

U.S. District Court
Southern District of Florida (FtLauderdale)
CIVIL DOCKET FOR CASE #: 98-CV-6879

Cheney, et al v. Cyberguard, et al

Filed: 08/25/98
Assigned to: Judge Alan S. Gold
Jury demand: Plaintiff
Demand: \$0,000
Nature of Suit: 850
Lead Docket: None
Jurisdiction: Federal Question
Dkt# in other court: None
Cause: 15:0078 Securities Exchange Act

STEVEN CHENEY, individually
and on behalf of all others
similarly situated
 plaintiff

Michael J. Pucillo
FTS 835-0322
[COR LD NTC]
Berman DeValerio Pease Tabacco
Burt & Pucillo
Northbridge Centre
515 N Flagler Drive
Suite 1701
West Palm Beach, FL 33401
561-835-9400

Andrew N. Friedman
[COR LD NTC]
Chone Milstein Hausfeld & Toll
1100 New York Avenue
Suite 500
Washington, DC 20005
202-408-4600

Mel E. Lifshitz
Below Address Terminated on 2/10/99
[COR LD NTC]
Goodkind Labaton Rudoff &
Sucharow
100 Park Avenue
12th Floor
New York, NY 10017-5563
212-907-0700

Emily Cornelia Komlossy
FTS 565-1312
[COR LD NTC]

Goodkind Labaton Rudoff &
Sucharow
3595 Sheridan Street
Suite 206
Hollywood, FL 33021

954-630-1000

Jeffrey M. Haber
[COR LD NTC]
Bernstein Liebhard & Lifshitz
10 E 40th Street
22nd Floor
New York, NY 10016
212-779-1414

Steven J. Toll
[term 07/30/99]
FTS 521-0166
[COR LD NTC]
Cohen Milstein Hausfeld & Toll
999 3rd Avenue
Suite 3600
Seattle, WA 98104
206-521-0080

Lee S. Shalov
FTS 686-8005
[COR LD NTC]
James P. Bonner
FTS 239-4310
[COR LD NTC]
Shalov Stone & Bonner
485 Seventh Avenue
Suite 1000
New York, NY 10018
212-239-4340

Howard Kelly Coates, Jr.
FTS 367-8400
[COR LD NTC]
Robert Randall Adler
FTS 367-8400
561-361-5014
[COR LD NTC]
Milberg Weiss Bershad &
Schulman
5200 Town Center Circle
Suite 600 Tower One
Boca Raton, FL 33486
561-361-5000

Russel H. Beatie
FTS 888-9664
[COR LD NTC]
Daniel A. Osborn
FTS 888-9664
[COR LD NTC]
Beatie & Osborn
521 5th Avenue

34th Floor
New York, NY 10175
212-888-9000

Jonathan Shub
[term 07/30/99]
FTS 546-0942
[COR LD NTC]
Sheller Ludwig & Badey
1528 Walnut Street
3rd Floor
Philadelphia, PA 19102
215-790-7300

Richard D. Kranich
FTS 608-0886
212-608-8965
Suite 407
[COR LD NTC]
531 Main Street
New York, NY 10044-0107

KEY ACCESS MORTGAGE, INC.
plaintiff

Joseph Lester Rebak
FTS 536-1116
305-536-1112
[COR LD NTC]
Tew Cardenas LLP
Four Seasons Tower
1441 Brickell Avenue
15th Floor
Miami, FL 33131-3407
305-536-1112

Howard Kelly Coates, Jr.
(See above)
[COR LD NTC]
Robert Randall Adler
(See above)
[COR LD NTC]

ELLEN FEDER
consolidated plaintiff

Alan Michael Grunspan
FTS 374-3200
[COR LD NTC]
Kaufman Miller Dickstein &
Grunspan
First Union Financial Center
200 S Biscayne Boulevard
Suite 4650
Miami, FL 33131
305-372-5200

Michael J. Pucillo

(See above)
[COR LD NTC]
Wendy Hope Zoberman
[COR LD NTC]
Berman DeValerio Pease Tabacco
Burt & Pucillo
Northbridge Centre

515 N Flagler Drive
Suite 1701
West Palm Beach, FL 33401
561-835-9400

George G. Mahfood
FTS 371-5732
305-371-8585
[COR LD NTC]
Ferrell Schultz Carter & Fertel
201 S Biscayne Boulevard
Suite 3400
Miami, FL 33131-4325
305-371-8585

Leo Wassner Desmond
FTS 712-8002
561-712-8000
Suite 204
[COR LD NTC]
2161 Palm Beach Lakes Boulevard
West Palm Beach, FL 33409

Samuel H. Rudman
FTS 868-1229
212-594-5300
[COR LD NTC]
Steven G. Schulman
FTS 868-1229
[COR LD NTC]
Milberg Weiss Bershad &
Schulman
1 Pennsylvania Plaza
Suite 4915
New York, NY 10119-0165
212-594-5300

Peter Harold Rachman
FTS 565-1312
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]
Goodkind Labaton Rudoff &
Sucharow
3595 Sheridan Street
Suite 206

Hollywood, FL 33021
954-630-1000

Robert Cecil Gilbert
FTS 529-1612
305-529-9100
Suite 400
[COR LD NTC]
220 Alhambra Circle
Coral Gables, FL 33134

Lee S. Shalov
(See above)

[COR LD NTC]

Julian H. Kreeger

FTS 367-8400

[COR LD NTC]

Robert Randall Adler

(See above)

[COR LD NTC]

Maya Susan Saxena

FTS 367-8400

561-361-5015

[COR LD NTC]

Milberg Weiss Bershad &
Schulman

5200 Town Center Circle

Suite 600 Tower One

Boca Raton, FL 33486

561-361-5000

Jonathan Shub

[term 07/30/99]

(See above)

[COR LD NTC]

MICHAEL BROWN

consolidated plaintiff

Alan Michael Grunspan

(See above)

[COR LD NTC]

Michael J. Pucillo

(See above)

[COR LD NTC]

Wendy Hope Zoberman

(See above)

[COR LD NTC]

George G. Mahfood

(See above)

[COR LD NTC]

Leo Wassner Desmond

(See above)

[COR LD NTC]

Mark C. Gardy

FTS 684-5191

[COR LD NTC]

James S. Notis

FTS 684-5191

[COR LD NTC]

Abbey Gardy

212 E 39th Street

New York, NY 10016

212-889-3700

Mel E. Lifshitz

Below Address Terminated on 2/10/99

(See above)

[COR LD NTC]

Peter Harold Rachman

(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

L.I.S.T. INC.
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

SUDHIR MEHTA
consolidated plaintiff

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]

James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub

[term 07/30/99]

(See above)

[COR LD NTC]

CRISTINA KAZAN
consolidated plaintiff

Alan Michael Grunspan

(See above)

[COR LD NTC]

Michael J. Pucillo

(See above)

[COR LD NTC]

Wendy Hope Zoberman

(See above)

[COR LD NTC]

George G. Mahfood

(See above)

[COR LD NTC]

Leo Wassner Desmond

(See above)

[COR LD NTC]

Peter Harold Rachman

(See above)

[COR LD NTC]

Emily Cornelia Komlossy

(See above)

[COR LD NTC]

Robert Cecil Gilbert

(See above)

[COR LD NTC]

Lee S. Shalov

(See above)

[COR LD NTC]

Julian H. Kreeger

(See above)

[COR LD NTC]

Jonathan Shub

[term 07/30/99]

(See above)

[COR LD NTC]

RANDY LEWIS
consolidated plaintiff

Alan Michael Grunspan

(See above)

[COR LD NTC]

Michael J. Pucillo

(See above)

[COR LD NTC]

Wendy Hope Zoberman

(See above)

[COR LD NTC]

George G. Mahfood

(See above)

[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)

[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

SCOTT DICLAUDIO
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov

(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

CROMWELL DEVELOPMENT, CORP.
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]
Wendy Hope Zoberman
[term 07/30/99]
(See above)
[COR LD NTC]

George G. Mahfood
[term 07/30/99]
(See above)
[COR LD NTC]

Leo Wassner Desmond
[term 07/30/99]
(See above)
[COR LD NTC]

Peter Harold Rachman
[term 07/30/99]
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
[term 07/30/99]
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]

DEAN MILLER
consolidated plaintiff

(See above)
[COR LD NTC]

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]
Wendy Hope Zoberman
[term 07/30/99]
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]
James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)

[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)

[COR LD NTC]

Daniel J. Mogin
[COR LD NTC]
Lisa J. Frisella
[COR LD NTC]
The Mogin Law Firm
110 Jumper Street
San Diego, CA 92101
619-687-6611

JAY REYNOLDS
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

MARGITA FORKOSH, for the
account of MARGITA FORKOSH and
MITCHELL FORKOSH JT
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]

Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

JEFFREY DELMAN
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)

[COR LD NTC]

Robert Cecil Gilbert
[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

MICHAEL D. DONHAM
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]
Wendy Hope Zoberman

(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger

(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

MATT LEIGHTON
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
[term 07/30/99]

(See above)
[COR LD NTC]

Leo Wassner Desmond
[term 07/30/99]
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

ERNEST FRANK
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
[term 07/30/99]

(See above)
[COR LD NTC]
Wendy Hope Zoberman
[term 07/30/99]
(See above)
[COR LD NTC]

George G. Mahfood
[term 07/30/99]
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)

[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
[term 07/30/99]
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

DALE CREDEUR
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)

[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)

[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

FENNER REED & JACKSON
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Vincent Cappucci
[term 07/30/99]
FTS 894-7272
[COR LD NTC]
Entwistle & Cappucci
299 Park Avenue
14th Floor
New York, NY 10171
212-894-7200

Peter Harold Rachman
(See above)
[COR LD NTC]

Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

ELIZABETH RULTENBERG
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]

Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]

Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

EDWIN DICKLER
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
[term 07/30/99]
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)

[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

DAWN A. CLEMENTS
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo

[term 07/30/99]
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

ROBERT GOVIC
consolidated plaintiff

Alan Michael Grunspan
(See above)
[COR LD NTC]

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]
Wendy Hope Zoberman
(See above)
[COR LD NTC]

George G. Mahfood
(See above)
[COR LD NTC]

Leo Wassner Desmond
(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]
James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Peter Harold Rachman
(See above)
[COR LD NTC]
Emily Cornelia Komlossy
(See above)
[COR LD NTC]

Robert Cecil Gilbert
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

ANTHONY PAOLERCIO
consolidated plaintiff

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]
James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Emily Cornelia Komlossy

[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
[term 07/30/99]
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

ELIOT MESHULAM
consolidated plaintiff

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]

Mark C. Gardy

[term 07/30/99]
(See above)
[COR LD NTC]

James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Emily Cornelia Komlossy
[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
[term 07/30/99]
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

JORIN DALEANES

Michael J. Pucillo

consolidated plaintiff

[term 07/30/99]
(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]

James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Emily Cornelia Komlossy
[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
[term 07/30/99]
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

THOMAS B. SCHUECK
consolidated plaintiff

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]

James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Emily Cornelia Komlossy
[term 07/30/99]

(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
[term 07/30/99]

(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

MARY LOU HARVEY
consolidated plaintiff

Michael J. Pucillo
[term 07/30/99]
(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]

James S. Notis
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Emily Cornelia Komlossy
[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Julian H. Kreeger
[term 07/30/99]
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

TONY S. CROCIATA
consolidated plaintiff

Wendy Hope Zoberman
[term 07/30/99]

(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Emily Cornelia Komlossy
[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Jonathan Shub
[term 07/30/99]
(See above)
[COR LD NTC]

DAVID M. EVANS
consolidated plaintiff

Wendy Hope Zoberman
[term 07/30/99]
(See above)
[COR LD NTC]

Mark C. Gardy
[term 07/30/99]
(See above)
[COR LD NTC]

Mel E. Lifshitz
[term 07/30/99]
Below Address Terminated on 2/10/99
(See above)
[COR LD NTC]

Emily Cornelia Komlossy
[term 07/30/99]
(See above)
[COR LD NTC]

Lee S. Shalov
[term 07/30/99]
(See above)
[COR LD NTC]

Jonathan Shub

[term 07/30/99]
(See above)
[COR LD NTC]

v.

CYBERGUARD CORPORATION
defendant

Richard Bryan Jackson
[COR LD NTC]
Stearns Weaver Miller Weissler
Alhadeff & Sitterson
Museum Tower
150 W Flagler Street
Suite 2200
Miami, FL 33130
305-789-3200

Joseph A. DeMaria
FTS 536-1116
305-539-2440
[COR LD NTC]
Joseph Lester Rebak
FTS 536-1116
305-536-1112
[COR LD NTC]
C. Thomas Tew, Jr.
FTS 536-1116
305-536-1112
[COR LD NTC]
Mindy Lee Pallot
Below Address Terminated on 1/22/02
[COR LD NTC]
John Marion Quaranta
FTS 536-1116
[COR LD NTC]
Benjamin Raul Alvarez
Below Address Terminated on 1/23/03
FTS 536-1116
305-536-8243
[COR LD NTC]
Tew Cardenas LLP
Four Seasons Tower
1441 Brickell Avenue
15th Floor
Miami, FL 33131-3407
305-536-1112

David Charles Pollack
[term 08/10/00]
FTS 462-9567
954-462-9500
[COR LD NTC]
Stearns Weaver Miller Weissler

Alhadeff & Sitterson
200 E Broward Boulevard
Suite 1900
Fort Lauderdale, FL 33301-1949
954-462-9500

Steven Mark Katzman
FTS 477-7447
[COR LD NTC]
Katzman Wasserman & Bennardini
7900 Glades Road
Suite 140

Boca Raton, FL 33434
561-477-7774

ROBERT L. CARBERRY
defendant

Deborah Sampieri Corbishley
FTS 372-1861
[COR LD NTC]
Richard H. Critchlow
FTS 372-1861
[COR LD NTC]
Jeffrey Todd Foreman
FTS 372-1861
[COR LD NTC]
Elizabeth Brooks Honkonen
FTS 372-1861
[COR LD NTC]
Kenny Nachwalter Seymour Arnold
Critchlow & Spector
Miami Center
201 S Biscayne Boulevard
Suite 1100
Miami, FL 33131-4327
305-373-1000

John Marion Quaranta
(See above)
[COR LD NTC]
Benjamin Raul Alvarez
Below Address Terminated on 1/23/03
(See above)
[COR LD NTC]

WILLIAM D. MURRAY
defendant

Edwin G. Torres
[term 08/11/03]
FTS 577-7001
305-577-2982
[COR LD NTC]
Steel Hector & Davis
Wachovia Financial Enter
200 S Biscayne Boulevard
40th Floor

Miami, FL 33131-2398
305-577-7000

Joseph A. DeMaria
(See above)
[COR LD NTC]
C. Thomas Tew, Jr.
(See above)
[COR LD NTC]
John Marion Quaranta
(See above)
[COR LD NTC]
Benjamin Raul Alvarez
Below Address Terminated on 1/23/03
(See above)
[COR LD NTC]

Alvin F. Lindsay, III
FTS 459-6550
305-459-6500

[COR LD NTC]
Alvin F. Lindsay, III
(See above)
[COR LD NTC]
Hogan & Hartson
1111 Brickell Avenue
Suite 1900
Miami, FL 33131
305-459-6500

Richard A. Getty
FTS 259-1909
859-259-1900
[COR LD NTC]
Walker P. Mayo, III
FTS 259-1909
859-259-1900
[COR LD NTC]
Jason Hargadon
FTS 259-1909
[COR LD NTC]
Getty Keyser & Mayo
Lexington Financial Center
250 W Main Street
Suite 1900
Lexington, KY 40507
859-259-1900

BRADLY LESHNER
consolidated defendant

Mark Jurgen Heise
FTS 357-8547
[COR LD NTC]
Boise Schiller & Flexner, LLP
100 SE 2 Street

