

U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:98-cv-00161

Lemmer v. Nu-Kote Holding, Inc, et al
Assigned to: Judge Sam A Lindsay
Demand: \$0
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 01/23/1998
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Lori Lemmer
On Behalf of Herself and All Others
Similarly Situated

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Date Filed	#	Docket Text
01/23/1998	1	CLASS ACTION COMPLAINT filed; Filing Fee \$150. Receipt # 10957. (15+) (bjj) (Entered: 01/26/1998)
01/23/1998	1	DEMAND for jury trial by Lori Lemmer. (bjj) (Entered: 01/26/1998)
01/23/1998	2	SUMMONS(ES) issued for Nu-Kote Holding, Inc, David F Brigante, Patrick E Howard, Daniel M Kerrane, Hans Paffhausen, Richard C Dresdale, James H Groh, John P Rochon, C Ronald Baiocchi, Brian D Finn, Hubbard C Howe, Anthony G Schmeck. (issued 12) (12) (bjj) (Entered: 01/26/1998)
01/23/1998		PRELIMINARY ASSIGNMENT TO Magistrate Judge Wm F Sanderson Jr (bjj) (Entered: 01/26/1998)
02/09/1998	3	RETURN OF SERVICE executed as to Nu-Kote Holding, Inc 1/23/98. Answer due on 2/12/98 for Nu-Kote Holding, Inc. (2) (bjj) (Entered: 02/10/1998)
02/09/1998	4	RETURN OF SERVICE executed as to John P Rochon 1/26/98. Answer due on 2/17/98 for John P Rochon. (2) (bjj) (Entered: 02/10/1998)
02/09/1998	5	RETURN OF SERVICE executed as to Patrick E Howard 1/24/98. Answer due on 2/13/98 for Patrick E Howard. (2) (bjj) (Entered: 02/10/1998)
02/09/1998	6	RETURN OF SERVICE executed as to David F Brigante 1/24/98. Answer due on 2/13/98 for David F Brigante. (2) (bjj) (Entered: 02/10/1998)
02/09/1998	7	RETURN OF SERVICE executed as to Brian D Finn 1/26/98. Answer due on 2/17/98 for Brian D Finn. (1) (bjj) (Entered: 02/10/1998)
02/09/1998	8	RETURN OF SERVICE executed as to Richard C Dresdale 1/26/98. Answer due on 2/17/98 for Richard C Dresdale. (1) (bjj) (Entered: 02/10/1998)
02/26/1998	9	MOTION by Lori Lemmer for Robert C. Susser to appear pro hac vice (4) (bjj) (Entered: 02/27/1998)
02/26/1998	10	MOTION by Lori Lemmer for Kirk B Hulett to appear pro hac vice (4) (bjj)

		(Entered: 02/27/1998)
02/27/1998	11	AGREED ORDER reset answer due for 5/26/98 for Anthony G Schmeck, for Hubbard C Howe, for Brian D Finn, for C Ronald Baiocchi, for John P Rochon, for James H Groh, for Richard C Dresdale, for Patrick E Howard, for David F Brigante, for Nu-Kote Holding, Inc (signed by RBM) Copies to counsel: 3/2/98 Page(s) 3 (bjj) (Entered: 03/02/1998)
03/02/1998	12	MOTION by Lori Lemmer for Randall J Baron to appear pro hac vice (4) (bjj) (Entered: 03/03/1998)
03/02/1998	13	MOTION by Lori Lemmer for G Paul Howes to appear pro hac vice (13) (bjj) (Entered: 03/03/1998)
03/06/1998	14	ORDER granting [13-1] motion for G Paul Howes to appear pro hac vice (signed by RBM) Copies to counsel: 3/9/98 Page(s) 1 (bjj) (Entered: 03/09/1998)
03/06/1998	15	ORDER granting [12-1] motion for Randall J Baron to appear pro hac vice (signed by RBM) Copies to counsel: 3/9/98 Page(s) 1 (bjj) (Entered: 03/09/1998)
03/06/1998	16	ORDER granting [9-1] motion for Robert C. Susser to appear pro hac vice (signed by RBM) Copies to counsel: 3/9/98 Page(s) 1 (bjj) (Entered: 03/09/1998)
03/06/1998	17	ORDER granting [10-1] motion for Kirk B Hulett to appear pro hac vice (signed by RBM) Copies to counsel: 3/9/98 Page(s) 1 (bjj) (Entered: 03/09/1998)
03/20/1998	18	RETURN OF SERVICE executed personally as to James H Groh 2/23/98. Answer due on 3/16/98 for James H Groh. (1) (bjj) (Entered: 03/23/1998)
03/24/1998	19	RETURN OF SERVICE executed personally as to Hubbard C Howe 3/18/98. Answer due on 4/7/98 for Hubbard C Howe. (1) (bjj) (Entered: 03/25/1998)
03/25/1998	20	MOTION by Lori Lemmer to be appointed lead pltf's under section 21D(a)(3)(B) of the Sec Exch Act of 1934 and for appt of lead pltf's co-lead counsel (4) (bjj) (Entered: 03/26/1998)
03/25/1998	21	MEMORANDUM of Points and Authorities by Lori Lemmer in support of [20-1] motion to be appointed lead pltf's under section 21D(a)(3)(B) of the Sec Exch Act of 1934 and for appt of lead pltf's co-lead counsel (16) (bjj) (Entered: 03/26/1998)
03/25/1998	22	DECLARATION of Kirk B. Hulett Re: [20-1] motion to be appointed lead pltf's under section 21D(a)(3)(B) of the Sec Exch Act of 1934 and for appt of lead pltf's co-lead counsel. (15+) (USC) (bjj) (Entered: 03/26/1998)
03/31/1998	23	ORDER granting [20-1] motion to be appointed lead pltf's under section 21D(a)(3)(B) of the Sec Exch Act of 1934 and for appt of lead pltf's co-lead counsel (signed by RBM) Copies to counsel: 4/1/98 Page(s) 3 (bjj) (Entered: 04/01/1998)
04/10/1998	24	RETURN OF SERVICE executed by personal delivery as to defendant James H Groh 2/23/98 Answer due on 3/16/98 for James H Groh (dst) (Entered: 04/10/1998)
04/10/1998	25	Return of service unexecuted by personal service as to defendant C Ronald Baiocchi (dst) (Entered: 04/10/1998)

