

US District Court for the  
Northern District of California

3:98cv252

Friedman v. Sybase Inc, et al

|                                    |                              |
|------------------------------------|------------------------------|
| Date Filed: 01/22/1998             | Class Code: TERMED<br>CONSOL |
| Assigned To: Judge Charles A Legge | Closed: Yes                  |
| Referred To:                       | Statute: 15:78m(a)           |
| Nature of suit: Securities (850)   | Jury Demand: Both            |
| Cause: Securities Exchange Act     | Demand<br>Amount: \$0        |
| Lead Docket: 98-CV-252             |                              |
| Other Docket: None                 |                              |
| Jurisdiction: Federal Question     |                              |

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v.

Sybase Inc  
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| Date       | # | Proceeding Text  |
|------------|---|--|
| 01/22/1998 | 1 | COMPLAINT Summons(es) issued; Fee status pd entered on 1/22/98 in the amount of \$150.00 ( Receipt No. 130261); jury demand [3:98-cv-00252] (cs) [Entry date 01/27/98] [3:98cv252] |
| 01/30/1998 | 2 | REQUEST by defendants for reassignment to a U.S. District Judge for trial and disposition. [3:98-cv-00252] (cs) [Entry date 02/02/98] [3:98cv252]                                  |

02/02/1998 3 PROOF OF SERVICE by defendants of request [2-1] [3:98-cv-00252] (cs) [Entry date 02/03/98] [3:98cv252]

02/02/1998 4 NOTICE by defendants of related cases 98-268 FMS, 98-253 CAL, 98-269 SI, 98-277 CRB, 98-288 MMC, 98-281 CW, 98-20075 JW and 98-335 SI. [3:98-cv-00252] (cs) [Entry date 02/03/98] [3:98cv252]

02/06/1998 5 NOTICE by Plaintiff of publication of lawsuit. [3:98-cv-00252] (cs) [Entry date 02/13/98] [3:98cv252]

02/09/1998 6 CLERK'S NOTICE of impending reassignment to a U.S. District Court Judge. [3:98-cv-00252] (cs) [Entry date 02/13/98] [3:98cv252]

02/20/1998 7 ORDER by Assignment Committee Case reassigned to Judge Charles A. Legge ( Date Entered: 2/23/98) (cc: all counsel) [3:98-cv-00252] (cs) [Entry date 02/23/98] [3:98cv252]

02/26/1998 8 ORDER by Judge Charles A. Legge relating case to C-98-0253-CAL, C-98-0268-CAL, C-98-0277-CAL, C-98-0281-CAL, C-98-0288-CAL, C-98-0334-CAL, C-98-0335-CAL, C-98-0348-CAL, C-98-0371-CAL, C-98-0414-CAL, C-98-0436-CAL, C-98-0739-CAL, C-98-0740-CAL, C-98-0741-CAL, C-98-0742-CAL & C-98-0743-CAL (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 02/27/98] [3:98cv252]

03/06/1998 9 CLERK'S NOTICE Status conference set for 2:00 p.m. on 4/16/98 [3:98-cv-00252, 3:98-cv-00253, 3:98-cv-00268, 3:98-cv-00277, 3:98-cv-00288, 3:98-cv-00334, 3:98-cv-00335, 3:98-cv-00348, 3:98-cv-00371, 3:98-cv-00414, 3:98-cv-00436] (tn) [Entry date 03/07/98] [3:98cv252 3:98cv253 3:98cv268 3:98cv277 3:98cv288 3:98cv334 3:98cv335 3:98cv348 3:98cv371 3:98cv414 3:98cv436]

03/06/1998 10 RETURN OF SERVICE executed upon all defendants on 1/30/98, with waiver of service attached [3:98-cv-00252] (tn) [Entry date 03/18/98] [3:98cv252]

03/24/1998 11 NOTICE OF MOTION AND MOTION before Judge Charles A. Legge by Plaintiffs to be appointed lead plaintiffs and for the approval of lead plaintiffs' choice of counsel with Notice set for 9:30 a.m. on 5/1/98 [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]