Suite 2800
Miami, FL 33131-2144
305-539-8400

C. SHELTON JAMES
consolidated defendant

Eugene E. Stearns
FTS 789-3395
305-789-3400
[COR LD NTC]
Richard Bryan Jackson
(See above)
[COR LD NTC]
Betty Chang Rowe
FTS 789-3395
[COR LD NTC]
Stearns Weaver Miller Weissler
Alhadeff & Sitterson
Museum Tower
150 W Flagler Street
Suite 2200
Miami, FL 33130
305-789-3200

C. Thomas Tew, Jr.
(See above)
[COR LD NTC]

David Charles Pollack

[term 08/10/00]
(See above)
[COR LD NTC]

TOMMY D. STEELE
consolidated defendant

Eugene E. Stearns
(See above)
[COR LD NTC]
Richard Bryan Jackson
(See above)
[COR LD NTC]
Betty Chang Rowe
(See above)
[COR LD NTC]

v.
=====

PATRICK O. WHEELER

consolidated defendant

Dirk Lorenzen
[COR LD NTC]
Caruana Langan Lorenzen &
Mendelsohn
44 W Flagler Street
Suite 1000 Courthouse Tower
Miami, FL 33130-1854
305-371-7972

SHELTON JAMES
consolidated defendant

Joseph Lester Rebak
FTS 536-1116
305-536-1112
[COR LD NTC]
C. Thomas Tew, Jr.
FTS 536-1116
305-536-1112
[COR LD NTC]
Mindy Lee Pallot
Below Address Terminated on 1/22/02
[COR LD NTC]
Tew Cardenas LLP
Four Seasons Tower
1441 Brickell Avenue
15th Floor
Miami, FL 33131-3407
305-536-1112

KPMG PEAT MARWICK, L.L.P.
consolidated defendant

Edward Alan Marod
FTS 832-6324
[COR LD NTC]
Edward Alan Marod
(See above)
[COR LD NTC]
Edward Alan Marod
400 S Australian Avenue
Suite 750
West Palm Beach, FL 33401-3606
561-832-0050

Patricia A. Gorham

FTS 853-8806
404-853-8298
[COR LD NTC]
John A. Chandler
FTS 853-8806
404-853-8029
[COR LD NTC]
Kristen Jones Indermark
[COR LD NTC]
Deena R. Bernstein
[COR LD NTC]
Sutherland Asbill & Brennan
999 Peachtree Street NE

Suite 2300
Atlanta, GA 30309-3996
404-853-8000

Sandy A. Liebhard
FTS 779-3218
[COR LD NTC]
Bernstein Liebhard & Lifshitz
10 E 40th Street
22nd Floor
New York, NY 10016
212-779-1414

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
8/25/98	1	CLASS ACTION COMPLAINT filed; FILING FEE \$150.00 RECEIPT # 514323; A-3; TEB (br) [Entry date 08/26/98]
8/25/98	--	Magistrate identification: Magistrate Judge Ted B. Bandstra (br) [Entry date 08/26/98]
8/25/98	2	SUMMONS(ES) issued for Robert L. Carberry (br) [Entry date 08/26/98]
8/25/98	3	SUMMONS(ES) issued for William D. Murray (br) [Entry date 08/26/98]
8/25/98	4	SUMMONS(ES) issued for Cyberguard (br) [Entry date 08/26/98]

8/25/98 5 MOTION by Steven Cheney to appoint process server (br)
[Entry date 08/26/98]

8/25/98 5 ORDER granting [5-1] motion to appoint process server (on
8/25/98) CCAP (br) [Entry date 08/26/98]

8/31/98 6 NOTICE of Pendency of Related Actions by Steven Cheney (hd)
[Entry date 09/03/98]

9/1/98 7 RETURN OF SERVICE executed for Cyberguard on 8/28/98 Answer
due on 9/17/98 for Cyberguard (hd) [Entry date 09/08/98]

9/4/98 8 NOTICE of Pendency of Related Actions by Cyberguard (hd)
[Entry date 09/10/98] [Edit date 09/10/98]

9/8/98 9 RETURN OF SERVICE executed for Robert L. Carberry on 9/3/98
Answer due on 9/23/98 for Robert L. Carberry (hd)
[Entry date 09/10/98]

9/9/98 10 ORDER set status conference and hearing for 8:30 9/17/98
re: pendency of related actions (signed by Judge Alan S.
Gold on 9/9/98) CCAP (hd) [Entry date 09/11/98]

9/10/98 11 MOTION with memorandum in support by Cyberguard to
transfer , to consolidate, and to stay related actions (hd)
[Entry date 09/11/98]

9/10/98 12 APPENDIX to: [11-1] motion to transfer, [11-2] motion to
consolidate, [11-3] motion to stay by Cyberguard (hd)
[Entry date 09/11/98]

9/11/98 13 AMENDED RETURN OF SERVICE executed for Robert L. Carberry
on 9/3/98 Answer due on 9/23/98 for Robert L. Carberry (hd)
[Entry date 09/15/98]

9/15/98 17 MOTION by Steven Cheney for Mel E. Lifshitz to appear pro
hac vice (hd) [Entry date 09/21/98]

9/15/98 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 698141 (hd)
[Entry date 09/21/98]

9/16/98 14 NOTICE of attorney appearance for Robert L. Carberry by
Richard H. Critchlow, Jeffrey Todd Foreman (hd)
[Entry date 09/18/98]

9/17/98 15 NOTICE of attorney appearance for William D. Murray by

Richard A. Getty, Walker P. Mayo III and law firm of Getty Keyser & Mayo LLP (hd) [Entry date 09/18/98]

9/17/98 -- Status conference held (hd) [Entry date 09/18/98]

9/17/98 16 Minutes of status conference re: transfer of related cases held before Judge Alan S. Gold on 9/17/98; Court Reporter Name or Tape #: JOSEPH MILLIKAN (hd) [Entry date 09/18/98]

9/22/98 18 RETURN OF SERVICE executed for William D. Murray on 9/17/98 Answer due on 10/7/98 for William D. Murray (hd) [Entry date 09/29/98]

9/22/98 19 ORDER granting [17-1] motion for Mel E. Lifshitz to appear pro hac vice (signed by Judge Alan S. Gold on 9/22/98) CCAP (hd) [Entry date 09/29/98]

9/22/98 21 ORDER granting [11-1] motion to transfer, granting [11-2] motion to consolidate, granting [11-3] motion to stay, plaintiffs shall file amended complaint by 10/30/98; the Court grants the motions to consolidate the transferred cases for the following cases and the following cases shall be consolidated with case number 98-6879-CIV-GOLD for all purposes including discovery and trial: Case Numbers 98-6879-CIV-GOLD, 98-6883-CIV-GOLD, 98-6884-CIV-GOLD, 98-6885-CIV-GOLD, 98-6889-CIV-GOLD, 98-6891-CIV-GOLD, 98-6892-CIV-GOLD, 98-6906-CIV-GOLD, 98-6915-CIV-GOLD, 98-6919-CIV-GOLD, 98-6920-CIV-GOLD, 98-6930-CIV-GOLD, 98-6970-CIV-GOLD (signed by Judge Alan S. Gold on 9/22/98) CCAP (hd) [Entry date 09/30/98] [Edit date 10/01/98]

9/22/98 -- Consolidated Lead Case per order (DE#21) (hd) [Entry date 09/30/98]

9/28/98 20 MEMORANDUM of law in response by Steven Cheney and partial opposition to [11-1] motion to transfer, [11-2] motion to consolidate, [11-3] motion to stay (hd) [Entry date 09/29/98]

9/28/98 22 NOTICE of filing plaintiffs' memorandum of law in response and partial opposition to Cyberguard's motions to transfer, consolidate and stay related actions by Steven Cheney (hd) [Entry date 09/30/98]

9/29/98 23 NOTICE of filing plaintiffs' memorandum of law in response and partial opposition to Cyberguard's motions to transfer, consolidate and stay related actions by Steven Cheney (hd) [Entry date 10/01/98]

10/1/98 24 MOTION by Steven Cheney for Jeffrey A. Barrack and Daniel E. Bacine to appear pro hac vice (hd) [Entry date 10/06/98]

10/1/98 -- Filing Fee Paid; FILING FEE \$ 150.00 RECEIPT # 698759 (hd)
[Entry date 10/06/98]

10/1/98 25 MOTION by Steven Cheney for Sherrie R. Savett to appear
pro hac vice (hd) [Entry date 10/06/98]

10/1/98 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 698761 (hd)
[Entry date 10/06/98]

10/5/98 26 MOTION by Steven Cheney for Andrew N. Friedman to appear
pro hac vice (hd) [Entry date 10/08/98]

10/5/98 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 698892 (hd)
[Entry date 10/08/98]

10/5/98 27 MOTION by Steven Cheney for Lee S. Shalov to appear pro
hac vice (hd) [Entry date 10/08/98]

10/5/98 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 698891 (hd)
[Entry date 10/08/98]

10/7/98 28 ORDER granting [26-1] motion for Andrew N. Friedman to
appear pro hac vice (signed by Judge Alan S. Gold on
10/7/98) CCAP (hd) [Entry date 10/08/98]

10/7/98 29 ORDER granting [27-1] motion for Lee S. Shalov to appear
pro hac vice (signed by Judge Alan S. Gold on 10/7/98)
CCAP (hd) [Entry date 10/08/98]

10/7/98 30 ORDER granting [24-1] motion for Jeffrey A. Barrack and
Daniel E. Bacine to appear pro hac vice (signed by Judge
Alan S. Gold on 10/6/98) CCAP (hd) [Entry date 10/08/98]

10/7/98 31 ORDER granting [25-1] motion for Sherrie R. Savett to
appear pro hac vice (signed by Judge Alan S. Gold on
10/6/98) CCAP (hd) [Entry date 10/08/98]

10/8/98 32 NOTICE of filing plaintiffs' memorandum of law in response
and partial opposition to Cyberguard's motions to transfer,
consolidate and stay related actions by Steven Cheney (hd)

10/9/98 33 Statement of joinder by Bradly Leshner of position on
preliminary issues (gz) [Entry date 10/15/98]

10/9/98 34 Joint Statement of position on preliminary issues by
Cyberguard, Robert L. Carberry, William D. Murray, C.
Shelton James, Tommy D. Steele (gz) [Entry date 10/15/98]

10/9/98 35 Statement of position by Ellen Feder, Michael Brown, L.I.S.T. Inc., Sudhir Mehta, Cristina Kazan, Randy Lewis, Scott DiClaudio, Cromwell Development, Dean Miller, Jay Reynolds, Margita Forkosh, Jeffrey Delman, Michael D. Donham, Matt Leighton, Ernest Frank, Dale Credeur, Fenner Reed, Elizabeth Rultenberg, Edwin Dickler, Dawn A. Clements, Robert Govic (gz) [Entry date 10/15/98]

10/9/98 36 NOTICE of attorney appearance for William D. Murray by Cornelius Thomas Tew Jr., Joseph A. DeMaria (gz) [Entry date 10/15/98]

10/9/98 39 MOTION with memorandum in support by Sudhir Mehta for Russel H. Beatie and Daniel A. Osborn to appear pro hac vice (hd) [Entry date 10/19/98]

10/13/98 37 NOTICE of change of attorney's address by Michael Brown (hd) [Entry date 10/15/98]

10/14/98 38 MOTION by Michael Brown for Abraham Rappaport to appear pro hac vice (hd) [Entry date 10/19/98]

10/14/98 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 699259 & 699260 (hd) [Entry date 10/19/98]

10/14/98 42 NOTICE of Pendency of Other Actions and of order consolidating cases, staying discovery and requiring plaintiffs to file amended complaint, entered by Judge Gold on 9/22/98 by Cyberguard (hd) [Entry date 10/23/98]

10/16/98 40 ORDER granting [38-1] motion for Abraham Rappaport to appear pro hac vice (signed by Judge Alan S. Gold on 10/15/98) CCAP (hd) [Entry date 10/22/98]

10/16/98 41 ORDER granting [39-1] motion for Russel H. Beatie and Daniel A. Osborn to appear pro hac vice (signed by Judge Alan S. Gold on 10/15/98) CCAP (hd) [Entry date 10/22/98]

10/20/98 43 MOTION by Steven Cheney for Steven J. Toll to appear pro hac vice (hd) [Entry date 10/23/98]

10/20/98 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 699493 (hd) [Entry date 10/23/98]

10/21/98 44 ORDER granting [43-1] motion for Steven J. Toll to appear pro hac vice (signed by Judge Alan S. Gold on 10/21/98) CCAP (hd) [Entry date 10/23/98]

10/21/98 45 ORDER CONSOLIDATING CASES, granting the motions to consolidate the transferred cases for the following cases and the following cases shall be consolidated with case number 98-6879-CIV-GOLD for all purposes including discovery and trial: Case Numbers 98-6890-CIV-GOLD, 98-6893-CIV-GOLD, 98-6898-CIV-GOLD, 98-6916-CIV-GOLD, 98-6917-CIV-GOLD, 98-6936-CIV-GOLD, 98-6958-CIV-GOLD, 98-6980-CIV-GOLD (signed by Judge Alan S. Gold on 10/20/98) CCAP (hd) [Entry date 10/26/98]

10/26/98 46 MOTION by Michael Brown, Sudhir Mehta, Dean Miller, Robert Govic, Anthony Paolercio, Eliot Meshulam, Jorin Daleanes, Thomas B. Schueck, Mary Lou Harvey for appointment as lead plaintiffs, and for approval of selection of counsel (hd) [Entry date 10/27/98]

10/26/98 47 MEMORANDUM by Michael Brown, Sudhir Mehta, Dean Miller, Robert Govic, Anthony Paolercio, Eliot Meshulam, Jorin Daleanes, Thomas B. Schueck, Mary Lou Harvey in support of [46-1] motion for appointment as lead plaintiffs, [46-2] motion for approval of selection of counsel (hd) [Entry date 10/27/98]

10/26/98 48 AFFIDAVIT of Michael S. Egan by Michael Brown, Sudhir Mehta, Dean Miller, Robert Govic, Anthony Paolercio, Eliot Meshulam, Jorin Daleanes, Thomas B. Schueck, Mary Lou Harvey in support of [46-1] motion for appointment as lead plaintiffs, [46-2] motion for approval of selection of counsel (hd) [Entry date 10/27/98]

10/26/98 49 MOTION by Steven Cheney, Ellen Feder, Michael Brown, L.I.S.T. Inc., Sudhir Mehta, Cristina Kazan, Randy Lewis, Scott Diclaudio, Cromwell Development, Dean Miller, Jay Reynolds, Margita Forkosh, Jeffrey Delman, Michael D. Donham, Matt Leighton, Ernest Frank, Dale Credeur, Fenner Reed, Elizabeth Rultenberg, Edwin Dickler, Dawn A. Clements, Robert Govic, Anthony Paolercio, Tony S. Crociata, David M. Evans to extend time to file an amended consolidated complaint (hd) [Entry date 11/03/98]

10/29/98 50 MOTION by Steven Cheney, Ellen Feder, Michael Brown, L.I.S.T. Inc., Sudhir Mehta, Cristina Kazan, Randy Lewis, Scott Diclaudio, Cromwell Development, Dean Miller, Jay Reynolds, Margita Forkosh, Jeffrey Delman, Michael D. Donham, Matt Leighton, Ernest Frank, Dale Credeur, Fenner Reed, Elizabeth Rultenberg, Edwin Dickler, Dawn A. Clements, Robert Govic, Anthony Paolercio, Eliot Meshulam, Jorin Daleanes, Thomas B. Schueck, Mary Lou Harvey for Jonathan Shub to appear pro hac vice (hd) [Entry date 11/05/98]

10/29/98 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # not provided (hd) [Entry date 11/05/98]

11/3/98 51 ORDER granting [50-1] motion for Jonathan Shub to appear pro hac vice (signed by Judge Alan S. Gold on 11/2/98) CCAP (hd) [Entry date 11/06/98]

11/5/98 52 RESPONSE by Cyberguard, Robert L. Carberry, William D. Murray, C. Shelton James, Tommy D. Steele to [46-1] motion for appointment as lead plaintiffs, [46-2] motion for approval of selection of counsel (hd) [Entry date 11/06/98]