04/10/1998	26	Return of service unexecuted by personal service as to defendant Daniel M Kerrane (dst) (Entered: 04/10/1998)
04/14/1998	27	REISSUED SUMMONS for Hans Paffhausen. (reissued 1) (1) (bjj) (Entered: 04/15/1998)
04/14/1998	28	Return of service unexecuted as to Hans Paffhausen on 1/26/98, by Prompt Process Service, Inc. (2) (bjj) (Entered: 04/15/1998)
04/20/1998	29	NOTICE of attorney appearance for David F Brigante, Patrick E Howard, John P Rochon, C Ronald Baiocchi, Anthony G Schmeck by Donald E Godwin, Michael Kevin Hurst, Marci Lande Romick. (2) (bjj) (Entered: 04/21/1998)
04/21/1998	30	UNOPPOSED MOTION by Lori Lemmer to extend time to file pla's motion for class certification (3) (bjj) (Entered: 04/22/1998)
04/23/1998	31	ORDER granting [30-1] motion to extend time to file pla's motion for class certification, plas shall have until 6/22/98 to file their motion. (signed by Judge Maloney) Copies to counsel: 4/24/98 Page(s) 1 (jas) (Entered: 04/24/1998)
05/07/1998	32	NOTICE of attorney appearance & designation of lead counsel for defendant Nu-Kote Holding, Inc, defendant Richard C Dresdale, defendant Brian D Finn, defendant Hubbard C Howe by Patricia Jane Villareal, Chester John Hinshaw, Greg Louis Weselka (3) (alh) (Entered: 05/07/1998)
05/18/1998	33	AGREED ORDER reset answer due for 6/5/98 for Anthony G Schmeck, for Hubbard C Howe, for Brian D Finn, for C Ronald Baiocchi, for John P Rochon, for James H Groh, for Richard C Dresdale, for Hans Paffhausen, for Daniel M Kerrane, for Patrick E Howard, for David F Brigante, for Nu-Kote Holding, Inc (signed by RBM) Copies to counsel: 5/18/98 Page(s) 4 (bjj) (Entered: 05/18/1998)
06/04/1998	34	Agreed MOTION by defendant David F Brigante, defendant Patrick E Howard, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck to extend page limitation for brief in support of various defts' mtns to dismiss complaint for failure to state a claim upon which relief can be granted (4) (alh) (Entered: 06/05/1998)
06/05/1998	35	Agreed ORDER reset answer due for 6/17/98 for Anthony G Schmeck, for Hubbard C Howe, for Brian D Finn, for C Ronald Baiocchi, for John P Rochon, for James H Groh, for Richard C Dresdale, for Hans Paffhausen, for Daniel M Kerrane, for Patrick E Howard, for David F Brigante, for Nu-Kote Holding, Inc (signed by RBM) Copies to counsel: 06.08.98 Page(s) 3 (alh) (Entered: 06/08/1998)
06/09/1998	36	ORDER granting [34-1] motion to extend page limitation for brief in support of various defts' mtns to dismiss complaint for failure to state a claim upon which relief can be granted. Defts allowed to file brief not to exceed 50 pages. (signed by RBM) Copies to counsel: 06.10.98 Page(s) 1 (alh) (Entered: 06/10/1998)
06/11/1998	37	AMENDED ORDER granting agreed motion to extend page limitation...defts will be allowed to file separate motions to dismiss w/only 1 brief in support of these mtns. Brief may not exceed 50 pages. (signed by RBM) Copies to counsel: 06.11.98 Page(s) 1 (alh) (Entered: 06/11/1998)
06/11/1998	38	MOTION with memorandum in support by defendant Nu-Kote Holding, Inc,

