

U.S. District Court
Northern District of California (S.F.)
CIVIL DOCKET FOR CASE #: 96-CV-393

Brody, et al v. McCracken, et al

Filed: 01/29/96
Assigned to: Judge Fern M. Smith
Jury demand: Both
Demand: \$0,000
Nature of Suit: 850
Lead Docket: None
Jurisdiction: Federal Question
Dkt# in other court: None
Cause: 15:78m(a) Securities Exchange Act

DEANNA BRODY
Plaintiff

Patrick J. Coughlin
[COR LD NTC]
Milberg Weiss Bershad Hynes &
Lerach LLP
600 W Broadway Ste 1800
One America Plaza
San Diego, CA 92101
(619) 231-1058

Richard Bemporad
[COR LD NTC]
William J. Ban
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Lowey Dannenberg Bemporad &
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One North Lexington Ave
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William S. Lerach
[COR LD NTC]
Milberg Weiss Bershad Hynes &
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100 Pine Street
Ste 2600
San Francisco, CA 94111
415-288-4545

ANDREA S. DONALD
Plaintiff

Patrick J. Coughlin
(See above)
[COR LD NTC]

Richard Bemporad
(See above)
[COR LD NTC]

William J. Ban
(See above)
[COR LD NTC]

William S. Lerach
(See above)
[COR LD NTC]

ISRAEL BUCK
Plaintiff

Patrick J. Coughlin
(See above)
[COR LD NTC]

Richard Bemporad
(See above)
[COR LD NTC]
William J. Ban
(See above)
[COR LD NTC]

William S. Lerach
(See above)
[COR LD NTC]

RUTH BUCK
Plaintiff

Patrick J. Coughlin
(See above)
[COR LD NTC]

Richard Bemporad
(See above)
[COR LD NTC]
William J. Ban
(See above)
[COR LD NTC]

William S. Lerach
(See above)
[COR LD NTC]

DENISE STRUTHERS
Plaintiff

Patrick J. Coughlin
(See above)
[COR LD NTC]

Richard Bemporad
(See above)
[COR LD NTC]
William J. Ban
(See above)
[COR LD NTC]

William S. Lerach
(See above)

[COR LD NTC]

JEANETTE DAY

Patrick J. Coughlin

Plaintiff
[term 09/05/96]

[term 09/05/96]
(See above)
[COR LD NTC]

Richard Bemporad
[term 09/05/96]
(See above)
[COR LD NTC]

William J. Ban
[term 09/05/96]
(See above)
[COR LD NTC]

William S. Lerach
[term 09/05/96]
(See above)
[COR LD NTC]

THOMAS G. DI CICCO IRA
Plaintiff

Patrick J. Coughlin
(See above)
[COR LD NTC]

Richard Bemporad
(See above)
[COR LD NTC]
William J. Ban
(See above)
[COR LD NTC]

William S. Lerach
(See above)
[COR LD NTC]

STEVEN B. EWALL
Plaintiff

Patrick J. Coughlin
(See above)
[COR LD NTC]

Richard Bemporad
(See above)
[COR LD NTC]
William J. Ban
(See above)
[COR LD NTC]

William S. Lerach
(See above)
[COR LD NTC]

ROSALYN GOLLAINE
Plaintiff

Patrick J. Coughlin
(See above)
[COR LD NTC]

Richard Bemporad
(See above)
[COR LD NTC]
William J. Ban
(See above)
[COR LD NTC]

William S. Lerach

(See above)
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EDMUND J. JANAS
Plaintiff

George S. Trevor
[COR LD NTC]
Gold Bennett Cera & Sidener LLP
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Ste 2300
San Francisco, CA 94105-2835
(415) 777-2230

v.

EDWARD R. MCCRACKEN
defendant

Bruce G. Vanyo
[COR LD NTC]
Lloyd Winawer
[COR NTC]
Jerome F. Birn, Jr.
[COR NTC]
Wilson Sonsini Goodrich &
Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050
650-493-9300

MICHAEL RAMSEY
defendant

ROBERT K. BURGESS
defendant

THOMAS J. OSWALD
defendant

TERUYASU SEKIMOTO
defendant

Bruce G. Vanyo
(See above)
[COR LD NTC]
Lloyd Winawer
(See above)
[COR LD NTC]
Jerome F. Birn, Jr.
(See above)
[COR NTC]

FOREST BASKETT
defendant

STEPHEN GOGGIANO
defendant

WILLIAM M. KELLY
defendant

LUCILLE SHAPIRO
defendant

SILICON GRAPHICS INC
defendant

Bruce G. Vanyo
(See above)
[COR LD NTC]

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
1/29/96	1	COMPLAINT yes Summons(es) issued; Fee status pd entered on 1/29/96 in the amount of \$ 120.00 (Receipt No. 38760); jury demand [3:06-cv-00393] (pb) [Entry date 01/31/96] [3:96cv393]
1/29/96	2	ORDER RE COURT PROCEDURE and SCHEDULE (ADR Pilot) by Judge Fern M. Smith : Proof of service to be filed by 3/14/96 ; counsels' case management statement to be filed by 6/4/96 ; initial case management conference will be held 8:30 6/14/96 . (cc: all counsel) [3:96-cv-00393] (pb) [Entry date 01/31/96] [3:96cv393]
3/19/96	3	RETURN OF SERVICE executed upon defendant Edward R. McCracken, defendant Michael Ramsey, defendant Robert K. Burgess, defendant Thomas J. Oswald, defendant Teruyasu Sekimoto, defendant Forest Baskett, defendant Stephen Goggiano, defendant William M. Kelly, defendant Lucille Shapiro, defendant Silicon Graphics Inc on 1/30/96 [3:96-cv-00393] (ls) [Entry date 03/20/96] [3:96cv393]
3/27/96	4	NOTICE by Plaintiff of change of firm name to Milberg Weiss Bershad Hyness & Lerach LLP. [3:96-cv-00393] (ls) [Entry date 03/28/96] [3:96cv393]
3/29/96	5	NOTICE OF MOTION AND MOTION before Judge Fern M. Smith by Plaintiff to consolidate cases [3:96-cv-00393] (ls) [Entry date 04/02/96] [3:96cv393]
3/29/96	6	DECLARATION by Travis E. Downs, III on behalf of Plaintiff re motion to consolidate cases [5-1] [3:96-cv-00393] (ls) [Entry date 04/02/96] [3:96cv393]
4/1/96	--	RECEIVED Order (Plaintiff) re: [5-1] [3:96-cv-00393] (ls) [Entry date 04/02/96] [3:96cv393]
4/1/96	7	NOTICE OF MOTION AND MOTION before Judge Fern M. Smith by Plaintiff for appointment of lead counsel [3:96-cv-00393] (ls) [Entry date 04/02/96] [3:96cv393]

