

US District Court for the
Northern District of California

5:98cv20692

Boren, et al v. Smart Modular Tech, et al

Date Filed: 07/01/1998	Class Code: TERMED CONSOL
Assigned To: Judge James Ware	Closed: Yes
Referred To: Magistrate Judge Patricia V Trumbull	Statute: 15:78m(a)
Nature of suit: Securities (850)	Jury Demand: Plaintiff
Cause: Securities Exchange Act	Demand Amount: \$0
Lead Docket: None	
Other Docket: None	
Jurisdiction: Federal Question	

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Date	#	Proceeding Text
07/01/1998	1	COMPLAINT Summons(es) issued; Fee status pd entered on 7/1/98 in the amount of \$ 150.00 (Receipt No. 131817); jury demand [5:98-cv-20692] (mp) [Entry date 07/08/98] [5:98cv20692]
07/01/1998	2	NOTICE by Plaintiff to preserve documents pursuant to Local Rule 16-1(g)(4) [5:98-cv-20692] (mp) [Entry date 07/08/98] [5:98cv20692]
07/01/1998	3	ORDER RE PROCEDURE and SCHEDULE by Judge James Ware : Plaintiff to file requisite certificate on 7/1/98 ; Last day for pltf to file copy of class action notice 7/21/98 ; Proof of service to be filed by 8/17/98 ; (cc: all counsel) Plaintiff to file motion to serve as lead plaintiff 60 days after publication of notice. (mp) [Entry date 07/08/98] [5:98cv20692]
07/07/1998	4	NOTICE of publication by Plaintiffs [5:98-cv-20692] (cgb) [Entry date 07/10/98] [5:98cv20692]
07/10/1998	5	RETURN OF SERVICE by defendant Smart Modular Tech, defendant Mukesh Patel, defendant Ajay Shah, defendant Lata Krishnan, defendant Alan Marten, defendant David B. Mullin of [5:98-cv-20692] (cgb) [Entry date 07/10/98] [5:98cv20692]
07/16/1998	6	ORDER by Judge James Ware relating cases; 5:98-cv-20692 with member cases 3:98-cv-2617 JL (Date Entered: 7/16/98) (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 07/16/98] [5:98cv20692]
08/13/1998	7	ORDER by Judge James Ware relating cases; (Date Entered: 8/18/98) (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 08/18/98] [5:98cv20692]
08/28/1998	8	NOTICE OF MOTION AND MOTION before Judge James Ware by Plaintiff Jeffrey M Boren in 5:98-cv-20692 to consolidate cases with Notice set for 10/5/98 at 9 am [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]
08/28/1998	--	RECEIVED Proposed Order (Plaintiff Jeffrey M Boren in 5:98-cv-20692) re: motion to consolidate cases [8-1] [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]
08/28/1998	9	NOTICE OF MOTION AND MOTION before Judge James Ware by Plaintiff in 5:98-cv-20692 for appointment of lead counsel with Notice set for 10/5/98 at 9 am [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]
08/28/1998	10	DECLARATION by John K. Grant on behalf of Plaintiff in 5:98-cv-20692 re motion for appointment of lead counsel [9-1] [5:98-cv-20692] (cgb) [Entry date 08/31/98]

[5:98cv20692]

08/28/1998 -- RECEIVED Proposed Order (Plaintiff in 5:98-cv-20692) re: motion for appointment of lead counsel [9-1] [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]

08/28/1998 11 CERTIFICATE of service by Plaintiff in 5:98-cv-20692 pursuant to Local Rule 3-7(d) [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]

08/31/1998 12 NOTICE OF MOTION AND MOTION before Judge James Ware for appointment of counsel, and for consolidation of all reated cases with Notice set for 10/19/98 at 9 am [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]

08/31/1998 13 MEMORANDUM in support of motion for appointment of counsel [12-1] by Bisson Group [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]

08/31/1998 14 DECLARATION by Steven Chroman re motion for appointment of counsel [12-1] by Bisson Group [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]

