

US District Court for the
District of Arizona

2:99cv115

Celley v. Zila Inc, et al

Date Filed: 01/25/1999
Assigned To: Judge Owen M Panner
Referred To:
Nature of suit: Securities (850)
Cause: Securities Exchange Act
Lead Docket: None
Other Docket: None
Jurisdiction: Federal Question

Class Code: TERMED
PROTO
Closed: Yes
Statute: 15:78m(a)
Jury Demand: Plaintiff
Demand
Amount: \$0

Litigants

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Date	#	Proceeding Text
01/25/1999	1	COMPLAINT FILED (ms) [Entry date 02/01/99] [2:99cv115]
02/01/1999	2	RETURN OF SERVICE EXECUTED of summons and complaint as to dft Zila Inc on 1/28/99 upon statutory agent Joseph Hines (mm) [Entry date 02/05/99] [Edit date 02/24/99] [2:99cv115]
02/03/1999	3	ATTORNEY APPEARANCE for dft Zila Inc by Louis A Stahl, James A Ryan (mm) [Entry date 02/08/99] [2:99cv115]
02/19/1999	4	STIPULATION RE: consolidating cases for all purposes and establishing schedule for response to consolidated complaint (CIV-99-260; 99-219; 99-240; 99-259; 99-280; 99-165; 99-119 and 99-241) (mm) [Entry date 02/23/99] [2:99cv115]
02/22/1999	5	RETURN OF SERVICE EXECUTED of summons and complaint upon dft Joseph Hines, dft Janice L Backus on 2/4/99 through attorney for dfts Louis A Stahl (mm) [Entry date 02/24/99] [2:99cv115]
03/02/1999	6	PRETRIAL ORDER NO 1 CONSOLIDATING CASES FOR ALL PURPOSES AND ESTABLISHING SCHEDULE FOR RESPONSE TO CONSOLIDATED COMPLAINT by Judge Earl H. Carroll: granting stipulation cases 2:99-cv-115 with member cases 2:99-cv-260, 2:99-cv-219, 2:99-cv-240, 2:99-cv-259, 2:99-cv-280, 2:99-cv-165, 2:99-cv-119, 2:99-cv-241, 2:99-cv-238, 2:99-cv-242, 2:99-cv-164, 2:99-cv-117 (cc: all counsel) (jw) [Entry date 03/02/99] [2:99cv115]
03/02/1999	7	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE summons and Class Action Complaint upon dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 on 2/4/99 (jw) [Entry date 03/03/99] [2:99cv115]
03/05/1999	8	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE summons and complaint upon dft Bradley C Anderson in 2:99-cv-00119 on 3/3/99 - accepted by Louis A Stahl, attorney for dft Anderson (mm) [Entry date 03/10/99] [Edit date 03/10/99] [2:99cv115]
03/05/1999	9	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE summons and complaint upon dft Curtis M Roca III in 2:99-cv-00219 on 3/3/99 - accepted by Louis A Stahl, attorney for dft Zila, Inc (mm) [Entry date 03/10/99] [Edit date 03/10/99] [2:99cv115]
03/05/1999	10	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE summons and complaint upon dft Curtis M Roca III for 2:99-cv-00238 on 3/3/99 - accepted by Louis A Stahl, attorney for dft Zila, Inc (mm) [Entry date 03/10/99] [2:99cv115]
03/05/1999	11	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE summons and complaint upon dft Timothy J Pundy in 2:99-cv-00115, dft Bradley C Anderson in 2:99-cv-00115, dft Rocco Anselmo in 2:99-cv-00115 on 3/3/99 - accepted by Louis A Stahl, attorney for dft Zila, Inc (mm) [Entry date 03/10/99] [Edit date 03/10/99] [2:99cv115]
03/09/1999	12	STIPULATION RE: consolidating cases for all purposes and establishing schedule for response to consolidated complaint (consolidate CIV-99-115 cases with CIV-99-313 cases and file consolidated complaint) (mm) [Entry date 03/12/99] [2:99cv115]

- 03/15/1999 13 ORDER by Judge Earl H. Carroll granting stipulation for consolidation Case consolidated 2:99-cv-115 with member cases 2:99-cv-313. Consolidated amended complaint to be filed within 30 days after cases are consolidated; dfts have 30 days thereafter to file answer or responsive pldg. (cc: all counsel) (dmt) [Entry date 03/15/99] [2:99cv115]
- 03/26/1999 14 MOTION for appointment of lead plaintiffs under Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' selection of lead counsel by plas in 2:99-cv-00115 [14-1] (mm) [Entry date 03/30/99] [2:99cv115]
- 03/26/1999 15 MEMORANDUM IN SUPPORT by plas in 2:99-cv-00115 of motion for appointment of lead plaintiffs under Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' selection of lead counsel by plas in 2:99-cv-00115 [14-1] (mm) [Entry date 03/30/99] [2:99cv115]
- 03/26/1999 16 CERTIFICATE OF MAILING by plas in 2:99-cv-00115 of motion and memorandum in support of motion for appointment of lead plaintiffs and approval of lead plaintiffs' selection of lead counsel (mm) [Entry date 03/30/99] [2:99cv115]
- 03/26/1999 17 DECLARATION of Alan Scheiner by plas in 2:99-cv-00115 in support of motion for appointment of lead plaintiffs under Section 21D(a)(3)(B) the Securities Exchange Act of 1934 and for approval of lead plaintiffs' selection of lead counsel by plas in 2:99-cv-00115 [14-1] [14-1] (mm) [Entry date 03/30/99] [2:99cv115]
- 03/31/1999 18 SUPPLEMENTAL DECLARATION of Alan H Scheiner by plas in 2:99-cv-00115 in support of motion for appointment of lead plaintiffs under Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' selection of lead counsel by plas in 2:99-cv-00115 [14-1] [14-1] (mm) [Entry date 04/05/99] [2:99cv115]
- 03/31/1999 19 NOTICE by plas in 2:99-cv-00115 of filing of supplemental declaration of Alan H Scheiner in support of Zila plas motion for appointment of lead plaintiffs (mm) [Entry date 04/05/99] [2:99cv115]
- 03/31/1999 20 CERTIFICATE OF MAILING by plas in 2:99-cv-00115 notice of filing and supplemental declaration of Alan H Scheiner in support of the Zila plaintiffs group's motion for appointment of lead plaintiffs and for approval of lead plaintiffs' selection of lead counsel (mm) [Entry date 04/05/99] [2:99cv115]
- 04/22/1999 21 ORDER by Judge Earl H. Carroll: consolidating CV 99-575 PHX-MS with the lead case CV 99-115 PHX-EHC cases 2:99-cv-115 with member cases 2:99-cv-575 (cc: all counsel/member case) (jw) [Entry date 04/22/99] [2:99cv115]
- 05/14/1999 22 ORDER by Judge Earl H. Carroll granting motion for appointment of lead plaintiffs under Section 21D(a)(3)(B) of the Securities Exchange Act of 1934...Zila Pla Group appointed as lead Plaintiffs AND for approval of lead plaintiffs' selection of lead counsel by plas [14-1]...Andrew Friedman, David Daniel Weinzweig, Stanley Merrill Grossman, D Brian Hufford, Jeffrey Craig Block, Fred T Isquith, Gregory M Nespole, William Shannon Lerach, Alan Schulman, Darren J Robbins appointed (cc: all counsel) (ms) [Entry date 05/14/99] [2:99cv115]
- 05/20/1999 23 STIPULATION by plas and dfts that the briefing schedule provided for inthe Court's pretrial order #1 should have commenced on 5/17/99 (jw) [Entry date 05/24/99] [2:99cv115]
- 05/24/1999 24 ORDER by Judge Earl H. Carroll granting stipulation re briefing schedule. (cc: all

