

US District Court for the
Northern District of Illinois

1:97cv3456

Antell v. Arthur Andersen LLP

Date Filed: 05/09/1997	Class Code: TERMED
Assigned To: Honorable Wayne R Andersen	NOLAN
Referred To:	Closed: Yes
Nature of suit: Securities (850)	Statute: 15:78m(a)
Cause: Securities Exchange Act	Jury Demand: Plaintiff
Lead Docket: None	Demand
Other Docket: None	Amount: \$0
Jurisdiction: Federal Question	

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Date	#	Proceeding Text
05/09/1997	1	COMPLAINT; jury demand - Civil cover sheet - Appearance(s) of Salvatore J. Graziano, Richard H Weiss, Todd Collins, Jill Abrams, Sherrie R. Savett, Jennifer Winter Sprengel, A. Wexler, Marvin Alan Miller as attorney(s) for plaintiff James B Antell III (no summons(es) issued.) (Documents: 1-1 through 1-3) (mg) [Entry date 05/12/97] [Edit date 05/12/97]
05/09/1997	--	RECEIPT regarding payment of filing fee paid; on 5/9/97 in the amount of \$ 150.00, receipt # 493022. (mg) [Entry date 05/12/97]
06/02/1997	2	REFERRAL ORDER of 5/30/97: Case referred from Hon. Wayne R. Andersen to Hon. Martin C. Ashman pursuant to General Rule 2.41(b) to conduct hearings and

enter appropriate orders to conduct necessary proceedings and enter order on report and recommendation on all nondispositive motions through filing of pretrial materials including final pretrial order. (For further detail see order.) Mailed notice (ip) [Entry date 06/03/97]

- 06/06/1997 -- SCHEDULE set on 6/6/97 by Hon. Martin C. Ashman : Status hearing set to 10:00 a.m. on 7/21/97 in courtroom 2214. Mailed notice (is) [Entry date 06/06/97]
- 07/11/1997 3 ATTORNEY APPEARANCE for Arthur Andersen LLP by William F. Lloyd, Jeffrey R. Tone, Jeffrey Charles Sharer (ch) [Entry date 07/14/97]
- 07/14/1997 5 MINUTE ORDER of 7/14/97 by Hon. Wayne R. Andersen: By agreement of the parties, defendant is extended to 7/21/97 to answer or otherwise plead to plaintiff's complaint. Mailed notice (ip) [Entry date 07/16/97]
- 07/15/1997 4 WAIVER of service of summons as to defendant sent on 5/12/97 (ip) [Entry date 07/15/97]
- 07/17/1997 -- MOTION by defendant for finding of relatedness and reassignment (Attachments); Notice of motion (Original in case file 94 C 7089) (ip) [Entry date 07/30/97]
- 07/21/1997 -- SCHEDULE set on 7/21/97 by Hon. Martin C. Ashman : Status hearing held and continued to 10:00 9/11/97. No notice (is) [Entry date 07/21/97]
- 07/21/1997 6 MOTION by defendant to dismiss class action complaint ; Notice of motion (ip) [Entry date 07/29/97]
- 07/21/1997 7 MEMORANDUM by defendant in support of his motion to dismiss class action complaint [6-1] (Attachment) (ip) [Entry date 07/29/97]
- 07/21/1997 8 APPENDIX filed by defendant in support of his motion to dismiss class action complaint [7-1] (ip) [Entry date 07/29/97]
- 07/21/1997 10 MOTION by applicants Nick Pino Jr, Anthony DiCamillo and Ralph Corigliano for appointment of lead plaintiffs and for the approval of their selection of lead counsel; Notice of motion. (Temporarily unavailable for docketing.) (ar) [Entry date 08/07/97] [Edit date 08/07/97]
- 08/04/1997 9 MINUTE ORDER of 8/4/97 by Hon. Wayne R. Andersen : Defendant's motion to dismiss class action complaint [6-1] is briefed as follows: Plaintiff to respond on or before 9/12/97. Defendant to reply on or before 10/3/97. No ruling date set. This motion is referred to Magistrate Judge Ashman for a Report and Recommendation. Nunc pro tunc 7/29/97. No notice (ip) [Entry date 08/06/97]
- 08/06/1997 11 MINUTE ORDER of 8/6/97 by Hon. Martin C. Ashman : Class members Nick Pino, Jr., Anthony DiCamillo and Ralph Corigliano's motion for the appointment of lead plaintiffs [10-1] and for the approval of their selection of lead counsel [10-2] is granted. Mailed notice (ar) [Entry date 08/07/97]
- 08/12/1997 12 REFERRAL ORDER of 8/6/97: Referring to Hon. Martin C. Ashman from Hon. Wayne R. Andersen pursuant to General Rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: Defendant's motion to dismiss class action complaint [6-1]. (For further detail see order.) Mailed notice (ip) [Entry date 08/13/97]
- 08/13/1997 13 MINUTE ORDER of 8/13/97 by Hon. Martin C. Ashman: On motion of class members Nick Pino, Jr, Anthony Dicamillo and Ralph Corigliano's for the appointment