		defendant David F Brigante, defendant Patrick E Howard, defendant Richard C Dresdale, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Brian D Finn, defendant Hubbard C Howe, defendant Anthony G Schmeck for protective order & mtn to quash (15+) (alh) (Entered: 06/12/1998)
06/12/1998	39	Unopposed MOTION by plaintiff Lori Lemmer for Charles W Lilley, Moses Garcia to appear pro hac vice (5) (alh) (Entered: 06/12/1998)
06/12/1998	40	NOTICE of attorney appearance for plaintiff Lori Lemmer by Charles W Lilley & Moses Garcia (2) (alh) (Entered: 06/12/1998)
06/17/1998	41	MOTION by defendant Nu-Kote Holding, Inc, defendant Richard C Dresdale, defendant Brian D Finn, defendant Hubbard C Howe for leave to file/for entry of agreed order to file memorandum in excess of 25 pages (4) (alh) (Entered: 06/18/1998)
06/17/1998	42	MOTION by defendant Nu-Kote Holding, Inc, defendant Richard C Dresdale, defendant Brian D Finn, defendant Hubbard C Howe to dismiss (15+) (alh) (Entered: 06/18/1998)
06/17/1998	43	Appendix to [42-1] mtn to dismiss by defendant Nu-Kote Holding, Inc, defendant Richard C Dresdale, defendant Brian D Finn, defendant Hubbard C Howe (15+/USC) (alh) (Entered: 06/18/1998)
06/17/1998	44	First Amended NOTICE of attorney appearance for defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck by Donald E Godwin, Michael Kevin Hurst, Marci Lande Romick (3) (alh) (Entered: 06/18/1998)
06/17/1998	45	MOTION by defendant David F Brigante to dismiss complaint for failure to state a claim upon which relief can be granted (4) (alh) (Entered: 06/18/1998)
06/17/1998	46	MOTION by defendant Patrick E Howard to dismiss complaint for failure to state a claim upon which relief can be granted (4) (alh) (Entered: 06/18/1998)
06/17/1998	47	MOTION by defendant Daniel M Kerrane to dismiss complaint for failure to state a claim upon which relief can be granted (4) (alh) (Entered: 06/18/1998)
06/17/1998	48	MOTION by defendant James H Groh to dismiss complaint for failure to state a claim upon which relief can be granted (5) (alh) (Entered: 06/18/1998)
06/17/1998	49	MOTION by defendant John P Rochon to dismiss complaint for failure to state a claim upon which relief can be granted (4) (alh) (Entered: 06/18/1998)
06/17/1998	50	MOTION by defendant C Ronald Baiocchi to dismiss complaint for failure to state a claim upon which relief can be granted (5) (alh) (Entered: 06/18/1998)
06/17/1998	51	MOTION by defendant Anthony G Schmeck to dismiss complaint for failure to state a claim upon which relief can be granted (4) (alh) (Entered: 06/18/1998)
06/17/1998	52	Brief/MEMORANDUM by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck in support of [45-1] motion to dismiss complaint for failure to state a claim upon which relief

		can be granted, [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [48-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [49-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted (15+) (alh) (Entered: 06/18/1998)
06/17/1998	53	Appendix to [52-1] support brief by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck (15+/USC) (alh) (Entered: 06/18/1998)
06/22/1998	54	Notice of Motion & MOTION by plaintiff Lori Lemmer to certify class action (4) (alh) (Entered: 06/23/1998)
06/22/1998	55	Brief/MEMORANDUM by plaintiff Lori Lemmer in support of [54-1] motion to certify class action (15+) (alh) Modified on 06/24/1998 (Entered: 06/23/1998)
06/22/1998	56	Declaration/AFFIDAVIT of G Paul Howes by plaintiff Lori Lemmer Re: [54-1] motion to certify class action (15+) (alh) (Entered: 06/23/1998)
06/22/1998	57	ORDER OF REFERENCE: [38-1] motion for protective order & mtn to quash referred to Magistrate Judge Wm F. Sanderson Jr for hearing, if necessary, & determination. (Signed by RBM) Copies to counsel: 06.23.98 Page(s): 1 (alh) (Entered: 06/23/1998)
06/23/1998	58	ORDER staying 3rd-party deposition of Coopers & Lybrand LLP , Motion hearing set for 10:30 7/14/98 for [38-1] motion for protective order & mtn to quash (signed by Mag. Sanderson) Copies to counsel: 06.24.98 Page(s) 1 (alh) (Entered: 06/24/1998)
06/23/1998	59	Agreed ORDER granting [41-1] motion for leave to file memorandum in support of mtn to dismiss in excess of 25 pages but not to exceed 40 pages. (signed by RBM) Copies to counsel: 06.24.98 Page(s) 3 (alh) (Entered: 06/24/1998)
06/30/1998	60	MEMORANDUM of Points & Authorities by plaintiff Lori Lemmer in opposition to [38-1] motion for protective order re: pla's ntc of request for production of documents to non-party Coopers & Lybrand (8) (alh) (Entered: 07/01/1998)
07/02/1998	61	Agreed MOTION by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck to establish briefing schedule & extend page limitations in connection w/pending mtns to dismiss (4) (alh) (Entered: 07/06/1998)
07/07/1998	62	ORDER granting [39-1] motion for Charles W Lilley, Moses Garcia to appear pro hac vice on behalf of plas. (signed by RBM) Copies to counsel: 07.08.98 Page(s) 1 (alh) (Entered: 07/08/1998)
07/07/1998	63	Agreed ORDER set answer or responsive pleading due for 7/29/98 for Hans Paffhausen (signed by RBM) Copies to counsel: 07.08.98 Page(s) 3 (alh) (Entered: 07/08/1998)