counsel) (sd) [Entry date 05/24/99] [2:99cv115]

06/09/1999 25 STIPULATION by plas, dfts in 2:99-cv-00115 to extend briefing schedule (mm) [Entry date 06/14/99] [2:99cv115]

06/15/1999 26 ORDER by Judge Earl H. Carroll granting stipulation RE: briefing schedule, plas shall file their Amended Consolidated Class Action Complaint on or before 7/6/99 and subsequent briefing on a motion to dismiss, if any, shall proceed from that date as indicated in the Court's Pretrial Order No. 1. (cc: all counsel) (mm) [Entry date 06/15/99] [2:99cv115]

07/06/1999 27 FIRST AMENDED CLASS ACTION COMPLAINT by pla Todd M Celley in 2:99-cv-00115; jury demand [1-1] ; (jw) [Entry date 07/07/99] [2:99cv115]

07/26/1999 28 STIPULATION by all parties that the time within which defts must file their answer or responsive pleading may be extended to 9/10/99 (jw) [Entry date 07/26/99] [2:99cv115]

07/30/1999 29 ORDER by Judge Earl H. Carroll granting stipulation; defts Zila, Joseph Hines, and Ralph Green must file their answer to the responsive pleading by 9/10/99 (cc: all counsel) (jw) [Entry date 07/30/99] [2:99cv115]

09/10/1999 31 MOTION to exceed the page limit to file a memorandum of points and authorites in support of their motion to dismiss pla's 1st amended class action complaint (LODGED at Clerk's desk) by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [30-1] (jw) [Entry date 09/13/99] [Edit date 09/13/99] [2:99cv115]

09/10/1999 30 MOTION to dismiss plas' first amended class action complaint by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [31-1] (jw) [Entry date 09/13/99] [Edit date 09/13/99] [2:99cv115]

09/24/1999 32 ORDER by Judge Earl H. Carroll granting motion to exceed the page limit to file a memorandum of points and in support of their motion to dismiss pla's 1st amended class action complaint by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [30-1] (cc: all counsel) (jw) [Entry date 09/24/99] [2:99cv115]

09/24/1999 33 MEMORANDUM OF POINTS AND AUTHORTIES by dfts in 2:99-cv-00115 of motion to dismiss plas' first amended class action complaint by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [31-1] (jw) [Entry date 09/27/99] [2:99cv115]

09/29/1999 34 STIPULATION by all parties that plas shall have until 10/29/99 to file and serve responsive papers to defts' motion to dismiss plas' first amended class action complaint (jw) [Entry date 09/29/99] [2:99cv115]

10/06/1999 35 ORDER by Judge Earl H. Carroll: plas shall have until 10/29/99 to file and serve responsive papers to defts motion to dismiss plas' first amended class action complaint (cc: all counsel) (jw) [Entry date 10/06/99] [2:99cv115]

10/29/1999 36 Memorandum of Law in opposition (RESPONSE) by pla Todd M Celley in 2:99-cv-00115 to motion to dismiss plas' first amended class action complaint by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [31-1] (jw) [Entry date 11/01/99] [2:99cv115]

11/10/1999 37 STIPULATION by pla Todd M Celley in 2:99-cv-00115, dft Zila Inc in 2:99-cv-00115

for extension of time (for dft to file reply memorandum in support of their Motion to Dismiss) (reply not received in docketing) (mm) [Entry date 11/15/99] [2:99cv115]

11/15/1999 38 ORDER by Judge Earl H. Carroll granting stipulation that dfts shall have through and including 12/10/99 to file their reply memorandum in support of their pending Motion to Dismiss (cc: all counsel) (mm) [Entry date 11/15/99] [2:99cv115]

12/10/1999 39 REPLY by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to response to motion to dismiss plas' first amended class action complaint by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [31-1] (mm) [Entry date 12/13/99] [2:99cv115]

02/29/2000 40 NOTICE by pla in 2:99-cv-00115 of change of address of counsel Nadeem Faruqi: 320 E 39th St, New York, NY 10016, 212-983-9330 (mm) [Entry date 03/01/00] [2:99cv115]

03/08/2000 41 MOTION for pro hac vice by D Brian Hufford as to pla in 2:99-cv-00115 [41-1] (mm) [Entry date 03/10/00] [2:99cv115]

