

**U.S. District Court**  
**Western District of Pennsylvania (Pittsburgh)**  
CIVIL DOCKET FOR CASE #: 2:97-cv-00309-DBS

SCHWARTZ v. WESTINGHOUSE, et al  
Assigned to: Judge D. Brooks Smith  
Demand: \$0  
Case in other court: Related, 2:91-cv-354  
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 02/19/1997  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

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*IRA*

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**Defendant**

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**Defendant**

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**Defendant**

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/19/1997	1	COMPLAINT with jury demand; Filing Fee \$ 150.00 Receipt # 3986 (tt) (Entered: 02/20/1997)
04/18/1997		MOTION by SHEARSON LEHMAN, GOLDMAN, SACHS & CO., LAZARD

		FRERES & CO., LEHMAN BROTHERS, GOLDMAN SACHS, LAZARD BROTHERS to Dismiss Complaint . (Attorney: J. Tomlinson Fort, Robert E. Zimet, Susan L. Saltzstein, Peter Overs, William J. Sushon) (filed at CA91-354) (ces) (Entered: 04/18/1997)
04/18/1997		BRIEF by SHEARSON LEHMAN, GOLDMAN, SACHS & CO., LAZARD FRERES & CO., LEHMAN BROTHERS, GOLDMAN SACHS, LAZARD BROTHERS in support of [0-1] (filed at CA91-354 as document no. 238) motion to Dismiss Complaint by LAZARD BROTHERS, GOLDMAN SACHS, LEHMAN BROTHERS, LAZARD FRERES & CO., GOLDMAN, SACHS & CO., SHEARSON LEHMAN (filed at CA91-354) (ces) (Entered: 04/18/1997)
04/18/1997		MOTION by ROBERT E. FAUST, WARREN H. HOLLINSHEAD, PAUL E. LEGO, WILLIAM A. POWE, ROBERT F. PUGLIESE, THEODORE STERN, WESTINGHOUSE, WESTINGHOUSE FINANC, WESTINGHOUSE CREDIT to Dismiss Schwartz Complaint . (Attorney: Joseph A. Katarincic, Dennis J. Block, Stephen A. Radin, Mary Lou Peters) (filed at CA91-354) (ces) (Entered: 04/18/1997)
04/18/1997		APPENDIX (COMPENDIUM OF UNREPORTED CASES CITED) to [0-1] (filed at CA91-354 as document no. 240) support brief by LAZARD BROTHERS, GOLDMAN SACHS, LEHMAN BROTHERS, LAZARD FRERES & CO., GOLDMAN, SACHS & CO., SHEARSON LEHMAN (filed at CA91-354) (ces) (Entered: 04/18/1997)
04/18/1997		BRIEF by ROBERT E. FAUST, WARREN H. HOLLINSHEAD, PAUL E. LEGO, WILLIAM A. POWE, ROBERT F. PUGLIESE, THEODORE STERN, WESTINGHOUSE, WESTINGHOUSE FINANC, WESTINGHOUSE CREDIT in support of [0-1] (filed at CA91-354 as document no. 239) motion to Dismiss Schwartz Complaint by WESTINGHOUSE CREDIT, WESTINGHOUSE FINANC, WESTINGHOUSE, THEODORE STERN, ROBERT F. PUGLIESE, WILLIAM A. POWE, PAUL LEGO, WARREN H. HOLLINSHEAD, ROBERT E. FAUST (filed at CA91-354) (ces) (Entered: 04/18/1997)
05/22/1997		REPLY MEMORANDUM In Support of Price Waterhouse LLP's Motion to Dismiss (filed at CA91-354) (ces) (Entered: 05/23/1997)
05/22/1997		Stipulation by WILLIAM L. SCHWARTZ, WESTINGHOUSE, WESTINGHOUSE FINANC, WESTINGHOUSE CREDIT, SHEARSON LEHMAN, GOLDMAN, SACHS & CO., LAZARD FRERES & CO., LEHMAN BROTHERS, GOLDMAN SACHS, LAZARD BROTHERS, ROBERT E. FAUST, WARREN H. HOLLINSHEAD, PAUL E. LEGO, WILLIAM A. POWE, ROBERT F. PUGLIESE, THEODORE STERN Extending Time to answer, move or otherwise plead in response to Amended Complaint filed by pltf, William L. Schwartz, on 5/8/97, to 10 days after Court's 5/29/97 Case Management Conference. (filed at CA 91-354) (ces) Modified on 10/21/1999 (Entered: 05/23/1997)
05/22/1997		BRIEF by ROBERT E. FAUST, WARREN H. HOLLINSHEAD, PAUL E. LEGO, WILLIAM A. POWE, ROBERT F. PUGLIESE, THEODORE STERN, WESTINGHOUSE, WESTINGHOUSE FINANC, WESTINGHOUSE CREDIT in support of Renewed Motion for Case Management Order Governing Deposition

