

**U.S. District Court**  
**Southern District of Florida (Miami)**  
CIVIL DOCKET FOR CASE #: 98-CV-174

Rhodes, et al v. Cruz, et al

Filed: 01/28/98  
Assigned to: Judge Joan A. Lenard  
Demand: \$0,000  
Nature of Suit: 850  
Lead Docket: None  
Jurisdiction: Federal Question  
Dkt# in other court: None  
Cause: 15:0077 Securities Fraud

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RICHARD M. RHODES,  
individually and on behalf of  
all others similarly situated  
    plaintiff

Michael J. Pucillo  
FTS 835-0322  
561-835-0322  
[COR LD NTC]  
Wendy Hope Zoberman  
[COR LD NTC]  
Burt & Pucillo  
515 N Flagler Drive  
Suite 1701 Northbridge Centre  
West Palm Beach, FL 33401  
561-835-9400

Andrew L. Barroway  
FTS 667-7056  
[COR LD NTC]  
Schiffrin & Barroway  
3 Bala Plaza East  
Suite 400  
Bala Cynwyd, PA 19004  
610-667-7706

Ralph M. Stone  
[COR LD NTC]  
Shalov Stone & Bonner  
276 Fifth Avenue  
Suite 704  
New York, NY 10001  
212-686-8004

JOE ABRAHAM  
    plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman

(See above)  
[COR LD NTC]

Andrew L. Barroway

(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

ALBERT DAVIDSON, JR.  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

ELENORE DONNERSTEIN, (Trustee)  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

PATRICK DOUGHERTY  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

GLOBAL STOTZ INVESTMENTS, (c/o  
Anthony J. Massino)  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]

Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

WILLIAM C. GREEN  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

MICHAEL LACOUR  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

KEVIN MCINTYRE  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman

(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

FRANK RAFFO  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]

Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

RICHARD M. RHODES  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

ROBERT PAUL RINAURO  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

ASHA MAHTANI  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

DAVID L. SPANGLER  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman

(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

THOMAS UYEMURA  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

NEIL WILSON  
plaintiff

Michael J. Pucillo  
(See above)  
[COR LD NTC]  
Wendy Hope Zoberman  
(See above)  
[COR LD NTC]

Andrew L. Barroway  
(See above)  
[COR LD NTC]

Ralph M. Stone  
(See above)  
[COR LD NTC]

v.

WILLIAM R. CRUZ  
defendant

Richard Bryan Jackson  
[COR LD NTC]  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson  
Museum Tower  
150 W Flagler Street  
Suite 2200  
Miami, FL 33130  
305-789-3200

RALPH L. CRUZ  
defendant

Richard Bryan Jackson  
(See above)  
[COR LD NTC]

OMEGA RESEARCH, INC.  
defendant

Richard Bryan Jackson  
(See above)  
[COR LD NTC]

BANCAMERICA ROBERTSON,  
STEPHENS  
defendant

Hilarie Bass  
FTS 579-0641  
305-579-0745  
[COR LD NTC]  
Greenberg Traurig Hoffman  
Lipoff Rosen & Quentel  
1221 Brickell Avenue  
19th Floor  
Miami, FL 33131  
305-579-0500

Sara B. Brody  
[COR LD NTC]  
Stephen M. Kanster

[COR LD NTC]  
Amy M. McNamer  
[COR LD NTC]  
Brobeck Phleger & Harrison  
Spear Street Tower  
1 Market Plaza  
San Francisco, CA 94105  
415-442-0900

LEHMAN BROTHERS  
defendant

Hilarie Bass  
(See above)  
[COR LD NTC]

Sara B. Brody  
(See above)  
[COR LD NTC]  
Stephen M. Kanster  
(See above)  
[COR LD NTC]  
Amy M. McNamer  
(See above)  
[COR LD NTC]

HAMBRECHT & QUIST  
defendant

Hilarie Bass  
(See above)  
[COR LD NTC]

Sara B. Brody  
(See above)  
[COR LD NTC]  
Stephen M. Kanster  
(See above)  
[COR LD NTC]  
Amy M. McNamer  
(See above)  
[COR LD NTC]