03/08/2000 42 DECLARATION of D Brian Hufford by pla in 2:99-cv-00115 re motion for pro hac vice by D Brian Hufford as to pla in 2:99-cv-00115 [41-1] [41-1] (mm) [Entry date 03/10/00] [2:99cv115]

03/13/2000 43 ORDER by Judge Earl H. Carroll granting motion for pro hac vice by D Brian Hufford as to pla in 2:99-cv-00115 [41-1] (cc: all counsel) (jw) [Entry date 03/13/00] [2:99cv115]

06/26/2000 44 ORDER by Judge Stephen M. McNamee Case reassigned to Judge Owen M. Panner All further filings in this case shall bear the completed case number and judge's initials as shown: CIV-99-115-PHX-EHC(OMP). (cc: all counsel,omp) (mm) [Entry date 06/26/00] [2:99cv115]

06/26/2000 45 NOTICE of change of firm name and address by Steven E Cauley in 2:99-cv-00115 - Cauley & Geller, LLP, 11311 Arcade Drive, Suite 201, Little Rock, Arkansas 72212 (attorney not associated with this case) (mm) [Entry date 07/05/00] [2:99cv115]

07/28/2000 -- REMARK as to Todd M Celley in 2:99-cv-00115, Eleanor Turberg in 2:99-cv-00117, Antony Mekkattukulam in 2:99-CV-119, Alfred Tesiny in 2:99-cv-164, CPA Data Systems Inc in 2:99-cv-165, Adele Brody in 2:99-cv-219, Evan Buxner in 2:99-cv-240, Dharmesh Patel in 2:99-cv-241, Joseph Safdeye in 2:99-cv-242, Hellen D Carpenter in 2:99-cv-259, Johanna L Bove and Nicholas Bove in 2:99-cv-260, David L Carpenter in 2:99-cv-280, Robert Agro in 2:99-cv-313, John Gilboy in 2:99-cv-575 atty Darren J Robbins Milberg Weiss Bershady Hynes & Lerach 600 W Broadway Ste 1800 San Diego CA 92101 removed from database for noncompliance w/adm ddl date of 07/22/00 party rep by other counsel (bas) [Entry date 07/28/00] [2:99cv115 2:99cv117]

08/09/2000 46 MINUTE ENTRY before Judge Owen M. Panner record of setting telephone conference re status of the case and for the purpose of scheduling on 9/6/00 at 2:45 pm; status hearing set for 2:45 9/6/00 [cc: all counsel,omp [46-2] (mm) [Entry date 08/16/00] [2:99cv115]

09/07/2000 47 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Merry C Gesner - denying motion to dismiss plas' first amended class action complaint by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [31-1]; pla to file motion for class certification by 9/29/00, dfts to file response by 10/20/00, pla to file reply by 10/27/00; bifurcating issues of liability and damages ; Pretrial

conference set for 10:00 11/17/00 in Phoenix, AZ; 3 day jury trial on damages only set for 10:00 11/20/00 in Phoenix, AZ [cc: all counsel,omp [47-2] (mm) [Entry date 09/12/00] [2:99cv115]

- 09/08/2000 -- REMARK as to John Gilboy in 2:99-cv-00575 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by local counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv575]
- 09/08/2000 -- REMARK as to Robert Agro in 2:99-cv-00313 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv313]
- 09/08/2000 -- REMARK as to David L Carpenter in 2:99-cv-00280 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv280]
- 09/08/2000 -- REMARK as to Nicholas Bove in 2:99-cv-00260 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv260]
- 09/08/2000 -- REMARK as to Johanna L Bove in 2:99-cv-00260 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv260]
- 09/08/2000 -- REMARK as to Hellen D Carpenter in 2:99-cv-00259 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv259]
- 09/08/2000 -- REMARK as to Joseph Safdeye in 2:99-cv-00242 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv242]
- 09/08/2000 -- REMARK as to Dharmesh Patel in 2:99-cv-00241 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv241]
- 09/08/2000 -- REMARK as to Evan Buxner in 2:99-cv-00240 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv240]
- 09/08/2000 -- REMARK as to Larry D Reitz in 2:99-cv-00238 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv238]
- 09/08/2000 -- REMARK as to Adele Brody in 2:99-cv-00219 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016

removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv219]

09/08/2000 -- REMARK as to CPA Data Systems Inc in 2:99-cv-00165 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv165]

09/08/2000 -- REMARK as to Antony Mekkattukulam in 2:99-cv-00119 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv119]

09/08/2000 -- REMARK as to Eleanor Turberg in 2:99-cv-00117 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv117]

09/08/2000 -- REMARK as to Todd M Celley in 2:99-cv-00115 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv117]

09/08/2000 -- REMARK as to Alfred Tesiny in 2:99-cv-00164 atty Gregory M Nespole Wolf Haldenstein Adler Freeman & Herz 270 Madison Ave 9th Flr New York NY 10016 removed from database for noncompliance w/adm proc party rep by other counsel (bas) [Entry date 09/08/00] [2:99cv115 2:99cv164]

09/29/2000 48 MOTION to certify class action by plas in 2:99-cv-00115 [48-1] (mm) [Entry date 10/03/00] [2:99cv115]

09/29/2000 49 MEMORANDUM IN SUPPORT by pla in 2:99-cv-00115 of motion to certify class action by plas in 2:99-cv-00115 [48-1] (mm) [Entry date 10/03/00] [2:99cv115]

09/29/2000 50 DECLARATION by Marc I Gross for plas in 2:99-cv-00115 re motion to certify class action by plas in 2:99-cv-00115 [48-1] [48-1] (mm) [Entry date 10/03/00] [2:99cv115]

10/02/2000 51 MOTION for summary judgment on remaining issue relating to liability by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [51-1]; alternative motion for reconsideration of Zila, Inc's motion to dismiss by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [51-2]; conditional application for certification for immediate appeal by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [51-3] and to stay proceedings pending appeal by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [51-4] (mm) [Entry date 10/03/00] [2:99cv115]

