

U.S. District Court
Northern District of California (S.F.)
CIVIL DOCKET FOR CASE #: 00-CV-392

Cancemi, et al v. Indus International, et al

Filed: 02/03/00
Assigned to: Magistrate Judge Joseph C. Sperry demand: Plaintiff
Demand: \$0,000
Nature of Suit: 850
Lead Docket: 00-CV-610
Jurisdiction: Federal Question
Dkt# in other court: None
Cause: 15:78m(a) Securities Exchange Act

MARK CANCEMI, M.D.
Plaintiff

William S. Lerach
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Milberg Weiss Bershad Hynes &
Lerach LLP
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One America Plaza
San Diego, CA 92101
(619) 231-1058

Mel E. Lifshitz
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Bernstein Liebhard & Lifshitz
10 East 40th St
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Patrick J. Coughlin
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12730 High Bluff Drive
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(858) 793-0070

v.

INDUS INTERNATIONAL INC.
defendant

Boris Feldman
[COR LD NTC]
Wilson Sonsini Goodrich &
Rosati
650 Page Mill Road
Palo Alto, CA 94304-1050
650-493-9300

WILLIAM J. GRABSKE
defendant

Douglas R. Young
[COR LD NTC]
William P. Keane
[COR LD NTC]
Grace K. Won
[COR LD NTC]
Farella Braun & Martel LLP
235 Montgomery St
30th Flr
San Francisco, CA 94104
(415) 954-4400

JOAN P. PLATT
defendant

Boris Feldman
(See above)
[COR LD NTC]

ANNA NG-BORDEN
defendant

Boris Feldman
(See above)
[COR LD NTC]

DOCKET PROCEEDINGS

DATE	#	DOCKET ENTRY
2/3/00	1	COMPLAINT Summons(es) issued; Fee status pd entered on 2/3/00 in the amount of \$ 150.00 (Receipt No. 3308065); jury demand [3:00-cv-00392] (ga) [Entry date 02/07/00] [3:00cv392]
2/3/00	2	ORDER RE PROCEDURE and SCHEDULE by Magistrate Judge Joseph C. Spero : Plaintiff to file requisite certificate on

2/3/00 ; (cc: all counsel) Plaintiff to file motion to serve as lead plaintiff 60 days after publication of notice. (ga) [Entry date 02/07/00] [3:00cv392]

- 2/10/00 3 PROOF OF SERVICE by Plaintiff Mark Cancemi of complaint [1-1] [3:00-cv-00392] (ga) [Entry date 02/10/00] [3:00cv392]
- 2/22/00 4 NOTICE by Plaintiff Mark Cancemi re Class Action [3:00-cv-00392] (ga) [Entry date 02/27/00] [3:00cv392]
- 2/24/00 5 CONSENT to proceed before magistrate judge by defendant [3:00-cv-00392] (ga) [Entry date 02/27/00] [3:00cv392]
- 2/24/00 6 NOTICE by defendant Indus International, defendant Joan P. Platt, defendant Anna Ng-Borden of related case(s) 00-436 EDL [3:00-cv-00392] (ga) [Entry date 03/03/00] [3:00cv392]
- 2/25/00 7 CONSENT to proceed before magistrate judge by Plaintiff Mark Cancemi in 3:00-cv-00392 [3:00-cv-00392] (ga) [Entry date 03/03/00] [3:00cv392]
- 2/25/00 9 ORDER by Magistrate Judge Joseph C. Spero relating cases; 00-436 () (cc: all counsel) [3:00-cv-00392] (ga) [Entry date 03/08/00] [3:00cv392]
- 3/1/00 8 WAIVER OF SERVICE by defendant William J. Grabske in 3:00-cv-00392 served on 2/23/00 in response to the Request for Waiver sent on 2/16/00 [3:00-cv-00392] (ga) [Entry date 03/03/00] [3:00cv392]
- 3/6/00 10 WAIVER OF SERVICE by defendant Indus International in 3:00-cv-00392, defendant William J. Grabske in 3:00-cv-00392, defendant Joan P. Platt in 3:00-cv-00392, defendant Anna Ng-Borden in 3:00-cv-00392 served on 2/28/00 in response to the Request for Waiver sent on 2/17/00 [3:00-cv-00392] (ga) [Entry date 03/10/00] [3:00cv392]
- 3/27/00 11 ORDER by Magistrate Judge Joseph C. Spero granting related case notice [5-1] in 3:00-cv-00610, granting related case notice [4-1] in 3:00-cv-00610, granting related case notice [6-1] in 3:00-cv-00392, granting related case notice [4-1] in 3:00-cv-00436, granting related case notice [7-1] in 3:00-cv-00592 relating cases; 3:00-cv-392 with member cases 3:00-cv-583, Case reassigned to Magistrate Judge Joseph C. Spero () (cc: all counsel) [3:00-cv-00610, 3:00-cv-00392, 3:00-cv-00436, 3:00-cv-00592] (ga) [Entry date 03/29/00] [3:00cv392 3:00cv436 3:00cv592 3:00cv610]