03/24/1998 12 MEMORANDUM of points and authorities by Plaintiffs in support of their motion to be appointed lead plaintiffs and for the approval of lead plaintiffs' choice of counsel [11-1] [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]

03/24/1998 13 DECLARATION of Joseph J. Tabacco, Jr. on behalf of Plaintiffs in support of their motion to be appointed lead plaintiffs and for the approval of lead plaintiffs' choice of counsel [11-1] [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]

03/24/1998 14 PROOF OF SERVICE by Plaintiffs of documents #:11-13 & proposed order [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]

03/24/1998 -- RECEIVED [Proposed] Order granting Plaintiffs' motion to be appointed lead plaintiffs and for the approval of lead plaintiffs' choice of counsel [11-1] [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]

03/24/1998 15 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs to consolidate cases for all purposes with Notice set for 9:30 a.m. on 5/1/98 [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]

03/24/1998 16 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs to be appointed lead

plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' choice of lead counsel with Notice set for 9:30 a.m. on 5/1/98 [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]

- 03/24/1998 17 DECLARATION of Randi D. Bandman on behalf of Plaintiffs in support of their motion to be appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' choice of lead counsel [16-1] [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]
- 03/24/1998 -- RECEIVED [Proposed] Orders granting Plaintiffs' motion to be appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' choice of lead counsel [16-1], and motion to consolidate cases for all purposes [15-1] [3:98-cv-00252] (tn) [Entry date 03/26/98] [3:98cv252]
- 03/27/1998 18 [CORRECTED] NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs to be appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' choice of lead counsel with Notice set for 9:30 a.m. on 5/1/98 [3:98-cv-00252, 3:98-cv-00483] (tn) [Entry date 03/31/98] [3:98cv252 3:98cv483]
- 03/27/1998 19 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs to consolidate cases for all purposes with Notice set for 9:30 a.m. on 5/1/98 [3:98-cv-00252, 3:98-cv-00483] (tn) [Entry date 03/31/98] [3:98cv252 3:98cv483]
- 04/01/1998 20 STIPULATION and ORDER by Judge Charles A. Legge granting motion to consolidate cases for all purposes], with member cases C-98-0253-CAL, C-98-0268-CAL, C-98-0277-CAL, C-98-0281-CAL, C-98-0288-CAL, C-98-0334-CAL, C-98-0335-CAL, C-98-0348-CAL, C-98-0371-CAL, C-98-0414-CAL, C-98-0436-CAL, C-98-0483-CAL, C-98-0519-CAL, C-98-0739-CAL, C-98-0740-CAL, C-98-0741-CAL, C-98-0742-CAL, C-98-0743 & C-98-1183-CAL (cc: all counsel) [3:98-cv-00252, 3:98-cv-00253, 3:98-cv-00268, 3:98-cv-00277, 3:98-cv-00281, 3:98-cv-00288, 3:98-cv-00334, 3:98-cv-00335, 3:98-cv-00348, 3:98-cv-00371, 3:98-cv-00414, 3:98-cv-00436, 3:98-cv-00483, 3:98-cv-00519, 3:98-cv-00739, 3:98-cv-00741, 3:98-cv-00742, 3:98-cv-00743, 3:98-cv-01183] (tn) [Entry date 04/06/98] [3:98cv1183 3:98cv252 3:98cv253 3:98cv268 3:98cv277 3:98cv281 3:98cv288 3:98cv334 3:98cv335 3:98cv348 3:98cv371 3:98cv414 3:98cv436 3:98cv483 3:98cv519 3:98cv739 3:98cv741 3:98cv742 3:98cv743]
- 04/07/1998 -- RECEIVED Stipulation and [Proposed] Order appointing lead plaintiffs pursuant to Section 21D(a)(B) of the Securities Exchange Act of 1934 and appointing lead plaintiffs' lead counsel (Plaintiffs) [3:98-cv-00252] (tn) [Entry date 04/09/98] [3:98cv252]
- 04/07/1998 21 PROOF OF SERVICE by Plaintiffs of received proposed stipulation and order [0-0] [3:98-cv-00252] (tn) [Entry date 04/09/98] [3:98cv252]
- 04/08/1998 22 DECLARATION of Marena L. Mills on behalf of Plaintiffs of service by mail [3:98-cv-00252] (tn) [Entry date 04/09/98] [3:98cv252]
- 04/08/1998 23 LETTER dated 4/7/98 from Nicole Lavallee to Clerk regarding rescheduling of motions and case management conference hearing to 5/22/98 at 9:30 a.m. [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/08/1998 23 ORDER by Judge Charles A. Legge re-setting hearing on plaintiffs' motion to be

appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' choice of lead counsel [18-1], [16-1] at 9:30 a.m. on 5/22/98, and case management conference re-set for 9:30 a.m. on 5/22/98, and the parties shall file a joint case management conference on 5/15/98 (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]

- 04/10/1998 24 NOTICE by defendants of entry of stipulation and consolidation order [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 25 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) by Nicole Lavallee on behalf of Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 26 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Joseph J. Tabacco, Jr. by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 27 PROOF OF SERVICE by Plaintiffs of documents #:25-26 [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 28 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Edward M. Gergosian by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 29 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Stephen R. Basser by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 30 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Randi D. Bandman by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 31 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Ira M. Press by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 32 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Vincent R. Cappucci by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 33 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Jeffrey H. Squire by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 34 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Jeffrey Klafter by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 35 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Robin B. Shore by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/10/1998 36 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Patrick J. Coughlin by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/14/98] [3:98cv252]
- 04/15/1998 37 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) of Stanley R. Wolfe by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/16/98] [3:98cv252]
- 04/20/1998 38 ORDER by Judge Charles A. Legge relating case to C-98-1538-CAL (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 04/21/98] [3:98cv252]
- 04/23/1998 39 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) by Marc I. Gross on behalf of by Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/28/98] [3:98cv252]
- 04/27/1998 40 CERTIFICATE PURSUANT TO LOCAL RULE 3-7(d) by Jeffrey C. Block on behalf of Plaintiffs [3:98-cv-00252] (tn) [Entry date 04/28/98] [3:98cv252]
- 05/15/1998 41 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER filed. [3:98-cv-00252] (tn) [Entry date 05/16/98] [3:98cv252]
- 05/22/1998 42 MINUTES: (C/R Rosita Flores) (Hearing Date: 5/22/98) granting plaintiff's corrected motion to be appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the

Securities Exchange Act of 1934 and for approval of lead plaintiffs' choice of lead counsel [18-1], [16-1] & [11-1]; amended stipulation and order handed to the court for judge's signature -- which was signed in open court; counsel will be filing class motions when they are ready [3:98-cv-00252] (tn) [Entry date 05/27/98] [3:98cv252]

05/22/1998 43 AMENDED STIPULATION and ORDER by Judge Charles A. Legge: granting motion to be appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and for approval of lead plaintiffs' choice of lead counsel [18-1] (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 05/27/98] [3:98cv252]

06/01/1998 44 PROOF OF SERVICE by Plaintiffs of amended stipulation and order [43-1] [3:98-cv-00252] (tn) [Entry date 06/02/98] [3:98cv252]

06/12/1998 45 CONSOLIDATED AMENDED CLASS ACTION COMPLAINT [1-1] by Plaintiffs; jury trial demand; adding Sybase K.K., Mark B. Hoffman, Robert S. Epstein, John Chen, Pieter Van Der Vost, Alan B. Salisbury, Robert B. Wayman, Jeffrey T. Webber and Yoshi Ogawa [3:98-cv-00252] (tn) [Entry date 06/16/98] [3:98cv252]

06/16/1998 -- SUMMONS issued as to defendants Sybase, Inc., Mitchell E. Kertzman, Peter F. Pervere, Sybase K.K., Mark B. Hoffman, Robert S. Epstein, John Chen, Pieter Van Der Vost, Alan B. Salisbury, Robert B. Wayman, Jeffrey T. Webber, Jack L. Acosta and Yoshi Ogawa [3:98-cv-00252] (tn) [Entry date 06/16/98] [3:98cv252]