10/02/2000 52 MOTION for oral argument on motion for summary judgment, reconsideration of motion to dismiss, conditional application for certification for immediate appeal and stay pending appeal by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [52-1] (mm) [Entry date 10/03/00] [2:99cv115]

10/04/2000 53 MOTION for expedited discovery and Rule 16 conference by plas in 2:99-cv-00115 [53-1] (mm) [Entry date 10/05/00] [Edit date 10/05/00] [2:99cv115]

10/04/2000 54 STATEMENT OF moving counsel Marc I Gross by plas in 2:99-cv-00115 re motion for expedited discovery and Rule 16 conference by plas in 2:99-cv-00115 [53-1] (mm) [Entry date 10/05/00] [2:99cv115]

10/04/2000 55 CERTIFICATE of service by plas in 2:99-cv-00115 of motion for expedited discovery, statement and proposed order (mm) [Entry date 10/05/00] [2:99cv115]

10/04/2000 56 OBJECTIONS by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to the proposed form of order lodged with the court by plas on 10/3/00 (mm) [Entry date 10/06/00] [2:99cv115]

10/05/2000 61 MINUTE ENTRY before Judge Owen M. Panner - record of order setting telephone conference on motion for expedited discovery and Rule 16 conference by plas in 2:99-cv-00115 [53-1] at 1:00 10/10/00 Pacific time [cc: all counsel,omp [61-1] (mm) [Entry date 10/13/00] [2:99cv115]

10/10/2000 57 RESPONSE by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to motion for expedited discovery (and to compel Zila to consent to release of FDA documents) and Rule 16 conference by plas in 2:99-cv-00115 [53-1] (mm) [Entry date 10/12/00] [2:99cv115]

10/10/2000 58 AFFIDAVIT of Louis A Stahl re response to pla motions for expedited discovery and to compel Zila to consent to release of FDA documents [57-1] (mm) [Entry date 10/12/00] [2:99cv115]

10/10/2000 59 CONFIDENTIALITY STIPULATION by pla Todd M Celley in 2:99-cv-00115, dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 re discovery (mm) [Entry date 10/12/00] [2:99cv115]

10/10/2000 63 MINUTE ENTRY before Judge Owen M. Panner Crtr Rptr: Margaret Hunt Record of Hearing Striking previously set dates for trial and pretrial conference FURTHER ORDERED jury trial on liability ONLY re-set for 9:00 2/26/01 (in Phoenix); Pretrial conference re-set for 10:00am on 11/22/00 (in Phoenix) FURTHER ORDERED setting motion to certify class action by plas [48-1] at 1:00 11/7/00 Plaintiffs to file proposed documents for class notification by 10/20/00 FURTHER ORDERED denying motion for summary judgment on remaining issue relating to liability by dfts [51-1]; denying motion alternative motion for reconsideration of Zila, Inc's motion to dismiss by dfts [51-2] and denying motion conditional application for certification for immediate appeal by dfts [51-3] [cc: all cnsl] [63-2] (ms) [Entry date 10/20/00] [2:99cv115]

10/13/2000 60 ORDER by Judge Owen M. Panner denying motion to dismiss plas' first amended class action complaint by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [31-1] [30-1] (cc: all counsel,omp) (mm) [Entry date 10/13/00] [2:99cv115]

10/19/2000 62 PROTECTIVE ORDER by Judge Owen M. Panner : granting the Confidentiality Stipulation (cc: all counsel) (mm) [Entry date 10/19/00] [2:99cv115]

10/20/2000 64 RESPONSE by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to motion to certify class action by plas in 2:99-cv-00115 [48-1] (mm) [Entry date 10/23/00] [2:99cv115]

10/20/2000 65 NOTICE by plas of filing proposed class certification order and related documents (mm) [Entry date 10/23/00] [2:99cv115]

10/20/2000 66 NOTICE by plas of pendency of Class Action (mm) [Entry date 10/23/00] [2:99cv115]

10/20/2000 67 EXHIBIT B Summary Notice for Publication by plas Executive Committee (ld) [Entry date 10/24/00] [2:99cv115]

10/23/2000 68 MOTION for pro hac vice by plas in 2:99-cv-00115 [68-1] (Marc I Gross, Pomerantz Haudek Block Grossman & Gross) (atty already added to System) (ld) [Entry date 10/24/00] [2:99cv115]

10/26/2000 69 ORDER by Judge Owen M. Panner that Dfts shall have thru 11/10/00 w/in which to file their answer (cc: all counsel) re: order [69-1] (ms) [Entry date 10/26/00] [2:99cv115]

10/27/2000 70 STIPULATION that dfts shall have through and including 11/10/00 within which to file their answer by plas in 2:99-cv-00115, dfts in 2:99-cv-00115 [70-1] (mm) [Entry date 10/31/00] [Edit date 10/31/00] [2:99cv115]

10/30/2000 71 DECLARATION of Marc I Gross by plas in 2:99-cv-00115 re motion to certify class action by plas in 2:99-cv-00115 [48-1] [48-1] (mm) [Entry date 11/01/00] [2:99cv115]

10/30/2000 72 REPLY by plas in 2:99-cv-00115 to response to motion to certify class action by plas in 2:99-cv-00115 [48-1] (mm) [Entry date 11/01/00] [2:99cv115]

11/01/2000 73 ORDER by Judge Owen M. Panner that dfts may file a supplemental brief in opposition to the class motion no later than 11/10/00; plas may file a supplemental brief in support of the class motion not later than 11/17/00; re-setting motion to certify class action by plas in 2:99-cv-00115 [48-1] at 10:00 11/22/00 (cc: all counsel,omp) (mm) [Entry date 11/01/00] [2:99cv115]

11/03/2000 76 MINUTE ENTRY before Judge Owen M. Panner Record of Telephone Conference In deposing lawyers who represented Dft Zila, Plas must pay the statutory witness fee for questions of fact, but must pay atty's fees if questions of opinions are asked [76-1] re: minute entry [76-1] (ms) [Entry date 11/15/00] [2:99cv115]