4/1/96 8 DECLARATION by Susan Stone Gonick on behalf of Plaintiff re motion for appointment of lead counsel [7-1] [3:96-cv-00393] (ls) [Entry date 04/02/96] [3:96cv393]

4/11/96 9 ORDER by Judge Fern M. Smith relating cases; 3:96-cv-393 with member cases 3:96-cv-631, 4:96-cv-1111 (Date Entered: 4/12/96) (cc: all counsel) [3:96-cv-00393] (ls) [Entry date 04/12/96] [3:96cv393]

4/22/96 -- RECEIVED Order (Plaintiff in 3:96-cv-00393) Stipulation and Proposed Order thereon re consolidation of cases for all purposes, appintment of lead pltfs pursuant to 21D (a)(3)(B) of the securities exchange act of 1934 and for appointment of pltfs' co-lead counsel. [3:96-cv-00393] (ls) [Entry date 04/22/96] [3:96cv393]

4/22/96 10 ORDER by Judge Fern M. Smith relating cases; 3:96-cv-393 with member cases 3:96-cv-1068 (Date Entered: 4/23/96) (cc: all counsel) [3:96-cv-00393] (ls) [Entry date 04/23/96] [3:96cv393]

4/29/96 11 ORDER by Judge Fern M. Smith granting motion to consolidate cases [5-1] 3:96-cv-393 with member cases 3:96-cv-631, 3:96-cv-1111, 3:96-cv-1068 (Date Entered: 5/2/96) (cc: all counsel) [3:96-cv-00393] (ls) [Entry date 05/02/96] [3:96cv393]

4/30/96 12 ORDER by Judge Fern M. Smith granting motion for appointment of lead counsel [7-1] Andrea Staples Donald is appointed lead pltf in this action; Milberg Weiss and Lowey Dannenberg are appointed pltf's co-lead counsel. (Date Entered: 5/2/96) (cc: all counsel) [3:96-cv-00393] (ls) [Entry date 05/02/96] [3:96cv393]

5/9/96 13 NOTICE by Plaintiff in 3:96-cv-00393 of Entry of Order. [3:96-cv-00393] (ls) [Entry date 05/10/96] [3:96cv393]

5/9/96 14 NOTICE by Plaintiff in 3:96-cv-00393 of Entry of Order. [3:96-cv-00393] (ls) [Entry date 05/10/96] [3:96cv393]

5/31/96 -- RECEIVED Stipulation and Proposed Order (defendants in 3:96-cv-00393) re briefing schedule and page limitations for defendant's motion to dismiss [3:96-cv-00393] (lcc) [Entry date 06/03/96] [3:96cv393]

6/3/96 15 NOTICE OF MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by defendants in 3:96-cv-00393 to dismiss the securities class actions with Notice set for 8/9/96 at 10:00 am [3:96-cv-00393] (lcc) [Entry date 06/04/96] [3:96cv393]

6/3/96 16 DECLARATION by Lloyd Winawer on behalf of defendants in 3:96-cv-00393 in support re motion to dismiss the securities class actions [15-1] [3:96-cv-00393] (lcc) [Entry date 06/04/96] [Edit date 06/04/96] [3:96cv393]

6/3/96 17 DECLARATION by Stanley J. Meresman on behalf of defendants in 3:96-cv-00393 in support re motion to dismiss the securities class actions [15-1] [3:96-cv-00393] (lcc) [Entry date 06/04/96] [3:96cv393]

6/3/96 -- RECEIVED Proposed Order (defendants in 3:96-cv-00393) re: motion to dismiss the securities class actions [15-1] [3:96-cv-00393] (lcc) [Entry date 06/04/96] [3:96cv393]

6/3/96 18 PROOF OF SERVICE by defendants in 3:96-cv-00393 of motion to dismiss the securities class actions [15-1], declaration [16-1], declaration [17-1], order received [0-0] [3:96-cv-00393] (lcc) [Entry date 06/04/96] [3:96cv393]

6/6/96 19 STIPULATION and ORDER by Judge Fern M. Smith re briefing schedule and page limitations for defendants' motion to dismiss; defts' memorandum in support will be served on 5/31/96, filed on 6/3/96; pltfs' memorandum in opposition will be filed and served on 7/1/96; defts' reply will be filed and served on 7/15/96. Motion will be heard on 8/9/96 at 10:00 am; (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 06/10/96] [3:96cv393]

6/10/96 -- RECEIVED Proposed Order (defendants) continuing case management conference [3:96-cv-00393] (lcc) [Entry date 06/11/96] [3:96cv393]

6/11/96 20 STIPULATION and ORDER by Judge Fern M. Smith : Case Management Conference continued to 8/9/96 at 10:00 am; (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 06/11/96] [3:96cv393]

6/14/96 -- RECEIVED Stipulation and Proposed Order (defendants) re briefing schedule for defendants' motions to dismiss the derivative action [3:96-cv-00393] (lcc) [Entry date 06/14/96] [3:96cv393]

6/14/96 21 STIPULATION and ORDER by Judge Fern M. Smith : re Briefing Schedule; defendants' motions to dismiss due 6/21/96; plaintiff's memorandum of points and authorities in opposition due 7/17/96 and plaintiff's full submission due 7/18/96; all defendants' reply due 7/26/96 (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 06/18/96] [3:96cv393]

6/21/96 22 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by defendants to dismiss verified derivative complaint with Notice set for 8/9/96 at 10:00 am [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/21/96 23 DECLARATION by Ruth Ann McNees on behalf of defendants in support re motion to dismiss verified derivative complaint [22-1] [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/21/96 -- RECEIVED Proposed Order (defendants) re: motion to dismiss verified derivative complaint [22-1] [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/21/96 24 CERTIFICATE OF SERVICE by defendants of motion to dismiss verified derivative complaint [22-1], declaration [23-1], order received [0-0] [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/21/96 25 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by defendant Silicon Graphics Inc to dismiss verified derivative complaint with Notice set for 8/9/96 at 10:00 am [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/21/96 26 DECLARATION by Ruth Ann McNees on behalf of defendant Silicon Graphics Inc in support re motion to dismiss verified derivative complaint [25-1] [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/21/96 -- RECEIVED Proposed Order (defendant Silicon Graphics Inc) re: motion to dismiss verified derivative complaint [25-1] [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/21/96 27 CERTIFICATE OF SERVICE by defendant Silicon Graphics Inc of motion to dismiss verified derivative complaint [25-1], declaration [26-1], order received [0-0] [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/21/96 -- RECEIVED Stipulation and Proposed Order re Briefing Schedule for defendants' motion to dismiss and Case Management Conference [3:96-cv-00393] (lcc) [Entry date 06/24/96] [3:96cv393]