06/16/1998 46 STIPULATION and ORDER by Judge Charles A. Legge re: defendants' motion to dismiss the consolidated amended complaint, initial disclosures, class certification: Filing of the consolidated amended complaint - 6/12/98; Defendants' motion to dismiss - 7/10/98; Plaintiffs' opposition brief due - 7/31/98; Defendants' reply brief due 8/14/98; Hearing on defendants' motion to dismiss will be heard by 9:30 a.m. on 9/4/98 [see document for additional info.] (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 06/24/98] [3:98cv252]

07/10/1998 47 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by defendants Sybase, Inc., Mitchell E. Kertzman, Jack L. Acosta, Peter F. Pervere, Mark B. Hoffman, Robert S. Epstein, John Chen, Pieter Van Der Vost, Alan B. Salisbury, Robert B. Wayman and Jeffrey T. Webber to dismiss with Notice set for 2:00 p.m. on 9/4/98 [3:98-cv-00252] (tn) [Entry date 07/14/98] [3:98cv252]

07/10/1998 48 DECLARATION of Jonathan M. Block on behalf of defendants in support of their motion to dismiss [47-1] [3:98-cv-00252] (tn) [Entry date 07/14/98] [3:98cv252]

07/10/1998 49 PROOF OF SERVICE by defendants of documents #:47-48 [3:98-cv-00252] (tn) [Entry date 07/14/98] [3:98cv252]

07/17/1998 50 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs for class certification with Notice set for 9:30 a.m. on 10/23/98 [3:98-cv-00252] (tn) [Entry date 07/20/98] [3:98cv252]

07/17/1998 51 DECLARATION of Blair A. Nicholas on behalf of Plaintiffs in support of thier motion for class certification [50-1] [3:98-cv-00252] (tn) [Entry date 07/20/98] [3:98cv252]

07/17/1998 -- RECEIVED [Proposed] Order certifying a plaintiff class [50-1] [3:98-cv-00252] (tn) [Entry date 07/20/98] [3:98cv252]

07/27/1998 54 LETTER dated 7/24/98 from Jonathan D. McCue to Court Clerk regarding related case to C-98-2473-CAL [3:98-cv-00252] (tn) [Entry date 07/31/98] [3:98cv252]

07/31/1998 52 MEMORANDUM OF LAW by Plaintiff Alan Friedman in support of their opposition to motion to dismiss [47-1] [3:98-cv-00252] (lcc) [Entry date 07/31/98] [3:98cv252]

07/31/1998 53 DECLARATION by Randi D. Bandman on behalf of Plaintiff Alan Friedman in support of opposition memorandum [52-1] [3:98-cv-00252] (lcc) [Entry date 07/31/98] [3:98cv252]

08/10/1998 55 LETTER dated 7/24/98 from Jonathan D. McCue to Court Clerk regarding related and reassignment of case [3:98-cv-00252, 3:98-cv-02473] (tn) [Entry date 08/11/98] [3:98cv2473 3:98cv252]

08/12/1998 -- RECEIVED Stipulation and [Proposed] Order re: extension of page limit for defendants' reply brief [3:98-cv-00252] (tn) [Entry date 08/13/98] [3:98cv252]

08/13/1998 56 STIPULATION and ORDER by Judge Charles A. Legge that defendants may file a reply brief up to 20 pages in length (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 08/13/98] [3:98cv252]

08/14/1998 57 REPLY MEMORANDUM by defendants to opposition and in support of their motion to dismiss [47-1] [3:98-cv-00252] (tn) [Entry date 08/14/98] [3:98cv252]

08/14/1998 58 DECLARATION of Adam G. Safwat on behalf of defendants re motion reply [57-1] [3:98-cv-00252] (tn) [Entry date 08/14/98] [3:98cv252]

08/14/1998 59 PROOF OF SERVICE by defendants of documents #:57-58 [3:98-cv-00252] (tn) [Entry date 08/14/98] [3:98cv252]

08/14/1998 60 PROOF OF SERVICE by defendants of stipulation and order [56-1] [3:98-cv-00252] (tn) [Entry date 08/14/98] [3:98cv252]

08/27/1998 61 LETTER dated 8/24/98 from Adam G. Safwat to Court Clerk regarding hearing on defendants' motion to dismiss set for 9:30 a.m. on 9/4/98 [3:98-cv-00252] (tn) [Entry date 08/28/98] [3:98cv252]