11/13/2000 74 ORDER by Judge Owen M. Panner granting motion for pro hac vice by plas in 2:99-cv-00115 [68-1] (Marc I Gross, Pomerantz Haudek Block Grossman & Gross) (cc: all counsel) (mm) [Entry date 11/13/00] [2:99cv115]

11/13/2000 75 SUPPLEMENTAL MEMORANDUM by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to [48-1] (mm) [Entry date 11/14/00] [2:99cv115]

11/14/2000 77 ANSWER to Amended Complaint by Dfts Zila Inc, Joseph Hines, Ralph Green (ms) [Entry date 11/15/00] [2:99cv115]

11/17/2000 78 SUPPLEMENTAL REPLY by plas in 2:99-cv-00115 to response to motion to certify class action by plas in 2:99-cv-00115 [48-1] (mm) [Entry date 11/20/00] [2:99cv115]

11/17/2000 79 DECLARATION of D Brian Hufford by plas in 2:99-cv-00115 re motion to certify class action by plas in 2:99-cv-00115 [48-1] [48-1] (mm) [Entry date 11/20/00] [2:99cv115]

11/17/2000 80 NOTICE by plas of service of declaration of D Brian Hufford in support of class motion (mm) [Entry date 11/20/00] [2:99cv115]

11/21/2000 81 NOTICE by dft Zila Inc, dft Joseph Hines, dft Ralph Green of additional authorities relating to class certification issues (mm) [Entry date 11/29/00] [2:99cv115]

11/22/2000 83 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: David Lee granting motion to certify class action by plas in 2:99-cv-00115 [48-1] [cc: all counsel,omp [83-1]

- (mm) [Entry date 11/30/00] [2:99cv115]
- 11/29/2000 82 FIRST AMENDED ANSWER to [77-1] by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 (mm) [Entry date 11/30/00] [2:99cv115]
- 12/06/2000 84 MOTION to quash 2 subpoenas served on Sklar by Pla dated 11/28/00 and 12/4/00 by William E Sklar [84-1] (ms) [Entry date 12/07/00] [2:99cv115]
- 12/06/2000 85 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Dennis Hubel - plas request to amend complaint to add additional dft is denied; setting first pretrial conference for 1/23/01 at 1:30 pm in Portland or by telephone. Pretrial materials and proposed agreements of fact are due by 1/16/01. ; First Pretrial conference set for 1:30 1/23/01, before Judge Owen M. Panner, ; Second Pretrial Conference set for 1:30 2/13/01, before Judge Owen M. Panner [cc: all counsel,omp [85-5] (mm) [Entry date 12/12/00] [2:99cv115]
- 12/12/2000 87 MOTION for partial summary judgment by dft Zila Inc, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [87-1] (rg) [Entry date 12/15/00] [2:99cv115]
- 12/13/2000 86 ORDER establishing trial date and procedures by Judge Owen M. Panner - jury trial 2/26/01 at 9:00 am in Phoenix, first pretrial conference 1/23/01 at 1:30 pm in Portland, second pretrial conference 2/13/01 at 1:30 pm in Portland (cc: all counsel,omp) re: order [86-1] (mm) [Entry date 12/13/00] [2:99cv115]
- 12/13/2000 95 MINUTE ENTRY before Judge Owen M. Panner - record of telephone conference; setting motion for partial summary judgment by dft Zila Inc, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [87-1] at 1:30 2/13/01 [cc: all counsel,omp [95-1] (mm) [Entry date 12/27/00] [2:99cv115]
- 12/14/2000 88 MOTION for stay of proceedings pending Rule 23(f) Appeal by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [88-1] (mm) [Entry date 12/18/00] [2:99cv115]
- 12/19/2000 89 ORDER RE CLASS CERTIFICATION by Judge Owen M. Panner - on or before 12/15/00 Zila or its transfer agent shall provide Pomerantz Haudek Block Grossman and Gross LLP as Chair of Plaintiffs Executive Committee, with the names and last known addresses of any class members for the purposes of provideing notice to the class; PHBG&G will file with the clerk of the court by 2/15/01 an affidavit identifying th persons and entities to whom the Notice of Pendency was mailed and a list of all persons and entities who have timely requested exclusion from the Class (cc: all counsel,omp) re: order [89-1] (mm) [Entry date 12/19/00] [2:99cv115]
- 12/21/2000 97 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Dennis Grube Hearing held; ORDERED denying motion for stay of proceedings pending Rule 23(f) Appeal by dft Zila Inc by dft Joseph Hines, dft Ralph Green [88-1], FURTHER ORDERED denying motion expedited motion for four week adjournment of pretrial schedule and trial by plas [93-1] [97-1] except that pretrial materials are due 2/5/01; all other previously set dates remain the same (rg) [Entry date 12/29/00] [2:99cv115]
- 12/22/2000 90 CERTIFICATE OF SERVICE by pla in 2:99-cv-00115 re pla opposition to motion to stay pending appeal of class certification decision (mm) [Entry date 12/26/00] [2:99cv115]
- 12/22/2000 91 CERTIFICATE OF SERVICE by pla in 2:99-cv-00115 re plas expedited motion for four week adjournment of pretrial schedule and trial and declaration of Marc I Gross in

support (mm) [Entry date 12/26/00] [2:99cv115]

12/22/2000 92 OPPOSITION by plas in 2:99-cv-00115 to motion for stay of proceedings pending Rule 23(f) Appeal by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [88-1] (mm) [Entry date 12/26/00] [2:99cv115]

12/22/2000 93 MOTION expedited motion for four week adjournment of pretrial schedule and trial by plas in 2:99-cv-00115 [93-1] (mm) [Entry date 12/26/00] [2:99cv115]

12/22/2000 94 DECLARATION of Marc I Gross by plas in 2:99-cv-00115 in support of expedited motion for four week adjournment of pretrial schedule and trial by plas in 2:99-cv-00115 [93-1] [93-1] (mm) [Entry date 12/26/00] [Edit date 12/26/00] [2:99cv115]