07/09/1998	64	REPLY by defendant Nu-Kote Holding, Inc, defendant Richard C Dresdale, defendant Brian D Finn, defendant Hubbard C Howe, defendant Patrick E Howard, defendant John P Rochon, defendant David F Brigante, defendant James H Groh, defendant C Ronald Baiocchi, defendant Anthony G Schmeck to response to [38-1] motion for protective order & mtn to quash (15+) (alh) (Entered: 07/10/1998)
07/09/1998	65	ORDER granting [61-1] motion to establish briefing schedule & extend page limitations in connection w/pending mtns to dismiss Response to motion reset to 8/6/98 for [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/6/98 for [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/6/98 for [49-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/6/98 for [48-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/6/98 for [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/6/98 for [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/6/98 for [45-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/6/98 for [42-1] motion to dismiss Brief(s) shall not exceed 75 pages in the aggregate, Reply to Response to Motion reset to 9/23/98 for [45-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 9/23/98 for [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 9/23/98 for [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 9/23/98 for [48-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 9/23/98 for [49-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 9/23/98 for [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 9/23/98 for [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted Brief shall not exceed 25 pages, Reply to Response to Motion reset to 9/23/98 for [42-1] motion to dismiss Brief shall not exceed 25 pages. (signed by RBM) Copies to counsel: 07.10.98 Page(s) 2 (alh) (Entered: 07/10/1998)
07/14/1998	66	AGREED ORDER Response to motion reset to 10/23/98 for [54-1] motion to certify class action (signed by RBM) Copies to counsel: 07.15.98 Page(s) 4 (alh) (Entered: 07/15/1998)
07/15/1998	67	ORDER granting [38-1] motion for protective order & mtn to quash. Mtn is granted to extent that third-party deposition of Coopers & Lybrand LLP noticed by pla is stayed until such time as District Court has ruled on defts' pending mtns to dismiss. See order for specifics. (signed by Mag. Sanderson) Copies to counsel: 07.15.98 Page(s) 1 (alh) (Entered: 07/15/1998)
07/29/1998	68	MOTION by defendant Hans Paffhausen to dismiss under Rule 12(b) for lack of personal jurisdiction & failure to state a claim upon which relief can be granted (15+) (alh) (Entered: 07/30/1998)
07/29/1998	69	Brief/MEMORANDUM by defendant Hans Paffhausen in support of [68-1] motion to dismiss under Rule 12(b) for lack of personal jurisdiction & failure to state a claim upon which relief can be granted (15+) (alh) (Entered: 07/30/1998)
08/06/1998	70	Unopposed MOTION by defendant Nu-Kote Holding, Inc, defendant David F

		Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant Richard C Dresdale, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Brian D Finn, defendant Hubbard C Howe, defendant Anthony G Schmeck for entry of agreed order to extend deadlines to file response & reply briefs to mtns to dismiss (4) (alh) (Entered: 08/07/1998)
08/10/1998	71	Agreed ORDER granting [70-1] motion for entry of agreed order to extend deadlines to file response & reply briefs to mtns to dismiss Response to motion reset to 8/20/98 for [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/20/98 for [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/20/98 for [49-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/20/98 for [48-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/20/98 for [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/20/98 for [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/20/98 for [45-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 8/20/98 for [42-1] motion to dismiss , Reply to Response to Motion reset to 10/5/98 for [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 10/5/98 for [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 10/5/98 for [49-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 10/5/98 for [48-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 10/5/98 for [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 10/5/98 for [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 10/5/98 for [45-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, reset to 10/5/98 for [42-1] motion to dismiss (signed by RBM) Copies to counsel: 08.11.98 Page(s) 4 (alh) (Entered: 08/11/1998)
08/13/1998	72	MOTION with memorandum in support by defendants to stay class certification proceedings pending resolution of mtns to dismiss & to strike certain lead plas (15+) (alh) (Entered: 08/14/1998)
08/17/1998	73	SUPPLEMENTAL DOCUMENT to [55-1] support memorandum by plaintiff Lori Lemmer (5) (alh) (Entered: 08/18/1998)
08/17/1998	74	Unopposed MOTION by plaintiff Lori Lemmer to extend time to file response to deft Hans Paffhausen's mtn to dismiss (4) (alh) (Entered: 08/18/1998)
08/18/1998	75	Agreed ORDER granting [74-1] motion to extend time to file response to deft Hans Paffhausen's mtn to dismiss Response to motion reset to 8/25/98 for [68-1] motion to dismiss under Rule 12(b) for lack of personal jurisdiction & failure to state a claim upon which relief can be granted (signed by RBM) Copies to counsel: 08.19.98 Page(s) 3 (alh) (Entered: 08/19/1998)
08/20/1998	76	MEMORANDUM of Points & Authorities by plaintiff Lori Lemmer in opposition to [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [49-1] motion to dismiss complaint for failure to state a