of lead plaintiffs [10-1] and for the approval of their selection of lead counsel, [10-2] the motion is granted. (See reverse of minute order.) Mailed notice (ip) [Entry date 08/14/97] [Edit date 08/14/97]

- 09/05/1997 14 MOTION by plaintiff to file Exhibit A to complaint, instanter (Exhibit); Notice of motion (ip) [Entry date 09/10/97]
- 09/09/1997 15 MINUTE ORDER of 9/9/97 by Hon. Martin C. Ashman: Plaintiff's motion to file Exhibit A to complaint, instanter [14-1] is granted. Telephoned notice (ip) [Entry date 09/10/97]
- 09/11/1997 16 MINUTE ORDER of 9/11/97 by Hon. Martin C. Ashman : Status hearing held; continued to 10/17/97 at 10:00 a.m. Plaintiff's are given an extension of time to file their response to defendant's motion to dismiss class action complaint to 9/19/97 [6-1]. Reply due 10/10/97. Oral argument on defendant's motion to dismiss class action complaint [6-1] set for 10/17/97 at 10:00 a.m. Mailed notice (ip) [Entry date 09/12/97]
- 09/19/1997 17 RESPONSE by defendants Nick Pino Jr, Anthony DiCamillo and Ralph Corigliano to defendants' motion to dismiss class action complaint [6-1]; Notice of filing (ip) [Entry date 09/22/97]
- 09/19/1997 18 AFFIDAVIT of Todd S. Collins (Exhibits) (ip) [Entry date 09/22/97]
- 10/10/1997 19 REPLY memorandum by defendant in support of defendant's motion to dismiss class action complaint [6-1] (Exhibits) (mg) [Entry date 10/14/97]
- 10/17/1997 20 MINUTE ORDER of 10/17/97 by Hon. Martin C. Ashman : Status hearing held. Oral argument held. Defendant's motion to dismiss class action complaint [6-1] is taken under advisement. Ruling to be made by mail No notice (ip) [Entry date 10/21/97]
- 11/13/1997 21 MOTION by plaintiff for leave to file supplemental memorandum in opposition to motion to dismiss (Exhibit); Notice of motion. (Temporarily unavailable for docketing.) (dk) [Entry date 11/19/97]
- 11/18/1997 22 MINUTE ORDER of 11/18/97 by Hon. Martin C. Ashman: Plaintiff's motion for leave to file supplemental memorandum in opposition to motion to dismiss is denied as stated in open court [21-1]. Matter is still under advisement. Mailed notice (dk) [Entry date 11/19/97]
- 01/28/1998 23 NOTICE by plaintiff of name change; Notice of filing. (dk) [Entry date 01/29/98]
- 02/20/1998 24 REPORT AND RECOMMENDATION concerning motion to dismiss class action complaint [6-1] (dk) [Entry date 02/24/98]
- 02/20/1998 25 MINUTE ORDER of 2/20/98 by Hon. Martin C. Ashman : Status hearing set for 4/6/98 at 10:00 a.m. Report and recommendation regarding defendant's motion to dismiss is hereby submitted to Judge Andersen re [6-1]. Mailed notice (dk) [Entry date 02/24/98]
- 03/05/1998 26 OBJECTIONS by defendant to Magistrate's report and recommendation on defendant's motion to dismiss class action complaint [24-1]. (dk) [Entry date 03/06/98]
- 03/05/1998 27 MEMORANDUM by defendant in support of defendant's objections to Magistrate's report and recommendation of defendants' motion to dismiss class action complaint [26-1] (Attachments). (dk) [Entry date 03/06/98]
- 03/10/1998 28 OBJECTIONS by defendant to Magistrate's report and recommendation [24-1] (Exhibits); Notice of filing. (dk) [Entry date 03/10/98]