12/26/2000 96 SUPPLEMENTAL by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to motion for partial summary judgment [87-1] (mm) [Entry date 12/28/00] [2:99cv115]

01/03/2001 98 NOTICE of service of discovery by plas in 2:99-cv-00115. (dmt) [Entry date 01/05/01] [2:99cv115]

01/03/2001 99 MOTION for leave to take expedited disc by plas in 2:99-cv-00115 [99-1] (dmt) [Entry date 01/05/01] [2:99cv115]

01/03/2001 101 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Dennis Apodaca - record of telephone conference: setting hearing by telephone on 1/5/01 at 1:30 pacific time re discovery dispute [cc: all counsel,omp [101-1] re: minute entry [101-1] (mm) [Entry date 01/10/01] [2:99cv115]

01/05/2001 103 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Dennis Apodaca - record of telephone conference, plas to return September, 1999 letters and destroy all copies of the letters; finding the motion for expedited discovery and Rule 16 conference by plas in 2:99-cv-00115 [53-1] denied as moot. [cc: all counsel,omp [103-1] (mm) [Entry date 01/12/01] [2:99cv115]

01/06/2001 100 MINUTE ORDER (re: m/e [85], order [86], order [89], m/e [95]) Due to clerical error, the Orders/minute entries issued by this Court, signed/issued 12/06/00, 12/08/00, 12/11/00 and 12/13/00 were file stamped 12/12/01, 12/13/01, 12/19/01 and 12/27/01. The Clerk of Court has CORRECTED the pleading to reflect the correct file date (and docket date) to be 12/12/00, 12/13/00, 12/19/00 and 12/27/00. (copies attached) (cc: all counsel) [100-1] (ms) [Entry date 01/06/01] [2:99cv115]

01/10/2001 102 ORDER by Judge Owen M. Panner denying motion to stay proceedings pending appeal by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [51-4] (cc: all counsel,omp) (mm) [Entry date 01/10/01] [2:99cv115]

01/12/2001 104 MEMORANDUM by pla in 2:99-cv-00115 in opposition to motion for partial summary judgment by dft Zila Inc, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [87-1] (dmt) [Entry date 01/16/01] [2:99cv115]

01/12/2001 105 STATEMENT OF FACTS by pla in 2:99-cv-00115 in opposition to motion for partial summary judgment by dft Zila Inc, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [87-1] (dmt) [Entry date 01/16/01] [2:99cv115]

01/23/2001 106 REPLY by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to response to motion for partial summary judgment by dft Zila Inc, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 [87-1] (mm) [Entry date 01/26/01] [2:99cv115]

01/23/2001 107 EXPEDITED MOTION in limine to exclude certain testimony by the class representatives by pla in 2:99-cv-00115 [107-1] (mm) [Entry date 01/26/01] [2:99cv115]

01/23/2001 108 MEMORANDUM IN SUPPORT by pla in 2:99-cv-00115 of expedited motion in limine to exclude certain testimony by the class representatives by pla in 2:99-cv-00115 [107-1] (mm) [Entry date 01/26/01] [2:99cv115]

01/23/2001 -- ORAL MOTION by dfts in 2:99-cv-00115 to exclude testimony of pla expert on the FDA's regulatory process [0-0] (mm) [Entry date 01/30/01] [2:99cv115]

01/23/2001 109 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Liz Kauble - granting dfts oral motion to exclude testimony of pla expert on the FDA's regulatory process [0-0], re: motion in limine to exclude certain testimony by the class representatives by pla in 2:99-cv-00115 [107-1] - dfts to respond to the motion by 2/1/01 ; pretrial conference held [cc: all counsel,omp [109-2] (mm) [Entry date 01/30/01] [2:99cv115]

02/01/2001 110 RESPONSE by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to motion in limine to exclude certain testimony by the class representatives by pla in 2:99-cv-00115 [107-1] (mm) [Entry date 02/02/01] [2:99cv115]

02/06/2001 111 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Dennis Apodaca - record of hearing, counsel report that parties have signed a memorandum of understanding re settlement and settlement documents are due by 2/22/01. ; status hearing set for 11:00 2/26/01 in Phoenix, AZ [cc: all counsel,omp [111-2] (mm) [Entry date 02/12/01] [2:99cv115]

02/22/2001 112 JOINT MOTION for entry of order of preliminary approval of settlement and hearing by pla in 2:99-cv-00115, dfts Zila, Hines and Green in 2:99-cv-00115 [112-1] (mm) [Entry date 02/26/01] [2:99cv115]

02/22/2001 113 MEMORANDUM IN SUPPORT by pla in 2:99-cv-00115, dfts Zila, Hines and Green in 2:99-cv-00115 of motion for entry of order of preliminary approval of settlement and hearing by pla in 2:99-cv-00115, dfts Zila, Hines and Green in 2:99-cv-00115 [112-1] (mm) [Entry date 02/26/01] [2:99cv115]

02/22/2001 114 AFFIDAVIT of Michael Rosenbaum of mailing and publication (mm) [Entry date 02/26/01] [2:99cv115]

02/22/2001 115 STIPULATION OF SETTLEMENT by pla Todd M Celley in 2:99-cv-00115, dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 (mm) [Entry date 02/26/01] [2:99cv115]

02/23/2001 116 CERTIFICATE OF SERVICE by pla in 2:99-cv-00115 of stipulation of settlement and exhibits thereto (mm) [Entry date 02/27/01] [2:99cv115]

02/26/2001 118 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Juanita Hyatt - record of hearing, court grants parties joint motion for preliminary approval of settlement; setting hearing on final approval of settlement for 5/9/01 at 1:00 pm in Phoenix [cc: all counsel,omp [118-1] re: minute entry [118-1] (mm) [Entry date 03/05/01] [2:99cv115]

03/01/2001 117 ORDER by Judge Owen M. Panner granting stipulation granting motion for entry of order of preliminary approval of settlement and hearing by pla in 2:99-cv-00115, dfts Zila, Hines and Green in 2:99-cv-00115 [112-1] settlement conference set for 1:00 5/9/01, before Judge Owen M. Panner (cc: all counsel/OMP) (ld) [Entry date 03/01/01] [2:99cv115]