08/27/1998 -- Docket Modification (Administrative) setting hearing on motion to dismiss [47-1] at 9:30 a.m. on 9/4/98 [3:98-cv-00252] (tn) [Entry date 08/28/98] [3:98cv252]

09/01/1998 62 STATEMENT of recent decision by Plaintiffs re motion to dismiss [47-1] complaint for violation of the securities exchange act of 1934 [3:98-cv-00252] (tn) [Entry date 09/01/98] [3:98cv252]

09/04/1998 63 MINUTES: (C/R Judith Thomsen) (Hearing Date: 9/4/98) defendants' motion to dismiss -- off calendar; awaiting 9th Circuit decision on appeal in FMS' Silicon Graphics case; any party can renew its motion at any time; preservation of documents was addressed; Mr. Coughlin will be submitting a preservation order; Derivative cases: C-98-1538 & C-98-2473-CAL were addressed with Willem Jonckheer and Boris Feldman present, derivative cases continued to 10/30/98 at 11:00 a.m.; order to be submitted [3:98-cv-00252] (tn) [Entry date 09/08/98] [3:98cv252]

09/11/1998 64 STATEMENT by defendants in NON-Opposition to plaintiffs' motion for class certification [50-1] [3:98-cv-00252] (tn) [Entry date 09/11/98] [3:98cv252]

09/17/1998 65 REPORTER'S TRANSCRIPT; Date of proceedings: 9/4/98 (C/R: Judith N. Thomsen) [3:98-cv-00252] (tn) [Entry date 09/18/98] [3:98cv252]

10/22/1998 66 ORDER by Judge Charles A. Legge granting plaintiffs' motion for class certification [50-1] [see order for additional info.] (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 10/23/98] [3:98cv252]

10/29/1998 67 NOTICE by Plaintiffs of entry order [66-1] [3:98-cv-00252] (tn) [Entry date 10/30/98]

[3:98cv252]

- 11/09/1998 68 EX-PARTE REQUEST before Judge Charles A. Legge by Plaintiffs for entry of order allowing plaintiffs to serve document preservation subpoenas on third-party customers of Sybase K.K. identified in defendants initial disclosures [3:98-cv-00252] (tn) [Entry date 11/09/98] [3:98cv252]
- 11/09/1998 -- RECEIVED [Proposed] Order (Plaintiffs) re: ex-parte request for entry of order allowing plaintiffs to serve document preservation subpoenas on third-party customers of Sybase K.K. identified in defendants initial disclosures [68-1] [3:98-cv-00252] (tn) [Entry date 11/09/98] [3:98cv252]
- 11/12/1998 69 MEMORANDUM by defendants in opposition to plaintiffs' motion for entry of order allowing plaintiffs to serve document preservation subpoenas on third-party customers of Sybase K.K. identified in defendants initial disclosures [68-1] [3:98-cv-00252] (tn) [Entry date 11/13/98] [3:98cv252]
- 11/12/1998 -- RECEIVED [Proposed] Order re preservation of discovery material (defendants) [3:98-cv-00252] (tn) [Entry date 11/13/98] [3:98cv252]
- 11/12/1998 70 PROOF OF SERVICE by defendants of their opposition memorandum [69-1] and [proposed] order re preservation of discovery material [3:98-cv-00252] (tn) [Entry date 11/13/98] [3:98cv252]
- 11/12/1998 71 ORDER re preservation of discovery material by Judge Charles A. Legge granting motion for entry of order allowing plaintiffs to serve document preservation subpoenas on third-party customers of Sybase K.K. identified in defendants initial disclosures [68-1] (see order for additional info.) (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 11/16/98] [3:98cv252]
- 12/08/1998 72 SUPPLEMENTAL SUBMISSION OF AUTHORITY by Plaintiffs pursuant to Local Rule 7-3(e) in opposition to defendants' motion to dismiss the consolidated amended complaint [3:98-cv-00252] (tn) [Entry date 12/08/98] [3:98cv252]
- 03/29/1999 73 RETURN OF SERVICE executed upon defendant Sybase K.K. by serving personally to Tokyo District Court, Civil Affairs Dept. on 10/28/98 [3:98-cv-00252] (tn) [Entry date 03/29/99] [3:98cv252]
- 03/29/1999 -- RECEIVED Stipulation and [Proposed] Order extending time to answer or otherwise respond to the complaint [3:98-cv-00252] (tn) [Entry date 03/29/99] [3:98cv252]
- 03/30/1999 74 STIPULATION and ORDER by Judge Charles A. Legge that defendant Yoshi Ogawa shall serve and file his answer, motion to dismiss, or other response to the consolidated amended class action complaint on or before 4/12/99 (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 04/02/99] [3:98cv252]
- 04/01/1999 75 PROOF OF SERVICE by Plaintiffs of stipulation and order [74-1] [3:98-cv-00252] (tn) [Entry date 04/02/99] [3:98cv252]
- 04/02/1999 76 PROOF OF SERVICE by defendant Yoshi Ogawa of stipulation and order [74-1] [3:98-cv-00252] (tn) [Entry date 04/06/99] [3:98cv252]
- 04/12/1999 77 STIPULATION and ORDER by Judge Charles A. Legge that defendant Yoshi Ogawa shall served and file his answer, motion to dismiss, or other response to the consolidated amended class action complaint on or before 4/26/99 (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 04/14/99] [3:98cv252]
- 04/14/1999 78 RETURN OF SERVICE executed upon defendant Yoshi Ogawa in on 2/20/99 [3:98-cv-00252] (tn) [Entry date 04/14/99] [3:98cv252]