08/31/1998 15 PROOF OF SERVICE of declaration [14-1], memorandum [13-1], motion for appointment of counsel [12-1], motion consolidation of all reated cases [12-2] [5:98-cv-20692] (cgb) [Entry date 08/31/98] [5:98cv20692]

08/31/1998 16 CERTIFICATE pursuant to Local Rule 3-7(d) by Plaintiffs in 5:98-cv-20692 [5:98-cv-20692] (cgb) [Entry date 09/02/98] [5:98cv20692]

09/09/1998 20 CERTIFICATION of Steven B. Chroman [5:98-cv-20692] (cgb) [Entry date 09/15/98] [5:98cv20692]

09/09/1998 21 CERTIFICATION of Kevin J. Yourman [5:98-cv-20692] (cgb) [Entry date 09/15/98] [5:98cv20692]

09/09/1998 22 CERTIFICATION OF Michael D. Bruan [5:98-cv-20692] (cgb) [Entry date 09/15/98] [5:98cv20692]

09/09/1998 23 PROOF OF SERVICE of certificate [22-1], certificate [21-1], certificate [20-1] [5:98-cv-20692] (cgb) [Entry date 09/15/98] [5:98cv20692]

09/10/1998 17 ORDER by Judge James Ware resetting motion to consolidate actions will be heard by 9:00 10/19/98 ; (Date Entered: 9/11/98) (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 09/11/98] [5:98cv20692]

09/11/1998 18 NOTICE OF MOTION AND MOTION before Judge James Ware to withdraw motion, for appointment of lead counsel with Notice set for 10/19/98 at 9 am [5:98-cv-20692] (cgb) [Entry date 09/14/98] [5:98cv20692]

09/11/1998 19 NOTICE OF MOTION AND MOTION before Judge James Ware by Plaintiff in 5:98-cv-20692 to withdraw motion in low-numbered case [5:98-cv-20692] (cgb) [Entry date 09/14/98] [5:98cv20692]

09/15/1998 24 NOTICE of entry of order resetting hearing on motion to consolidate actions by Plaintiff in 5:98-cv-20692 [5:98-cv-20692] (cgb) [Entry date 09/22/98] [5:98cv20692]

10/09/1998 25 ORDER by Judge James Ware for order granting motion to consolidate cases [8-1] (Date Entered: 10/21/98) (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 10/21/98] [5:98cv20692]

10/09/1998 26 ORDER by Judge James Ware for appointment of counsel of lead counsel (Date Entered: 10/21/98) (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 10/21/98] [5:98cv20692]

10/19/1998 27 NOTICE by Plaintiff Jeffrey M Boren in 5:98-cv-20692, [26-2] order granting

consolidated cases [5:98-cv-20692] (cgb) [Entry date 10/21/98] [5:98cv20692]

10/19/1998 28 NOTICE by Plaintiff Jeffrey M Boren in 5:98-cv-20692, Plaintiff Michael Powell in 5:98-cv-20692, Plaintiff Michael J Meyers in 5:98-cv-20692 [5:98-cv-20692] (cgb) [Entry date 10/21/98] [5:98cv20692]

11/30/1998 29 COMPLAINT Fee status pd entered on 7/1/98 (); jury demand [5:98-cv-20692] (cgb) [Entry date 12/02/98] [5:98cv20692]

12/18/1998 30 STIPULATION and ORDER by Judge James Ware : extending time to respond to consolidated class action complaint (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 12/23/98] [5:98cv20692]

12/28/1998 31 NOTICE by defendant in 5:98-cv-20692 of entry of order extending time to respond to class action [5:98-cv-20692] (cgb) [Entry date 01/05/99] [5:98cv20692]

02/09/1999 32 NOTICE OF MOTION AND MOTION before Judge James Ware by defendant David B. Mullin in 5:98-cv-20692, defendant Alan Marten in 5:98-cv-20692, defendant Lata Krishnan in 5:98-cv-20692, defendant Ajay Shah in 5:98-cv-20692, defendant Mukesh Patel in 5:98-cv-20692, defendant Smart Modular Tech in 5:98-cv-20692 to dismiss consolidated complaint with Notice set for 4/26/99 at 9:00 am [5:98-cv-20692] (cgb) [Entry date 02/09/99] [5:98cv20692]