11/6/98 53 ORDER granting [49-1] motion to extend time to file an amended consolidated complaint, amended consolidated complaint due within 45 days of the later of (a) determination on the motion for lead plaintiff; or (b) the filing fo Cyberguard's restated financial results (signed by Judge Alan S. Gold on 11/6/98) CCAP (hd) [Entry date 11/12/98]

11/23/98 54 ORDER APPOINTING LEAD PLAINTIFFS AND APPROVING THEIR SELECTION OF COUNSEL, granting [46-1] motion for appointment as lead plaintiffs, granting [46-2] motion for approval of selection of counsel (signed by Judge Alan S. Gold on 11/10/98) CCAP (hd) [Entry date 12/03/98]

11/30/98 55 MOTION by William D. Murray for Richard A. Getty, Walker P. Mayo III to appear pro hac vice (hd) [Entry date 12/04/98]

11/30/98 -- Filing Fee Paid; FILING FEE \$ 150.00 RECEIPT # 701542 (hd) [Entry date 12/04/98]

11/30/98 56 Declaration of Richard A. Getty by William D. Murray Re: [55-1] motion for Richard A. Getty, Walker P. Mayo III to appear pro hac vice (hd) [Entry date 12/04/98]

11/30/98 57 Declaration of Walker P. Mayo III by William D. Murray Re: [55-1] motion for Richard A. Getty, Walker P. Mayo III to appear pro hac vice (hd) [Entry date 12/04/98]

12/1/98 58 MOTION by Dean Miller, Michael D. Donham for James S. Notis to appear pro hac vice (hd) [Entry date 12/04/98]

12/1/98 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 701669 (hd) [Entry date 12/04/98]

12/2/98 59 ORDER granting [55-1] motion for Richard A. Getty, Walker P. Mayo III to appear pro hac vice (signed by Judge Alan S. Gold on 12/1/98) CCAP (hd) [Entry date 12/07/98]

12/7/98 60 ORDER granting [58-1] motion for James S. Notis to appear

pro hac vice (signed by Judge Alan S. Gold on 12/4/98)
CCAP (hd) [Entry date 12/09/98]

1/20/99 61 NOTICE of change of attorney's address by Steven Cheney (hd)
[Entry date 01/26/99]

1/25/99 62 MOTION with memorandum in support for Vincent Cappucci to
appear pro hac vice for Fenner Reed & Jackson (hd)
[Entry date 01/29/99]

1/25/99 -- Filing Fee Paid; FILING FEE \$ 75.00 RECEIPT # 704416 (hd)
[Entry date 01/29/99]

2/1/99 63 ORDER granting [62-1] motion for Vincent Cappucci to appear
pro hac vice for Fenner Reed & Jackson (signed by Judge
Alan S. Gold on 1/29/99) CCAP (hd) [Entry date 02/02/99]

2/11/99 64 MOTION by All Plaintiffs for Kenneth Vianale to appear pro
hac vice (hd) [Entry date 02/16/99]

2/11/99 -- Filing Fee Paid; FILING FEE \$75.00 RECEIPT # 705131 (hd)
[Entry date 02/16/99]

2/22/99 65 ORDER granting [64-1] motion for Kenneth Vianale to appear
pro hac vice (signed by Judge Alan S. Gold on 2/18/99)
CCAP (hd) [Entry date 02/23/99]

4/5/99 66 NOTICE of change of attorney's address by Steven Cheney,
Ellen Feder, Michael Brown, L.I.S.T. Inc., Sudhir Mehta,
Cristina Kazan, Randy Lewis, Scott DiClaudio, Cromwell
Development, Dean Miller, Jay Reynolds, Margita Forkosh,
Jeffrey Delman, Michael D. Donham, Matt Leighton, Ernest
Frank, Dale Credeur, Fenner Reed, Elizabeth Rultenberg,
Edwin Dickler, Dawn A. Clements, Robert Govic, Anthony
Paolercio, Eliot Meshulam, Jorin Daleanes, Thomas B.
Schueck, Mary Lou Harvey, Tony S. Crociata, David M. Evans
(hd) [Entry date 04/09/99]

7/30/99 67 ADMINISTRATIVE ORDER CLOSING CASES (Signed by Judge Alan
S. Gold on 7/30/99) CCAP [EOD Date: 8/3/99] (hd)
[Entry date 08/03/99]

8/23/99 68 CONSOLIDATED AND AMENDED CLASS ACTION COMPLAINT by Michael
Brown, Sudhir Mehta, Dean Miller, Robert Govic, Anthony
Paolercio, Eliot Meshulam, Jorin Daleanes, Thomas B.
Schueck, Mary Lou Harvey , (Answer due 9/2/99 for William
D. Murray, for Robert L. Carberry, for Cyberguard)
amending [1-1] complaint adding Patrick O. Wheeler, Shelton
James, KPMG Peat Marwick (hd) [Entry date 08/25/99]

8/25/99 69 SUMMONS(ES) issued for KPMG Peat Marwick (hd)

8/31/99 70 CLERK'S NOTICE OF RECEIPT OF FILING FEE paid. FILING FEE \$5,000.00 RECEIPT # 224479 (ra) [Entry date 09/02/99]

9/9/99 71 STIPULATED BRIEFING SCHEDULE; ORDER THEREON (Signed by Judge Alan S. Gold on 9/8/99) CCAP [EOD Date: 9/16/99] (hd) [Entry date 09/16/99]

9/16/99 72 RETURN OF SERVICE executed for KPMG Peat Marwick on 8/27/99 Answer due on 9/16/99 for KPMG Peat Marwick (lk) [Entry date 09/23/99]

10/12/99 73 STIPULATED ENLARGED BRIEFING SCHEDULE; ORDER THEREON (see order for additional details) (Signed by Judge Alan S. Gold on 10/12/99) CCAP [EOD Date: 10/19/99] (hd) [Entry date 10/19/99]

10/26/99 74 Application by KPMG Peat Marwick for John A. Chandler to appear pro hac vice (hd) [Entry date 10/28/99]

10/26/99 75 Application by KPMG Peat Marwick for Patricia A. Gorham to appear pro hac vice (hd) [Entry date 10/28/99]

10/26/99 -- Filing Fee Paid; FILING FEE \$75.00 RECEIPT #811276 (hd) [Entry date 10/28/99]

10/26/99 -- Filing Fee Paid; FILING FEE \$75.00 RECEIPT #811276 (hd) [Entry date 10/28/99]

10/28/99 76 MOTION by KPMG Peat Marwick for Kristen Jones Indermark to appear pro hac vice (hd) [Entry date 11/02/99]

10/28/99 -- Filing Fee Paid; FILING FEE \$75.00 RECEIPT #811276 (hd) [Entry date 11/02/99]

10/29/99 77 MOTION by Robert L. Carberry for leave to file memorandum in excess of page limitations (hd) [Entry date 11/02/99]

10/29/99 78 MOTION with memorandum in support by Robert L. Carberry to dismiss consolidated and amended class action complaint (hd) [Entry date 11/02/99]

10/29/99 79 MOTION with memorandum in support by William D. Murray to dismiss amended complaint (hd) [Entry date 11/02/99]

10/29/99 80 MOTION by Cyberguard, C. Shelton James to dismiss

consolidated and amended class action complaint (hd)
[Entry date 11/02/99]

11/1/99 81 Request by KPMG Peat Marwick for oral argument (hd)
[Entry date 11/03/99]

11/1/99 82 MOTION by KPMG Peat Marwick to dismiss consolidated and
amended class action complaint (hd) [Entry date 11/03/99]

11/1/99 83 MEMORANDUM by KPMG Peat Marwick in support of [82-1]
motion to dismiss consolidated and amended class action
complaint (hd) [Entry date 11/03/99]

11/1/99 84 ORDER granting [77-1] motion for leave to file memorandum
in excess of page limitations (Signed by Judge Alan S.
Gold on 11/1/99) CCAP [EOD Date: 11/4/99] (hd)

[Entry date 11/04/99]

11/1/99 85 ORDER granting [76-1] motion for Kristen Jones Indermark to
appear pro hac vice (Signed by Judge Alan S. Gold on
10/29/99) CCAP [EOD Date: 11/4/99] (hd)
[Entry date 11/04/99]

11/1/99 86 ORDER granting [74-1] motion for John A. Chandler to appear
pro hac vice (Signed by Judge Alan S. Gold on 10/29/99)
CCAP [EOD Date: 11/4/99] (hd) [Entry date 11/04/99]

11/1/99 87 ORDER granting [75-1] motion for Patricia A. Gorham to
appear pro hac vice (Signed by Judge Alan S. Gold on
10/29/99) CCAP [EOD Date: 11/4/99] (hd)
[Entry date 11/04/99]

11/4/99 88 SUMMONS(ES) issued for Patrick O. Wheeler (hd)
[Entry date 11/05/99]

11/10/99 89 ORDER setting oral argument before Judge Alan S. Gold for
10:30 2/4/00 for [81-1] motion for oral argument re: KMPG's
motion to dismiss (Signed by Judge Alan S. Gold on
11/9/99) CCAP [EOD Date: 11/12/99] (hd)
[Entry date 11/12/99]

11/10/99 90 ORDER regarding distribution of Court orders (Signed by
Judge Alan S. Gold on 11/8/99) CCAP [EOD Date: 11/12/99] (hd)
[Entry date 11/12/99]

11/16/99 91 OBJECTION by Cyberguard to [90-1] order re: distribution of
Court orders (hd) [Entry date 11/17/99]

11/16/99 92 AGREED MOTION and proposed order by All Plaintiffs for

leave to exceed page limitation, and for seven-day extension of time to file plaintiffs' opposition to defendants' motions to dismiss (hd) [Entry date 11/17/99]

- 11/19/99 93 ORDER set 12/20/99 for responses to defendants' motions to dismiss granting [92-1] motion for leave to exceed page limitation, granting [92-2] motion for seven-day extension of time to file plaintiffs' opposition to defendants' motions to dismiss (Signed by Judge Alan S. Gold on 11/18/99) CCAP [EOD Date: 11/22/99] (hd) [Entry date 11/22/99]
- 11/26/99 94 MOTION by William D. Murray for oral argument on [79-1] motion to dismiss amended complaint (hd) [Entry date 11/30/99]
- 11/30/99 95 ORDER of Magistrate Judge reassignment to Magistrate Judge Andrea M. Simonton (Signed by Judge Alan S. Gold on 11/29/99) CCAP [EOD Date: 12/1/99] (hd) [Entry date 12/01/99]
- 11/30/99 -- Magistrate identification: Magistrate Judge Andrea M. Simonton (hd) [Entry date 12/01/99]
- 12/1/99 96 ORDER setting oral argument on [79-1] motion to dismiss amended complaint by William D. Murray for 10:30 2/4/00 granting [94-1] motion for oral argument on [79-1] motion to dismiss amended complaint (Signed by Judge Alan S. Gold on 12/1/99) CCAP [EOD Date: 12/2/99] (hd) [Entry date 12/02/99]
- 12/8/99 97 MOTION by Patrick O. Wheeler to extend time to file response (with consent) (hd) [Entry date 12/09/99]
- 12/8/99 98 NOTICE of Change of Address of co-counsel for plaintiffs by All Plaintiffs (hd) [Entry date 12/09/99]
- 12/8/99 103 MOTION by Steven Cheney for James P. Bonner to appear pro hac vice (hd) [Entry date 12/16/99]
- 12/8/99 -- Filing Fee Paid; FILING FEE \$75.00 RECEIPT #813695 (hd) [Entry date 12/16/99]
- 12/9/99 99 RETURNED MAIL: order (DE#95) mailed to Entwistle & Cappucci LLP (hd)
- 12/9/99 100 RETURNED MAIL: order (DE#95) mailed to Shalov Stone & Bonner (hd)

12/9/99 101 AMENDED ORDER re: distribution of Court orders, granting [91-1] request that Stearns Weaver be added to distribution list (Signed by Judge Alan S. Gold on 12/9/99) CCAP [EOD Date: 12/10/99] (hd) [Entry date 12/10/99]

12/15/99 102 ORDER granting [97-1] motion to extend time to file response (with consent) for an additional 60 days(Signed by Judge Alan S. Gold on 12/9/99) CCAP [EOD Date: 12/15/99] (td)

12/16/99 104 AGREED MOTION by All Plaintiffs to extend time for 45 days to file plaintiffs' opposition to motions to dismiss and to reschedule oral argument (hd) [Entry date 12/17/99]

12/17/99 105 RETURN OF SERVICE executed for Patrick O. Wheeler on 11/17/99 Answer due on 12/7/99 for Patrick O. Wheeler (hd) [Entry date 12/20/99]

12/20/99 106 ORDER granting [103-1] motion for James P. Bonner to appear pro hac vice (Signed by Judge Alan S. Gold on 12/17/99) CCAP [EOD Date: 12/20/99] (hd)

12/20/99 107 ORDER Response to motion reset to 2/7/00 for [82-1] motion to dismiss consolidated and amended class action complaint, reset to 2/7/00 for [80-1] motion to dismiss consolidated and amended class action complaint, reset to 2/7/00 for [79-1] motion to dismiss amended complaint, reset to 2/7/00 for [78-1] motion to dismiss consolidated and amended class action complaint, Reply to Response to Motion reset to 3/7/00 for [82-1] motion to dismiss consolidated and amended class action complaint, reset to 3/7/00 for [80-1] motion to dismiss consolidated and amended class action complaint, reset to 3/7/00 for [79-1] motion to dismiss amended complaint, reset to 3/7/00 for [78-1] motion to dismiss consolidated and amended class action complaint, oral argument before Judge Alan S. Gold reset for 10:00 3/24/00 for [82-1] KPMG's motion to dismiss consolidated and amended class action complaint granting [104-1] motion to extend time 45 days to file plaintiffs' opposition to motions to and to reschedule oral argument (Signed by Judge Alan S. Gold on 12/17/99) CCAP [EOD Date: 12/20/99] (hd)

12/20/99 108 ADMINISTRATIVE ORDER terminating [81-1] motion for oral argument (see order, DE#89) (Signed by Judge Alan S. Gold on 12/20/99) CCAP [EOD Date: 12/20/99] (hd)

12/21/99 -- RETURNED MAIL: order (DE#101), mailed to Lee S. Shalov (hd)

1/7/00 109 NOTICE of intent to participate in oral argument scheduled for 3/24/00 by William D. Murray (hd)

1/28/00 110 Application by KPMG Peat Marwick for Deena R. Beernstein to appear pro hac vice (hd) [Entry date 02/01/00]

1/28/00 -- Filing Fee Paid; FILING FEE \$75.00 RECEIPT #816295 (hd) [Entry date 02/01/00]

2/1/00 111 ORDER granting [110-1] motion for Deena R. Beernstein to appear pro hac vice (Signed by Judge Alan S. Gold on 2/1/00) CCAP [EOD Date: 2/2/00] (hd) [Entry date 02/02/00]

2/7/00 112 MOTION by Patrick O. Wheeler to extend time to serve response (with consent) to complaint (gz) [Entry date 02/08/00]

2/7/00 113 MEMORANDUM by Steven Cheney in opposition to [82-1] motion to dismiss consolidated and amended class action complaint (td) [Entry date 02/08/00]

2/7/00 114 MEMORANDUM by Steven Cheney in opposition to [80-1] motion to dismiss consolidated and amended class action complaint, [79-1] motion to dismiss amended complaint, [78-1] motion to dismiss consolidated and amended class action complaint (td) [Entry date 02/08/00]

2/8/00 115 ORDER granting [112-1] motion to extend time to serve response (with consent) to complaint reset answer due for 10 days from the date of this Order (Signed by Judge Alan S. Gold on 2/8/00) CCAP [EOD Date: 2/9/00] (td) [Entry date 02/09/00]

2/8/00 116 NOTICE of error by Steven Cheney (td) [Entry date 02/09/00]

2/22/00 117 MOTION with memorandum in support by Patrick O. Wheeler to dismiss consolidated and amended class action complaint (hd) [Entry date 02/23/00]