		Discovery. (filed at CA91-354) (ces) Modified on 10/21/1999 (Entered: 05/23/1997)
05/22/1997		MOTION by Westinghouse Defts ROBERT E. FAUST, WARREN H. HOLLINSHEAD, PAUL E. LEGO, WILLIAM A. POWE, ROBERT F. PUGLIESE, THEODORE STERN, WESTINGHOUSE, WESTINGHOUSE FINANC, WESTINGHOUSE CREDIT to Dismiss Amended Schwartz Complaint (filed at CA91-354) (ces) (Entered: 05/23/1997)
05/22/1997		BRIEF by ROBERT E. FAUST, WARREN H. HOLLINSHEAD, PAUL E. LEGO, WILLIAM A. POWE, ROBERT F. PUGLIESE, THEODORE STERN, WESTINGHOUSE, WESTINGHOUSE FINANC, WESTINGHOUSE CREDIT in support of [0-1] (filed at CA91-354) motion to Dismiss Amended Schwartz Complaint by WESTINGHOUSE CREDIT, WESTINGHOUSE FINANC, WESTINGHOUSE, THEODORE STERN, ROBERT F. PUGLIESE, WILLIAM POWE, PAUL E. LEGO, WARREN H. HOLLINSHEAD, ROBERT E. FAUST (filed at CA91-354) (ces) (Entered: 05/23/1997)
05/22/1997		REPLY BRIEF by Underwriter Defts SHEARSON LEHMAN, GOLDMAN, SACHS & CO., LAZARD FRERES & CO., LEHMAN BROTHERS, GOLDMAN SACHS, LAZARD BROTHERS to response to [0-1] (filed at CA91-354) motion to Dismiss Complaint by LAZARD BROTHERS, GOLDMAN SACHS, LEHMAN BROTHERS, LAZARD FRERES & CO., GOLDMAN, SACHS & CO., SHEARSON LEHMAN (filed at C91-354) (ces) (Entered: 05/23/1997)
05/22/1997		AFFIDAVIT by PAUL E. LEGO, WILLIAM A. POWE, ROBERT E. FAUST, WARREN H. HOLLINSHEAD, ROBERT F. PUGLIESE, THEODORE STERN, WESTINGHOUSE, WESTINGHOUSE FINANC, WESTINGHOUSE CREDIT of Stephen A. Radin Re: Affidavit of Joshua N. Rubin (filed at CA91-354) (ces) Modified on 10/21/1999 (Entered: 05/23/1997)
06/02/1997	2	ORDER that pltfs shall file, consistent with their representation during the case management conference that they are willing to do so, a complaint which pleads the claims remanded by the Court of Appeals for the 3rd Circuit in In re: Westinghouse Securities Litigation, 90 F.3d 696 (3d Cir.1996). Said complaint shall be filed on or before 6/30/97. Westinghouse defts' motion to dismiss pltfs' second amended complaint is denied as moot. Document discovery propounded by the pltfs upon the Westinghouse defts shall be permitted, and discovery shall be limited to the request for the "second write-down documents." Counsel for pltfs and the Westinghouse defts shall meet to discuss informal methods of efficiently producing the documents subject to this request. All pleadings in 2:97-cv-309 and 2:97-cv-960, and any other new securities class action against Westinghouse Electric Corp. related to 2:91-cv-354, shall be filed to the new caption and civil action number, and not to 2:91-cv-354. All proceedings are stayed pending disposition of the motions to dismiss the Schwartz complaint at 2:97-cv-309, except for the discovery specifically set forth in paragraph 3 and the filing by the defts of their response to the Miller complaint at 2:97-cv-960. ( signed by Judge D. B. Smith on 5/30/97 ) CM all parties of record. (tt) Modified on 10/21/1999 (Entered: 06/02/1997)
11/17/1997	3	MEMORANDUM OPINION & ORDER that the motions to dismiss the Schwartz complaints at Civil Action No. 91-354 are Granted. The Schwartz complaint at Civil Action No. 97-309, and Schwartz amended complaint at Civil Action No. 91-