6/26/96 28 STIPULATION and ORDER by Judge Fern M. Smith : Motion will be heard 8/30/96 at 10:00 am ; Case Management Conference continued to 8/30/96 at 10:00 am (please see Order for more details); (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 06/26/96] [3:96cv393]

7/1/96 29 NOTICE by Plaintiffs of entry of order [3:96-cv-00393] (lcc)
[Entry date 07/01/96] [3:96cv393]

7/8/96 30 NOTICE by plaintiffs Andrea S. Donald, Denise Struthers,
Steven B. Ewall of change of address [3:96-cv-00393] (lcc)
[Entry date 07/08/96] [3:96cv393]

7/12/96 31 MEMORANDUM OF POINTS AND AUTHORITIES by Plaintiff in
opposition to motion to dismiss the securities class
actions [15-1] [3:96-cv-00393] (lcc) [Entry date 07/12/96]
[3:96cv393]

7/12/96 32 DECLARATION by Travis E. Downs, III on behalf of Plaintiffs
in support re opposition memorandum [31-1] [3:96-cv-00393]
(lcc) [Entry date 07/12/96] [3:96cv393]

7/12/96 33 DECLARATION by Mark S. Kangas on behalf of Plaintiffs
[3:96-cv-00393] (lcc) [Entry date 07/12/96] [3:96cv393]

7/19/96 34 OPPOSITION by Plaintiff Edmund J. Janas to motion to
dismiss verified derivative complaint [25-1]
[3:96-cv-00393] (lcc) [Entry date 07/22/96] [3:96cv393]

7/19/96 35 OPPOSITION by Plaintiff Edmund J. Janas to motion to
dismiss verified derivative complaint [22-1]
[3:96-cv-00393] (lcc) [Entry date 07/22/96] [3:96cv393]

7/19/96 36 CERTIFICATE OF SERVICE by Plaintiff Edmund J. Janas of
oppositions [34-1], [35-1] [3:96-cv-00393] (lcc)
[Entry date 07/22/96] [3:96cv393]

7/24/96 37 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND
AUTHORITIES before Judge Fern M. Smith by Plaintiffs to
certify class action with Notice set for 9/27/96 at 10:00
am [3:96-cv-00393] (lcc) [Entry date 07/24/96]
[3:96cv393]

7/24/96 38 DECLARATION by Lisa C. Atkinson on behalf of Plaintiffs in
support re motion to certify class action [37-1]
[3:96-cv-00393] (lcc) [Entry date 07/24/96] [3:96cv393]

7/24/96 -- RECEIVED Proposed Order (Plaintiffs) re: motion to certify
class action [37-1] [3:96-cv-00393] (lcc)
[Entry date 07/24/96] [3:96cv393]

7/26/96 39 NOTICE of Withdrawal of Plaintiff Dennis Lucas.
[3:96-cv-00393] (lcc) [Entry date 07/29/96] [3:96cv393]

7/29/96 -- RECEIVED Stipulation and Proposed Order (defendants) re

Briefing Schedule for Defendants' Motion to Dismiss
[3:96-cv-00393] (lcc) [Entry date 07/30/96] [3:96cv393]

- 7/31/96 40 REPLY MEMORANDUM OF POINTS AND AUTHORITIES by defendants in support re motion to dismiss the securities class actions [15-1] [3:96-cv-00393] (lcc) [Entry date 07/31/96] [3:96cv393]
- 7/31/96 41 SUPPLEMENTAL DECLARATION by Lloyd Winawer on behalf of defendants in support re motion to dismiss the securities class actions [15-1] [3:96-cv-00393] (lcc) [Entry date 07/31/96] [3:96cv393]
- 7/31/96 42 CERTIFICATE OF SERVICE by defendants of reply [40-1], declaration [41-1] [3:96-cv-00393] (lcc) [Entry date 07/31/96] [3:96cv393]
- 8/6/96 43 ORDER by Judge Fern M. Smith GRANTING withdrawal of plaintiff Dennis Lucas in this action (Date Entered: 8/6/96) (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 08/06/96] [3:96cv393]
- 8/6/96 44 STIPULATION and ORDER by Judge Fern M. Smith: Defendants' reply papers in support of their Motion to Dismiss due 7/31/96. (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 08/06/96] [3:96cv393]
- 8/9/96 45 REPLY MEMORANDUM OF POINTS AND AUTHORITIES by defendants to opposition to motion to dismiss verified derivative complaint [22-1] [3:96-cv-00393] (lcc) [Entry date 08/12/96] [3:96cv393]
- 8/9/96 46 SUPPLEMENTAL DECLARATION by Ruth Ann McNees on behalf of defendants in support re motion to dismiss verified derivative complaint [22-1] [3:96-cv-00393] (lcc) [Entry date 08/12/96] [3:96cv393]
- 8/9/96 47 REPLY MEMORANDUM OF POINT AND AUTHORITIES by defendant Silicon Graphics Inc to opposition to motion to dismiss verified derivative complaint [25-1] [3:96-cv-00393] (lcc) [Entry date 08/12/96] [3:96cv393]
- 8/9/96 48 SUPPLEMENTAL DECLARATION by Ruth Ann McNees on behalf of defendant Silicon Graphics Inc in support re motion to dismiss verified derivative complaint [25-1] [3:96-cv-00393] (lcc) [Entry date 08/12/96] [3:96cv393]
- 8/9/96 49 CERTIFICATE OF SERVICE by defendants of motion reply [45-1], declaration [46-1], motion reply [47-1], declaration [48-1] [3:96-cv-00393] (lcc) [Entry date 08/12/96] [3:96cv393]

8/20/96 50 CERTIFICATION of discussion of ADR options by Plaintiff in 3:96-cv-00393. [3:96-cv-00393] (ml) [Entry date 08/21/96] [3:96cv393]

8/27/96 51 TENTATIVE ORDER by Judge Fern M. Smith GRANTING in part and DENYING in part defendants' motion to dismiss [25-1], [22-1], [15-1] (please see Order for more details). (Date Entered: 8/27/96) (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 08/27/96] [3:96cv393]

8/28/96 52 STATEMENT of recent decision by Plaintiffs [3:96-cv-00393] (lcc) [Entry date 08/28/96] [3:96cv393]