2/22/00 118 MOTION by Patrick O. Wheeler for oral argument on [117-1] motion to dismiss consolidated and amended class action complaint (hd) [Entry date 02/23/00]

3/6/00 119 MOTION by Robert L. Carberry for leave to file memorandum in excess of page limitations {pleading in pod 2} (tdj) [Entry date 03/07/00]

3/6/00 120 OPPOSITION by Michael Brown, Sudhir Mehta, Dean Miller, Robert Govic, Anthony Paolercio, Eliot Meshulam, Jorin Daleanes, Thomas B. Schueck, Mary Lou Harvey to [117-1] motion to dismiss consolidated and amended class action complaint (tdj) [Entry date 03/07/00]

3/6/00 121 MOTION by Cyberguard, C. Shelton James to extend time to serve reply memorandum in support of motion to dismiss (td) [Entry date 03/07/00]

3/7/00 122 ORDER Motion hearing before Judge Alan S. Gold set for 2:00 5/5/00 for [117-1] motion to dismiss consolidated and amended class action complaint (Signed by Judge Alan S. Gold on 3/7/00) CCAP [EOD Date: 3/8/00] (td) [Entry date 03/08/00]

3/7/00 123 REPLY by Cyberguard, Robert L. Carberry, William D. Murray in support of [117-1] motion to dismiss consolidated and amended class action complaint (td) [Entry date 03/08/00]

3/8/00 124 ORDER Reply to Response to Motion reset to 3/14/00 for [80-1] motion to dismiss consolidated and amended class action complaint granting [121-1] motion to extend time to serve reply memorandum in support of motion to dismiss (Signed by Judge Alan S. Gold on 3/7/00) CCAP [EOD Date: 3/9/00] (hd) [Entry date 03/09/00]

3/8/00 125 ORDER granting [119-1] motion for leave to file memorandum in excess of page limitations (Signed by Judge Alan S. Gold on 3/7/00) CCAP [EOD Date: 3/9/00] (hd) [Entry date 03/09/00]

3/8/00 126 REPLY by Robert L. Carberry to response to [78-1] motion to dismiss consolidated and amended class action complaint (hd) [Entry date 03/09/00]

3/10/00 127 MOTION by Patrick O. Wheeler to extend time for reply re: motion to dismiss (hd) [Entry date 03/13/00]

3/13/00 128 REPLY by William D. Murray to response to defendants Cyberguard, Carberry, James and Murray's [80-1] motion to dismiss consolidated and amended class action complaint, [79-1] motion to dismiss amended complaint, [78-1] motion to dismiss consolidated and amended class action complaint (hd) [Entry date 03/14/00]

3/13/00 129 ORDER Reply to Response to Motion reset to 3/20/00 for [117-1] motion to dismiss consolidated and amended class action complaint granting [127-1] motion to extend time for reply re: motion to dismiss (Signed by Judge Alan S. Gold on 3/13/00) CCAP [EOD Date: 3/14/00] (hd) [Entry date 03/14/00]

3/14/00 130 REPLY by Cyberguard, C. Shelton James to response to [80-1] motion to dismiss consolidated and amended class action complaint (hd) [Entry date 03/15/00]

3/21/00 131 MOTION by William D. Murray to exceed page limit for reply to supporting motion to dismiss (hd) [Entry date 03/22/00]

3/21/00 132 REPLY by Patrick O. Wheeler to response to [117-1] motion to dismiss consolidated and amended class action complaint (hd) [Entry date 03/22/00]

4/3/00 133 NOTICE of Change of Address of attorney by All Plaintiffs (hd) [Entry date 04/04/00]

5/5/00 -- Oral argument re: motion to dismiss (hd) [Entry date 05/08/00]

5/5/00 134 Minutes of oral argument re: motion to dismiss held before Judge Alan S. Gold on 5/5/00; Court Reporter Name or Tape #: JOSEPH MILLIKAN (hd) [Entry date 05/08/00]

5/5/00 135 ORDER setting allocation for oral argument for 5/5/00 (Signed by Judge Alan S. Gold on 5/4/00) CCAP [EOD Date: 5/8/00] (hd) [Entry date 05/08/00]

7/12/00 136 NOTICE of supplemental authority by All Plaintiffs in further support of [114-1] opposition memorandum to [80-1] motion to dismiss consolidated and amended class action complaint, [79-1] motion to dismiss amended complaint, [78-1] motion to dismiss consolidated and amended class action complaint (hd) [Entry date 07/13/00]

7/31/00 137 ORDER on motions to dismiss and establishing a case management procedure, granting nunc pro tunc [131-1] motion to exceed page limit for reply to supporting motion to dismiss, granting [117-1] motion to dismiss consolidated and amended class action complaint, granting [82-1] motion to dismiss consolidated and amended class action complaint, granting in part, denying in part [80-1] motion to dismiss consolidated and amended class action complaint, granting [79-1] motion to dismiss amended complaint denying [78-1] motion to dismiss consolidated and amended class action complaint (Signed by Judge Alan S. Gold on 7/31/00) CCAP [EOD Date: 8/1/00] (hd) [Entry date 08/01/00]

8/9/00 138 UNOPPOSED MOTION by Cyberguard, Robert L. Carberry for a 20 day enlargement to answer consolidated amended class action complaint (hd) [Entry date 08/10/00]

8/10/00 139 STIPULATION by Cyberguard, C. Shelton James for substitution of Thomas Tew of Tew Cardenas as counsel (hd) [Entry date 08/11/00]

8/11/00 140 ORDER reset answer due for 8/30/00 for Robert L. Carberry, for Cyberguard granting [138-1] motion for a 20 day enlargement to answer consolidated amended class action complaint (Signed by Judge Alan S. Gold on 8/10/00) CCAP [EOD Date: 8/14/00] (hd) [Entry date 08/14/00]

8/14/00 141 MOTION with memorandum in support by Michael Brown, Sudhir Mehta, Dean Miller, Robert Govic, Anthony Paolercio, Eliot Meshulam, Jorin Daleanes, Thomas B. Schueck, Mary Lou Harvey for reconsideration of [137-1] 7/31/00 order (hd) [Entry date 08/15/00]

8/24/00 142 Joint (Proposed) Scheduling Report of Scheduling Meeting by Cyberguard, Robert L. Carberry (hd) [Entry date 08/25/00]

8/25/00 143 SCHEDULING ORDER setting Jury trial set for 9:00 12/3/01 Pretrial Stipulation due on or before 10/2/01 Calendar call set for 1:30 11/28/01 Pretrial conference for 9:00 11/2/01 ; (Signed by Judge Alan S. Gold on 8/25/00) CCAP [EOD Date: 8/25/00] CCAP (hd)

8/25/00 144 ORDER REFERRING DISCOVERY MOTIONS to Magistrate Judge Andrea M. Simonton (Signed by Judge Alan S. Gold on 8/25/00) CCAP [EOD Date: 8/25/00] (hd)

8/25/00 145 ORDER referring case to mediation. 15 days to appoint mediator (Signed by Judge Alan S. Gold on 8/25/00) CCAP [EOD Date: 8/25/00] (hd)

8/25/00 146 Order requiring completion of form consenting to jurisdiction by a US Magistrate Judge for final disposition (Signed by Judge Alan S. Gold on 8/25/00) CCAP [EOD Date: 8/25/00] (hd)

8/28/00 147 ANSWER and affirmative defenses by Cyberguard (Attorney Joseph A. DeMaria, Steven Mark Katzman) to consolidated and amended class action complaint (hd) [Entry date 08/29/00]

8/30/00 148 Answer and affirmative defenses by Robert L. Carberry (Attorney Deborah Sampieri Corbishley, Elizabeth Brooks Honkonen), (ra) [Entry date 08/31/00]

8/31/00 149 MOTION by Patrick O. Wheeler to extend time to serve response to motion for reconsideration (nt) [Entry date 09/01/00]

9/1/00 150 ORDER Response to motion reset to 9/15/00 for [141-1] motion for reconsideration of [137-1] 7/31/00 order granting [149-1] motion to extend time to serve response to motion for reconsideration (Signed by Judge Alan S. Gold on 8/31/00) CCAP [EOD Date: 9/5/00] (hd)

[Entry date 09/05/00]

- 9/8/00 151 AGREED MOTION by Cyberguard, Robert L. Carberry, William D. Murray, All Plaintiffs for entry of attached stipulation and order for the production and exchange of confidential information (hd) [Entry date 09/11/00]
- 9/11/00 152 STIPULATION by Cyberguard, William D. Murray, C. Shelton James In Re: consent to jurisdiction by a US Magistrate Judge for final disposition; this consent is not for motions for sanctions, dismissal, summary judgment, jury or non-jury trial on merits (hd) [Entry date 09/12/00]
- 9/11/00 153 OBJECTIONS by William D. Murray to lead plaintiffs' subpoena and notice of deposition (hd) [Entry date 09/12/00]
- 9/11/00 154 STIPULATION and ORDER granting [151-1] motion for entry of attached stipulation and order for the production and exchange of confidential information (see order for additional details) (Signed by Judge Alan S. Gold on 9/11/00) CCAP [EOD Date: 9/12/00] (hd) [Entry date 09/12/00]
- 9/11/00 155 STIPULATION by All Plaintiffs In Re: consent to jurisdiction by a US Magistrate Judge for final disposition; this consent is not for motions for attorney's fees, sanctions, dismissal, summary judgment, jury or non-jury trial on merits (hd) [Entry date 09/12/00]
- 9/11/00 156 AGREED MOTION by All Plaintiffs to extend time to select mediator (hd) [Entry date 09/12/00]
- 9/13/00 157 NOTICE of offer to judicial law clerk by Robert L. Carberry (hd) [Entry date 09/14/00]
- 9/15/00 158 MEMORANDUM by Patrick O. Wheeler in opposition to [141-1] motion for reconsideration of [137-1] 7/31/00 order (hd)
[Entry date 09/18/00]
- 9/15/00 159 STIPULATION by Robert L. Carberry In Re: onsent to jurisdiction by a US Magistrate Judge for final disposition; this consent is not for motions for sanctions, dismissal, summary judgment, jury or non-jury trial on merits (hd)
[Entry date 09/18/00]
- 9/15/00 160 ORDER setting 9/188/00 deadline to select mediator, granting [156-1] motion to extend time to select mediator (Signed by Judge Alan S. Gold on 9/14/00) CCAP [EOD Date: 9/18/00] (hd) [Entry date 09/18/00]
- 9/18/00 161 NOTICE of selection of Mark A. Buckstein as Mediator by All

Plaintiffs (hd) [Entry date 09/19/00]

9/25/00 162 RESPONSE by William D. Murray in opposition to [141-1] motion for reconsideration of [137-1] 7/31/00 order (hd) [Entry date 09/26/00]

9/25/00 163 MEMORANDUM by Shelton James in opposition to [141-1] motion for reconsideration of [137-1] 7/31/00 order (hd) [Entry date 09/26/00]

9/25/00 164 REPLY by Lead Plaintiffs to response to [141-1] motion for reconsideration of [137-1] 7/31/00 order (hd) [Entry date 09/26/00]

10/2/00 165 MOTION by All Plaintiffs to strike defendants Murray and James [163-1] opposition memorandum to motion for reconsideration, [162-1] opposition response to motion for reconsideration (hd) [Entry date 10/03/00]

10/2/00 166 MEMORANDUM by All Plaintiffs in support of [165-1] motion to strike defendants Murray and James [163-1] opposition memorandum to motion for reconsideration, [162-1] opposition response to motion for reconsideration (hd) [Entry date 10/03/00]

10/19/00 167 RESPONSES and objections to lead plaintiffs' first set of document requests to defendants by Cyberguard (hd) [Entry date 10/20/00]

10/27/00 168 MOTION by Lead Plaintiffs for class certification (hd) [Entry date 10/30/00]

10/27/00 169 MEMORANDUM by Lead Plaintiffs in support of [168-1] motion for class certification (hd) [Entry date 10/30/00]

10/27/00 170 AFFIDAVIT of Abraham Rappaport by Lead Plaintiffs Re: [168-1] motion for class certification (hd) [Entry date 10/30/00]

11/7/00 171 RESPONSE by William D. Murray in opposition to [169-1] support memorandum of motion for class certification (lk) [Entry date 11/08/00]

11/13/00 172 AGREED MOTION by Cyberguard, Robert L. Carberry, William D. Murray to extend time to respond to the motion for class certification in order to file a joint proposed discovery and briefing schedule (lk) [Entry date 11/14/00]

11/17/00 173 ORDER setting 12/13/00 to file a joint proposed discovery

and briefing schedule, granting [172-1] motion to extend time to respond to the motion for class certification in order to file a joint proposed discovery and briefing schedule (Signed by Judge Alan S. Gold on 11/16/00) CCAP [EOD Date: 11/20/00] (hd) [Entry date 11/20/00]

- 12/8/00 174 AGREED MOTION by Cyberguard, Robert L. Carberry, William D. Murray to extend time for response to motion for class certification in order to file joint proposed discovery and briefing schedule (hd) [Entry date 12/11/00]
- 12/11/00 175 ORDER setting 1/12/01 to file joint proposed discovery and briefing schedule, granting [174-1] motion to extend time for response to motion for class certification in order to file joint proposed discovery and briefing schedule (Signed by Judge Alan S. Gold on 12/11/00) CCAP [EOD Date: 12/12/00] (hd) [Entry date 12/12/00]
- 1/12/01 176 MOTION by Cyberguard, Robert L. Carberry, William D. Murray to extend time for an enlargement of time to respond to plaintiff's motion for class certification in order to file a joint proposed discovery and briefing schedule (sn) [Entry date 01/16/01]
- 1/17/01 177 ORDER granting [176-1] motion to extend time for an enlargement of time to respond to plaintiff's motion for class certification in order to file a joint proposed discovery and briefing schedule. Parties shall file a joint proposed discovery and briefing schedule relating to Plaintiffs' motion for class certification or notify the Court of their inability to do so on or before 2/16/01. (Signed by Judge Alan S. Gold on 1/17/01) CCAP [EOD Date: 1/18/01] (sn) [Entry date 01/18/01]
- 2/16/01 178 AGREED MOTION by All Defendants to extend time to respond to motion motion for class certification in order to file joint proposed discovery and briefing schedule (hd) [Entry date 02/20/01]
- 3/1/01 179 ORDER granting [178-1] motion to extend time to respond to motion motion for class certification in order to file joint proposed discovery and briefing schedule Response to motion, Response to motion reset to 4/2/01 for [168-1] motion for class certification (Signed by Judge Alan S. Gold on 2/28/01) CCAP [EOD Date: 3/2/01] (lk) [Entry date 03/02/01]
- 3/21/01 180 ORDER granting [165-1] motion to strike defendants Murray and James [163-1] opposition memorandum to motion for reconsideration, [162-1] opposition response to motion for reconsideration, granting [141-1] motion for reconsideration of [137-1] 7/31/00 order (see order for additional details) (Signed by Judge Alan S. Gold on 3/20/01) CCAP [EOD Date: 3/22/01] (hd) [Entry date 03/22/01]

3/26/01 181 NOTICE of firm name Change of attorney by Anthony Paolercio (lk) [Entry date 03/27/01]

3/28/01 182 JOINT MOTION by Steven Cheney, Cyberguard, Robert L. Carberry to adjourn deadlines relating to class certification motion (hd) [Entry date 03/30/01]

4/5/01 183 SEALED DOCUMENT placed in vault (sp) [Entry date 04/09/01]

4/16/01 184 ORDER setting telephonic status conference for 11:30 5/4/01 before Judge Alan S. Gold re: [182-1] motion to adjourn deadlines relating to class certification motion (Signed by Judge Alan S. on 4/16/01) CCAP [EOD Date: 4/16/01] (hd)

4/18/01 185 UNOPPOSED MOTION by Cyberguard, Robert L. Carberry, William D. Murray to extend time for response to second consolidated and amended class action complaint (hd) [Entry date 04/19/01]

