum by PLAINTIFF BARRY BERKOWITZ in opposition to MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO 15 USC 78u-4 (b)(3)(A) AND RULES 9)b) AND 12 (b)(6) OF THE FRCP, Certificate of service (ph) [Entry date 08/01/97]
- 08/14/1997 20 Reply by DEFENDANT CONRAIL, INC., DEFENDANT DAVID M. LEVAN to defendants' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT PURSUANT TO 15 USC 78u-4 (b)(3)(A) AND RULES 9)b) AND 12 (b)(6) OF THE FRCP, Certificate of service (ph)
- 09/11/1997 21 MOTION BY DEFENDANT CONRAIL, INC., DEFENDANT DAVID M. LEVAN FOR JOHN D. BURETTA TO APPEAR PRO HAC VICE, CERTIFICATE OF SERVICE. (dt)
- 09/15/1997 22 ORDER GRANTING DEFENDANTS' MOTION FOR JOHN D. BURETTA TO APPEAR PRO HAC VICE (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 9/16/97 ENTERED AND COPIES MAILED AND FAXED 9/15/97. (ph) [Entry date 09/16/97]
- 09/19/1997 23 Minute entry: 9/17/97, counsel for defendants, argues defendants' motion to dismiss plaintiff's amended complaint, counsel for plaintiff, responds; certificate of service. (jl) [Entry date 09/22/97]
- 09/25/1997 24 MEMORANDUM AND ORDER THAT DEFENDANTS' MOTION TO DISMISS IS GRANTED; COUNTS I AND II OF THE AMENDED COMPLAINT ARE DISMISSED; COUNT III (THE STATE LAW CLAIM) IS DISMISSED WITHOUT PREJUDICE; PLAINTIFF'S MOTION TO BE APPOINTED LEAD PLAINTIFF AND FOR APPOINTMENT OF LEAD AND CO-LEAD COUNSEL, AND

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION ARE DENIED AS MOOT (SIGNED BY JUDGE DONALD W. VANARTSDALEN) 9/25/97 ENTERED AND COPIES MAILED (ph)

09/25/1997 -- Case closed (kv) [Entry date 09/26/97]