4/4/00 12 CONSENT to proceed before magistrate judge by defendant William J. Grabske in 3:00-cv-00392 [3:00-cv-00392] (ga) [Entry date 04/05/00] [3:00cv392]

4/4/00 13 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Magistrate Judge Joseph C. Spero by Plaintiff Mark Cancemi in 3:00-cv-00392 to consolidate cases with Notice set for 5/12/00 at 9/30 [3:00-cv-00392] (ga) [Entry date 04/05/00] [3:00cv392]

4/4/00 14 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Magistrate Judge Joseph C. Spero by Plaintiff Mark Cancemi in 3:00-cv-00392 to appoint the Indus International Lead Plaintiff with Notice set for 5/12/00 at 9:30 [3:00-cv-00392] (ga) [Entry date 04/05/00] [3:00cv392]

4/4/00 15 DECLARATION by Christopher P. Seefer re motion to appoint the Indus International Lead Plaintiff [14-1] [3:00-cv-00392] (ga) [Entry date 04/05/00] [3:00cv392]

4/4/00 16 CERTIFICATE of Mel F. Lifshitz [3:00-cv-00392] (ga) [Entry date 04/05/00] [3:00cv392]

4/4/00 17 CERTIFICATE of Patrick J. Coughlin [3:00-cv-00392] (ga) [Entry date 04/05/00] [3:00cv392]

4/5/00 18 CERTIFICATE of William S. Lerach [3:00-cv-00392] (ga) [Entry date 04/07/00] [3:00cv392]

4/20/00 19 Statement by Indus International in 3:00-cv-00392, Joan P. Platt in 3:00-cv-00392, Anna Ng-Borden in 3:00-cv-00392 in NON-Opposition to motion to appoint the Indus International Lead Plaintiff [14-1] [3:00-cv-00392] (ga) [Entry date 04/25/00] [3:00cv392]

4/20/00 20 RESPONSE by defendant in 3:00-cv-00392 re motion to consolidate cases [13-1] [3:00-cv-00392] (ga) [Entry date 04/25/00] [3:00cv392]

4/21/00 21 JOINDER by defendant William J. Grabske in 3:00-cv-00392 re motion to consolidate cases [13-1] [3:00-cv-00392] (ga) [Entry date 04/25/00] [3:00cv392]

4/21/00 22 Statement by defendant William J. Grabske in 3:00-cv-00392 in NON-Opposition to motion to appoint the Indus International Lead Plaintiff [14-1] [3:00-cv-00392] (ga) [Entry date 04/25/00] [3:00cv392]

4/28/00 23 REPLY by Plaintiff Mark Cancemi in 3:00-cv-00392 re motion

to consolidate cases [13-1] [3:00-cv-00392] (ga)
[Entry date 05/01/00] [3:00cv392]