4/20/01 186 AMENDED MOTION by Lead Plaintiffs for class certification referring to [168-1] motion for class certification (hd) [Entry date 04/23/01] [Edit date 04/23/01]

4/20/01 187 MEMORANDUM by Lead Plaintiffs in support of [186-1] amended motion for class certification (hd) [Entry date 04/23/01] [Edit date 04/23/01]

4/20/01 188 AFFIDAVIT of Maya Saxena by Lead Plaintiffs Re: [186-1] amended motion for class certification (hd) [Entry date 04/23/01]

4/23/01 189 AGREED ORDER reset answer due for 5/10/01 for William D. Murray, for Robert L. Carberry, for Cyberguard granting [185-1] motion to extend time for response to second consolidated and amended class action complaint (Signed by Judge Alan S. Gold on 4/20/01) CCAP [EOD Date: 4/24/01] (hd) [Entry date 04/24/01]

5/4/01 190 NOTICE of filing proposed order setting dates for discovery and briefing regarding class certification by Robert L. Carberry, William D. Murray, Bradly Leshner (sn) [Entry date 05/07/01]

5/4/01 191 Minutes of telephonic status conference held before Judge Alan S. Gold on 5/4/01 re: Joint Motion to Adjourn Deadlines relating to Class Certification Motion; Court Reporter Name or Tape #: N/A (sn) [Entry date 05/07/01]

5/4/01 -- Status conference held before Judge Alan S. Gold (sn)
[Entry date 05/07/01]

5/10/01 192 ANSWER by Robert L. Carberr to second consolidated and
amended class action complaint (sn) [Entry date 05/11/01]

5/10/01 193 ANSWER and affirmative defenses by Cyberguard, Steven
Cheney to second consolidated and amended class action
complaint (sn) [Entry date 05/11/01]

5/10/01 194 Answer and affirmative defenses by Patrick O. Wheeler (rn)
[Entry date 05/11/01]

5/14/01 195 ANSWER and affirmative defenses by William D. Murray
(Attorney) to second consolidated and amended class action
complaint (lk) [Entry date 05/15/01]

5/15/01 196 ORDER RE: CLASS CERTIFICATION DISCOVERY SCHEDULE, granting
nunc pro tunc [182-1] motion to adjourn deadlines relating
to class certification, dismissing as moot [168-1] motion
for class certification, terminating [186-1] motion for
class certification, terminating [186-2] amended motion (
Signed by Judge Alan S. Gold on 5/7/01) CCAP [EOD Date:
5/16/01] (hd) [Entry date 05/16/01]

5/21/01 197 MOTION with memorandum in support by lead Plaintiffs for
reconsideration of [196-1] order, for clarification of
[196-1] order (sn) [Entry date 05/22/01]

5/21/01 198 AFFIDAVIT of Abraham Rappaport by All Plaintiffs in support
of [197-1] motion for reconsideration of [196-1] order,
[197-2] motion for clarification of [196-1] order (sn)
[Entry date 05/22/01]

5/24/01 199 ORDER setting telephonic status conference for 1:30 6/1/01
before Judge Alan S. Gold re: [197-1] motion for
reconsideration of [196-1] order, [197-2] motion for
clarification of [196-1] order (Signed by Judge Alan S.
Gold on 5/23/01) CCAP [EOD Date: 5/24/01] (hd)

5/29/01 200 NOTICE of Change of Address of Daniel A. Osborn by Steven
Cheney (lk) [Entry date 05/30/01]

5/30/01 201 RESPONSE by Robert L. Carberry in opposition to [197-1]
motion for reconsideration of [196-1] order, [197-2] motion
for clarification of [196-1] order (lk)
[Entry date 05/31/01]

5/31/01 202 RESPONSE by Cyberguard, Shelton James in opposition to [197-1] motion for reconsideration of [196-1] order, [197-2] motion for clarification of [196-1] order (lk) [Entry date 06/01/01]

5/31/01 203 RESPONSE by Patrick O. Wheeler to [197-1] motion for reconsideration of [196-1] order, [197-2] motion for clarification of [196-1] order (hd) [Entry date 06/01/01]

6/1/01 -- Telephonic status conference held before Judge Alan S. Gold (hd) [Entry date 06/04/01]

6/1/01 204 Minutes of telephonic status conference held before Judge Alan S. Gold on 6/1/01; Court Reporter Name or Tape #: PATRICIA SANDERS (hd) [Entry date 06/04/01]

6/4/01 205 RESPONSE by William D. Murray in opposition to [197-1] motion for reconsideration of [196-1] order, [197-2] motion for clarification of [196-1] order (sn) [Entry date 06/05/01]

6/5/01 206 ORDER granting in part, denying in part [197-1] motion for reconsideration of [196-1] order, granting in part, denying in part [197-2] motion for clarification of [196-1] order (Signed by Judge Alan S. Gold on 6/5/01) CCAP [EOD Date: 6/6/01] (hd) [Entry date 06/06/01]

6/12/01 207 NOTICE of privilege log by Cyberguard, Shelton James (lk) [Entry date 06/13/01]

7/6/01 208 NOTICE of filing attached proposed discovery plan by All Defendants (hd) [Entry date 07/09/01]

7/6/01 208 OPPOSITION by All Defendants to plaintiffs' proposed discovery plan (hd) [Entry date 07/09/01]

7/6/01 209 MEMORANDUM by Steven Cheney in support of proposed discovery plan (hd) [Entry date 07/09/01]

7/16/01 210 ORDER setting hearing re: discovery plan for 2:00 7/20/01 before Magistrate Judge Andrea M. Simonton (Signed by Magistrate Judge Andrea M. Simonton on 7/13/01) [EOD Date: 7/17/01] (hd) [Entry date 07/17/01]

7/17/01 211 RESPONSE by Cyberguard to [209-1] memorandum in support of their proposed discovery plan (sn) [Entry date 07/18/01]

7/18/01 212 NOTICE of filing original affidavit of KPMG's attorney, Deena R. Bernstein by Cyberguard (lk) [Entry date 07/19/01]

7/18/01 213 DECLARATION of Deena R. Bernstein by Cyberguard Re:
[211-1] opposition response (lk) [Entry date 07/19/01]

7/19/01 214 MOTION with memorandum in support by Robert Govic, Michael
Brown, Sudhir Mehta, Anthony Paolercio, Eliot Meshulam,
Dean Miller, Jorin Daleanes, Thomas B. Schueck, Mary Lou
Harvey to compel production of documents from non-party
KPMG Peat Marwick LLP (wc) [Entry date 07/20/01]

7/19/01 215 NOTICE OF FILING SUPPLEMENTAL AUTHORITY by Cyberguard (wc)
[Entry date 07/20/01]

7/19/01 216 MOTION by Robert L. Carberry to compel production of
documents and answers to interrogatories from Lead
Plaintiffs (wc) [Entry date 07/20/01]

7/19/01 217 MOTION by Robert L. Carberry to expedite determination of
Motion to Compel (wc) [Entry date 07/20/01]

7/20/01 -- Hearing re: discovery plan held before Magistrate Judge
Andrea M. Simonton (hd) [Entry date 07/24/01]

7/23/01 218 Minutes of hearing re: discovery plan held before
Magistrate Judge Andrea M. Simonton on 7/20/01; Court
Reporter Name or Tape #: 01FX80-493 (hd)
[Entry date 07/24/01]

7/23/01 219 ORDER Response to motion reset to 7/30/01 for [217-1]
motion to expedite determination of Motion to Compel,
Reply to Response to Motion reset to 8/1/01 for [217-1]
motion to expedite determination of Motion to Compel
granting [217-1] motion to expedite determination of Motion
to Compel (Signed by Magistrate Judge Andrea M. Simonton
on 7/23/01) [EOD Date: 7/24/01] (hd) [Entry date 07/24/01]

7/24/01 220 ORDER shortening the time to respond to plaintiffs' motion
to compel production of documents from non-party KPMG
Response to motion reset to 7/30/01 for [216-1] motion to
compel production of documents and answers to
interrogatories from Lead Plaintiffs, reset to 7/30/01 for
[214-1] motion to compel production of documents from
non-party KPMG Peat Marwick LLP (Signed by Magistrate
Judge Andrea M. Simonton on 7/23/01) [EOD Date: 7/25/01] (td)
[Entry date 07/25/01]

7/25/01 221 MOTION by KPMG Peat Marwick for reconsideration of [220-2]
order, and to extend time to respond to Motion to compel (wc)
[Entry date 07/26/01]

7/26/01 222 ORDER granting [221-1] motion for reconsideration of

[220-2] order, granting [221-2] motion to extend time to respond to Motion to compel (Signed by Magistrate Judge Andrea M. Simonton on 07/26/01) [EOD Date: 7/27/01] (ra)

[Entry date 07/27/01]

7/27/01 223 NOTICE of filing attached AFFIDAVIT of Robert R. Adler by Steven Cheney to correct error in [221-1] motion for reconsideration of [220-2] order, [221-2] motion to extend time to respond to Motion to compel (hd)
[Entry date 07/30/01] [Edit date 07/30/01]

7/30/01 224 MEMORANDUM by All Plaintiffs in opposition to [216-1] motion to compel production of documents and answers to interrogatories from Lead Plaintiffs (hd)
[Entry date 07/31/01]

8/1/01 225 REPLY by Robert L. Carberry to response to [216-1] motion to compel production of documents and answers to interrogatories from Lead Plaintiffs (hd)
[Entry date 08/02/01]

8/2/01 226 REPORT AND RECOMMENDATION re: pretrial schedule (Signed by Magistrate Judge Andrea M. Simonton on 8/2/01) [EOD Date: 8/3/01] (hd) [Entry date 08/03/01]

8/3/01 227 BRIEF by KPMG Peat Marwick in opposition to [214-1] motion to compel production of documents from non-party Peat Marwick LLP (hd) [Entry date 08/06/01]

8/3/01 227 MOTION by KPMG Peat Marwick for protective order (hd)
[Entry date 08/06/01]

8/3/01 227 CROSS MOTION by KPMG Peat Marwick for protective order re: confidential documents (hd) [Entry date 08/06/01]

8/8/01 228 NOTICE of Change of firm name by Steven Cheney (hd)
[Entry date 08/09/01]

8/9/01 229 ORDER setting discovery status conference for 2:00 8/17/01 before Magistrate Judge Andrea M. Simonton (Signed by Magistrate Judge Andrea M. Simonton on 8/9/01) [EOD Date: 8/10/01] (hd) [Entry date 08/10/01]

8/10/01 230 REPLY by Lead Plaintiffs to response to [214-1] motion to compel production of documents from non-party KPMG Peat Marwick LLP (hd) [Entry date 08/13/01]

8/13/01 231 MOTION by William D. Murray for Jason Hargadon to appear pro hac vice (hd) [Entry date 08/14/01]

8/13/01 -- Filing Fee Paid; FILING FEE \$75.00 RECEIPT #847417 (hd)
[Entry date 08/14/01]

8/13/01 232 AFFIDAVIT of Jason Hargadon by William D. Murray Re:
[231-1] motion for Jason Hargadon to appear pro hac vice (hd)
[Entry date 08/14/01]

8/16/01 233 ORDER granting [231-1] motion for Jason Hargadon to appear
pro hac vice (Signed by Judge Alan S. Gold on 8/14/01)
[EOD Date: 8/17/01] (hd) [Entry date 08/17/01]

8/17/01 -- Discovery status conference held before Magistrate Judge
Andrea M. Simonton (hd) [Entry date 08/20/01]

8/17/01 234 Minutes of discovery status conference held before
Magistrate Judge Andrea M. Simonton on 8/17/01; Court
Reporter Name or Tape #: 01FX93-3458 & 94-1 (hd)
[Entry date 08/20/01]

8/20/01 235 MOTION with memorandum in support by Cyberguard to compel
better answers to first set of interrogatories to lead
plaintiffs (hd) [Entry date 08/21/01]

8/20/01 236 ORDER setting oral argument before Magistrate Judge Andrea
M. Simonton for 2:00 8/23/01 for [214-1] motion to compel
production of documents from non-party KPMG Peat Marwick
LLP (Signed by Magistrate Judge Andrea M. Simonton on
8/20/01) [EOD Date: 8/21/01] (hd) [Entry date 08/21/01]

8/23/01 237 ORDER granting in part, denying in part [216-1] motion to
compel production of documents and answers to
interrogatories from Lead Plaintiffs (Signed by Magistrate
Judge Andrea M. Simonton on 8/22/01) [EOD Date: 8/24/01] (hd)
[Entry date 08/24/01]

8/23/01 238 ORDER setting discovery status conference for 3:00 8/27/01
before Magistrate Judge Andrea M. Simonton (Signed by
Magistrate Judge Andrea M. Simonton on 8/23/01) [EOD Date:
8/24/01] (hd) [Entry date 08/24/01]

8/23/01 -- Oral argument re: [214-1] motion to compel production of
documents from non-party KPMG Peat Marwick LLP Motion
hearing held (hd) [Entry date 08/27/01]

8/24/01 239 ORDER resetting Calendar Call for 1:30 5/28/03 Pretrial
conference 9:00 4/18/03 Jury Trial 9:00 6/2/03 affirming
and adopting [226-1] report and recommendation re: pretrial
schedule (Signed by Judge Alan S. Gold on 8/23/01) [EOD
Date: 8/27/01] (hd) [Entry date 08/27/01]

8/24/01 240 Minutes of oral argument before Magistrate Judge Andrea M. Simonton for 2:00 8/23/01 for [214-1] motion to compel production of documents from non-party KPMG Peat Marwick LLP held before Magistrate Judge Andrea M. Simonton on 8/23/01; Court Reporter Name or Tape #: 01FX97-270 (hd) [Entry date 08/27/01]

8/27/01 -- Telephonic and in person status conference held before Magistrate Judge Andrea M. Simonton (hd) [Entry date 08/28/01]

8/27/01 241 Minutes of telephonic and in person status conference held before Magistrate Judge Andrea M. Simonton on 8/27/01; Court Reporter Name or Tape #: 01FX99-580 (hd) [Entry date 08/28/01]

8/27/01 245 MOTION with memorandum in support by Lead Plaintiffs to compel production of documents (hd) [Entry date 09/06/01]

8/27/01 246 MOTION by Lead Plaintiffs for extension of page limitation of brief supporting motion to compel (hd) [Entry date 09/06/01]

8/29/01 242 ORDER GRANTING plaintiff's motion for extension of page limitation with regard to their memorandum of law in support (motion not found on docket) (Signed by Judge Alan S. Gold on 8/28/01) [EOD Date: 8/30/01] (sn) [Entry date 08/30/01]

8/30/01 243 ORDER granting in part, denying in part [227-1] cross motion for protective order re: confidential documents, granting in part, denying in part [227-1] motion for protective order, granting in part, denying in part [214-1] motion to compel production of documents from non-party KPMG Peat Marwick LLP (Signed by Judge Alan S. Gold on 8/30/01) [EOD Date: 9/4/01] (hd) [Entry date 09/04/01]

8/31/01 244 ORDER ON DISCOVERY STATUS CONFERENCE Motion hearing before Magistrate Judge Andrea M. Simonton set for 2:00 9/11/01 for [235-1] motion to compel better answers to first set of interrogatories to lead plaintiffs, set discovery status conference for 2:00 9/11/01 before Magistrate Judge Andrea M. Simonton (Signed by Magistrate Judge Andrea M. Simonton on 8/30/01) [EOD Date: 9/4/01] (hd) [Entry date 09/04/01]

9/6/01 247 MOTION by All Plaintiffs for adjournment of deposition of Patrick O. Wheeler (sn) [Entry date 09/07/01]

9/7/01 248 RESPONSE by Patrick O. Wheeler in opposition to [247-1]

motion for adjournment of deposition of Patrick O. Wheeler
(hd) [Entry date 09/10/01]