02/09/1999 33 DECLARATION by Pinaki Chakravorty on behalf of defendants in 5:98-cv-20692 re motion to dismiss consolidated complaint [32-1] [5:98-cv-20692] (cgb) [Entry date 02/09/99] [5:98cv20692]

02/09/1999 34 APPENDIX filed by defendant in 5:98-cv-20692 re motion to dismiss consolidated complaint [32-1] [5:98-cv-20692] (cgb) [Entry date 02/09/99] [5:98cv20692]

02/09/1999 -- RECEIVED order dismissing consolidated complaint submitted by defendant in 5:98-cv-20692 re: [32-1] [5:98-cv-20692] (cgb) [Entry date 02/09/99] [5:98cv20692]

02/09/1999 35 PROOF OF SERVICE by defendant in 5:98-cv-20692 of document received [0-0], documents [34-1], declaration [33-1], motion to dismiss consolidated complaint [32-1] [5:98-cv-20692] (cgb) [Entry date 02/09/99] [5:98cv20692]

03/08/1999 36 STIPULATION and ORDER by Judge James Ware : motions to dismiss will be heard by 9:00 5/10/99 ; (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 03/12/99] [5:98cv20692]

03/18/1999 37 PROOF OF SERVICE by Plaintiff in 5:98-cv-20692 of order [36-2] [5:98-cv-20692] (cgb) [Entry date 04/02/99] [5:98cv20692]

03/31/1999 38 STIPULATION and ORDER by Judge James Ware setting briefing schedule and continuing hearing on deft's motion to dismiss complaint (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 04/07/99] [5:98cv20692]

04/06/1999 39 PROOF OF SERVICE by Plaintiff in 5:98-cv-20692 of order [38-2] [5:98-cv-20692] (cgb) [Entry date 04/14/99] [5:98cv20692]

04/14/1999 40 NOTICE OF MOTION AND MOTION before Judge James Ware by Plaintiff in 5:98-cv-20692 to strike exhibits 1,4, and 6-8 with Notice set for 5/10/99 at 9 am [5:98-cv-20692] (cgb) [Entry date 04/14/99] [5:98cv20692]

04/14/1999 41 OPPOSITION by Plaintiff Michael J Meyers in 5:98-cv-20692 to motion to dismiss consolidated complaint [32-1] [5:98-cv-20692] (cgb) [Entry date 04/14/99] [5:98cv20692]

04/14/1999 42 DECLARATION by John K. Grant on behalf of Plaintiff in 5:98-cv-20692 re

opposition [41-1] [5:98-cv-20692] (cgb) [Entry date 04/14/99] [5:98cv20692]

04/26/1999 43 AMENDED NOTICE OF MOTION AND MOTION before Judge James Ware by Plaintiff Michael J Meyers in 5:98-cv-20692 to strike Exhibits 1,4, and 6-8 in support of motion to dismiss with Notice set for 6/14/99 at 9 am [5:98-cv-20692] (cgb) [Entry date 05/07/99] [5:98cv20692]

05/21/1999 46 MEMORANDUM by defendant David B. Mullin in 5:98-cv-20692, defendant Alan Marten in 5:98-cv-20692, defendant Lata Krishnan in 5:98-cv-20692, defendant Ajay Shah in 5:98-cv-20692, defendant Mukesh Patel in 5:98-cv-20692, defendant Smart Modular Tech in 5:98-cv-20692 in opposition to motion to strike exhibits 1,4, and 6-8 [40-1] [5:98-cv-20692] (cgb) [Entry date 05/28/99] [5:98cv20692]

05/26/1999 44 REPLY memorandum by defendant in 5:98-cv-20692 re motion to dismiss consolidated complaint [32-1] [5:98-cv-20692] (cgb) [Entry date 05/26/99] [5:98cv20692]

05/26/1999 45 SUPPLEMENTAL APPENDIX of authorities filed by defendants in 5:98-cv-20692 [5:98-cv-20692] (cgb) [Entry date 05/26/99] [5:98cv20692]