8/30/96 53 MINUTES: (C/R Jo Ann Bryce) that defendants' motion to dismiss verified derivative complaint [25-1], [22-1] is SUBMITTED, that defendants' motion to dismiss the securities class actions [15-1] is SUBMITTED [3:96-cv-00393] (lcc) [Entry date 08/30/96] [Edit date 08/30/96] [3:96cv393]

9/4/96 54 SUBMISSION OF MATERIALS Referenced at Oral Argument by defendants re motion to dismiss verified derivative complaint [22-1] [3:96-cv-00393] (lcc) [Entry date 09/04/96] [3:96cv393]

9/5/96 55 NOTICE OF WITHDRAWAL of Plaintiff Jeanette Day [3:96-cv-00393] (lcc) [Entry date 09/05/96] [3:96cv393]

9/6/96 -- RECEIVED Stipulation and Proposed Order re Briefing Schedule for Plaintiff's Motion for Class Certification [3:96-cv-00393] (lcc) [Entry date 09/06/96] [3:96cv393]

9/10/96 56 STIPULATION and ORDER by Judge Fern M. Smith: continuing hearing on motion to certify class action [37-1] 10:00 11/1/96 (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 09/10/96] [3:96cv393]

9/10/96 57 RESPONSE by Plaintiffs re submission of materials [54-1] [3:96-cv-00393] (lcc) [Entry date 09/10/96] [3:96cv393]

9/12/96 58 REPLY by defendants to plaintiff's post-argument memorandum re defendants' motion to dismiss [3:96-cv-00393] (lcc) [Entry date 09/13/96] [3:96cv393]

9/12/96 59 DECLARATION by Lloyd Winawer on behalf of defendants in support re reply [58-1] [3:96-cv-00393] (lcc) [Entry date 09/13/96] [3:96cv393]

9/12/96 60 PROOF OF SERVICE by defendants of reply [58-1]

[3:96-cv-00393] (lcc) [Entry date 09/13/96] [3:96cv393]

9/12/96 61 STATEMENT OF RECENT DECISION submitted by Plaintiffs
[3:96-cv-00393] (lcc) [Entry date 09/13/96] [3:96cv393]

9/17/96 62 STATEMENT OF RECENT DECISION (Syntex) submitted by
defendants [3:96-cv-00393] (lcc) [Entry date 09/17/96]
[3:96cv393]

9/17/96 62 RESPONSE by defendants re statement [61-1] [3:96-cv-00393]
(lcc) [Entry date 09/17/96] [3:96cv393]

9/20/96 63 SUBMISSION by defendants of Forms 3 and 4 pursuant to
Court's request. [3:96-cv-00393] (lcc)
[Entry date 09/20/96] [3:96cv393]

9/20/96 64 CERTIFICATE OF SERVICE by defendants of submission [63-1]
[3:96-cv-00393] (lcc) [Entry date 09/20/96] [3:96cv393]

9/24/96 65 STATEMENT OF RECENT DECISION submitted by Plaintiffs
[3:96-cv-00393] (lcc) [Entry date 09/24/96] [3:96cv393]

9/26/96 66 ORDER by Judge Fern M. Smith GRANTING defendants' motion to
dismiss the securities class actions [15-1]. For the
foregoing reasons, with respect to the class action, the
Court ORDERS that plaintiff's allegations are hereby
DISMISSED. Plaintiff may amend the complaint once with
respect to these allegations and in accord with this Order
within twenty days. GRANTING defendants' motion to dismiss
verified derivative complaint [25-1], [22-1]. Plaintiff's
allegations concerning the quality of SGI's products as
compared to Hewlett-Packard's are DISMISSED WITH PREJUDICE.
Plaintiff's allegations with respect to statements by
Sekimoto, Oswald, and McCracken prior to the fraud are
DISMISSED WITH PREJUDICE. For the foregoing reasons, with
respect to the derivative action, the Court ORDERS that
plaintiff's allegations are hereby DISMISSED. Discovery in
both actions will remain STAYED. (Date Entered: 9/26/96)
(cc: all counsel) [3:96-cv-00393] (lcc)
[Entry date 09/26/96] [Edit date 09/26/96] [3:96cv393]

9/27/96 67 RESPONSE by Plaintiffs re submission [63-1] [3:96-cv-00393]
(lcc) [Entry date 09/27/96] [3:96cv393]

10/18/96 68 FIRST AMENDED CONSOLIDATED COMPLAINT [1-1] by Plaintiffs;
jury demand [3:96-cv-00393] (lcc) [Entry date 10/18/96]
[3:96cv393]

10/25/96 -- RECEIVED Stipulation and Proposed Order Rescheduling
Hearing on Motion for Class Certification [3:96-cv-00393]
(lcc) [Entry date 10/28/96] [3:96cv393]

10/28/96 69 STIPULATION and ORDER by Judge Fern M. Smith: CONTINUING hearing on plaintiffs' motion to certify class action [37-1] thirty (30) days after the Court issues its ruling on any motions filed by defendants in response to plaintiffs' First Amended Consolidated Complaint. Defendants' response to plaintiffs' First Amended Consolidated Complaint is due on 11/22/96. (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 10/29/96] [3:96cv393]

11/15/96 70 RETURN OF SERVICE executed upon defendants on 7/25/96 of summons, complaint and supporting documents thereof. [3:96-cv-00393] (lcc) [Entry date 11/15/96] [3:96cv393]

11/22/96 -- RECEIVED Stipulation and Proposed Order (Plaintiffs) RE: Briefing Schedule and Page Limitations for Defendants' Motion of Dismiss. [3:96-cv-00393] (lcc) [Entry date 11/22/96] [3:96cv393]

11/27/96 71 STIPULATION and ORDER by Judge Fern M. Smith RE: Briefing Schedule and Page Limitations for Defendants' Motion to Dismiss: Defendants' Memorandum of Points and Authorities in Support of their Motion to Dismiss due by 12/13/96, and will not exceed 30 pages. Plaintiffs' Opposition due 2/3/97 and will not exceed 30 pages; Defendants' Reply due 2/28/97 and will not exceed 20 pages. Motion will be heard on 10:00 3/21/97. (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 11/27/96] [3:96cv393]

12/13/96 73 DECLARATION by Deborah Sparkman on behalf of defendant in 3:96-cv-00393 FILED UNDER SEAL. [3:96-cv-00393] (cs) [Entry date 12/18/96] [3:96cv393]