		354, are dismissed with prejudice. The Clerk of Court shall mark Civil Action No. 97-309 Closed. ( signed by Judge D. B. Smith on 11/17/97 ) CM all parties of record. (tt) (Entered: 11/19/1997)
11/19/1997		Case closed. Notices mailed. (tt) (Entered: 11/19/1997)
12/17/1997	4	NOTICE OF APPEAL by WILLIAM L. SCHWARTZ from [3-1] order dated 11/17/97 FILING FEE \$ 105. RECEIPT # 2327 TPO issued. (femp) (Entered: 12/17/1997)
12/17/1997		Certified copy of Notice of Appeal [4-1] appeal by WILLIAM L. SCHWARTZ , certified copy of docket, certified copy of order dated 11/17/97 mailed to USCA; copy of Notice of Appeal and information sheet to counsel of record and Judge Smith. Copy of information sheet to appellant. (femp) (Entered: 12/17/1997)
01/05/1998		NOTICE of Docketing ROA from USCA Re: [4-1] appeal by WILLIAM L. SCHWARTZ USCA Number: 97-3681 (tt) (Entered: 01/05/1998)
10/08/1999		BRIEF by WESTINGHOUSE, WESTINGHOUSE FINANC, WESTINGHOUSE CREDIT, ROBERT E. FAUST, WARREN H. HOLLINSHEAD, PAUL E. LEGO, WILLIAM A. POWE, ROBERT F. PUGLIESE, THEODORE STERN in support of Class Action Settlement (filed at CA91-354) (ces) (Entered: 10/13/1999)
10/19/1999	5	ORDER as to the Courts findings and conclusions ; The Court awards the following: 1. Attorney's fees in the amount of \$22,416,666,67. 2. Litigation costs of \$1,622,123.31. 3. Interest on both of the above from the date the settlement monies were placed into escrow. 4. Both the fees and costs award shall be payable to pltfs' lead counsel. The court does not retain jurisdiction over any dispute that may arise over how those fees and costs are to be allocated among pltfs' counsel. ( signed by Judge D. B. Smith on 10/19/99 ) CM all parties of record. (tt) (Entered: 10/21/1999)
10/19/1999	6	ORDER as to the findings and conclusions with respect to the Class Action and to the Derivative Action. As to the Class Action: The class litigation is certified as a class action. The Toles Claim is hereby approved and The Toles Objection is hereby withdrawn as per paragraph 4 of the Toles Affidavit. The term "Settlement Class Action Claims" in this Final Order and Judgment includes the Released Class Action Claims against the Released Class Action Parties. The Court permanently enjoins pltfs and members of the Class or Subclasses who have not requested exclusion from the Class or Subclasses in accordance with the terms of the settlement from the institution, maintenance or prosecution, either directly or indirectly, or any other action in the Court or any other Court or proceeding asserting any of the Settled Class Action Claims. The Court dismisses the class litigation with prejudice and without costs except as provided for in the class action settlement and this Final Order and Judgment. The Court retains jurisdiction to effectuate the terms of the class action settlement. The question of attorney's fees for the class action shall be adjudicated by separate order. As to the Derivative Action: The Court approves the derivate action settlement and directs consumation of the settlement pursuant to its terms. The Court permanently enjoins pltf, CBS and all holders of CBS common stock from the institution, maintenance or prosecution, either directly or indirectly, or any other action in the Court or any other court or proceeding asserting any of the Settled Derivative Claims. The Court

		dismisses the derivative litigation with prejudice and without costs except as provided for in the derivative settlement and this Final Order and Judgment. The Court retains jurisdiction to effectuate the terms of the derivative settlement. The question of attorney's fees in the derivative action shall be adjudicated by separate order. The aforementioned settlement and final fairness hearing shall be transcribed at the joint expense of the parties. The Clerk of Court shall mark Civil Actions 91-354 and 99-596 CLOSED. ( signed by Judge D. B. Smith on 10/19/99 ) CM all parties of record. (tt) Modified on 10/21/1999 (Entered: 10/21/1999)
04/02/2002	7	Certified copy of ORDER dated 3/28/02 received from USCA re: [4-1] appeal by WILLIAM L. SCHWARTZ. The appeal is hereby dismissed with prejudice pursuant to F.R.App.P. 42(b) nunc pro tunc to 2/14/00. (tt) (Entered: 04/02/2002)

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