- 03/02/2001 119 Transcript Designation and Ordering Form by pla for hearing dated 2/26/01 (type of hearing not specified) (mm) [Entry date 03/06/01] [2:99cv115]
- 03/06/2001 120 MOTION for pro hac vice by Lawrence W Schonbrun as to class member/objector Sandra K Norris in 2:99-cv-00115 [120-1] (mm) [Entry date 03/08/01] [2:99cv115]
- 03/09/2001 121 Copy of 9CCA Order; review of the record reflects that this petition for permission to appeal pursuant to rule 23(f) may be moot because it appears that the parties have stipulated to a settlement in the district court; within 14 days, petitioners shall file a motion for voluntary dismissal of this petition or show cause why it should not be dismissed as moot; if petitioner does not respond to the order, the clerk shall dismiss this petition pursuant to rule 42-1, re: 00-80377 (cc: OMP) [121-1] (rew) [Entry date 03/09/01] [2:99cv115]
- 03/09/2001 123 TRANSCRIPT of settlement conference by Court Reporter: Juanita Hyatt for the following date(s): 2/26/01 (mm) [Entry date 03/16/01] [2:99cv115]
- 03/13/2001 122 ORDER by Judge Earl H. Carroll granting motion for pro hac vice by Lawrence W Schonbrun as to class member/objector Sandra K Norris in 2:99-cv-00115 [120-1] (cc: all counsel) (mm) [Entry date 03/13/01] [2:99cv115]
- 04/24/2001 124 OBJECTIONS AND MOTION objection and request to appear through counsel by telephone at Fairness Hearing to object to proposed award of attorneys fees and expenses by class memeber Sandra K. Norris in 2:99-cv-00115 [124-1] (mm) [Entry date 04/26/01] [2:99cv115]
- 04/25/2001 125 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: none granting motion objection and request to appear through counsel by telephone at Fairness Hearing to object to proposed award of attorneys fees and expenses by class memeber Sandra K. Norris in 2:99-cv-00115 [124-1] [cc: all counsel,omp [125-1] (mm) [Entry date 05/02/01] [2:99cv115]
- 05/04/2001 126 RESPONSE by plas in 2:99-cv-00115 to objection of Lawrence Schonbrun re attorneys fees (counsel for class member Sandra K Norris) (mm) [Entry date 05/07/01] [2:99cv115]
- 05/04/2001 127 MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES for final approval of settlement by plas in 2:99-cv-00115 [127-1] (mm) [Entry date 05/07/01] [2:99cv115]
- 05/04/2001 128 NOTICE OF MOTION AND MEMORANDUM OF POINTS AND AUTHORITIES for attorney's fees, expenses, and compensatory awards by plas in 2:99-cv-00115 [128-1] (mm) [Entry date 05/08/01] [2:99cv115]
- 05/04/2001 129 FINDINGS OF FACT with regard to request for award of attorneys fees and expenses by plas (mm) [Entry date 05/08/01] [2:99cv115]
- 05/04/2001 130 DECLARATION of Marc I Gross by plas in 2:99-cv-00115 in support of settlement, request for attorneys fees and expenses, and for compensaotry awards to class representatives by plas in 2:99-cv-00115 [128-1] [128-1] (mm) [Entry date 05/08/01] [2:99cv115]
- 05/04/2001 131 FEE COMPENDIUM Re: motion for attorneys fees and expenses, and for compensatory awards to class representatives by plas [128-1] (mm) [Entry date 05/08/01] [2:99cv115]
- 05/04/2001 132 CERTIFICATE OF SERVICE by plas in 2:99-cv-00115 of documents re final approval of settlement, attorneys fees and compensatory awards (mm) [Entry date 05/08/01]

[2:99cv115]

- 05/04/2001 133 CERTIFICATE OF SERVICE by plas in 2:99-cv-00115 re request for award of attorneys fees, final judgment of dismissal and corrected page 6 to plas response to objection of Lawrence Schonbrun (mm) [Entry date 05/08/01] [2:99cv115]
- 05/08/2001 134 CORRECTED RESPONSE by plas in 2:99-cv-00115 to objection of Lawrence Schonbrun on behalf of class member Sandra K Norris re reasonable attorneys fees [126-1] (mm) [Entry date 05/10/01] [2:99cv115]
- 05/08/2001 135 AFFIDAVIT of Professor Robert Makuch in support of motion for attorney's fees, expenses, and compensatory awards by plas in 2:99-cv-00115 [128-1] [128-1] (mm) [Entry date 05/10/01] [2:99cv115]
- 05/08/2001 136 AFFIDAVIT of Frank C Torchio in support of motion for attorney's fees, expenses, and compensatory awards by plas in 2:99-cv-00115 [128-1] [128-1] (mm) [Entry date 05/10/01] [2:99cv115]
- 05/08/2001 137 PLAINTIFFS FEE COMPENDIUM Re: motion for expenses, fees [131-1], [128-1] (corrected version) (mm) [Entry date 05/10/01] [2:99cv115]
- 05/09/2001 145 MINUTE ENTRY before Judge Owen M. Panner Crt Rptr: Vicki Reger granting motion for final approval of settlement by plas in 2:99-cv-00115 [127-1]; plas counsel to submit amended and corrected record of expenses, omitting the Litigation Fund as a separate category of expenses [cc: all counsel,omp [145-1] (mm) [Entry date 05/22/01] [2:99cv115]
- 05/10/2001 139 Transcript Designation and Ordering Form by Louis A Stahl for proceedings dated 5/9/01 (type of hearing not specified) (mm) [Entry date 05/14/01] [2:99cv115]
- 05/10/2001 140 Transcript Designation and Ordering Form by Francis J Balint, Jr for proceedings dated 5/9/01 (type of hearing not specified) (mm) [Entry date 05/14/01] [2:99cv115]
- 05/10/2001 141 TRANSCRIPT of hearing for stockholders by Court Reporter: Vicki Reger for the following date(s): 5/9/01 (mm) [Entry date 05/14/01] [2:99cv115]
- 05/11/2001 138 Transcript Designation and Ordering Form by Jason Nohr - settlement conference dated 2/26/01 (entire transcript) (mm) [Entry date 05/14/01] [2:99cv115]
- 05/17/2001 142 SUPPLEMENTAL DECLARATION of Marc I Gross by pla in 2:99-cv-00115 re motion for attorney's fees, expenses, and compensatory awards by plas in 2:99-cv-00115 [128-1] [128-1] (mm) [Entry date 05/21/01] [2:99cv115]
- 05/17/2001 143 CERTIFICATE OF SERVICE by pla in 2:99-cv-00115 re supplemental declaration of Marc I Gross re pla motion for award of expenses (mm) [Entry date 05/21/01] [2:99cv115]
- 05/18/2001 144 Transcript Designation and Ordering Form by Judge Panner - hearing on final approval of settlement dated 5/9/01 (mm) [Entry date 05/22/01] [2:99cv115]
- 06/05/2001 148 MOTION to amend list of excluded Class Members by pla Todd M Celley [148-1] (rg) [Entry date 06/07/01] [2:99cv115]
- 06/06/2001 146 ORDER by Judge Owen M. Panner that Pla's motion for final Approval of Settlement is granted. FURTHER ORDERED granting motion for attorney's fees, expenses, and compensatory awards by plas [128-1] Plaintiffs' attorneys are awarded \$523,359.59 in expenses and \$1,725,000 in atty's fees The nmaed plaitniffs may receive up to \$10,000 for their reasonable expenses (cc: all counsel) (ms) [Entry date 06/06/01] [2:99cv115]