04/28/1999 79 STIPULATION and ORDER by Judge Charles A. Legge regarding defendant Yoshi Ogawa's response to complaint (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 04/30/99] [3:98cv252]

05/19/1999 80 PROOF OF SERVICE by defendant Yoshi Ogawa of stipulation and order [79-1] [3:98-cv-00252] (tn) [Entry date 05/21/99] [3:98cv252]

09/24/1999 81 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs for leave to file a second amended class action complaint for violation of the Federal Securities Laws with Notice set for 9:30 a.m. on 11/5/99 [3:98-cv-00252] (tn) [Entry date 09/24/99] [3:98cv252]

09/24/1999 82 DECLARATION of Randi D. Bandman on behalf of Plaintiffs in support of their motion for leave to file a second amended class action complaint for violation of the Federal Securities Laws [81-1] [3:98-cv-00252] (tn) [Entry date 09/24/99] [3:98cv252]

09/24/1999 83 EXHIBIT A to declaration of Randi D. Bandman [82-1] [FILED UNDER SEAL] [3:98-cv-00252] (tn) [Entry date 09/24/99] [3:98cv252]

09/24/1999 -- RECEIVED [Proposed] Order granting Plaintiffs' motion for leave to file a second amended class action complaint for violation of the Federal Securities Laws [81-1] [3:98-cv-00252] (tn) [Entry date 09/24/99] [3:98cv252]

09/24/1999 -- RECEIVED Stipulation and [Proposed] Order re: briefing schedule for defendants' motion to dismiss plaintiffs' second amended complaint [3:98-cv-00252] (tn) [Entry date 09/24/99] [3:98cv252]

10/05/1999 84 STIPULATION and ORDER by Judge Charles A. Legge re: briefing schedule for defendants' motion to dismiss plaintiffs' second amended complaint: defendants' motions to dismiss shall be filed on 11/19/99; plaintiffs' oppositions to defendants' motions shall be filed 12/23/99; defendants' reply briefs shall be filed on 1/24/2000, and the hearing will be on 2/11/2000 at 9:30 a.m. (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 10/07/99] [3:98cv252]

10/14/1999 85 NOTICE by Plaintiffs of change of address [3:98-cv-00252] (tn) [Entry date 10/14/99] [3:98cv252]

10/15/1999 86 PROOF OF SERVICE by Plaintiffs of stipulation and order [84-2] [3:98-cv-00252] (tn) [Entry date 10/20/99] [3:98cv252]

10/15/1999 87 NOTICE by Plaintiffs of entry of stipulation and order [84-2] [3:98-cv-00252] (tn) [Entry date 10/20/99] [3:98cv252]