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## DOCKET PROCEEDINGS

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DATE	#	DOCKET ENTRY
1/28/98	1	COMPLAINT filed; FILING FEE \$150.00 RECEIPT # 707828; A-7; TEB (ir) [Entry date 01/29/98]
1/28/98	--	Magistrate identification: Magistrate Judge Ted E. Bandstra (ir) [Entry date 01/29/98]
2/27/98	2	MOTION by Richard M. Rhodes for Ralph M. Stone and Andrew L Barroway to appear pro hac vice (ls) [Entry date 03/05/98]
2/27/98	2	Clerk's receipt. Number: 688475 and 68876 in the amount of \$75.00 and \$75.00 for Ralph M. Stone and Andrew L. Barroway to appear pro hac vice by Richard M. Rhodes (ls) [Entry date 03/05/98]
3/5/98	3	ORDER granting [2-1] motion for Ralph M. Stone and Andrew L Barroway to appear pro hac vice ( signed by Judge Joan A. Lenard on 3/5/98) CCAP (rn) [Entry date 03/06/98]
3/24/98	4	STIPULATION by Hambrecht & Quist, Lehman Brothers, BancAmerica, Omega Research, Inc., Ralph L. Cruz, William R. Cruz, Richard M. Rhodes In Re: the action and any related actions are consolidated; William R. Cruz, Ralph L. Cruz, Omega Research, BancAmerica, Robertson Stephens, Lehman Brothers, and Hambrecht & Quist LLC need not respond to any complaint filed in any related action; plaintiffs may file amended complaint no later than 30 days (rn) [Entry date 03/26/98]
3/24/98	4	ORDER approving [4-1] stipulation (signed by Judge Joan A. Lenard on 3/24/98) CCAP (rn) [Entry date 03/26/98]
3/27/98	5	MOTION by Richard M. Rhodes to be appointed lead plaintiffs pursuant to 27(A)(3)(B) of the Securities Act of 1933 and for approval of the proposed lead plaintiffs' selection of co-lead counsel and liaison counsel (rn)
3/27/98	6	MEMORANDUM by Richard M. Rhodes in support of [5-1] motion to be appointed lead plaintiffs pursuant to 27(A)(3)(B) of the Securities Act of 1933 and for approval of the proposed lead plaintiffs' selection of co-lead counsel and liaison counsel (rn) [Entry date 03/30/98]

3/27/98 7 AFFIDAVIT by Richard M. Rhodes Re: [5-1] motion to be appointed lead plaintiffs pursuant to 27(A)(3)(B) of the Securities Act of 1933 and for approval of the proposed lead plaintiffs' selection of co-lead counsel and liaison counsel (rn) [Entry date 03/30/98]

4/3/98 8 REQUEST by Omega Research, Inc., William R. Cruz, Ralph L. Cruz for oral argument, and expedited briefing regarding their motion to stay discovery and related proceedings (rn) [Entry date 04/07/98]

4/3/98 9 MOTION by Omega Research, Inc., Ralph L. Cruz, William R. Cruz to stay discovery and related proceedings (rn) [Entry date 04/07/98]

4/7/98 10 OPPOSITION by Richard M. Rhodes to [8-1] motion for oral argument, [8-2] motion expedited briefing their motion to stay discovery and related proceedings (rn) [Entry date 04/09/98]

4/8/98 11 MEMORANDUM by Omega Research, Inc., Ralph L. Cruz, William R. Cruz in support of [8-1] motion for oral argument, [8-2] motion expedited briefing regarding their motion to stay discovery and related proceedings (rn) [Entry date 04/10/98]

4/8/98 12 ORDER Referring Motion(s) [9-1] motion to stay discovery and related proceedings referred to Magistrate Ted E. Bandstra, [8-1] motion for oral argument referred to Magistrate Ted E. Bandstra, [8-2] motion expedited briefing regarding their motion to stay discovery and related proceedings referred to Magistrate Ted E. Bandstra ( signed by Judge Joan A. Lenard on 4/8/98) (rn) [Entry date 04/10/98]

4/10/98 13 Joinder in defendants' motion to stay discovery and related proceedings, and for oral argument and expedited briefing regarding same by Hambrecht & Quist, Lehman Brothers, BancAmerica (rn) [Entry date 04/14/98]

4/13/98 14 RESPONSE by Omega Research, Inc., Ralph L. Cruz, William R. Cruz to [5-1] motion to be appointed lead plaintiffs pursuant to 27(A)(3)(B) of the Securities Act of 1933 and for approval of the proposed lead plaintiffs' selection of co-lead counsel and liaison counsel (rn) [Entry date 04/14/98]

4/14/98 15 MEMORANDUM by Richard M. Rhodes in opposition to [9-1] motion to stay discovery and related proceedings (rn) [Entry date 04/16/98]

4/14/98 16 Notice of Hearing Motion hearing before Magistrate Ted E.