03/10/1998 29 MINUTE ORDER of 3/10/98 by Hon. Wayne R. Andersen: Defendant's motion to dismiss class action complaint is withdrawn without prejudice [6-1]. Mailed notice (dk) [Entry date 03/24/98]

03/23/1998 30 MEMORANDUM by defendant in opposition to plaintiffs' objections to magistrate report and recommendation (Attachment). (dk) [Entry date 03/24/98]

03/26/1998 31 RENEWED MOTION by defendant to dismiss class action complaint ; Notice of motion. (dk) [Entry date 03/27/98]

04/01/1998 32 MINUTE ORDER of 4/1/98 by Hon. Wayne R. Andersen : The minute order dated 03/10/98 is vacated. Defendant's motion to dismiss shall be reinstated [31-1]. Mailed notice (dk) [Entry date 04/03/98]

04/06/1998 -- SCHEDULE set on 4/6/98 by Hon. Martin C. Ashman : Status hearing held and continued to 10:00 5/22/98. Parties to note that date is different from the one given in open court. Mailed notice (is) [Entry date 04/08/98]

04/09/1998 33 TRANSCRIPT of proceedings for the following date(s): 10/17/98 before Honorable Martin C. Ashman (dk) [Entry date 04/10/98]

04/30/1998 34 MEMORANDUM, OPINION, AND ORDER (dk) [Entry date 05/04/98]

04/30/1998 35 MINUTE ORDER of 4/30/98 by Hon. Wayne R. Andersen: Enter memorandum, opinion and order: For the foregoing reasons, we adopt Magistrate Judge Ashman's report and recommendation [24-1]. Arthur Andersen's motion to dismiss the complaint pursuant to F.R.C.P. 12(b)(6) based on the one-year statute of limitations is denied [31-1]. The motion to dismissed based on the three-year statute of repose is granted in part and denied in part. Arthur Andersen's motion to dismiss is denied as to plaintiff's DeCamillo and Pino. The objections [26-1], [28-1] to the report and recommendation are hereby overruled. Mailed notice (dk) [Entry date 05/04/98]

05/15/1998 36 MOTION by defendant motion for extension of time to answer complaint ; Notice of motion. (dk) [Entry date 05/20/98]

05/19/1998 37 MINUTE ORDER of 5/19/98 by Hon. Martin C. Ashman: Defendant's motion for extension of time to answer complaint is granted [36-1]. Defendant's time to answer the complaint is extended until 05/22/98. Telephoned notice (dk) [Entry date 05/20/98]

05/20/1998 -- SCHEDULE set on 5/20/98 by Hon. Martin C. Ashman : Status hearing reset to 10:00 6/3/98. Mailed notice (is) [Entry date 05/20/98]

05/20/1998 38 ANSWER to class action complaint by defendant (dk) [Entry date 05/22/98]

06/03/1998 -- SCHEDULE set on 6/3/98 by Hon. Martin C. Ashman : Status hearing held and continued to 10:00 8/31/98. Discovery ordered closed on 12/31/98. Mailed notice (is) [Entry date 06/03/98]

07/01/1998 -- EXECUTIVE committee order of 07/01/98: (Terminating the case referral to Hon. Martin C. Ashman). The case is referred to Hon. Nan R. Nolan. Mailed notice. (dcap) [Entry date 07/06/98]

07/16/1998 -- SCHEDULE set on 7/16/98 by Hon. Nan R. Nolan : Status hearing set for 8/31/98 is stricken. Initial status hearing before Magistrate Judge Nolan set for 7/29/98 at 11:00 a.m. in courtroom 1858. For further details see attached standing order. Mailed notice (km) [Entry date 07/16/98]

07/16/1998 39 ATTORNEY APPEARANCE for plaintiff by Jeffrey C. Zwerling, Esther Berkowitz-

Caballero (dk) [Entry date 07/22/98]

07/20/1998 40 MINUTE ORDER of 7/20/98 by Hon. Wayne R. Andersen : Jeffrey C. Zwerling and Esther Berkowitz-Caballero are given leave to file their additional appearances on behalf of plaintiff. Mailed notice (dk) [Entry date 07/22/98]

07/23/1998 43 MOTION by lead plaintiffs Nick Pino Jr, Anthony DiCamillo class certification ; Notice of motion. (dk) [Entry date 07/30/98]

07/23/1998 44 MEMORANDUM by lead plaintiffs Nick Pino, Anthony Dicamillo in support of their motion for class certification [43-1] (Exhibits). (dk) [Entry date 07/30/98]