05/28/1999 47 REPLY by Plaintiff Michael J Meyers in 5:98-cv-20692 re motion to strike Exhibits 1,4, and 6-8 in support of motion to dismiss [43-1] [5:98-cv-20692] (cgb) [Entry date 06/04/99] [5:98cv20692]

06/02/1999 48 ORDER by Judge James Ware re Statement Chart (Date Entered: 6/10/99) (cc: all counsel) [5:98-cv-20692] (scu) [Entry date 06/10/99] [5:98cv20692]

06/15/1999 49 EX-PARTE APPLICATION before Judge James Ware by Plaintiff Michael J Meyers in 5:98-cv-20692, Plaintiff Michael Powell in 5:98-cv-20692, Plaintiff Jeffrey M Boren in 5:98-cv-20692 to extend time to file Statement Chart [5:98-cv-20692] (lq) [Entry date 06/23/99] [5:98cv20692]

06/15/1999 50 DECLARATION by John K. Grant on behalf of Plaintiff Michael J Meyers in 5:98-cv-20692, Plaintiff Michael Powell in 5:98-cv-20692, Plaintiff Jeffrey M Boren in 5:98-cv-20692 re motion to extend time to file Statement Chart [49-1] [5:98-cv-20692] (lq) [Entry date 06/23/99] [5:98cv20692]

06/15/1999 -- RECEIVED Proposed Order (Plaintiff in 5:98-cv-20692) re: motion to extend time to file Statement Chart [49-1] [5:98-cv-20692] (lq) [Entry date 06/23/99] [5:98cv20692]

06/18/1999 51 ORDER by Judge James Ware granting motion to extend time to file Statement Chart [49-1] (Date Entered: 6/23/99) (cc: all counsel) [5:98-cv-20692] (lq) [Entry date 06/23/99] [5:98cv20692]

06/22/1999 52 COVER LETTER dated 6/22/99 from Reed R. Kathrein in 5:98-cv-20692 to Statement Chart [5:98-cv-20692] (lq) [Entry date 06/23/99] [5:98cv20692]

06/22/1999 53 STATEMENT CHARTS [5:98-cv-20692] (lq) [Entry date 06/23/99] [5:98cv20692]

07/08/1999 54 STATEMENT of facts by defendant David B. Mullin in 5:98-cv-20692, defendant Alan Marten in 5:98-cv-20692, defendant Lata Krishnan in 5:98-cv-20692, defendant Ajay Shah in 5:98-cv-20692, defendant Mukesh Patel in 5:98-cv-20692, defendant Smart Modular Tech in 5:98-cv-20692 of recent decision and reply to plaintiffs' statement charts [5:98-cv-20692] (cgb) [Entry date 07/09/99] [5:98cv20692]

07/27/1999 55 NOTICE OF MOTION AND MOTION before Judge James Ware by Plaintiff in 5:98-cv-20692 to stay proceedings pending 9th circuit ruling re en banc review of Silicon Graphics with Notice set for 7/13/99 at 9 am [5:98-cv-20692] (cgb) [Entry date 08/03/99] [5:98cv20692]

07/27/1999 -- RECEIVED Proposed Order (Plaintiff in 5:98-cv-20692) re: motion to stay proceedings pending 9th circuit ruling re en banc review of Silicon Graphics [55-1] [5:98-cv-20692] (cgb) [Entry date 08/03/99] [5:98cv20692]

08/20/1999 56 STIPULATION and ORDER by Judge James Ware : re overlength reply memorandum in support of motion to dismiss consolidated complaint (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 08/24/99] [5:98cv20692]

08/23/1999 57 OPPOSITION by defendant David B. Mullin in 5:98-cv-20692, defendant Alan Marten in 5:98-cv-20692, defendant Lata Krishnan in 5:98-cv-20692, defendant Ajay Shah in 5:98-cv-20692, defendant Mukesh Patel in 5:98-cv-20692, defendant Smart Modular Tech in 5:98-cv-20692 to motion to stay proceedings pending 9th circuit ruling re en banc review of Silicon Graphics [55-1] [5:98-cv-20692] (cgb) [Entry date 08/24/99] [5:98cv20692]