- 4/28/00 24 DECLARATION by Christopher P. Seefer on behalf of Plaintiff Mark Cancemi in 3:00-cv-00392 re reply [23-1] [3:00-cv-00392] (ga) [Entry date 05/01/00] [3:00cv392]
- 5/9/00 25 STIPULATION and ORDER by Magistrate Judge Joseph C. Spero : setting hearing on motion to appoint the Indus International Lead Plaintiff [14-1] 5/26/00, setting hearing on motion to consolidate cases [13-1] 5/26/00 (cc: all counsel) [3:00-cv-00392] (ga) [Entry date 05/12/00] [3:00cv392]
- 5/15/00 26 PROOF OF SERVICE by defendant Indus International in 3:00-cv-00392 of order [25-1] [3:00-cv-00392] (ga) [Entry date 05/17/00] [3:00cv392]
- 5/23/00 27 CLERK'S NOTICE vacating hearing re motion to appoint the Indus International Lead Plaintiff [14-1] will be taken under submission and decided on the papers [3:00-cv-00392] (ga) [Entry date 05/26/00] [3:00cv392]
- 5/23/00 28 ORDER by Magistrate Judge Joseph C. Spero granting motion to consolidate cases [13-1] (3:00-cv-00610 3:00-cv-00583 3:00-cv-00610 3:00-cv-00592 3:00-cv-00436) (3:00-cv-00610) (3:00-cv-00610) 3:00-cv-392 with member cases 3:00-cv-436, 3:00-cv-583, 3:00-cv-592, 3:00-cv-610, 5:00-cv-20338 in 3:00-cv-00392 () (cc: all counsel) [3:00-cv-00392, 3:00-cv-00436, 3:00-cv-00583, 3:00-cv-00592, 3:00-cv-00610] (ga) [Entry date 05/26/00] [3:00cv392 3:00cv436 3:00cv583 3:00cv592 3:00cv610]
- 5/23/00 29 ORDER by Magistrate Judge Joseph C. Spero granting motion to appoint the Indus International Lead Plaintiff [14-1] () (cc: all counsel) [3:00-cv-00392] (ga) [Entry date 05/26/00] [3:00cv392]
- 5/25/00 30 ORDER RE COURT PROCEDURE and SCHEDULE by Magistrate Judge Joseph C. Spero : counsels' case management statement to be filed by 8/1/00 ; initial case management conference will be held 1:30 8/11/00 . (cc: all counsel) (ga) [Entry date 05/26/00] [3:00cv392]
- 5/31/00 31 NOTICE by Plaintiff Mark Cancemi [29-1] order [3:00-cv-00392] (ga) [Entry date 06/01/00] [3:00cv392]
- 5/31/00 32 NOTICE by Plaintiff Mark Cancemi [28-1] order [3:00-cv-00392] (ga) [Entry date 06/01/00] [3:00cv392]
- 5/31/00 33 NOTICE by Plaintiff Mark Cancemi [30-1] case management

schedule order [3:00-cv-00392] (ga) [Entry date 06/01/00]
[3:00cv392]

7/6/00 -- RECEIVED Proposed Order re filing of consolidated complaint
(defendant Indus International, defendant Joan P. Platt,
defendant Anna Ng-Borden) [3:00-cv-00392] (fb)
[Entry date 07/07/00] [3:00cv392]

7/7/00 34 STIPULATION and ORDER by Magistrate Judge Joseph C. Spero
: re filing of consolidated complaint (cc: all counsel)
[3:00-cv-00392] (fb) [Entry date 07/10/00] [3:00cv392]

7/14/00 35 NOTICE by defendant Indus International [34-2] order
[3:00-cv-00392] (ga) [Entry date 07/17/00] [3:00cv392]

7/31/00 36 CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed.
[3:00-cv-00392] (ga) [Entry date 08/01/00] [3:00cv392]