12/13/96 74 DECLARATION by Lloyd Winawer on behalf of defendant in 3:96-cv-00393 re memorandum [72-1] [3:96-cv-00393] (cs) [Entry date 12/18/96] [3:96cv393]

12/13/96 -- RECEIVED Proposed Order (defendant in 3:96-cv-00393) re: memorandum [72-1] [3:96-cv-00393] (cs) [Entry date 12/18/96] [3:96cv393]

12/13/96 76 DECLARATION by Forest Baskett on behalf of defendant in 3:96-cv-00393 re memorandum [75-1] [3:96-cv-00393] (cs) [Entry date 12/18/96] [3:96cv393]

12/13/96 77 DECLARATION by Robert K. Burgess on behalf of defendant in 3:96-cv-00393 re memorandum [75-1] [3:96-cv-00393] (cs) [Entry date 12/18/96] [3:96cv393]

12/13/96 78 DECLARATION by Michael Ramsay on behalf of defendants in

3:96-cv-00393 re memorandum [75-1] [3:96-cv-00393] (cs)
[Entry date 12/18/96] [3:96cv393]

12/13/96 79 DECLARATION by Teruyasu Sekimoto on behalf of defendants in
3:96-cv-00393 re memorandum [75-1] [3:96-cv-00393] (cs)
[Entry date 12/18/96] [3:96cv393]

12/13/96 -- RECEIVED Proposed Order (defendant in 3:96-cv-00393) RE
motion for summary judgment. [3:96-cv-00393] (cs)
[Entry date 12/18/96] [3:96cv393]

12/13/96 -- RECEIVED Proposed Order (defendant in 3:96-cv-00393)
GRANTING defendants' motion for summary judgment and motion
to dismiss. [3:96-cv-00393] (cs) [Entry date 12/18/96]
[3:96cv393]

12/13/96 80 PROOF OF SERVICE by defendant in 3:96-cv-00393 of
memorandum [72-1], declaration [73-1], order received
[0-0], declaration [74-1], declaration [79-1], declaration
[78-1], declaration [77-1], declaration [76-1], memorandum
[75-1] [3:96-cv-00393] (cs) [Entry date 12/18/96]
[3:96cv393]

12/13/96 72 NOTICE OF MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES
before Judge Fern M. Smith by Defendants Edward R.
McCracken, Michael Ramsey, Robert K. Burgess, Forest
Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon
Graphics Inc to dismiss the amended class action
complaint with Notice set for 3/21/97 at 10:00 am
[3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

12/13/96 75 NOTICE OF MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES
before Judge Fern M. Smith by Defendants Edward R.
McCracken, Forest Baskett, Robert K. Burgess, Michael
Ramsey, Teruyasu Sekimoto for summary judgment, and to
dismiss with Notice set for 3/21/97 at 10:00 am
[3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/3/97 82 DECLARATION by David C. Walton on behalf of Plaintiffs
[3:96-cv-00393] (lcc) [Entry date 02/04/97] [3:96cv393]

2/3/97 84 DECLARATION by John B. Torkelsen on behalf of Plaintiffs
[3:96-cv-00393] (lcc) [Entry date 02/04/97] [3:96cv393]

2/3/97 85 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND
AUTHORITIES before Judge Fern M. Smith by Plaintiffs to
strike declarations [73-1], [74-1], [76-1], [77-1], [78-1],
[79-1] and defendants' references to the contents of their
"publicly filed documents", or, in the alternative object
to the Court's taking Judicial Notice of the same with
Notice set for 3/21/97 at 10:00 am [3:96-cv-00393] (lcc)
[Entry date 02/05/97] [3:96cv393]

2/3/97 86 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by Plaintiffs to certify decision for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) with Notice set for 3/21/97 at 10:00 am [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/3/97 87 DECLARATION by Joseph D. Daley on behalf of Plaintiffs in support re motion to strike declarations [73-1], [74-1], [76-1], [77-1], [78-1], [79-1] and defendants' references to the contents of their "publicly filed documents" [85-1], re motion object to the Court's taking Judicial Notice of the same [85-2], re motion to certify decision for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) [86-1] [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/3/97 -- RECEIVED Proposed Order (Plaintiffs) re: motion to strike declarations [73-1], [74-1], [76-1], [77-1], [78-1], [79-1] and defendants' references to the contents of their "publicly filed documents" [85-1], re: motion object to the Court's taking Judicial Notice of the same [85-2] [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/3/97 -- RECEIVED Proposed Order (Plaintiffs) re: motion to certify decision for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) [86-1] [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/3/97 81 MEMORANDUM OF POINTS AND AUTHORITIES by Plaintiffs in opposition to motion to dismiss the amended class action complaint [72-1] [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/3/97 83 MEMORANDUM OF POINTS AND AUTHORITIES by Plaintiffs in opposition to motion for summary judgment [75-1], motion to dismiss [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/5/97 88 MOTION before Judge Fern M. Smith by Amicus Curiae SEC for leave to file a brief as amicus curiae concerning defendants' motion to dismiss the amended complaint with Notice set for 3/21/97 at 10:00 am [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/5/97 89 ORDER by Judge Fern M. Smith GRANTING Amicus Curiae's motion for leave to file a brief as amicus curiae concerning defendants' motion to dismiss the amended complaint [88-1]. (Date Entered: 2/5/97) (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/5/97 90 BRIEF FILED by Amicus Curiae SEC regarding motion to dismiss the amended class action complaint [72-1] [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/5/97 91 PROOF OF SERVICE by Amicus Curiae SEC of motion for leave to file a brief as amicus curiae defendants' motion to dismiss the amended complaint [88-1], brief [90-1] [3:96-cv-00393] (lcc) [Entry date 02/05/97] [3:96cv393]

2/13/97 -- RECEIVED Stipulation and Proposed Order (Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, Teruyasu Sekimoto, William M. Kelly, Silicon Graphics Inc) Modifying Schedule for Parties to File Reply Papers in support of Pending Motions. [3:96-cv-00393] (lcc) [Entry date 02/14/97] [3:96cv393]

2/18/97 94 STIPULATION and ORDER by Judge Fern M. Smith Modifying Schedule for Parties to File Reply in Support of Pending Motions: Defendants' reply papers in support of their pending motions, response and opposition to plaintiffs' motion and response to the SEC's memorandum amicus curiae due 3/24/97. Plaintiffs' reply papers in support of their motions due 4/11/97. Each of defendants' and plaintiffs' reply memorandum shall not exceed twenty-five (25) pages. The hearings on defendants' motion to dismiss the amended class action complaint [72-1], defendants' motion for summary judgment [75-1], defendants' motion to dismiss [75-2], plaintiffs' motion to strike declarations [73-1], [74-1], [76-1], [77-1], [78-1], [79-1] and defendants' references to the contents of their "publicly filed documents" [85-1], plaintiffs' motion to certify decision for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) [86-1] is rescheduled to 10:00 4/25/97. (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 02/19/97] [3:96cv393]