		claim upon which relief can be granted, [48-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [45-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [42-1] motion to dismiss (15+) (alh) (Entered: 08/21/1998)
08/20/1998	77	AFFIDAVIT/Declaration of G Paul Howes by plaintiff Lori Lemmer Re: [76-1] opposition memorandum (15+) (alh) (Entered: 08/21/1998)
08/25/1998	78	MEMORANDUM by plaintiff Lori Lemmer in opposition to [68-1] motion to dismiss under Rule 12(b) for lack of personal jurisdiction & failure to state a claim upon which relief can be granted (15+) (alh) (Entered: 08/26/1998)
08/25/1998	79	ORDER REASSIGNING CASE to Judge Sam A. Lindsay effective 9/1/98 pursuant to Special Order 3-164; case shall henceforth carry the suffix letter 'L'. (signed by JB) Copies to counsel: 08.27.98 Page(s): 3 (sak) (Entered: 08/27/1998)
09/02/1998	80	Unopposed MOTION by defendant Hans Paffhausen to extend time/for entry of agreed order extending time for filing of reply to response to mtn to dismiss (3) (jrb) (Entered: 09/03/1998)
09/02/1998	81	RESPONSE by plaintiff Lori Lemmer in opposition to [72-1] motion to stay class certification proceedings pending resolution of mtns to dismiss & to strike certain lead plas (11) (jrb) (Entered: 09/03/1998)
09/04/1998	82	MOTION by defendants for emergency referral to magistrate judge of mtn to stay class certification proceedings & for expedited hearing on stay mtn (15+) (alh) (Entered: 09/08/1998)
09/17/1998	83	REPLY by defendants to response to [72-1] motion to stay class certification proceedings pending resolution of mtns to dismiss & to strike certain lead plas (15+)(USC) (jrb) Modified on 09/18/1998 (Entered: 09/18/1998)
09/24/1998	84	RESPONSE by plaintiff Lori Lemmer to [82-1] motion for emergency referral to magistrate judge of mtn to stay class certification proceedings & for expedited hearing on stay mtn (15+) (jrb) (Entered: 09/25/1998)
09/29/1998	85	Agreed ORDER granting [80-1] motion to extend time/for entry of agreed order extending time for filing of reply to response to mtn to dismiss Reply to Response to Motion reset to 10/12/98 for [68-1] motion to dismiss under Rule 12(b) for lack of personal jurisdiction & failure to state a claim upon which relief can be granted (signed by SAL) Copies to counsel: 10/1/98 Page(s) 2 (jrb) (Entered: 10/01/1998)
10/05/1998	86	***UNFILED PER ORDER DATED 10/06/98***REPLY BRIEF by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck to response to [45-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [49-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [48-1] motion to dismiss complaint for failure to state a claim

		upon which relief can be granted, [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted (15+) (mlh) (Entered: 10/06/1998)
10/05/1998	87	REPLY BRIEF by defendant Nu-Kote Holding, Inc, defendant Richard Dresdale, defendant Brian D Finn, defendant Hubbard C Howe to response to [42-1] motion to dismiss (15+) (mlh) (Entered: 10/06/1998)
10/06/1998	88	***vacated***ORDER unfiled [86-1] response reply by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck due to the following deficiency: over 10 pages Copies to counsel: 10.07.98 (signed by Judge Sam A Lindsay) Page(s) 2 (lag) Modified on 10/09/1998 (Entered: 10/07/1998)
10/07/1998	89	ORDER mooting [82-1] motion for emergency referral to magistrate judge of mtn to stay class certification proceedings & for expedited hearing on stay mtn, mooting [72-1] motion to stay class certification proceedings pending resolution of mtns to dismiss & to strike certain lead plas (signed by SAL) Copies to counsel: 10/8/98 Page(s) 2 (jrb) (Entered: 10/08/1998)
10/08/1998	90	ORDER vacating [88-1] order...the reply brief of the dft shall be filed...Oct 5, 1998...see order for specifics. (signed by SAL) Copies to counsel: 10/9/98 Page(s) 1 (jrb) (Entered: 10/09/1998)
10/09/1998	91	REPLY by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck to response to [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [49-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [48-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, [45-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted (15+) (jrb) (Entered: 10/09/1998)
10/13/1998	92	REPLY BRIEF by defendant Hans Paffhausen to response to [68-1] motion to dismiss under Rule 12(b) for lack of personal jurisdiction & failure to state a claim upon which relief can be granted (15+) (jrb) (Entered: 10/14/1998)
10/29/1998	93	Request/MOTION by defendant for oral argument on dfts' mtns to dismiss (7) (jrb) (Entered: 10/30/1998)
11/18/1998	94	SUGGESTION OF BANKRUPTCY and Notice of Stay by defendant Nu-Kote Holding, Inc as to defendant Nu-Kote Holding, Inc (8) (jrb) (Entered: 11/19/1998)
07/19/1999	95	NOTICE of substitution of counsel by defendant David F Brigante, defendant Patrick Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck...Marci Lande Romick and Michael W Bishop. (3) (jrb) (Entered: 07/19/1999)