- 9/7/01 249 AGREED MOTION by Cyberguard to extend time for response to motion to compel production of documents (hd) [Entry date 09/10/01]
- 9/7/01 250 MEMORANDUM OF LAW by lead Plaintiffs in opposition to [235-1] motion to compel further responses to interrogatories (sn) [Entry date 09/10/01]
- 9/7/01 251 ORDER granting [247-1] motion for adjournment of deposition of Patrick O. Wheeler (Signed by Magistrate Judge Andrea M. Simonton on 9/7/01) [EOD Date: 9/10/01] (hd) [Entry date 09/10/01]
- 9/10/01 252 ORDER terminated deadlines: discovery status conference and hearing for 2:00 9/11/01 for [235-1] motion to compel better answers to first set of interrogatories to lead plaintiffs granting [249-1] motion to extend time for response to motion to compel production of documents (Signed by Magistrate Judge Andrea M. Simonton 9/10/01) [EOD Date: 9/13/01] (hd) [Entry date 09/13/01]
- 9/10/01 253 EMERGENCY MOTION by Cyberguard to postpone hearing (hd) [Entry date 09/13/01]
- 9/10/01 257 Transcript filed re: EXCERPT OF HEARING held 8/23/01 before Judge Andrea M. Simonton Pages: 1-11. Court Reporter: Jerald M. Meyers (gp) [Entry date 09/14/01]
- 9/11/01 254 MOTION with memorandum in support by Cyberguard to file separate memoranda of law in opposition to plaintiffs' motion to compel and to exceed presumptive page limitation (hd) [Entry date 09/13/01]
- 9/11/01 255 ORDER granting [249-1] motion to extend time for response to motion to compel production of documents (Signed by Judge Alan S. Gold on 9/10/01) [EOD Date: 9/13/01] (hd) [Entry date 09/13/01]
- 9/11/01 256 ORDER/NOTICE OF RETURN OF DOCUMENTS (Signed by Magistrate Judge Andrea M. Simonton on 9/10/01) [EOD Date: 9/13/01] (hd) [Entry date 09/13/01]
- 9/14/01 258 REPLY by Cyberguard to response to [235-1] motion to compel better answers to first set of interrogatories to lead plaintiffs (hd) [Entry date 09/17/01]
- 9/18/01 260 Transcript filed re: Hearing held 8/23/01 before Judge

Andrea M. Simonton Pages: 1-52. Court Reporter: Jerald M. Meyers (gp) [Entry date 09/20/01]

- 9/19/01 259 ORDER granting [254-1] motion to file separate memoranda of law in opposition to plaintiffs' motion to compel and to exceed presumptive page limitation (Signed by Magistrate Judge Andrea M. Simonton on 9/18/01) [EOD Date: 9/20/01] (hd) [Entry date 09/20/01]
- 9/21/01 261 RESPONSE by Cyberguard to [245-1] motion to compel production of documents (gz) [Entry date 09/24/01]
- 9/21/01 262 MEMORANDUM by Cyberguard in opposition to [245-1] motion to compel production of documents (wc) [Entry date 09/24/01]
- 9/21/01 263 MOTION by Cyberguard for Hearing on [245-1] motion to compel production of documents (wc) [Entry date 09/24/01]
- 9/28/01 264 MOTION by Robert L. Carberry for expedited determination of [265-a] Carberry's motion for appropriate relief in light of lead plaintiffs' failure to comply with 8/22/01 order (hd) [Entry date 10/01/01] [Edit date 10/01/01]
- 9/28/01 265 MOTION by Robert L. Carberry for appropriate relief in light of lead plaintiffs' failure to comply with 8/22/01 order, to produce ordered documents by a date certain, for sanctions if ordered documents are not produced by a date certain, and to remove Govic and Meshulam as lead plaintiffs in this action (hd) [Entry date 10/01/01]
- 10/1/01 266 Transcript filed re: Hearing held 7/17/01 before Judge Andrea M. Simonton Pages: 1-46 by Steven Cheney, Cyberguard, Robert L. Carberry, William D. Murray (nc) [Entry date 10/02/01]
- 10/1/01 267 Transcript filed re: Status Conference & Motion to held 8/20/01 before Judge Andrea M. Simonton Pages: 1-59 by Steven Cheney, Cyberguard, Robert L. Carberry, William D. Murray (nc) [Entry date 10/02/01]
- 10/1/01 268 REPLY by Lead Plaintiffs to response to [245-1] motion to compel production of documents (hd) [Entry date 10/02/01]
- 10/3/01 269 SURREPLY by Cyberguard in opposition to [245-1] motion to compel production of documents (hd) [Entry date 10/04/01]
- 10/3/01 270 UNOPPOSED MOTION by Cyberguard for leave to file surreply in opposition to [245-1] motion to compel production of documents/discover (hd) [Entry date 10/04/01]

10/3/01 271 STIPULATION AND ORDER denying as moot [265-1] motion for appropriate relief in light of lead plaintiffs' failure to comply with 8/22/01 order, denying as moot [265-2] motion to produce ordered documents by a date certain, denying as moot [265-3] motion for sanctions if ordered documents are not produced by a date certain, denying as moot [265-4] motion to remove Govic and Meshulam as lead plaintiffs in this action (Signed by Judge Alan S. Gold on 10/3/01) [EOD Date: 10/4/01] (hd) [Entry date 10/04/01]

10/9/01 272 MEMORANDUM by All Plaintiffs in opposition to [265-1] motion for appropriate relief in light of lead plaintiffs' failure to comply with 8/22/01 order (lk) [Entry date 10/10/01]

10/10/01 273 Transcript filed re: Conference and Motion to Compel held 8/17/01 before Judge Andrea M. Simonton Pages: 1-59. Court Reporter: Jerald M. Meyeres (gp) [Entry date 10/12/01]

10/11/01 274 REPLY by Robert L. Carberry in support of [265-1] motion for appropriate relief in light of lead plaintiffs' failure to comply with 8/22/01 order (sn) [Entry date 10/12/01]

10/16/01 275 MOTION by Robert L. Carberry to schedule a status conference before the Magistrate Judge (lk) [Entry date 10/17/01]

10/17/01 276 NOTICE of adoption of [275-1] motion to schedule a status conference before the Magistrate Judge by Cyberguard (hd) [Entry date 10/18/01]

10/17/01 276 NOTICE of Unavailability to attend status conference until 10/23/01 by Cyberguard (hd) [Entry date 10/18/01]

10/23/01 277 NOTICE of joinder in [275-1] motion to schedule a status conference before the Magistrate Judge by Patrick O. Wheeler (hd) [Entry date 10/24/01]

10/24/01 278 AGREED MOTION by Robert L. Carberry to extend time class certification deadlines (hd) [Entry date 10/25/01]

10/29/01 279 REVISED NOTICE by Robert L. Carberry of taking depositions upon oral examination of Dean Miller, etc., 9:30 11/13/01, etc. (hd) [Entry date 10/30/01]

10/30/01 280 MOTION by Robert L. Carberry to expedite production of documents in response to Carberry's third request for production, and to compel production of documents in Carberry's third request for production (hd)

[Entry date 10/31/01]

10/30/01 281 MOTION by Robert L. Carberry for emergency treatment of motion to expedite production of documents in response to Carberry's third request for production, and to compel production of documents in Carberry's third request for production (hd) [Entry date 10/31/01]

11/1/01 282 ORDER setting status conference and hearing on all pending discovery motions for 10:00 11/8/01 before Magistrate Judge Andrea M. Simonton granting [275-1] to schedule a status conference before the Magistrate Judge (Signed by Magistrate Judge Andrea M. Simonton on 11/1/01) [EOD Date: 11/2/01] (hd) [Entry date 11/02/01]

11/1/01 288 NOTICE of Change of Address of Attorney by Steven Cheney (hd) [Entry date 11/15/01]

11/6/01 283 NOTICE OF WITHDRAWAL by Robert L. Carberry of [280-1] motion to expedite production of documents in response to Carberry's third request for production, [280-2] motion to compel production of documents in Carberry's third request for production (hd) [Entry date 11/07/01]

11/8/01 284 NOTICE of filing attached chart re: lead plaintiffs' production of trading records by Robert L. Carberry (hd) [Entry date 11/09/01]

11/8/01 -- Status conference held before Magistrate Judge Andrea M. Simonton (hd) [Entry date 11/09/01]

11/8/01 285 Minutes of telephonic and in person status conference and hearing re: all pending motions held before Magistrate Judge Andrea M. Simonton on 11/8/01; Court Reporter Name or Tape #: 01FX112-2193 and 113-1 and 114-1 (hd) [Entry date 11/09/01]

11/9/01 286 NOTICE of Filing Amended Privilege Log by Cyberguard, Shelton James (attached) (wc) [Entry date 11/13/01]

11/13/01 287 NOTICE of filing attached revised chart re: lead plaintiffs' production of trading records by Robert L. Carberry (hd) [Entry date 11/14/01]

11/16/01 289 NOTICE of filing attached declaration of complaine by Michael Brown with [237-1] 8/22/01 order (hd) [Entry date 11/19/01]

11/16/01 290 NOTICE of filing attached declaration of complaine by Jorin Daleanes with [237-1] 8/22/01 order (hd)

[Entry date 11/19/01]

- 11/19/01 291 ORDER granting in part, denying in part and holding in abeyance pending further briefing in part [245-1] motion to compel production of documents [see body of Order for full details] (Signed by Magistrate Judge Andrea M. Simonton on 11/19/01) [EOD Date: 11/20/01] (wc) [Entry date 11/20/01]
- 11/19/01 292 ORDER denying as moot [235-1] motion to compel better answers to first set of interrogatories to lead plaintiffs (Signed by Magistrate Judge Andrea M. Simonton on 11/19/01) [EOD Date: 11/20/01] (wc) [Entry date 11/20/01]
- 11/19/01 293 DECLARATION of Eliot Meshulam by Eliot Meshulam Re: Document Production (wc) [Entry date 11/20/01]
- 11/21/01 294 SUPPLEMENTAL MEMORANDUM by Cyberguard in opposition to [245-1] motion to compel production of documents (hd) [Entry date 11/26/01]
- 11/21/01 296 SEALED DOCUMENT with attachments placed in vault (sp) [Entry date 11/27/01]
- 11/26/01 295 Declaration of Robert Govic Re: document production (hd) [Entry date 11/27/01]
- 11/27/01 297 MOTION by All Plaintiffs for leave to file late the Affidavit of Dean Miller (attached) (wc) [Entry date 11/28/01]
- 11/27/01 297 AFFIDAVIT of Dean Miller by All Plaintiffs (wc) [Entry date 11/28/01]
- 11/30/01 298 SUPPLEMENTAL MEMORANDUM by All Plaintiffs in support of [245-1] motion to compel production of documents (hd) [Entry date 12/03/01]
- 12/4/01 299 AFFIDAVIT of Dennis A. Nowak (Amended Exhibit B) by Cyberguard to [294-1] supplemental opposition memorandum to [245-1] motion to compel production of privilege log documents (hd) [Entry date 12/05/01] [Edit date 12/05/01]
- 12/4/01 300 NOTICE of filing affidavit of Dennis A. Nowak (Amended Exhibit B) by Cyberguard to [294-1] supplemental opposition memorandum to [245-1] motion to compel production of privilege log documents (hd) [Entry date 12/05/01]
- 12/14/01 301 MOTION by KPMG Peat Marwick for entry of final judgment

pursuant to Rule 54(b) (hd) [Entry date 12/17/01]

12/14/01 302 MEMORANDUM by KPMG Peat Marwick in support of [301-1] motion for entry of final judgment pursuant to Rule 54(b) (hd) [Entry date 12/17/01]

12/19/01 303 ORDER granting [297-1] motion for leave to file late the Affidavit of Dean Miller (Signed by Magistrate Judge Andrea M. Simonton on 12/19/01) [EOD Date: 12/20/01] (hd) [Entry date 12/20/01]

12/24/01 304 ORDER setting telephonic status conference for 8:45 1/3/02 before Judge Alan S. Gold re: [278-1] motion to extend time class certification deadlines (Signed by Judge Alan S. Gold on 12/20/01) [EOD Date: 12/26/01] (hd) [Entry date 12/26/01]

12/31/01 305 ORDER denying as moot [281-1] motion for emergency treatment of motion to expedite production of documents in response to Carberry's third request for production, and to compel production of documents in Carberry's third request for production, granting nunc pro tunc [270-1] motion for leave to file surreply in opposition to [245-1] motion to compel production of documents/discover, denying as moot [264-1] motion for expedited determination of [265-a] Carberry's motion for appropriate relief in light of lead plaintiffs' failure to comply with 8/22/01 order, denying as moot [263-1] motion for Hearing on [245-1] motion to compel production of documents, denying as moot [253-1] motion to postpone hearing, granting [246-1] motion for extension of page limitation of brief supporting motion to compel granting [297-1] motion for leave to file late the Affidavit of Dean Miller (Signed by Magistrate Judge Andrea M. Simonton on 12/31/01) [EOD Date: 1/2/02] (hd) [Entry date 01/02/02]

1/3/02 -- Status conference held before Judge Alan S. Gold (hd) [Entry date 01/04/02]

1/3/02 306 Minutes of status conference Judge Alan S. Gold on 1/3/02; Court Reporter Name or Tape #: JOSEPH MILLIKAN (hd) [Entry date 01/04/02]

1/8/02 307 ORDER REVISING CLASS CERTIFICATION DISCOVERY SCHEDULE, granting [278-1] motion to extend time class certification deadlines resetting Calendar Call for 1:30 5/28/03 Pretrial conference 9:00 4/18/03 Pretrial stipulation due 3/14/03 Jury Trial 9:00 6/2/03, oral argument re: [168-1] motion for class certification shall be held before Judge Alan S. Gold (Signed by Judge Alan S. Gold on 1/07/02) [EOD Date: 1/9/02] (hd) [Entry date 01/09/02]

1/11/02 308 EXPERT DISCLOSURE by All Defendants (sn)

[Entry date 01/14/02]

1/18/02 309 AGREED MOTION by Cyberguard to extend class certification expert discovery and plaintiffs'supplemental briefing deadline by one day (sn) [Entry date 01/22/02]

1/23/02 310 ORDER granting [309-1] motion to extend class certification expert discovery and plaintiffs'supplemental briefing deadline by one day setting supplemental Memo of Law due for 3/1/02 (Signed by Judge Alan S. Gold on 1/22/02) [EOD Date: (lk) [Entry date 01/24/02]

1/28/02 311 OBJECTIONS by Robert L. Carberry to plaintiffs' subpoena duces tecum to Thor W. Bruce (hd) [Entry date 01/29/02]

2/1/02 312 RESPONSES AND OBJECTIONS by All Plaintiffs to Carberry's subpoena duces tecum to Professor Atula Sarin (hd) [Entry date 02/04/02]

3/1/02 313 SUPPLEMENT by Steven Cheney to: [186-1] motion for class certification (ra) [Entry date 03/04/02]

3/5/02 314 UNOPPOSED MOTION by Robert L. Carberry for leave to file oversized brief in opposition to class certification (hd) [Entry date 03/06/02]

3/7/02 315 ORDER granting [314-1] motion for leave to file oversized brief in opposition to class certification (Signed by Judge Alan S. Gold on 3/6/02) [EOD Date: 3/8/02] (hd) [Entry date 03/08/02]

3/12/02 316 UNOPPOSED MOTION by Robert L. Carberry to extend time for brief opposing motion for class certification (hd) [Entry date 03/14/02]

3/14/02 317 ORDER granting [316-1] motion to extend time for brief opposing motion for class certification (Signed by Judge Alan S. Gold on 3/13/02) [EOD Date: 3/15/02] (hd) [Entry date 03/15/02]

3/25/02 318 SEALED DOCUMENT placed in vault (sp) [Entry date 03/28/02]

3/25/02 319 SEALED DOCUMENT with attached exhibits placed in vault (sp) [Entry date 03/28/02]

4/1/02 320 UNOPPOSED MOTION by Robert L. Carberry to reset hearing on class certification (wc) [Entry date 04/02/02]