08/23/1999 58 DECLARATION by Diane M. Walters on behalf of defendants in 5:98-cv-20692 re opposition [57-1] [5:98-cv-20692] (cgb) [Entry date 08/24/99] [5:98cv20692]

08/30/1999 59 REPLY by Plaintiff in 5:98-cv-20692 re motion to stay proceedings pending 9th circuit ruling re en banc review of Silicon Graphics [55-1] [5:98-cv-20692] (cgb) [Entry date 08/31/99] [5:98cv20692]

09/14/1999 60 ORDER by Judge James Ware granting motion to stay proceedings pending 9th circuit ruling re en banc review of Silicon Graphics [55-1] (Date Entered: 9/16/99) (cc: all counsel) [5:98-cv-20692] (cgb) [Entry date 09/16/99] [5:98cv20692]

10/15/1999 61 NOTICE by Plaintiffs in 5:98-cv-20692 of change of address of counsel [5:98-cv-20692] (cgb) [Entry date 10/21/99] [5:98cv20692]

11/03/1999 62 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge James Ware by defendant Smart Modular Tech to dismiss complaint with Notice set for 1/10/00 at 9:00 [5:98-cv-20692] (cv) [Entry date 11/08/99] [5:98cv20692]

11/03/1999 63 DECLARATION by D. M. Walters on behalf of defendant Smart Modular Tech in 5:98-cv-20692 re motion to dismiss complaint [62-1] [5:98-cv-20692] (cv) [Entry date 11/08/99] [5:98cv20692]

11/03/1999 64 APPENDIX filed by defendant Smart Modular Tech in [5:98-cv-20692] (cv) [Entry date 11/08/99] [5:98cv20692]

11/03/1999 65 PROOF OF SERVICE by defendant Smart Modular Tech in 5:98-cv-20692 of documents [64-1], declaration [63-1], motion to dismiss complaint [62-1] [5:98-cv-20692] (cv) [Entry date 11/08/99] [5:98cv20692]

12/10/1999 66 STIPULATION and ORDER by Judge James Ware : setting hearing on motion to dismiss complaint [62-1] 1/31/00 opposition filed by 1/3/00 and reply filed by 1/17/00 (cc: all counsel) [5:98-cv-20692] (cv) [Entry date 12/10/99] [5:98cv20692]

12/30/1999 67 STIPULATION and ORDER by Judge James Ware : In court hearing will be held 2/14/00 ; opposition filed by 1/10/0; reply filed by 1/31/00 (cc: all counsel) [5:98-cv-20692] (cv) [Entry date 01/04/00] [5:98cv20692]

01/04/2000 -- Docket Modification (Administrative) to order [25-2] terminating case associations (5:98-cv-20794 5:98-cv-20714 5:98-cv-20793 5:98-cv-20795 5:98-cv-20724 5:98-cv-20898) and consolidated to one Master File C98-20692. [5:98-cv-20692] (cv) [Entry date 01/04/00] [5:98cv20692]

01/06/2000 68 NOTICE by Plaintiff [67-2] order [5:98-cv-20692] (cv) [Entry date 01/06/00]

[5:98cv20692]

01/10/2000 69 OPPOSITION by Plaintiff Michael J Meyers to motion to dismiss complaint [62-1] [5:98-cv-20692] (cv) [Entry date 01/11/00] [5:98cv20692]

01/10/2000 70 DECLARATION by J. K. Grant on behalf of Plaintiff Michael J Meyers re opposition [69-1] [5:98-cv-20692] (cv) [Entry date 01/11/00] [5:98cv20692]

01/26/2000 71 NOTICE by Plaintiff Gina Chang of change of in firm name [5:98-cv-20692] (cv) [Entry date 01/26/00] [5:98cv20692]

01/31/2000 72 REPLY by defendant Smart Modular Tech re motion to dismiss complaint [62-1] [5:98-cv-20692] (cv) [Entry date 02/01/00] [5:98cv20692]