		07/20/1999)
08/11/1999	96	NOTICE of ADDRESS CHANGE by defendant Nu-Kote Holding, Inc, defendant Richard C Dresdale, defendant Brian D Finn, defendant Hubbard C Howe New address is: Patricia J. Villareal, Chester J. Hinshaw, Tamara Marinkovic, JONES, DAY, REAVIS & POGUE, 2727 N. Harwood Street, Dallas, Texas 75201-1515; 214/220-3939; 214/969-5100 (fax) (3) (djd) (Entered: 08/12/1999)
09/28/1999	97	ORDER DIRECTING ADMINISTRATIVE CLOSURE (signed by SAL) Copies to counsel: 9/29/99 Page(s): 1 (jrb) (Entered: 09/29/1999)
10/04/1999	98	Plaintiffs' NOTICE of voluntary dismissal of dft Nu-Kote Holding Inc without prejudice. (4) (jrb) (Entered: 10/05/1999)
10/15/1999	99	RESPONSE by various defendants in opposition to [98-1] notice...(voluntary dismissal of dft Nu-Kote Holding Inc. (9) (jrb) (Entered: 10/18/1999)
03/06/2000	100	STATUS REPORT by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck (4) (jrb) (Entered: 03/06/2000)
11/02/2000	101	Second STATUS REPORT of various dfts by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck (15+) (jrb) (Entered: 11/02/2000)
11/13/2000	102	Response to the second status report of various dfts/ RESPONSE by plaintiff Lori Lemmer in opposition to [101-1] report (15+) (jrb) (Entered: 11/14/2000)
01/19/2001	103	Third STATUS REPORT by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Anthony G Schmeck (15+) (jas) (Entered: 01/22/2001)
02/02/2001	104	ORDER vacating [97-1] order directing administrative closure of case...Plf is directed to file a response addressing dfts' contention that any dismissal of Nu Kote must be with prejudice rather than without prejudice; Plf's response is to be filed with the Clerk not directed to the court in letter form no later than 2/12/01; See order for specifics (Signed by Judge Sam A. Lindsay) Copies to counsel: 2.5.01 Page(s) 2 (mlh) (Entered: 02/05/2001)
02/02/2001		Case reopened (mlh) (Entered: 02/05/2001)
02/09/2001	105	RESPONSE by plaintiff Lori Lemmer to [104-1] order (2) (jrb) (Entered: 02/12/2001)
02/16/2001	106	ORDER...this action is dismissed with prejudice as requested against dft Nu-Kote Holding Inc only pursuant to FRCP 41(a)(1)(ii). Plaintiff's claims against other dfts remain open. (Signed by Judge Sam A. Lindsay) Copies to counsel: 2/20/01 Page(s) 1 (jrb) (Entered: 02/20/2001)
04/19/2001	107	ORDER...the court apologizes for the delay since the automatic stay was lifted; however, its attention has been focused on a number of older cases it inherited. The

		Court intends to rule as expeditiously as possible, and will render a decision on these mtns within the next 60 days. (Signed by Judge Sam A. Lindsay) Copies to counsel: 4/20/01 Page(s) 2 (jrb) (Entered: 04/20/2001)
05/16/2001	108	NOTICE of joinder and of supplemental authorities in support of mtn to dismiss complaint by defendant Hans Paffhausen (7) (jrb) (Entered: 05/17/2001)
05/24/2001	109	JOINT MOTION to substitute Patricia J. Villareal and Tamara Marinkovic for Marci Romick Weissenborn, Micheal W. Bishop and Thomas M. Melsheimer by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi. (5) (lmr) (Entered: 05/29/2001)
05/29/2001	110	ORDER granting [109-1] joint motion to substitute Patricia J. Villareal and Tamara Marinkovic for Marci Romick Weissenborn, Micheal W. Bishop and Thomas M. Melsheimer ; (Signed by Judge Sam A. Lindsay) Copies to counsel: 5/30/01 Page(s) 4 (jrb) (Entered: 05/30/2001)
06/12/2001	111	SUPPLEMENTAL DOCUMENT/ Supplement to brief in support of various dfts' mtns to dismiss complaint to state a claim upon which relief can be granted by defendant Anthony G Schmeck (5) (jrb) (Entered: 06/13/2001)
06/12/2001	112	Comment to notification of Court's intent to Rule by defendant Anthony G Schmeck (3) (jrb) (Entered: 06/13/2001)
07/12/2001	113	Notice of Change of Designation of Lead counsel/Designation of lead counsel for defendant Hans Paffhausen by Noel M B Hensley (2) (jrb) (Entered: 07/13/2001)
09/06/2001	114	MEMORANDUM OPINION AND ORDER granting [51-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, granting [50-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, granting [49-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, granting [48-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, granting [47-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, granting [46-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, granting [45-1] motion to dismiss complaint for failure to state a claim upon which relief can be granted, granting [42-1] motion to dismiss, denying [54-1] motion to certify class action, denying [68-1] motion to dismiss under Rule 12(b) for lack of personal jurisdiction & failure to state a claim upon which relief can be granted, denying [93-1] motion for oral argument on dfts' mtns to dismiss...see order for specifics. (Signed by Judge Sam A. Lindsay) Copies to counsel: 9/7/01 Page(s): 26 (jrb) (Entered: 09/07/2001)
09/06/2001	115	JUDGMENT...that plaintiff take nothing by her suit against dfts, that all relief requested by plaintiff is denied, that this action is hereby dismissed with prejudice, that all relief not expressly granted herein is denied, and that all allowable costs are taxed against plaintiff. (Signed by Judge Sam A. Lindsay) Copies to counsel: 9/7/01 Page(s): 1 (jrb) (Entered: 09/07/2001)
09/06/2001		Case closed (jrb) (Entered: 09/07/2001)
09/20/2001	116	MOTION by lead plaintiff Lori Lemmer to vacate [114-1] order (15+)(attachments