4/11/02 321 ORDER setting telephonic status conference for 8:45 4/16/02 before Judge Alan S. Gold re: [320-1] motion to reset hearing on class certification (Signed by Judge Adalberto Jordan for Judge Alan S. Gold on 4/10/02) [EOD Date: 4/12/02] (hd) [Entry date 04/12/02] [Edit date 04/12/02]

4/16/02 -- Telephonic status conference held before Judge Alan S. Gold (hd) [Entry date 04/17/02]

4/16/02 322 Minutes of telephonic status conference re: [320-1] motion to reset hearing on class certification held before Judge Alan S. Gold on 4/16/02; Court Reporter Name or Tape #: JOSEPH MILLIKAN (hd) [Entry date 04/17/02]

4/16/02 323 MOTION by Steven Cheney for permission to exceed page limit (ct) [Entry date 04/17/02]

4/16/02 324 RESPONSE by Steven Cheney in further support of of class certification (ct) [Entry date 04/17/02]

4/18/02 325 ORDER denying [320-1] motion to reset hearing on class certification (Signed by Judge Alan S. Gold on 4/17/02) [EOD Date: 4/18/02] (hd)

4/19/02 326 ORDER granting [323-1] motion for permission to exceed page limit (Signed by Judge Alan S. Gold on 4/18/02) [EOD Date: 4/22/02] (hd) [Entry date 04/22/02]

4/26/02 327 NOTICE of filing attached affidavit of Dean Miller in support of plaintiff's motion for class certification by Steven Cheney (cj) [Entry date 04/29/02]

5/10/02 328 NOTICE, with attachments, of filing documents for hearing on class certification by Robert L. Carberry (hd) [Entry date 05/13/02]

5/10/02 329 MOTION by Robert L. Carberry to permit multimedia presentation during 5/17/02 hearing on class certification (hd) [Entry date 05/13/02]

5/10/02 330 ORDER granting [301-1] motion for entry of final judgment pursuant to Rule 54(b); final judgment is entered only as to defendant KPMG (Signed by Judge Alan S. Gold on 5/8/02) [EOD Date: 5/13/02] (hd) [Entry date 05/13/02]

5/13/02 331 RESPONSE by All Plaintiffs in opposition to [329-1] motion to permit multimedia presentation during 5/17/02 hearing on class certification (hd) [Entry date 05/14/02]

5/13/02 332 REPLY by Robert L. Carberry to response to [329-1] motion to permit multimedia presentation during 5/17/02 hearing on class certification (hd) [Entry date 05/14/02]

5/14/02 333 ORDER setting telephonic status conference for 8:30 5/15/02 before Judge Alan S. Gold re: [329-1] motion to permit multimedia presentation during 5/17/02 hearing on class certification Signed by Judge Alan S. Gold on 5/14/02) [EOD Date: 5/15/02] (hd) [Entry date 05/15/02]

5/15/02 334 NOTICE of agreed proposed allocation of time during the 5/17/02 hearing on class certification by Robert L. Carberry (hd) [Entry date 05/16/02]

5/15/02 335 ORDER setting opposition response re: multimedia presentation for 5/28/02, granting [329-1] motion to permit multimedia presentation during 5/17/02 hearing on class certification Signed by Judge Alan S. Gold on 5/15/02) [EOD Date: (hd) [Entry date 05/16/02]

5/15/02 -- Telephonic status conference held before Judge Alan S. Gold (hd) [Entry date 05/16/02]

5/15/02 336 Minutes of telephonic status conference re: motion to permit multimedia presentation during 5/17/02 hearing on class certification held before Judge Alan S. Gold on 5/15/02; Court Reporter Name or Tape #: JOSEPH MILLIKAN (hd) [Entry date 05/16/02]

5/16/02 337 ORDER granting [329-1] motion to permit multimedia presentation during 5/17/02 hearing on class certification (Signed by Judge Alan S. Gold on 5/16/02) [EOD Date: 5/17/02] (hd) [Entry date 05/17/02] [Edit date 06/23/03]

5/17/02 -- Oral argument re: [168-1] motion for class certification (hd) [Entry date 05/20/02]

5/17/02 338 Minutes of oral argument re: [168-1] motion for class certification held before Judge Alan S. Gold on 5/17/02; Court Reporter Name or Tape #: JOSEPH MILLIKAN (hd) [Entry date 05/20/02]

5/22/02 339 Notice of filing full transcript of DEPOSITION of Thor W. Bruce, PH.D. taken 2/20/02 by Carberry (hd) [Entry date 05/23/02]

6/27/02 340 ORDER denying as moot [265-1] motion for appropriate relief in light of lead plaintiffs' failure to comply with 8/22/01 order, denying as moot [265-2] motion to produce ordered documents by a date certain, denying as moot [265-3] motion for sanctions if ordered documents are not produced by a

date certain, denying as moot [265-4] motion to remove Govic and Meshulam as lead plaintiffs in this action (Signed by Magistrate Judge Andrea M. Simonton on 6/27/02) [EOD Date: 6/28/02] (hd) [Entry date 06/28/02]

- 6/28/02 341 ORDER setting production of documents deadline for 7/15/02 granting in part, denying in part [245-1] motion to compel production of documents (Signed by Magistrate Judge Andrea M. Simonton 6/28/02) [EOD Date: 7/1/02] (hd) [Entry date 07/01/02]
- 7/9/02 342 JOINT UNOPPOSED MOTION by Cyberguard, Robert L. Carberry, William D. Murray, Patrick O. Wheeler, Shelton James to extend time of pretrial deadline (hd) [Entry date 07/10/02]
- 7/12/02 343 ORDER granting [342-1] joint motion to extend time of pretrial deadline (Signed by Judge Alan S. Gold on 7/11/02) [EOD Date: 7/15/02] (hd) [Entry date 07/15/02]
- 7/12/02 344 MOTION by Robert L. Carberry to extend time to seek reconsideration of or file objections to 6/27/02 order denying as moot [265-1] motion for appropriate relief (hd) [Entry date 07/15/02]
- 7/16/02 345 ORDER granting [344-1] motion to extend time to seek reconsideration of or file objections to 6/27/02 order denying as moot [265-1] motion for appropriate relief (Signed by Judge Alan S. Gold on 07/16/02) [EOD Date: 7/17/02] (ra) [Entry date 07/17/02]
- 7/29/02 346 NOTICE of Change of Address of Attorney by Steven Cheney (hd) [Entry date 07/30/02]
- 7/29/02 347 JOINT UNOPPOSED MOTION by Cyberguard, Robert L. Carberry, William D. Murray, C. Shelton James, Patrick O. Wheeler to reschedule 8/2/02 status conference (hd) [Entry date 07/30/02]
- 7/30/02 348 ORDER canceling status conference for 8/2/02 granting [347-1] joint motion to reschedule 8/2/02 status conference (Signed by Judge Alan S. Gold on 7/30/02) [EOD Date: 7/31/02] (hd) [Entry date 07/31/02]
- 8/14/02 349 ORDER granting [186-1] motion for class certification, granting [186-2] amended motion (Signed by Judge Alan S. Gold on 8/14/02) [EOD Date: 8/15/02] (hd) [Entry date 08/15/02]
- 8/26/02 350 NOTICE, with attachment, of filing proposed merits scheduling order by Cyberguard (hd) [Entry date 08/27/02]

8/26/02 351 NOTICE of filing attached proposed pretrial schedule by Steven Cheney (hd) [Entry date 08/27/02]

8/28/02 352 MEMORANDUM by Cyberguard, Robert L. Carberry, William D. Murray, Patrick O. Wheeler, Shelton James re: substitution of Key Access Mortgage, Inc. for lead plaintiff Dean Miller (hd) [Entry date 08/29/02]

8/28/02 353 MEMORANDUM by All Plaintiffs in support of substitution of Key Access Mortgage, Inc. for lead plaintiff Dean Miller (hd) [Entry date 08/29/02]

9/3/02 354 ENTRY OF FINAL JUDGMENT dismissing case against KPMG (Signed by Judge Alan S. Gold on 9/3/02) [EOD Date: 9/4/02] (hd) [Entry date 09/04/02]

9/3/02 355 ORDER setting telephonic status conference for 2:30 9/6/02 before Judge Alan S. Gold re: [351-1] notice of filing proposed pretrial schedule, [350-1] notice of filing proposed merits scheduling order (Signed by Judge Alan S. Gold on 8/30/02) [EOD Date: 9/4/02] (hd) [Entry date 09/04/02]

9/6/02 356 Minutes of Status Conference held before Judge Alan S. Gold on 09/06/02; Court Reporter Name or Tape #: Joseph Millikan (ra) [Entry date 09/09/02]

9/6/02 -- Status conference held before Judge Alan S. Gold (ra) [Entry date 09/09/02]

9/19/02 357 NOTICE of attorney appearance for William D. Murray by Alvin Lindsay (hd) [Entry date 09/20/02]

9/19/02 358 AMENDED ORDER amending [143-1] Scheduling order rescheduling Calendar Call for 1:30 3/17/04 Pretrial conference 9:00 2/27/04 Pretrial stipulation due 12/12/03 Jury Trial 9:00 3/22/04 (by Judge Alan S. Gold on 9/18/02) [EOD Date: 9/20/02] (hd) [Entry date 09/20/02]

9/25/02 359 ORDER granting [353-1] memorandum by All Plaintiffs in support of substitution of Key Access Mortgage, Inc. for lead plaintiff Dean Miller (Signed by Judge Alan S. Gold on 9/24/02) [EOD Date: 9/26/02] (hd) [Entry date 09/26/02]

10/15/02 360 CORRECTED ORDER setting Jury trial for 9:00 3/22/04 Pretrial Stipulation due on or before 12/12/03 Calendar for 1:30 3/17/04 Pretrial conference for 9:00 2/27/04 (Signed by Judge Alan S. Gold on 10/7/02) [EOD Date: 10/16/02] CCAP (hd) [Entry date 10/16/02]

10/16/02 361 NOTICE of Unavailability by Cyberguard, Shelton James for dates of: 11/14/02-11/29/02 (hd) [Entry date 10/17/02]

1/21/03 362 MOTION with memorandum in support by Cyberguard, Shelton James to compel better answers to interrogatories (hd) [Entry date 01/22/03]

1/23/03 363 NOTICE by Michael Brown, Robert Govic, Key Access Mortgage, Inc., Eliot Meshulam to take deposition of plaintiffs pursuant to Exhibit A for 10:00 2/13/03 (hd) [Entry date 01/24/03]

2/3/03 364 MOTION by William D. Murray to compel adequate answers from lead plaintiffs (hd) [Entry date 02/04/03]

2/3/03 365 MEMORANDUM by William D. Murray in support of [364-1] motion to compel adequate answers from lead plaintiffs (hd) [Entry date 02/04/03]

2/4/03 366 NOTICE by Steven Cheney to take deposition of Lead Plaintiffs for 10:00 2/13/03 (hd) [Entry date 02/06/03]

2/7/03 367 MEMORANDUM by Steven Cheney in opposition to [362-1] motion to compel better answers to interrogatories (hd) [Entry date 02/10/03]

2/18/03 368 REPLY by Cyberguard, Shelton James to response to [362-1] motion to compel better answers to interrogatories (hd) [Entry date 02/19/03]

2/18/03 369 MOTION with memorandum in support by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage to compel production by Shelton James, Robert L. Carberry and Patrick O. Wheeler (hd) [Entry date 02/19/03]

2/18/03 370 Declaration of Abraham Rappaport by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage Re: [369-1] motion to compel by Shelton James, Robert L. Carberry and Patrick O. Wheeler (hd) [Entry date 02/19/03]

2/18/03 371 MEMORANDUM by All Plaintiffs in opposition to [364-1] motion to compel adequate answers from lead plaintiffs (hd) [Entry date 02/19/03]

2/18/03 372 Notice, with attachment, of filing corrected MEMORANDUM by All Plaintiffs in opposition to [362-1] motion to compel better answers to interrogatories (hd) [Entry date 02/19/03]

2/26/03 373 REPLY by William D. Murray to response to [364-1] motion to compel adequate answers from lead plaintiffs (hd) [Entry date 02/27/03]

2/26/03 374 RE-NOTICE by Lead Plaintiffs to take deposition of plaintiffs for 10:00 3/18/03 (hd) [Entry date 02/27/03]

2/26/03 375 RE-NOTICE by Lead Plaintiffs to take deposition of plaintiffs for 10:00 3/18/03 (hd) [Entry date 02/27/03]

3/5/03 376 MEMORANDUM by Robert L. Carberry in opposition to [369-1] motion to compel production by Shelton James, Robert L. Carberry and Patrick O. Wheeler (wc) [Entry date 03/06/03]

3/7/03 377 MEMORANDUM by Shelton James in opposition to [369-1] motion to compel production by Shelton James, Robert L. Carberry and Patrick O. Wheeler (hd) [Entry date 03/10/03]

3/7/03 378 REPLY by Patrick O. Wheeler to response to [369-1] motion to compel production by Shelton James, Robert L. Carberry and Patrick O. Wheeler (hd) [Entry date 03/10/03]

3/11/03 379 MOTION by Cyberguard, Robert L. Carberry, William D. Murray, Patrick O. Wheeler, Shelton James for clarification of [360-1] corrected order setting pretrial and trial dates and establishing pretrial procedures, and to amend [360-1] corrected order setting pretrial and trial dates and establishing pretrial procedures (hd) [Entry date 03/12/03] [Edit date 03/12/03]

3/17/03 380 MOTION with memorandum in support by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage for protective order barring Cyberguard Corp. and Shelton James from re-deposing plaintiffs pursuant to defective notices of deposition (hd) [Entry date 03/18/03]

3/17/03 381 Declaratiohn of James P. Bonner by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage Re: [380-1] motion for protective barring Cyberguard Corp. and Shelton James from re-deposing plaintiffs pursuant to defective notices of deposition (hd) [Entry date 03/18/03]

3/17/03 382 Designation of expert witnesses by Cyberguard, Robert L. Carberry, William D. Murray, Patrick O. Wheeler, Shelton James (hd) [Entry date 03/18/03]

3/18/03 383 REPLY by Robert Govic, Eliot Meshulam, Key Access Morgage and Michael Brown to response to [369-1] motion to compel production by Shelton James, Robert L. Carberry and Patrick O. Wheeler (hd) [Entry date 03/19/03] [Edit date 03/27/03]

3/18/03 384 Declaration of James P. Bonner by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage Re: [369-1] motion to compel by Shelton James, Robert L. Carberry and Patrick O. Wheeler (hd) [Entry date 03/19/03]

3/19/03 385 ORDER setting telephonic status conference for 8:45 4/7/03 before Judge Alan S. Gold (Signed by Judge Alan S. Gold on 3/19/03) [EOD Date: 3/20/03] (hd) [Entry date 03/20/03]

3/26/03 386 SUPPLEMENT by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage to: [383-1] reply supporting [369-1] motion to compel production by Shelton James, Robert L. Carberry and Patrick O. Wheeler (hd) [Entry date 03/27/03]

3/28/03 387 NOTICE by Cyberguard, Shelton James to take video-taped deposition of August Smith 10:00 8/25/03 (hd) [Entry date 03/31/03]

4/3/03 388 MEMORANDUM by Cyberguard, Shelton James in opposition to [380-1] motion for protective order barring Cyberguard Corp. and Shelton James from re-deposing plaintiffs pursuant to defective notices of deposition (hd) [Entry date 04/04/03]

4/3/03 389 Declaration of Joseph L. Rebak by Cyberguard, Shelton James Re: [388-1] opposition memorandum to [380-1] motion for protective order barring Cyberguard Corp. and Shelton James from re-deposing plaintiffs pursuant to defective notices of deposition (hd) [Entry date 04/04/03]

4/9/03 390 NOTICE by Cyberguard, Shelton James to take deposition of August Smith for 9:00 4/25/03 (hd) [Entry date 04/10/03]

4/18/03 391 REPLY by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage to response to [380-1] motion for protective order barring Cyberguard Corp. and Shelton James from re-deposing plaintiffs pursuant to defective notices of deposition (hd) [Entry date 04/21/03]