8/7/00 39 STIPULATION and ORDER by Magistrate Judge Joseph C. Spero
: that Lead Plaintiffs shall serve and file their
consolidated amended class action complaint by 9/8/00;
(cc: all counsel) [3:00-cv-00392] (ga) [Entry date 08/11/00]
[3:00cv392]

8/8/00 40 NOTICE by Plaintiff Mark Cancemi [39-2] order
[3:00-cv-00392] (ga) [Entry date 08/11/00] [3:00cv392]

8/9/00 37 ORDER by Magistrate Judge Joseph C. Spero Case Management
Conference set for 9/29/00 ; () (cc: all counsel)
[3:00-cv-00392] (ga) [Entry date 08/11/00] [3:00cv392]

8/9/00 38 CLERK'S NOTICE Case Management Conference reset for 1:30
9/29/00 ; [3:00-cv-00392] (ga) [Entry date 08/11/00]
[3:00cv392]

9/28/00 41 CLERK'S NOTICE Case Management Conference set for 1:30
10/13/00 ; [3:00-cv-00392] (gba) [Entry date 09/28/00]
[3:00cv392]

10/6/00 42 JOINT STATEMENT by Plaintiff in support of preliminary
approval of settlement [3:00-cv-00392] (gba)
[Entry date 10/06/00] [3:00cv392]

10/10/00 43 LETTER dated 10/6/00 from Christopher P. Seefer re case
settled. [3:00-cv-00392] (gba) [Entry date 10/11/00]
[3:00cv392]

10/20/00 44 CLERK'S NOTICE that the hearing for the preliminary
approval of the settlement before Magistrate Judge Spero

has been set 10/27/00, at 1:30 pm. [3:00-cv-00392] (gba)
[Entry date 10/23/00] [3:00cv392]

- 10/27/00 45 MINUTES: (C/R Tape 00-53) (Hearing Date: 10/27/00) Hearing on preliminary approval of settlement - held ; Court set the following schedule: Notice mailed to class on 11/10/00; summary notice published on 11/16/00; Opt-out or object by 12/11/00; supporting papers, etc. filed by 1/5/01; hearing on settlement approval set 1/19/01 at 9:30 a.m. ; [3:00-cv-00392] (gba) [Entry date 10/30/00] [3:00cv392]
- 10/27/00 46 STIPULATION of settlement [3:00-cv-00392] (gba)
[Entry date 10/30/00] [3:00cv392]
- 10/31/00 47 ORDER PRELIMINARY APPROVING SETTLEMENT AND PROVIDING FOR NOTICE by Magistrate Judge Joseph C. Spero (Date Entered: 10/31/00) (cc: all counsel) [3:00-cv-00392] (gba)
[Entry date 10/31/00] [3:00cv392]
- 11/7/00 48 PROOF OF SERVICE by Plaintiff of order [47-1]
[3:00-cv-00392] (gba) [Entry date 11/08/00] [3:00cv392]
- 11/7/00 49 CLERK'S NOTICE that the hearing on approval of settlement before Magistrate Judge Spero noticed for 1/19/01 at 9:30 a.m. has been reset to 1/26/01 at 9:30 a.m. [3:00-cv-00392] (gba) [Entry date 11/08/00] [3:00cv392]
- 1/5/01 50 MOTION with memorandum in support before Magistrate Judge Joseph C. Spero by Plaintiff for attorneys' fees and reimbursement of expenses with Notice set for 1/26/01 9:30 a.m. [3:00-cv-00392] (gba) [Entry date 01/08/01] [3:00cv392]
- 1/5/01 51 MOTION with memorandum in support before Magistrate Judge Joseph C. Spero by Plaintiff for final approval of settlement with Notice set for 1/26/01 9:30 a.m. [3:00-cv-00392] (gba) [Entry date 01/08/01] [3:00cv392]
- 1/5/01 52 MOTION with memorandum in support before Magistrate Judge Joseph C. Spero by Plaintiff for approval of plan allocation of settlement proceeds with Notice set for 1/26/01 9:30 a.m. [3:00-cv-00392] (gba)
[Entry date 01/08/01] [3:00cv392]
- 1/5/01 53 DECLARATION by Patrick J. Coughlin on behalf of Plaintiff in support of motion for approval of plan allocation of settlement proceeds [52-1], in support of motion for final approval of settlement [51-1], in support of motion for attorneys' fees and reimbursement of expenses [50-1] [3:00-cv-00392] (gba) [Entry date 01/08/01] [3:00cv392]