		not imaged) (jrb) (Entered: 09/21/2001)
10/03/2001	117	Agreed/JOINT MOTION extending deadline for certain dfts to respond to lead plaintiff's mtn to vacate and modify the Court's September 6 2001 Order by defendant C Ronald Baiocchi, defendant David F Brigante, defendant Richard C Dresdale, defendant Brian D Finn, defendant James H Groh, defendant Patrick E Howard, defendant Hubbard C Howe, defendant Daniel M Kerrane, defendant John P Rochon (5) (jrb) (Entered: 10/04/2001)
10/04/2001	118	Agreed ORDER granting [117-1] joint motion extending deadline for certain dfts to respond to lead plaintiff's mtn to vacate and modify the Court's September 6 2001 Order Response to motion reset to 10/24/01 for [116-1] motion to vacate [114-1] order (Signed by Judge Sam A. Lindsay) Copies to counsel: 10/5/01 Page(s) 4 (jrb) (Entered: 10/05/2001)
10/04/2001	119	Unopposed MOTION by defendant Anthony G Schmeck to extend time of response deadline to plaintiff's Rule 59 Mtn (4) (jrb) Modified on 10/09/2001 (Entered: 10/05/2001)
10/05/2001	120	Agreed ORDER granting [119-1] motion to extend time of response deadline to plaintiff's Rule 59 Mtn Response to motion reset to 10/24/01 for [116-1] motion to vacate [114-1] order (Signed by Judge Sam A. Lindsay) Copies to counsel: 10/9/01 Page(s) 2 (jrb) (Entered: 10/09/2001)
10/24/2001	121	RESPONSE by defendant Anthony G Schmeck to [116-1] motion to vacate [114-1] order (7) (jrb) (Entered: 10/25/2001)
10/24/2001	122	MEMORANDUM by defendant Anthony G Schmeck in support of [121-1] motion response (15+) (jrb) (Entered: 10/25/2001)
10/24/2001	123	APPENDIX by defendant Anthony G Schmeck in support of [121-1] motion response (15+)(not imaged) (jrb) Modified on 10/25/2001 (Entered: 10/25/2001)
10/24/2001	124	RESPONSE by certain defendants' David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant Richard C Dresdale, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Brian D Finn, defendant Hubbard C Howe in opposition to [116-1] motion to vacate [114-1] order (15+) (jrb) (Entered: 10/25/2001)
10/24/2001	125	APPENDIX by defendant David F Brigante, defendant Patrick E Howard, defendant Daniel M Kerrane, defendant Richard C Dresdale, defendant James H Groh, defendant John P Rochon, defendant C Ronald Baiocchi, defendant Brian D Finn, defendant Hubbard C Howe in support of [124-1] opposition response (15+)(not imaged) (jrb) (Entered: 10/25/2001)
11/05/2001	126	Unopposed MOTION by plaintiff Lori Lemmer to allow the filing of a combined reply to dfts' responses to plaintiffs' mtn under FRCP 59(e) to vacate the judgment and modify the Court's September 6 2001 Order (3) (jrb) Modified on 11/13/2001 (Entered: 11/06/2001)
11/07/2001	127	ORDER granting [126-1] motion to allow the filing of a combined reply to dfts' responses to plaintiffs' mtn under FRCP 59(e) to vacate the judgment and modify the Court's September 6 2001 Order...plaintiffs may file one combined brief of up to 20 pages in reply to the dfts' two responses. (Signed by Judge Sam A. Lindsay)