4/18/03 392 SECOND RENOTICE by Cyberguard, Shelton James to take videotaped deposition of August Smith for 9:00 5/13/03 (hd) [Entry date 04/21/03]

4/21/03 393 NOTICE of plaintiffs' failure to file timely reply supporting motion for protective order by Cyberguard, Shelton James (hd) [Entry date 04/22/03]

4/22/03 394 ORDER denying as moot [379-1] motion for clarification of [360-1] corrected order setting pretrial and trial dates and

establishing pretrial procedures, denying as moot [379-2] motion to amend [360-1] corrected order setting pretrial and trial dates and establishing pretrial procedures (Signed by Judge Alan S. Gold on 4/21/03) [EOD Date: 4/22/03] (hd) [Edit date 04/23/03]

4/23/03 395 MOTION by Cyberguard, Shelton James for P. Jacqueline Romano to appear pro hac vice (hd) [Entry date 04/25/03]

4/23/03 -- Filing Fee Paid; FILING FEE \$75.00 RECEIPT #881270 (hd) [Entry date 04/25/03]

4/24/03 396 NOTICE of Unavailability by Cyberguard, Shelton James for dates of: 5/21/03-5/28/03 (hd) [Entry date 04/25/03]

4/28/03 397 ORDER granting [395-1] motion for P. Jacqueline Romano to appear pro hac vice (Signed by Judge Alan S. Gold on 4/28/03) [EOD Date: 4/29/03] (hd) [Entry date 04/29/03]

4/28/03 398 MOTION with memorandum in support by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage for relief from deposition hour limitations (hd) [Entry date 04/29/03]

4/28/03 399 Declaration of James P. BOnner by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage Re: [398-1] motion for relief from deposition hour limitations (hd) [Entry date 04/29/03]

4/29/03 400 MOTION by All Plaintiffs to accept late filing nun pro tunc of reply supporting motion for protective order barring Cyberguard Corp. and Shelton James from re-deposing plaintiffs pursuant to defective notices of deposition (hd) [Entry date 04/30/03]

4/30/03 401 CLARIFIED AND AMENDED ORDER setting Jury trial set for 9:00 3/22/04 Pretrial Stipulation due on or before 1/12/04 Calendar call set for 1:30 3/17/04 Pretrial conference for 9:00 2/27/04 ; (Signed by Judge Alan S. Gold on 4/30/03) [EOD Date: 5/1/03] CCAP (hd) [Entry date 05/01/03]

5/7/03 402 MEMORANDUM by Patrick O. Wheeler in opposition to [398-1] motion for relief from deposition hour limitations (hd) [Entry date 05/08/03]

5/8/03 403 RESPONSE by William D. Murray to [398-1] motion for relief from deposition hour limitations (hd) [Entry date 05/09/03]

5/9/03 404 MEMORANDUM by Steven Cheney in opposition to [398-1] motion for relief from deposition hour limitations (rn)

5/9/03 405 MEMORANDUM by Cyberguard, Shelton James in opposition to [398-1] motion for relief from deposition hour limitations (hd) [Entry date 05/12/03]

5/9/03 406 MEMORANDUM by August A. Smith in opposition to [398-1] motion for relief from deposition hour limitations (hd) [Entry date 05/12/03]

5/9/03 407 AFFIDAVIT of Deena R. Bernstein by August A. Smith Re: [404-1] opposition memorandum to [398-1] motion for relief from deposition hour limitations (hd) [Entry date 05/12/03]

5/12/03 408 RESPONSE by Cyberguard, Shelton James to [400-1] motion to accept late filing nun pro tunc of reply supporting motion for protective order barring Cyberguard Corp. and Shelton James from re-deposing plaintiffs pursuant to defective notices of deposition (hd) [Entry date 05/13/03]

5/19/03 409 REPLY by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage to response to [398-1] motion for relief from deposition hour limitations (hd) [Entry date 05/20/03]

5/19/03 410 REPLY DECLARATION of James P. Bonner by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage Re: [409-1] reply supporting motion for relief from deposition hour limitations (hd) [Entry date 05/20/03]

5/30/03 411 MOTION by Patrick O. Wheeler for leave to file Surreply (Proposed Memorandum in Surreply to Reply memorandum in support of motion for relief from deposition timing limitations located in Pod #2, Docketing) (wc) [Entry date 06/02/03]

6/6/03 412 ORDER granting [411-1] motion for leave to file Surreply (Signed by Magistrate Judge Andrea M. Simonton on 6/6/03) [EOD Date: 6/9/03] (hd) [Entry date 06/09/03]

6/6/03 413 Memorandum in SURREPLY by Patrick O. Wheeler to plaintiffs' reply supporting motion for relief from deposition timing limitations (hd) [Entry date 06/09/03]

6/12/03 414 JOINT MOTION by Michael Brown, Robert Govic, Eliot Meshulam, Key Access Mortgage to extend time of all deadlines to facilitate settlement discussions (hd) [Entry date 06/13/03]

6/20/03 415 ORDER rescheduling Calendar Call for 1:30 6/23/04 Pretrial conference 9:00 5/21/04 Jury Trial 9:00 6/28/04 granting [414-1] joint motion to extend time of all deadlines to

facilitate settlement discussions (Signed by Magistrate Judge Andrea M. Simonton on 6/19/03) [EOD Date: 6/23/03] (hd) [Entry date 06/23/03]

6/20/03 416 ORDER ABATING PENDING DISCOVERY MOTIONS, abating [398-1] motion for relief from deposition hour limitations, abating [380-1] motion for protective order barring Cyberguard Corp. and Shelton James from re-deposing plaintiffs pursuant to defective notices of deposition, abating [369-1] motion to compel production by Shelton James, Robert L. Carberry and Patrick O. Wheeler, abating [364-1] motion to compel adequate answers from lead plaintiffs, abating [362-1] motion to compel better answers to interrogatories (Signed by Magistrate Judge Andrea M. Simonton on 6/19/03) [EOD Date: 6/23/03] (hd) [Entry date 06/23/03] [Edit date 06/23/03]

8/4/03 417 AGREED MOTION by William D. Murray for Edwin G. Torres to withdraw as attorney, to substitute Alvin F. Lindsay as Attorney (sp) [Entry date 08/05/03]

8/7/03 418 ORDER granting [417-1] motion for Edwin G. Torres to withdraw as attorney, granting [417-2] motion to substitute Alvin F. Lindsay as Attorney (Signed by Judge Alan S. Gold on 8/6/03) [EOD Date: 8/8/03] (hd) [Entry date 08/08/03]

9/26/03 419 JOINT NOTICE OF SETTLEMENT filed by Steven Cheney, Cyberguard, Robert L. Carberry, William D. Murray (bs) [Entry date 09/29/03]

10/9/03 420 JOINT MOTION by Plaintiffs, Defendants for preliminary approval of settlement (bs) [Entry date 10/10/03]

10/10/03 421 ORDER dismissing this case with prejudice dismissing as moot [420-1] joint motion for preliminary approval of settlement; Court retains jurisdiction for 60 days to enforce settlement if necessary; case closed (Signed by Judge Alan S. Gold on 10/10/03) [EOD Date: 10/14/03] (wc) [Entry date 10/14/03]

10/10/03 -- CASE CLOSED. Case and Motions no longer referred to Magistrate. (wc) [Entry date 10/14/03]

10/14/03 422 NOTICE of Filing CORRECTED NOTICE of Pendency of Other Action and Settlement of Class Action, Hearing on Proposed Settlement and Attorneys' Fee Petition and Right to Share in Settlement Fund by Ellen Feder (attached) (wc) [Entry date 10/15/03]

10/22/03 423 ORDER vacating dismissal order and administratively closing case vacating [421-2] order (Signed by Judge Alan S. Gold on 10/22/03) [EOD Date: 10/23/03] (mh) [Entry date 10/23/03]

10/27/03 424 ORDER setting telephonic status conference for 8:45
11/6/03 before Judge Alan S. Gold regarding Joint Motion
for Preliminary Approval of Settlement (Signed by Judge
Alan S. Gold on 10/23/03) [EOD Date: 10/28/03] (wc)
[Entry date 10/28/03]

11/6/03 425 Minutes of motion hearing/Telephonic Status conference held
before Judge Alan S. Gold on 10/6/03; Court Reporter Name
or Tape #: Joseph Millikan (lk) [Entry date 11/07/03]

11/6/03 -- Status conference held before Judge Alan S. Gold (lk)
[Entry date 11/07/03]

11/6/03 426 Notice of Filing REVISED EXHIBITS to: [420-1] joint motion
for preliminary approval of settlement by All Plaintiffs
(attachments) (wc) [Entry date 11/07/03]

11/24/03 427 SUMMARY NOTICE OF PENDENCY OF CLASS ACTION, PROPOSED
SETTLEMENT THEREOF AND FAIRNESS HEARING (Signed by Judge
Alan S. Gold on 11/24/03) [EOD Date: 11/25/03] (hd)
[Entry date 11/25/03]

11/26/03 428 PRELIMINARY APPROVAL ORDER (Signed by Judge Alan S. Gold
on 11/26/03) [EOD Date: 12/1/03] (hd) [Entry date 12/01/03]

12/3/03 429 ORDER resetting fairness hearing for for 2:00 4/16/04
before Judge Alan S. Gold (Signed by Judge Alan S. Gold
on 12/2/03) [EOD Date: 12/4/03] (hd) [Entry date 12/04/03]

4/2/04 430 Letter from Donald L. Southam re: proposed attorney's fees
in this matter (hd) [Entry date 04/05/04]

4/2/04 431 NOTICE TO PARTIES re: receipt of [430-1] letter from Donald
L. Southam re: proposed attorney's fees in this matter (
Signed by Judge Alan S. Gold on 4/2/04) [EOD Date: 4/5/04]
(hd) [Entry date 04/05/04]

4/9/04 432 NOTICE of filing listed documents (docketed separately) by
All Plaintiffs (sp) [Entry date 04/12/04]

4/9/04 433 MOTION by All Plaintiffs (added Attorney Howard Kelly
Coates Jr.) for leave to file memorandum of law in support
of proposed settlement and proposed plan of allocation, as
well as memorandum of law in support of plaintiffs counsel
application for an award of attorneys fees and
reimbursement of expenses in excess of page limit set in LR
7.1(c)(2) (proposed pleadings in Pod 2) (sp)
[Entry date 04/12/04]

4/9/04 434 Joint declaration (with attached exhibits) by All Plaintiffs lead counsel in support of plaintiffs motion for approval of the proposed class action settlement and for an award of attorneys fees and reimbursement of costs and expenses (sp) [Entry date 04/12/04]

4/9/04 435 Proposed order and final judgment by All Plaintiffs (sp) [Entry date 04/12/04]

4/9/04 436 COMPENDIUM OF CASES: NOTICE OF FILING SUPPLEMENTAL AUTHORITY (with attached exhibits) by All Plaintiffs (sp) [Entry date 04/12/04]

4/12/04 437 ORDER regarding fairness hearing resetting fairness hearing conference for 2:00 4/16/04 before Magistrate Judge Andrea M. Simonton (Signed by Judge Alan S. Gold on 4/12/04) [EOD Date: 4/13/04] (hd) [Entry date 04/13/04]

4/14/04 438 SUPPLEMENTAL MEMORANDUM by All Plaintiffs in support of [433-1] motion for leave to file memorandum of law in support of proposed settlement and proposed plan of allocation, as well as memorandum of law in support of plaintiffs counsel application for an award of attorneys fees and reimbursement of expenses in excess of page limit set in LR 7.1(c)(2) (hd) [Entry date 04/15/04]

4/16/04 -- Fairness hearing held before Magistrate Judge Andrea M. Simonton (hd) [Entry date 04/20/04]

4/19/04 439 Minutes of fairness hearing held before Magistrate Judge Andrea M. Simonton on 4/16/04; Court Reporter Name or Tape #: JOSEPH MILLIKAN (hd) [Entry date 04/20/04]

4/19/04 440 ORDER granting [433-1] motion for leave to file memorandum of law in support of proposed settlement and proposed plan of allocation, as well as memorandum of law in support of plaintiffs counsel application for an award of attorneys fees and reimbursement of expenses in excess of page limit set in LR 7.1(c)(2) (Signed by Magistrate Judge Andrea M. Simonton on 4/19/04) [EOD Date: 4/20/04] (hd) [Entry date 04/20/04]

4/19/04 441 REPORT AND RECOMMENDATION re: fairness hearing (Signed by Magistrate Judge Andrea M. Simonton on 4/19/04) [EOD Date: 4/20/04] (hd) [Entry date 04/20/04]

4/19/04 443 MEMORANDUM of law in support of proposed settlement and proposed plan of allocation by Lead Plaintiffs (hd) [Entry date 05/12/04]

4/19/04 444 MEMORANDUM of law in support of plaintiffs' counsels' application for an award of attorneys fees and reimbursement of expenses by Lead Plaintiffs (hd) [Entry date 05/12/04]

5/7/04 442 ORDER and Final Judgment (see order for details)(Signed by Judge Alan S. Gold on 5/7/04) [EOD Date: 5/11/04] (cj) [Entry date 05/11/04]

8/6/04 445 UNOPPOSED MOTION with memorandum in support by Cyberguard to allow opt-out class members to opt back into settlement class (hd) [Entry date 08/09/04]

8/12/04 446 ORDER granting [445-1] motion to allow opt-out class members to opt back into settlement class (Signed by Judge Alan S. Gold on 8/11/04) [EOD Date: 8/13/04] (hd) [Entry date 08/13/04]

12/23/04 447 ORDER TO SHOW CAUSE by parties explaining in writing why Mr. Fogel has not received his share of settlement. Response to Order to Show Cause due 1/13/05 (Signed by Judge Alan S. Gold on 12/23/04) [EOD Date: 12/28/04] (hd)
[Entry date 12/28/04] [Edit date 01/14/05]

1/13/05 448 MOTION by All Plaintiffs to approve distribution of settlement funds (hd) [Entry date 01/14/05]

1/13/05 449 Declaration of Maya S. Saxena by All Plaintiffs Re: [448-1] motion to approve distribution of settlement funds (hd) [Entry date 01/14/05]

1/13/05 450 RESPONSE to [447-1] Order to Show Cause by All Plaintiffs (hd) [Entry date 01/14/05]

1/14/05 451 Notice of filing attached EXHIBITS to: [448-1] motion to approve distribution of settlement funds by All Plaintiffs (hd) [Entry date 01/18/05]

1/14/05 452 NOTICE, with attachments, by Avi Fogel, Hanna Fogel re: receiving appropriate share in settlement (hd) [Entry date 01/18/05]

1/14/05 453 AMENDED ORDER amending [447-1] show cause order requiring that parties explaining in writing why Mr. Fogel has not received his share of settlement. setting RESPONSE to Show Cause Order for 1/31/05 (Signed by Judge Alan S. Gold 1/12/05) [EOD Date: 1/18/05] (hd) [Entry date 01/18/05]

1/18/05 454 Return mail/undeliverable to Mark A. Buckstein, order (DE#447) (hd) [Entry date 01/19/05]

1/19/05 455 ORDER granting [448-1] motion to approve distribution of settlement funds (Signed by Judge Alan S. Gold on 1/19/05) [EOD Date: 1/20/05] (hd) [Entry date 01/20/05]

1/21/05 456 RESPONSE to [453-2] Amended Order to Show Cause by William D. Murray (hd) [Entry date 01/24/05]

1/26/05 457 RESPONSE to [453-2] Amended Order to Show Cause by Shelton James, Cyberguard Corp. (hd) [Entry date 01/27/05]

1/28/05 458 RESPONSE to [453-2] Amended Order to Show Cause by Robert L. Carberry (hd)

1/31/05 459 RESPONSE to [453-2] Amended Order to Show Cause by All Plaintiffs (hd) [Entry date 02/01/05]

1/31/05 460 Return mail/undeliverable to Mark A. Buckstein, order (DE#455) (hd) [Entry date 02/11/05]

2/4/05 461 Return mail/undeliverable to Mark A. Buckstein, order (DE#456) (hd) [Entry date 02/11/05]

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