1/5/01 54 DECLARATION by Cheryl Washington on behalf of Plaintiff in support of motion for approval of plan allocation of settlement proceeds [52-1], in support of motion for final approval of settlement [51-1], in support of motion for attorneys' fees and reimbursement of expenses [50-1] [3:00-cv-00392] (gba) [Entry date 01/08/01] [3:00cv392]

1/5/01 55 DECLARATION by Joy Ann Bull on behalf of Plaintiff in support of motion for approval of plan allocation of settlement proceeds [52-1], in support of motion for final approval of settlement [51-1], in support of motion for attorneys' fees and reimbursement of expenses [50-1] [3:00-cv-00392] (gba) [Entry date 01/08/01] [3:00cv392]

1/5/01 -- RECEIVED Proposed Order (Plaintiff) re: motion for attorneys' fees and reimbursement of expenses [50-1] [3:00-cv-00392] (gba) [Entry date 01/08/01] [3:00cv392]

1/5/01 -- RECEIVED Proposed final judgment and order of dismissal with prejudice (Plaintiff) [3:00-cv-00392] (gba) [Entry date 01/08/01] [3:00cv392]

1/5/01 -- RECEIVED Proposed Order (Plaintiff) re: motion for approval of plan allocation of settlement proceeds [52-1] [3:00-cv-00392] (gba) [Entry date 01/08/01] [3:00cv392]

1/26/01 56 MINUTES: (C/R Tape 01-04) (Hearing Date: 1/26/01) granting motion for approval of plan allocation of settlement proceeds [52-1], granting motion for attorneys' fees and reimbursement of expenses [50-1] [3:00-cv-00392] (gba) [Entry date 01/30/01] [3:00cv392]

1/26/01 57 DECLARATION by Leo W. Desmond on behalf of Plaintiff in support of motion for attorneys' fees and reimbursement of expenses [50-1] [3:00-cv-00392] (gba) [Entry date 01/30/01] [3:00cv392]

1/26/01 58 ORDER by Magistrate Judge Joseph C. Spero granting motion for approval of plan allocation of settlement proceeds [52-1] (cc: all counsel) [3:00-cv-00392] (gba) [Entry date 01/30/01] [3:00cv392]

1/26/01 59 ORDER by Magistrate Judge Joseph C. Spero granting motion for attorneys' fees and reimbursement of expenses [50-1]. The court hereby awards Representative Plaintiffs' Counsel of attorneys' fees of twenty-five percent of the Settlement Fund and expenses in an aggregate amount of \$110,098.81 together with the interest earned on the Settlement Fund for the same time period and at the same rate as that earned on the settlement fund until paid. (cc: all counsel) [3:00-cv-00392] (gba) [Entry date 01/30/01] [3:00cv392]

1/26/01 60 FINAL JUDGMENT AND ORDER by Magistrate Judge Joseph C. Spero of dismissal with prejudice ; terminating case ; appeal filing ddl 3/1/01 (cc: all counsel) [3:00-cv-00392] (gba) [Entry date 01/30/01] [3:00cv392]

2/6/01 61 PROOF OF SERVICE by Plaintiff of order [60-2], order [59-1], order [58-1] [3:00-cv-00392] (gba) [Entry date 02/08/01] [3:00cv392]

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