2:99cv117 2:99cv119 2:99cv164 2:99cv165 2:99cv219 2:99cv238 2:99cv240 2:99cv241
2:99cv242 2:99cv259 2:99cv260 2:99cv280 2:99cv313 2:99cv575]

- 06/06/2001 147 FINAL JUDGMENT OF DISMISSAL WITH PREJUDICE by Judge Owen M. Panner the Notice and the Summary Notice and the mailing of publication thereof in accordance w/the court's Order dated 2/26/01, meet requirements of Rule 23 and Fed.R.Civ.P. 27(a)(7) of the Exchange Act 15 USC 74U-4(a)(7). The Settlement is fair and reasonable and adequate. The Consolidated Action is hereby dismissed w/prejudice, each party to bear own costs and attys' fees FURTHER ORDERED that counsel for Pla and Class are awarded atty's fees in amount of \$1,725,000 plus reimbursement of taxable expenses in amount of \$523,359.59 plus interest on such fees and expenses to the same extent that interest has been earned on pro rata portion of Settlement Fund, to all be paid from the Settlement Fund one day after the Effective Date of this Order The 4 Class Reps are awarded compensatory awards in amount of \$10,000 ea, to be paid from the Settlement Fund one day after the Effective Date of this Order PURSUANT to Rule 54(b), Fed.R.Civ. P., the court expressly finds and determines that there being no just reason for delay in entering final judgment, and it is expressly directed that this Final Judgement be entered (See document for full details) terminating case (cc: all counsel) (ms) [Entry date 06/06/01] [2:99cv115 2:99cv117 2:99cv119 2:99cv164 2:99cv165 2:99cv219 2:99cv238 2:99cv240 2:99cv241 2:99cv242 2:99cv259 2:99cv260 2:99cv280 2:99cv313 2:99cv575]
- 06/11/2001 149 RESPONSE by dft Zila Inc in 2:99-cv-00115, dft Joseph Hines in 2:99-cv-00115, dft Ralph Green in 2:99-cv-00115 to motion to amend list of excluded Class Members by pla Todd M Celley [148-1] (jrh) [Entry date 06/13/01] [2:99cv115]
- 06/14/2001 150 Certified Copy of 9th Circuit Order; petitioners' motion to withdraw their petition for permission to appeal granted; petition deemed withdrawn; clerk shall close the docket, re: 00-80377 (cc: judge) [150-1] (rew) [Entry date 06/14/01] [2:99cv115]
- 06/25/2001 151 MINUTE ORDER (6/7/01 record of order) granting motion to amend list of excluded Class Members by pla Todd M Celley [148-1] [151-1] (ld) [Entry date 06/25/01] [2:99cv115]
- 03/29/2002 152 MOTION for entry of an order of distribution of the settlement fund by pla in 2:99-cv-00115 [152-1] (mm) [Entry date 04/02/02] [2:99cv115]
- 03/29/2002 153 AFFIDAVIT of Michael Rosenbaum in support of motion for entry of an order of distribution of the settlement fund by pla in 2:99-cv-00115 [152-1] [152-1] by pla in 2:99-cv-00115 (mm) [Entry date 04/02/02] [2:99cv115]
- 03/29/2002 154 CERTIFICATE of service by pla in 2:99-cv-00115 of motion for entry of order of distribution of settlement fund, proposed order and affidavit of Michael Rosenbaum mailed overnight to Louis Stahl and James Ryan of Quales & Brady Streich Lang LLP (mm) [Entry date 04/03/02] [2:99cv115]
- 04/18/2002 155 ORDER by Judge Owen M. Panner granting motion for entry of an order of distribution of the settlement fund by pla in 2:99-cv-00115 [152-1] - the claims set forth in Exhibit D to the Rosenbaum Affidavit are hereby allowed in the amounts set forth therein; the claims set forth in Exhibits E and F to the Rosenbaum Affidavit are hereby rejected; the court hereby awards Berdon LLP \$138,000 in fees and \$18,320.27 in expenses to be paid from the Settlement Fund; the court hereby authorizes Berdon LLP to compute each eligible claimant's pro rata share of the remaining Settlement Fund, and issue checks in said amounts to the claimants immediately (cc: all counsel) (mm) [Entry date 04/18/02]

[2:99cv115]