Bandstra set for 2:00 4/16/98 for [9-1] motion to stay discovery and related proceedings ( signed by Magistrate Ted E. Bandstra on 4/13/98) CCAP (rn) [Entry date 04/16/98]

- 4/14/98 19 MOTION by Hambrecht & Quist, Lehman Brothers, BancAmerica for Sara B. Brody, Stephen M. Kanster, Amy M. McNamer to appear pro hac vice (rn) [Entry date 04/17/98]
- 4/14/98 19 Clerk's receipt. Number: 690862 in the amount of \$ 225 for admission pro hac vice by Hambrecht & Quist, Lehman Brothers, BancAmerica (rn) [Entry date 04/17/98]
- 4/16/98 17 Minutes of motion hearing held before Magistrate Ted E. Bandstra on 4/16/98; Court will take matter under advisement, order to be entered; Court Reporter Name or Tape #: 98B-33-2299-3641 & 34-1-39 (rn) [Entry date 04/17/98]
- 4/16/98 -- Motion hearing re: [9-1] motion to stay discovery and related proceedings Motion hearing held (rn) [Entry date 04/17/98]
- 4/16/98 18 REPLY by Omega Research, Inc., Ralph L. Cruz, William R. Cruz in support of [9-1] motion to stay discovery and related proceedings (rn) [Entry date 04/17/98]
- 4/20/98 20 ORDER granting [19-1] motion for Sara B. Brody, Stephen M. Kanster, Amy M. McNamer to appear pro hac vice ( signed by Judge Joan A. Lenard on 4/20/98) CCAP (tdj)
- 4/23/98 21 ORDER granting [8-1] motion for oral argument, granting [8-2] motion expedited briefing regarding their motion to stay discovery and related proceedings granting [9-1] motion to stay discovery and related proceedings granting [13-1] notice ( signed by Magistrate Ted E. Bandstra on 4/23/98) CCAP (rn) [Entry date 04/24/98]
- 5/6/98 22 ORDER granting [5-1] motion to be appointed lead plaintiffs pursuant to 27(A)(3)(B) of the Securities Act of 1933 and for approval of the proposed lead plaintiffs' selection of co-lead counsel and liaison counsel ( signed by Judge Joan A. Lenard on 5/6/98) CCAP (rn) [Entry date 05/07/98]
- 6/1/98 23 AMENDED COMPLAINT by Richard M. Rhodes, Joe Abraham, Albert Davidson Jr., Elenore Donnerstein, Patrick Dougherty, Global Stotz, William C. Green, Michael LaCour, Kevin McIntyre, Frank Raffo, Richard M. Rhodes, Robert Paul Rinauro, Asha Mahtani, David L. Spangler, Thomas Uyemura, Neil Wilson , (Answer due 6/11/98 for William R. Cruz, for Ralph L. Cruz, for Omega Research, Inc., for BancAmerica, for Lehman Brothers, for Hambrecht & Quist ) amending [1-1] complaint (rn) [Entry date 06/03/98]

7/1/98 24 MOTION by Omega Research, Inc., Ralph L. Cruz, William R. Cruz to dismiss amended complaint with prejudice (rn) [Entry date 07/09/98]

7/1/98 25 MOTION by BancAmerica, Lehman Brothers, Hambrecht & Quist to dismiss amended complaint with prejudice (rn) [Entry date 07/09/98]

7/1/98 26 MEMORANDUM by BancAmerica, Lehman Brothers, Hambrecht & Quist in support of [25-1] motion to dismiss amended complaint with prejudice (rn) [Entry date 07/09/98]

7/1/98 27 REQUEST by Omega Research, Inc., Ralph L. Cruz, William R. Cruz for oral argument on motion to dismiss amended complaint (rn) [Entry date 07/09/98]

7/1/98 28 REQUEST by BancAmerica, Lehman Brothers, Hambrecht & Quist for hearing on motion to dismiss amended complaint (rn) [Entry date 07/09/98]

7/1/98 29 NOTICE of Filing affidavit of Richard B. Jackson in support of motion to dismiss amended complaint by Omega Research, Inc., Ralph L. Cruz, William R. Cruz (rn) [Entry date 07/09/98]

8/3/98 30 MEMORANDUM by All Plaintiffs in opposition to [24-1] motion to dismiss amended complaint with prejudice (rn) [Entry date 08/04/98]

8/3/98 31 MEMORANDUM by All Plaintiffs in opposition to [25-1] motion to dismiss amended complaint with prejudice (rn) [Entry date 08/04/98]

8/12/98 32 MOTION with memorandum in support by BancAmerica, Lehman Brothers, Hambrecht & Quist to extend time to file reply memo to memorandum in opposition to defendants' motion to dismiss (cp) [Entry date 08/13/98]

8/17/98 33 ORDER granting [32-1] motion to extend time to file reply to memorandum in opposition to defendants' motion to dismiss Reply to Response to Motion reset to 8/25/98 for [25-1] motion to dismiss amended complaint with prejudice ( signed by Judge Joan A. Lenard on 8/17/98) CCAP (cp) [Entry date 08/18/98]

8/18/98 34 REPLY by Omega Research, Inc., William R. Cruz, Ralph L. Cruz to response to [24-1] motion to dismiss amended complaint with prejudice (cp) [Entry date 08/19/98]

8/21/98 35 NOTICE of filing attached complete memorandum of law in opposition to Omega Defendants' motion to dismiss amended complaint, originally filed 8/3/98 by All Plaintiffs (cp) [Entry date 08/24/98]