10/22/1999 88 STATEMENT OF NON-OPPOSITION by defendants to plaintiffs' motion for leave to file a second amended class action complaint for violation of the Federal Securities Laws [81-1] [3:98-cv-00252] (tn) [Entry date 10/25/99] [3:98cv252]

11/04/1999 89 STATEMENT OF NON-OPPOSITION by defendants to plaintiffs' motion for leave to file a second amended class action complaint for violation of the Federal Securities Laws [81-1] [3:98-cv-00252] (tn) [Entry date 11/04/99] [3:98cv252]

11/04/1999 90 ORDER by Judge Charles A. Legge GRANTING plaintiffs' motion for leave to file a second amended class action complaint for violation of the Federal Securities Laws [81-1] (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 11/04/99] [3:98cv252]

11/06/1999 -- RECEIVED Stipulation and [Proposed] Order re: briefing schedule for defendants' motion to dismiss plaintiffs' second amended complaint [3:98-cv-00252] (tn) [Entry date 11/18/99] [3:98cv252]

- 11/09/1999 91 DECLARATION OF SERVICE by Plaintiffs order [90-1] [3:98-cv-00252] (tn) [Entry date 11/10/99] [3:98cv252]
- 11/16/1999 92 PROOF OF SERVICE by Plaintiffs of [proposed] stipulation and order received [0-0] [3:98-cv-00252] (tn) [Entry date 11/18/99] [3:98cv252]
- 11/18/1999 93 STIPULATION and ORDER by Judge Charles A. Legge re briefing schedule for defendants' motion to dismiss plaintiffs' second amended complaint: defendants' motions to dismiss shall be filed on 2/4/2000; plaintiffs' opposition to the motion to dismiss shall be filed no later than 3/3/2000, and defendants' reply brief shall be filed on 3/24/2000 (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 11/29/99] [3:98cv252]
- 12/02/1999 94 PROOF OF SERVICE by Plaintiffs of stipulation and order [93-1] [3:98-cv-00252] (tn) [Entry date 12/17/99] [3:98cv252]
- 12/02/1999 95 NOTICE by Plaintiffs of entry of stipulation and order [93-1] [3:98-cv-00252] (tn) [Entry date 12/17/99] [3:98cv252]
- 02/07/2000 96 STIPULATION and ORDER by Judge Charles A. Legge re: briefing schedule for defendants' motion to dismiss plaintiffs' second amended complaint: defendants' motion to dismiss shall be filed on 3/3/00; plaintiffs' opposition to the motion to dismiss shall be filed no later than 3/31/00, and defendants' reply briefs shall be filed on 4/21/00 (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 02/17/00] [3:98cv252]
- 02/14/2000 97 NOTICE by defendants of entry of stipulation and order [96-1] [3:98-cv-00252] (tn) [Entry date 02/17/00] [3:98cv252]
- 03/31/2000 98 NOTICE of settlement by parties [3:98-cv-00252] (tn) [Entry date 04/03/00] [3:98cv252]
- 06/05/2000 99 NOTICE by Plaintiffs' counsel of change of address [3:98-cv-00252] (tn) [Entry date 06/05/00] [3:98cv252]
- 07/10/2000 100 LETTER from David Priebe, dated 7/6/00, to Clerk regarding parties' proposed stipulation of settlement [3:98-cv-00252] (tn) [Entry date 07/12/00] [3:98cv252]
- 07/24/2000 101 ORDER by Judge Charles A. Legge preliminarily approving settlement and providing for notice: Settlement hearing shall be held before this court on 9/29/00 at 9:30 a.m. to determine whether the proposed settlement of the litigation on the terms and conditions provided for in the stipulation is fair, just, reasonable and adequate to the class and should be approved by the court; no later than 8/7/00 plaintiffs' settlement counsel shall cause a copy of the notice and the proof of claim, substantially in the form annexed hereto as exhibits A-1 and A-2, to be mailed by first class mail to all class members who can be identified with reasonable effort; no later than 8/17/00 plaintiffs' settlement counsel shall cause the summary notice to be published once in Investor's Business Daily; Submission of valid proof of claim by 11/11/00; Exclusion request must be postmarked by 9/11/00; Submission of written notice of objection, mailed or hand delivered by 9/11/00; and completed and signed proof of claim and release postmarked due by 11/7/00 (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 07/26/00] [Edit date 07/26/00] [3:98cv252]
- 07/24/2000 102 STIPULATION OF SETTLEMENT by parties [3:98-cv-00252] (tn) [Entry date 07/26/00] [3:98cv252]
- 09/22/2000 103 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs for final approval of settlement with Notice set for 9:30 a.m. on 9/29/00 [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]