01/31/2000 73 DECLARATION by L. Winawer on behalf of defendant Smart Modular Tech re reply [72-1] [5:98-cv-20692] (cv) [Entry date 02/01/00] [5:98cv20692]

01/31/2000 74 PROOF OF SERVICE by defendant Smart Modular Tech of declaration [73-1], reply [72-1] [5:98-cv-20692] (cv) [Entry date 02/01/00] [5:98cv20692]

04/12/2000 75 STATEMENT of recent decisions facts by defendant Smart Modular Tech [5:98-cv-20692] (cv) [Entry date 04/14/00] [5:98cv20692]

05/26/2000 76 STATEMENT of recent decisions by defendant Smart Modular Tech [5:98-cv-20692] (cv) [Entry date 05/30/00] [5:98cv20692]

05/26/2000 77 PROOF OF SERVICE by defendant Smart Modular Tech of statement [76-1] [5:98-cv-20692] (cv) [Entry date 05/30/00] [5:98cv20692]

06/12/2000 78 NOTICE by Plaintiff of change of address [5:98-cv-20692] (cv) [Entry date 06/13/00] [5:98cv20692]

06/21/2000 79 STATEMENT of recent decision by defendant Smart Modular Tech [5:98-cv-20692] (cv) [Entry date 06/21/00] [5:98cv20692]

06/21/2000 80 PROOF OF SERVICE by defendant Smart Modular Tech of statement [79-1] [5:98-cv-20692] (cv) [Entry date 06/21/00] [5:98cv20692]

07/11/2000 81 STATEMENT of recent decisions by Plaintiff in support of opposition [69-1] [5:98-cv-20692] (cv) [Entry date 07/18/00] [5:98cv20692]

09/13/2000 82 ORDER by Judge James Ware Order to Show Cause deadline 9/27/00 ; reply filed by 10/11/00 granting motion to dismiss consolidated complaint [32-1] (Date Entered: 9/13/00) (cc: all counsel) [5:98-cv-20692] (cv) [Entry date 09/13/00] [5:98cv20692]

09/15/2000 83 STATEMENT of recent decisions [5:98-cv-20692] (cv) [Entry date 09/17/00] [5:98cv20692]

09/15/2000 84 PROOF OF SERVICE by defendant David B. Mullin, defendant Alan Marten, defendant Lata Krishnan, defendant Ajay Shah, defendant Mukesh Patel, defendant Smart Modular Tech of statement [83-1] [5:98-cv-20692] (cv) [Entry date 09/17/00] [5:98cv20692]

09/28/2000 85 RESPONSE by Plaintiff to OSC to amend should be granted and motion to voluntarily dismiss [5:98-cv-20692] (cv) [Entry date 09/29/00] [5:98cv20692]

09/29/2000 86 MEMORANDUM by defendant Smart Modular Tech in opposition to plaintiff's proposed order voluntarily dismissing action [5:98-cv-20692] (cv) [Entry date 10/04/00] [5:98cv20692]

09/29/2000 87 DECLARATION by D. M. Walters on behalf of defendant Smart Modular Tech re opposition memorandum [86-1] [5:98-cv-20692] (cv) [Entry date 10/04/00]

[5:98cv20692]

- 09/29/2000 88 PROOF OF SERVICE by defendant Smart Modular Tech of declaration [87-1], opposition memorandum [86-1] [5:98-cv-20692] (cv) [Entry date 10/04/00] [5:98cv20692]
- 10/26/2000 89 NOTICE by Plaintiff Michael J Meyers, Plaintiff Michael Powell, Plaintiff Jeffrey M Boren, Plaintiff Gina Chang of change of address [5:98-cv-20692] (cv) [Entry date 10/27/00] [5:98cv20692]
- 01/26/2001 90 ORDER by Judge James Ware dismissing case with prejudice. This order is without prejudice to any parallel state law claims and actions asserting only state law claims and the court finds that rule 11 sanctions are not warranted. (Date Entered: 1/30/01) (cc: all counsel) [5:98-cv-20692] (cv) [Entry date 01/30/01] [5:98cv20692]