3/13/97 95 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Fern M. Smith by Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc to strike documents [92-1] with Notice for 4/25/97 at 10:00 am [3:96-cv-00393] (lcc) [Entry date 03/17/97] [3:96cv393]

3/13/97 95 OBJECTIONS by Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc to documents [92-1] [3:96-cv-00393] (lcc) [Entry date 03/17/97] [3:96cv393]

3/13/97 96 DECLARATION by Lloyd Winawer on behalf of Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc in support re objection [95-1] and motion to strike documents [92-1] [95-1] [3:96-cv-00393] (lcc)

[Entry date 03/17/97] [3:96cv393]

3/13/97 97 PROOF OF SERVICE by Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc of motion to strike documents [92-1] [95-1], objection [95-1], declaration [96-1] [3:96-cv-00393] (lcc)
[Entry date 03/17/97] [3:96cv393]

3/18/97 -- RECEIVED Stipulation and Proposed Order (Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics) Re: Extension for Defendants to File Papers Concerning Pending Motions [3:96-cv-00393] (lcc)
[Entry date 03/19/97] [3:96cv393]

3/20/97 98 STIPULATION and ORDER by Judge Fern M. Smith: Defendants' reply papers in support of their pending motions to dismiss and for summary judgment, response to plaintiffs' motion to certify interlocutory appeal, opposition to plaintiffs' motion to strike, and response to the SEC's memorandum amicus curiae, shall be filed on 3/28/97, and served by facsimile and overnight mail that day. (cc: all counsel)
[3:96-cv-00393] (lcc) [Entry date 03/20/97] [3:96cv393]

3/28/97 99 REPLY Memorandum of Points and Authorities by Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc in support of motion to dismiss the amended class action complaint [72-1] [3:96-cv-00393] (lcc)
[Entry date 03/31/97] [3:96cv393]

3/28/97 100 REPLY Memorandum of Points and Authorities by Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc in support of motion for summary judgment [75-1], motion to dismiss [75-2] [3:96-cv-00393] (lcc) [Entry date 03/31/97] [3:96cv393]

3/28/97 101 SUPPLEMENTAL DECLARATION by Lloyd Winawer on behalf of Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc in support re motion to dismiss the amended class action complaint [72-1], re motion for summary judgment [75-1], re motion to dismiss [75-2] [3:96-cv-00393] (lcc) [Entry date 03/31/97] [3:96cv393]

3/28/97 102 MEMORANDUM OF POINTSAND AUTHORITIES by Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc in opposition to motion to strike declarations [73-1], [74-1], [76-1], [77-1], [78-1], [79-1] and defendants' references to the contents of their "publicly

filed documents" [85-1], motion object to the Court's taking Judicial Notice of the same [85-2] [3:96-cv-00393] (lcc) [Entry date 03/31/97] [3:96cv393]

- 3/28/97 103 RESPONSE by Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc re motion to certify decision for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) [86-1], re opposition memorandum [81-1], re opposition memorandum [83-1], re brief [90-1] [3:96-cv-00393] (lcc) [Entry date 03/31/97] [3:96cv393]
- 3/28/97 104 MEMORANDUM by Defendants in opposition to motion to certify decision for interlocutory appeal to 28 U.S.C. Section 1292(b) [86-1] [3:96-cv-00393] (lcc) [Entry date 03/31/97] [3:96cv393]
- 3/28/97 105 DECLARATION by David Priebe on behalf of Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc [3:96-cv-00393] (lcc) [Entry date 03/31/97] [3:96cv393]
- 3/28/97 106 APPENDIX filed by Defendants Edward R. McCracken, Michael Ramsey, Robert K. Burgess, Forest Baskett, William M. Kelly, Teruyasu Sekimoto, Silicon Graphics Inc of Non-Published Authorities [3:96-cv-00393] (lcc) [Entry date 03/31/97] [3:96cv393]
- 3/28/97 107 CERTIFICATE OF SERVICE by Defendants of motion reply [99-1], motion reply [100-1], declaration [101-1], opposition memorandum [102-1], response [103-1], opposition memorandum [104-1], declaration [105-1], documents [106-1] [3:96-cv-00393] (lcc) [Entry date 03/31/97] [3:96cv393]
- 3/28/97 108 MOTION before Judge Fern M. Smith by American Electronics Association for leave to file a brief as Amicus Curiae concerning defendants' motion to dismiss the amended complaint with Notice set for 4/25/97 at 10:00 am [3:96-cv-00393] (lcc) [Entry date 04/02/97] [3:96cv393]
- 3/28/97 -- RECEIVED Proposed Order (Amicus Curiae American Electronics Association) re: motion for leave to file a brief as Amicus Curiae concerning defendants' motion to dismiss the amended complaint [108-1] [3:96-cv-00393] (lcc) [Entry date 04/02/97] [3:96cv393]
- 3/28/97 -- RECEIVED Brief (Amicus Curiae American Electronics Association) [3:96-cv-00393] (lcc) [Entry date 04/02/97] [3:96cv393]
- 3/28/97 109 PROOF OF SERVICE by Amicus Curiae American Electronics

Association of motion for leave to file a brief as Amicus Curiae concerning defendants' motion to dismiss the amended complaint [108-1], order received [0-0], document received (brief) [0-0] [3:96-cv-00393] (lcc) [Entry date 04/02/97] [3:96cv393]