8/25/98 36 REPLY by Ralph L. Cruz, William R. Cruz in support of [24-1] motion to dismiss amended complaint with prejudice (rn) [Entry date 08/26/98]

10/20/98 37 ORDER directing parties to file a Certificate of Interested Persons and Corporate Disclosure Statement within 15 days (signed by Judge Joan A. Lenard on 10/20/98) CCAP (rn) [Entry date 10/21/98]

10/20/98 38 ORDER TO SHOW CAUSE within 15 days for failure to comply with Local Rule 16.1B (signed by Judge Joan A. Lenard on 10/20/98) CCAP (rn) [Entry date 10/21/98]

11/3/98 39 Certificate of Interested Persons by All Plaintiffs (rn) [Entry date 11/05/98]

11/4/98 40 Certificate of Interested Persons by Hambrecht & Quist, Lehman Brothers, BancAmerica (rn) [Entry date 11/06/98]

11/4/98 41 JOINT RESPONSE to Order to Show Cause for failure to comply with Local Rule 16.1B by All Plaintiffs, Hambrecht & Quist, Lehman Brothers, BancAmerica, Omega Research, Ralph L. Cruz (rn) [Entry date 11/06/98]

11/4/98 42 Certificate of Interested Persons by Omega Research, Inc., Ralph L. Cruz, William R. Cruz (rn) [Entry date 11/06/98]

11/13/98 43 NOTICE of name change by Robertson Stephens (cj) [Entry date 11/17/98]

2/26/99 44 ORDER granting in part, denying in part [25-1] motion to dismiss amended complaint with prejudice, granting in part, denying in part [24-1] motion to dismiss amended complaint with prejudice; this case is closed, all motions not ruled upon are DENIED AS MOOT (signed by Judge Joan A. Lenard on 2/26/99) CCAP (rn) [Entry date 03/02/99]

2/26/99 -- CASE CLOSED. Case and Motions no longer referred to Magistrate. (rn) [Entry date 03/02/99]

3/1/99 45 CORRECTED ORDER granting in part, denying in part [24-1] motion to dismiss amended complaint with prejudice, granting in part, denying in part [25-1] motion to dismiss

amended complaint with prejudice (signed by Judge Joan A. Lenard on 3/1/99) CCAP (rn) [Entry date 03/12/99]

3/19/99 46 NOTICE of change of attorney's address by All Plaintiffs (rn) [Entry date 03/22/99]

3/23/99 47 NOTICE OF APPEAL by All Plaintiffs of [45-1] order EOD Date: 03/12/99, and [44-1] order . EOD Date: 03/02/99; Filing Fee: \$ FEE NOT PAID;; Copies to USCA and Counsel of Record. (ga) [Entry date 03/26/99]

3/31/99 48 Certification that no transcript will be ordered by All Plaintiffs (rn) [Entry date 04/02/99]

4/2/99 -- USCA appeal fees received as to All Plaintiffs Re: [47-1] appeal Filing Fee \$ 105.00 Receipt # 800114. (ep) [Entry date 04/05/99]

4/12/99 49 NOTICE of change of attorney's address by Neil Wilson, Thomas Uyemura, David L. Spangler, Asha Mahtani, Robert Paul Rinauro, Richard M. Rhodes, Frank Raffo, Kevin McIntyre, Michael LaCour, William C. Green, Global Stotz, Patrick Dougherty, Elenore Donnerstein, Albert Davidson Jr., Joe Abraham, Richard M. Rhodes (rn) [Entry date 04/13/99]

4/14/99 50 VERIFIED MOTION by Omega Research, Inc. for determination of entitlement to an award of attorneys' fees and cost (rn) [Entry date 04/15/99]

4/16/99 -- NOTICE of Receipt of (NOA) Transmittal Letter from USCA as to Richard M. Rhodes Re: [47-1] appeal by All Plaintiffs USCA NUMBER: 99-10141-A (nc) [Entry date 04/19/99]

4/19/99 51 NOTICE of withdrawal of motion for determination of entitlement to an award of attorney's fees and costs by Omega Research, Inc. (td) [Entry date 04/21/99]

4/19/99 -- WITHDRAWAL of [50-1] motion for determination of entitlement to an award of attorneys' fees and cost (td) [Entry date 04/21/99]

7/12/99 52 ORDER of dismissal from USCA (certified copy) dismissing [47-1] appeal pursuant to a stipulated voluntary dismissal, construed as motion to dismiss appeal with prejudice, with each party bearing its own costs and fees USCA #: 99-10141-A USCA Order Date: 7/1/99 (nc) [Entry date 07/15/99]

7/12/99 -- Magistrate identification: Magistrate Judge Ted E.

Bandstra (nc) [Entry date 07/15/99]

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