07/27/1998 41 STATUS REPORT by defendant (Attachments). (dk) [Entry date 07/28/98]

07/27/1998 42 STATUS REPORT by plaintiff (Exhibits); Notice of filing. (dk) [Entry date 07/28/98]

07/28/1998 45 MINUTE ORDER of 7/28/98 by Hon. Wayne R. Andersen: Leade plaintiffs Pino and DiCamillos' motion for class certification is referred to Magistrate Judge Nan R. Nolan re [43-1]. No notice (dk) [Entry date 07/30/98]

07/29/1998 -- SCHEDULE set on 7/29/98 by Hon. Nan R. Nolan : Status hearing held; continued to 10:00 a.m. 10/13/98. Parties to file joint status report prior to 10/13/98 status. Mailed notice (km) [Entry date 07/29/98]

08/03/1998 46 REFERRAL ORDER of 07/30/98: Referring to Honorable Nan R. Nolan from Honorable Wayne R. Andersen pursuant to local general rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: Lead plaintiff's Pino and DiCamillos' motion class certification [43-1]. (For further detail see order.) Mailed notice (dk) [Entry date 08/04/98]

08/10/1998 47 NOTICE by David Haller with Howard,Smith & Levin LLP of change of law firm name. (srw) [Entry date 08/11/98]

08/17/1998 48 MINUTE ORDER of 8/17/98 by Hon. Nan R. Nolan: Defendant's response to plaintiffs' motion class certification [43-1] due 09/21/98; plaintiffs' reply due 10/1/98. Mailed notice (dk) [Entry date 08/18/98]

09/15/1998 49 MINUTE ORDER of 9/15/98 by Hon. Nan R. Nolan: Pursuant to status hearing held 07/29/98 where it was agreed defendant would be granted time to take depositions before responding to plaintiffs' class certification motion and by agreement of the parties, defendant's response to plaintiffs' motion for class certification now due 11/05/98; plaintiffs reply now due 11/20/98. No further continuances will be granted. As per order of 06/03/98, discovery cut off date is 12/31/98 [43-1]. Status hearing set for 10/13/98 is reset to 12/2/98 at 10:00 a.m. Mailed notice (dk) [Entry date 09/16/98]

09/17/1998 50 LETTER dated 09/16/98 to Karen from Jeffrey C. Sharer (dk) [Entry date 09/21/98]

11/05/1998 51 MEMORANDUM by defendant in opposition to plaintiff's motion class certification [43-1] (Attachments). (dk) [Entry date 11/06/98]

11/12/1998 52 UNOPPOSED MOTION by plaintiff for extension of time to file reply in further support of motion for class certification ; Notice of motion. (dk) [Entry date 11/17/98]

11/16/1998 53 MINUTE ORDER of 11/16/98 by Hon. Nan R. Nolan: Plaintiffs' unopposed motion for extension of time to file reply in further support of for class certification is granted [52-1]. Plaintiff's reply in further support of their motion class certification [43-1] is due 12/04/98. The court will rule by mail on plaintiffs' motion for class certification. Status hearing set for 12/02/98 is reset to 1/6/99 at 10:00 a.m. for a report on discovery.

Mailed notice (dk) [Entry date 11/17/98]