- 4/3/97 110 ORDER by Judge Fern M. Smith GRANTING American Electronics Association's motion for leave to file a brief as Amicus Curiae concerning defendants' motion to dismiss the amended complaint [108-1]. (Date Entered: 4/3/97) (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 04/03/97] [3:96cv393]
- 4/3/97 111 BRIEF FILED by Amicus Curiae American Electronics Association regarding motion to dismiss the amended class action complaint [72-1] [3:96-cv-00393] (lcc) [Entry date 04/03/97] [3:96cv393]
- 4/3/97 112 OPPOSITION by Plaintiffs to motion to strike documents [92-1] [95-1] and to objection [95-1] [3:96-cv-00393] (lcc) [Entry date 04/03/97] [3:96cv393]
- 4/7/97 113 MOTION by Amicus Curiae SEC before Judge Fern M. Smith for leave to to participate in oral argument as Amicus Curiae concerning defendants' motion to dismiss amended complaint with Notice set for 4/25/97 at 10:00 am [3:96-cv-00393] (lcc) [Entry date 04/07/97] [3:96cv393]
- 4/7/97 -- RECEIVED Proposed Order (Amicus Curiae SEC) re: motion for leave to to participate in oral argument as Amicus Curiae concerning defendants' motion to dismiss amended complaint [113-1] [3:96-cv-00393] (lcc) [Entry date 04/07/97] [3:96cv393]
- 4/7/97 114 CERTIFICATE OF SERVICE by Amicus Curiae SEC of motion for leave to to participate in oral argument as Amicus Curiae concerning defendants' to dismiss amended complaint [113-1], order received [0-0] [3:96-cv-00393] (lcc) [Entry date 04/07/97] [3:96cv393]
- 4/7/97 115 ORDER by Judge Fern M. Smith GRANTING Amicus Curiae SEC's motion for leave to to participate in oral argument as Amicus Curiae concerning defendants' motion to dismiss amended complaint [113-1]. (Date Entered: 4/7/97) (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 04/07/97] [3:96cv393]
- 4/10/97 116 REPLY MEMORANDUM by defendants in 3:96-cv-00393 to opposition to motion to strike documents [92-1] [95-1] [3:96-cv-00393] (mcl) [Entry date 04/14/97] [3:96cv393]
- 4/11/97 117 MOTION before Judge Fern M. Smith by The American

Electronics Association, amicus curiae, for leave to participate in oral argument concerning defendants' motion to dismiss the amended complaint [3:96-cv-00393] (mcl) [Entry date 04/16/97] [3:96cv393]

- 4/11/97 -- RECEIVED Proposed Order (The American Electronics Association, amicus curiae) re: motion for leave to participate in oral argument concerning defendnats' motion to dismiss the amended complaint [117-1] [3:96-cv-00393] (mcl) [Entry date 04/16/97] [3:96cv393]
- 4/11/97 118 PROOF OF SERVICE by The American Electronics Association, amicus curiae, of order received [0-0], motion for leave to participate in oral argument concerning defendnats' motion to dismiss the amended complaint [117-1] [3:96-cv-00393] (mcl) [Entry date 04/16/97] [3:96cv393]
- 4/11/97 119 JOINT REPLY by Plaintiffs in 3:96-cv-00393 to opposition to motion to certify decision for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) [86-1], motion to strike declarations [73-1], [74-1], [76-1], [77-1], [78-1], [79-1] and defendants' references to the contents of their "publicly filed documents" [85-1] [3:96-cv-00393] (mcl) [Entry date 04/16/97] [3:96cv393]
- 4/11/97 120 DECLARATION by Joseph D. Daley on behalf of Plaintiffs in 3:96-cv-00393 re motion reply [119-1] [3:96-cv-00393] (mcl) [Entry date 04/16/97] [3:96cv393]
- 4/16/97 121 ORDER by Judge Fern M. Smith granting The American Electronics Association's motion for leave to participate in oral argument concerning defendants' motion to dismiss the amended complaint [117-1] (Date Entered: 4/17/97) (cc: all counsel) [3:96-cv-00393] (mcl) [Entry date 04/17/97] [3:96cv393]
- 4/16/97 122 ORDER re : argument by Judge Fern M. Smith Plaintiffs and defendants shall have 15 minutes per side to argue the motions, in addition to the time required to answer the Court's questions. Amici shall have 10 minutes each to argue their positions (see Order) (Date Entered: 4/17/97) (cc: all counsel) [3:96-cv-00393] (mcl) [Entry date 04/17/97] [3:96cv393]
- 4/22/97 123 STATEMENT of recent decisions by Plaintiffs in 3:96-cv-00393 [3:96-cv-00393] (mcl) [Entry date 04/23/97] [3:96cv393]
- 4/24/97 124 STATEMENT of Recent Decision submitted by defendants [3:96-cv-00393] (lcc) [Entry date 04/24/97] [3:96cv393]
- 4/25/97 125 MINUTES: (E/R Helen Almacen - Tape 2709) that defendants'

motion to dismiss the amended class action complaint [72-1] is SUBMITTED, that defendants' motion to strike documents [92-1] is SUBMITTED; that plaintiffs' motion to strike declarations [73-1], [74-1], [76-1], [77-1], [78-1], [79-1] and defendants' references to the contents of their "publicly filed documents" [85-1] is SUBMITTED, that plaintiffs' motion to certify decision for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) [86-1] is SUBMITTED. [3:96-cv-00393] (lcc) [Entry date 04/28/97] [3:96cv393]

5/2/97 126 REPORTER'S TRANSCRIPT; Date of proceedings: 4/25/97 (E/R: Helen Almacen) minutes [125-1] [3:96-cv-00393] (lcc) [Entry date 05/05/97] [3:96cv393]

5/23/97 127 ORDER by Judge Fern M. Smith GRANTING in part defendants' motion to dismiss the amended class action complaint [72-1], [75-2], GRANTING defendants' motion for (partial) summary judgment [75-1]. For the foregoing reasons, the following claims are DISMISSED WITH PREJUDICE: (1) plaintiffs' claims of false and misleading statements relating to the first quarter; (2) plaintiffs' claims of insider trading against defendants McCracken, Baskett, Ramsay, and Sekimoto; and (3) plaintiffs' claims relating to the alleged fraudulent scheme against those defendants not also directly liable for making false or misleading statements or for insider trading. The individual defendants' (Baskett, Burgess, Ramsay, and Sekimoto) motion for partial summary judgment on plaintiffs' false and misleading statement claims are GRANTED. Plaintiffs' remaining claims against defendants shall remain under submission. Plaintiffs may file a supplement to strengthen the allegations of negative internal reports not to exceed five (5) pages within ten (10) days of this order. Defendants may file a supplemental brief of five (5) pages within ten (10) days of plaintiffs' submission. Plaintiffs are ORDERED to refrain from making additional legal argument in their submission. The Court will issue a ruling on plaintiffs' motion for certification of its decision for interlocutory appeal [86-1] at the same time that it issues an order regarding the claims that it has given plaintiffs leave to supplement. (Date Entered: 5/24/97) (cc: all counsel) [3:96-cv-00393] (lcc) [Entry date 05/24/97] [3:96cv393]

6/3/97 128 SUBMISSION by Plaintiffs pursuant to the Court's order dated 5/23/97 [3:96-cv-00393] (lcc) [Entry date 06/04/97] [3:96cv393]