		Copies to counsel: 11/8/01 Page(s) 2 (jrb) Modified on 11/13/2001 (Entered: 11/08/2001)
11/08/2001	128	REPLY Brief by plaintiff Lori Lemmer to response to [116-1] motion to vacate [114-1] order (15+) (jrb) (Entered: 11/13/2001)
12/10/2001	129	NOTICE of ADDRESS CHANGE by plaintiff Lori Lemmer New address is: Milberg, Weiss, Bershad, Hynes & Lerach LLP/401 B Street/Suite 1700/San Diego, CA 92101.(4)(attachment not imaged) (lmr) (Entered: 12/12/2001)
02/01/2002	130	Letter to Judge Lindsay by defendants re: Judge Lynn's recent decision in Zishka v. American Pad and Paper Co., et al 398-cv-660 M. (10) (jrb) (Entered: 02/04/2002)
03/12/2002	131	SUPPLEMENTAL DOCUMENT to [122-1] support memorandum by defendant Anthony G Schmeck/Supplement to "Brief in support of Anthony G Schmeck's response to 'Lead plaintiff's mtn under FRCP 59(e) to vacate the judgment and modify the Court's September 6, 2001'".(3) (jrb) (Entered: 03/13/2002)
06/28/2002	132	NOTICE of recent authority by plaintiff Lori Lemmer (12)(exhibits not imaged) (jrb) (Entered: 07/01/2002)
08/14/2002	133	ORDER denying [116-1] motion to vacate [114-1] order...see order for specifics. (Signed by Judge Sam A. Lindsay) Copies to counsel: 8/15/02 Page(s) 4 (jrb) (Entered: 08/15/2002)
09/10/2002	134	NOTICE OF APPEAL by plaintiff Lori Lemmer re [115-1] judgment order, [133-1] order Payment: 105.00 Receipt # 185131 TOOC (4) cc:Judge (jmr) (Entered: 09/10/2002)
09/10/2002		Notice of appeal and certified copy of docket to USCA: [134-1] appeal (jmr) (Entered: 09/10/2002)
09/17/2002	135	Transcript order form from attorney for Appellants: Transcript not requested [134-1] appeal (jmr) (Entered: 09/17/2002)
09/17/2002		Transmitted 11 vol. record on appeal to U.S. Court of Appeals: [134-1] appeal, [0-0] appeal (jmr) (Entered: 09/17/2002)
10/16/2002		USCA Case Number, 02-11080 Re: [134-1] appeal (jmr) Modified on 10/21/2002 (Entered: 10/18/2002)
10/17/2002	136	Unopposed MOTION by certain defendants for leave to supplement the record on appeal (15+)(exhibits not imaged) (jrb) (Entered: 10/21/2002)
10/23/2002	137	ORDER granting [136-1] motion for leave to supplement the record on appeal...see order for specifics. (Signed by Judge Sam A. Lindsay) Copies to counsel: 10/24/02 Page(s) 2 (jrb) (Entered: 10/24/2002)
11/07/2002	138	ORDER OF USCA ... Pursuant to the agreed motion of the parties, Lori Lemmer and Hans Paffhausen, in the above appeal, that portion of the appeal of Lemmer v. Paffhausen is dismissed. The appeal of Lori Lemmer against David F. Brigante, Patrick E. Howard, Daniel M. Kerrane, Richard C. Dresdale, James H. Groh, John P. Rochon, C. Ronald Baiocchi, Brian D. Finn, Hubbard C. Howe and Anthony G. Schmeck remains pending. (certified copy) Re: [134-1] appeal Issued as mandate 10/24/02 (7) cc:Judge (jmr) Modified on 11/07/2002 (Entered: 11/07/2002)

11/13/2002		Transmitted 1 vol. supplemental record on appeal: [134-1] appeal (jmr) (Entered: 11/13/2002)
12/30/2002	139	ORDER OF USCA (certified copy) Re: [134-1] appeal. Pursuant to the agreed motion of the parties Lori Lemmer, Patrick Howard, Richard Dresdale, James Groh, John Rochon, C Ronald Baiocchi, Brian Finn and Hubbard Howe that portion of the appeal is dismissed.(6) (svc) (Entered: 12/31/2002)
09/08/2003		Appeal Record Returned: 12 vol. record; 134 Notice of Appeal (jmr,) (Entered: 09/08/2003)
09/08/2003	140	PER CURIAM ORDER of USCA: AFFIRMED; as to 134 Notice of Appeal filed by Lori Lemmer. (jmr,) (Entered: 09/08/2003)
09/08/2003	141	JUDGMENT/MANDATE of USCA: Judgment of the District Court is affirmed... Appellant pay to appellees the costs on appeal; as to 134 Notice of Appeal filed by Lori Lemmer. Issued as Mandate: 9/3/03. (jmr,) (Entered: 09/08/2003)
10/20/2003	142	ORDER of USCA: Appellant's objection to bill of costs of appellees David F. Brigante and Daniel M. Kerrane is granted in part. The court grants costs in the amount of \$437.60 only; as to 134 Notice of Appeal filed by Lori Lemmer. (jmr) (Entered: 10/21/2003)

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