- 12/03/1998 54 MINUTE ORDER of 12/3/98 by Hon. Nan R. Nolan : At plaintiffs' request and by agreement of defendant, plaintiffs' reply in further support of their motion class certification [43-1] is now due 12/9/98. The court will rule by mail on plaintiffs' motion for class certification. Status hearing set for 01/06/99 at 10:00 a.m. for a report on discovery to stand. Mailed notice (dk) [Entry date 12/08/98]
- 12/09/1998 55 REPLY memorandum by Nick Pino Jr, Anthony Dicamillo in support of their motion for class certification [43-1] (Exhibits); Notice of filing. (dk) [Entry date 12/10/98]
- 12/23/1998 56 MOTION by plaintiff to withdraw attorneys from the firm of Howard, Smith & Levin ; Notice of motion. (dk) [Entry date 01/11/99]
- 01/05/1999 57 MINUTE ORDER of 1/5/99 by Hon. Wayne R. Andersen: Plaintiff's motion to withdraw appearance of Aaron R. Marcu, J. Jay Lobell and David W. Haller is granted [56-1]. Aaron R. Marcu, J. Jay Lobell and David W. Haller are given leave to withdraw their appearances. Mailed notice (dk) [Entry date 01/11/99]
- 01/06/1999 -- SCHEDULE set on 1/6/99 by Hon. Nan R. Nolan : Status hearing held. Parties appear and report settlement. Status hearing continued to 10:00 2/10/99. Mailed notice (km) [Entry date 01/06/99]
- 02/10/1999 58 MINUTE ORDER of 2/10/99 by Hon. Nan R. Nolan : Plaintiffs' motion class certification is withdrawn without prejudice [43-1]. No notice (dk) [Entry date 02/11/99]
- 03/09/1999 -- SCHEDULE set on 3/9/99 by Hon. Nan R. Nolan : Status hearing reset to 10:00 3/23/99. Mailed notice (km) [Entry date 03/09/99]
- 03/23/1999 -- SCHEDULE set on 3/23/99 by Hon. Nan R. Nolan : Status hearing held; continued to 10:00 4/22/99. Plaintiffs to file motion for preliminary approval of settlement. Mailed notice (km) [Entry date 03/23/99]
- 04/22/1999 59 PROPOSED order preliminarily approving settlement (dk) [Entry date 04/26/99]
- 04/22/1999 60 MOTION by plaintiff for preliminary approval of the proposed settlement. (dk) [Entry date 04/26/99]
- 04/22/1999 61 MEMORANDUM by plaintiff in support of class plaintiffs' motion for preliminary approval of the proposed settlement [60-1] (dk) [Entry date 04/26/99]
- 04/22/1999 62 STIPULATION of settlement (Exhibits). (dk) [Entry date 04/26/99]
- 04/22/1999 63 MINUTE ORDER of 4/22/99 by Hon. Nan R. Nolan : Status hearing held. Parties tendered their (Proposed) order preliminarily approving settlement. Fairness hearing set for 9/8/99 at 1:30p.m. No notice (dk) [Entry date 04/26/99]
- 04/29/1999 64 [PROPOSED] ORDER preliminary approving settlement (dk) [Entry date 05/03/99] [Edit date 05/03/99]
- 04/29/1999 65 MINUTE ORDER of 4/29/99 by Hon. Nan R. Nolan: Class plaintiff's motion for preliminary approval of the proposed settlement is granted [60-1]. Enter order preliminarily approving settlement. Mailed notice (dk) [Entry date 05/03/99]
- 08/30/1999 66 JOINT petition by plaintiff for award of attorneys fees and reimbursement of expenses (Attachments); Notice of filing. (dk) [Entry date 08/31/99]
- 08/30/1999 67 MEMORANDUM by plaintiff in support of final approval of the proposed settlement

(dk) [Entry date 08/31/99]

- 08/30/1999 68 MEMORANDUM by plaintiff in support of joint petition for award of attorneys fees and litigation costs and expenses [66-1] (Attachment). (dk) [Entry date 08/31/99]
- 08/30/1999 69 AFFIDAVIT of Edward J. Sincavage, CPA regarding dissemination of notice of the class (Attachments). (dk) [Entry date 08/31/99]
- 09/09/1999 70 MINUTE ORDER of 9/9/99 by Hon. Nan R. Nolan: Fairness hearing held. Notice was sent to the class and there was no opposition to the proposed settlement. For the reasons stated in open court and all of the findings in the proposed order of final judgment of dismissal, this court recommends to Judge Andersen that he enter the order of final judgment of dismissal in the form proposed by the parties. All matters relating to the referral of this action having been resolve, the case is returned to the assigned judge. Mailed notice (dk) [Entry date 09/14/99]
- 10/01/1999 71 MINUTE ORDER of 10/1/99 by Hon. Wayne R. Andersen: (Enter order of final judgment and dismissal.) This Court has jurisdiction over the subject matter of the lawsuit and over all parties to the lawsuit, including all members of the settlement class. This Court hereby dismisses the lawsuit in its entirety, with prejudice and without costs (except as otherwise provided in the stipulation). The Court hereby authorized payments from the Gross Settlement Fund of Class Counsel in the amounts of \$300,000.00 for attorneys' fees and \$86,987.86 for costs and expenses, plus interest and \$31,155.76 for all costs associated with notice and settlement administration through 08/30/99 terminating case. Mailed notice (dk) [Entry date 10/04/99]
- 05/16/2000 72 LETTER from Michael W. Hoffman to Claims Administrator, dated 05/08/00 (Attachment) (ar) [Entry date 05/17/00]