6/5/97 129 ORDER by Judge Fern M. Smith: Because plaintiffs have failed to comply with the terms of the Court's May 23rd order, defendants' motion to dismiss is GRANTED in its entirety WITH PREJUDICE. Plaintiffs' earlier motion to certify decision for interlocutory appeal pursuant to 28 U.S.C. Section 1292(b) [86-1] is DENIED AS MOOT. (Date Entered: 6/6/97) (cc: all counsel) [3:96-cv-00393, 3:96-cv-00631, 3:96-cv-01068, 3:96-cv-01111] (lcc)

[Entry date 06/06/97] [3:96cv1068 3:96cv1111 3:96cv393
3:96cv631]

6/5/97 130 JUDGMENT: by Judge Fern M. Smith for the reason given in the accompanying order, JUDGMENT is entered in favor of defendants and against plaintiffs on defendants' motion for summary judgment, and the remaining claims are DISMISSED WITH PREJUDICE. Appeal filing ddl 7/7/97. (Date Entered: 6/6/97) (cc: all counsel) [3:96-cv-00393, 3:96-cv-00631, 3:96-cv-01068, 3:96-cv-01111] (lcc) [Entry date 06/06/97] [Edit date 06/17/97] [3:96cv1068 3:96cv1111 3:96cv393 3:96cv631]

7/2/97 131 NOTICE OF APPEAL by Plaintiffs from Dist. Court decision order [129-1], judgment [130-2]. Fee status - paid (\$105.00). [3:96-cv-00393] (lcc) [Entry date 07/02/97] [3:96cv393]

7/2/97 -- Copy of notice of appeal and docket sheet to all counsel [3:96-cv-00393] (lcc) [Entry date 07/02/97] [3:96cv393]

7/2/97 -- Docket fee notification form and case information sheet to USCA [131-1] [3:96-cv-00393] (lcc) [Entry date 07/02/97] [3:96cv393]

7/2/97 132 NOTICE OF APPEAL by Plaintiff Edmund J. Janas from Dist. Court decision order [129-1], judgment [130-2]. Fee status - paid (\$105.00). [3:96-cv-00393] (lcc) [Entry date 07/03/97] [3:96cv393]

7/2/97 133 NOTICE by Plaintiff Edmund J. Janas of Representation Statement [3:96-cv-00393] (lcc) [Entry date 07/03/97] [3:96cv393]

7/2/97 134 PROOF OF SERVICE by Plaintiff Edmund J. Janas of appeal [132-1] [3:96-cv-00393] (lcc) [Entry date 07/03/97] [3:96cv393]

7/2/97 -- Copy of notice of appeal and docket sheet to all counsel [3:96-cv-00393] (lcc) [Entry date 07/03/97] [3:96cv393]

7/2/97 -- Docket fee notification form and case information sheet to USCA [132-1] [3:96-cv-00393] (lcc) [Entry date 07/03/97] [3:96cv393]

7/10/97 -- RECEIVED USCA Number 97-16204 [3:96-cv-00393] (ls) [Entry date 07/14/97] [3:96cv393]

7/15/97 -- NOTIFICATION by Circuit Court of Appellate Docket Number, 97-16240 [3:96-cv-00393] (llm) [Entry date 07/16/97]

[3:96cv393]

7/30/97 135 TRANSCRIPT DESIGNATION and Ordering Form filed by Plaintiffs for dates 8/30/96 and 4/25/97; E/R: Helen Almacen; re appeals [131-1], [132-1] [3:96-cv-00393] (lcc) [Entry date 07/30/97] [3:96cv393]

7/31/97 136 TRANSCRIPT DESIGNATION and Ordering Form filed by Plaintiff Edmund J. Janas for dates 8/30/96; C/R: Jo Ann Bryce; re appeal [132-1] [3:96-cv-00393] (lcc) [Entry date 07/31/97] [3:96cv393]

8/6/97 137 REPORTER'S TRANSCRIPT; Date of proceedings: 8/30/96 (C/R: Jo Ann Bryce) minutes [53-1] [3:96-cv-00393] (lcc) [Entry date 08/06/97] [3:96cv393]

8/11/97 -- CERTIFICATE of Record mailed to USCA, counsel notified. [3:96-cv-00393] (lcc) [Entry date 08/11/97] [3:96cv393]

8/22/97 -- CERTIFICATE of Record mailed to USCA, counsel notified. [3:96-cv-00393] (lcc) [Entry date 08/22/97] [3:96cv393]

4/14/98 -- RECORD on Appeal (8 file volumes and 5 expandos (2 Reporter's Transcripts)) to USCA, cnsl notified. re appeals [131-1], [132-1]. [3:96-cv-00393] (lcc) [Entry date 04/14/98] [3:96cv393]

4/17/98 138 RECEIPT of acknowledgment of file (8 file volumes and 5 expandos (2 Reporter's Transcripts) - 3 boxes) received by USCA. [3:96-cv-00393] (lcc) [Entry date 04/20/98] [3:96cv393]

10/21/99 139 NOTICE by Plaintiffs in 3:96-cv-00393 of change of address [3:96-cv-00393] (db) [Entry date 10/21/99] [3:96cv393]

11/8/99 140 CERTIFIED COPY of USCA Order: affirming the decision of the District Court [131-1], affirming the decision of the District Court [132-1] The Judgment of the USDC is affirmed. Order USCA for publication [3:96-cv-00393] (db) [Entry date 11/08/99] [3:96cv393]

11/8/99 141 CLERK's letter spreading the mandate to counsel. re appeal [131-1], re appeal [132-1] [3:96-cv-00393] (db) [Entry date 11/08/99] [3:96cv393]

6/12/00 142 NOTICE by Plaintiff in 3:96-cv-00393, Plaintiff in 3:96-cv-00631, Plaintiff in 3:96-cv-01068, Plaintiff in 3:96-cv-01111 of change of address [3:96-cv-00393, 3:96-cv-00631, 3:96-cv-01068, 3:96-cv-01111] (db) [Entry date 06/13/00] [3:96cv1068 3:96cv1111 3:96cv393]

3:96cv631]

1/23/01 -- RECORD ON APPEAL RETURNED FROM USCA [131-1] in
3:96-cv-00393, [132-1] in 3:96-cv-00393 [3:96-cv-00393,
3:96-cv-00631, 3:96-cv-01068, 3:96-cv-01111] (db)
[Entry date 01/23/01] [3:96cv1068 3:96cv1111 3:96cv393
3:96cv631]

6/1/01 143 RECORD ON APPEAL RETURNED FROM USCA reporter's transcripts
[3:96-cv-00393] (db) [Entry date 06/01/01] [3:96cv393]

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