- 09/22/2000 104 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs for attorneys' fees, and reimbursement of expenses with Notice set for 9:30 a.m. on 9/29/00 [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]
- 09/22/2000 105 NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS AND AUTHORITIES before Judge Charles A. Legge by Plaintiffs for approval of plan of allocation with Notice set for 9:30 a.m. on 9/29/00 [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]
- 09/22/2000 106 JOINT DECLARATION of Henry Rosen & Joseph J. Tabacco, Jr. on behalf of Plaintiffs in support of their motion for approval of plan allocation [105-1], motion for attorneys' fees [104-1], and for reimbursement of expenses [104-2], and motion for final approval of settlement [103-1] [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]
- 09/22/2000 107 DECLARATION of Ellen Gusikoff Stewart on behalf of Plaintiffs in support of their motion for approval of plan of allocation [105-1], motion for attorneys' fees [104-1], and for reimbursement of expenses [104-2], and motion for final approval of settlement [103-1] [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]
- 09/22/2000 108 DECLARATION of Cheryl Washington on behalf of Plaintiffs re: a) mailing of notice of proposed settlement of class action and proof of claim and release form, and b) publication of summary notice [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]
- 09/22/2000 -- RECEIVED [Proposed] Order approving plan of allocation (Plaintiffs) [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]
- 09/22/2000 -- RECEIVED [Proposed] Final Judgment and Order of Dismissal with Prejudice (Plaintiffs) [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]
- 09/22/2000 -- RECEIVED [Proposed] Order awarding plaintiffs counsel's fees and expenses (Plaintiffs) [3:98-cv-00252] (tn) [Entry date 09/25/00] [3:98cv252]
- 09/29/2000 109 MINUTES: (C/R Kathy Wyatt) (Hearing Date: 9/29/00) granting plaintiffs' MOTIONS for approval of plan of allocation [105-1] and motion for attorneys' fees [104-1], and for reimbursement of expenses [104-2] for the reasons stated on the record; three orders were signed by the Judge in open court; Derivative cases: C-98-1538-CAL & C-98-2473-CAL -- status was addressed by David Priebe; the court was informed that both cases had been dismissed voluntarily by stipulation in late 1999 [3:98-cv-00252, 3:98-cv-00253, 3:98-cv-00268, 3:98-cv-00277, 3:98-cv-00281, 3:98-cv-00288, 3:98-cv-00334, 3:98-cv-00335, 3:98-cv-00348, 3:98-cv-00371, 3:98-cv-00414, 3:98-cv-00436, 3:98-cv-00483, 3:98-cv-00519, 3:98-cv-00739, 3:98-cv-00741, 3:98-cv-00742, 3:98-cv-00743, 3:98-cv-01183] (tn) [Entry date 10/03/00] [3:98cv1183 3:98cv252 3:98cv253 3:98cv268 3:98cv277 3:98cv281 3:98cv288 3:98cv334 3:98cv335 3:98cv348 3:98cv371 3:98cv414 3:98cv436 3:98cv483 3:98cv519 3:98cv739 3:98cv741 3:98cv742 3:98cv743]
- 09/29/2000 110 ORDER by Judge Charles A. Leggeo awarding plaintiffs' counsel's fees and expenses: the court awards plaintiffs' settlement counsel attorneys' fees of 30% of the settlement fund and reimbursement of litigation expenses in the amount of \$619,740.09 together with the interest earned for the same time period and at the same rate as that earned on the settlement fund until paid (Date Entered: 10/3/00) (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 10/03/00] [3:98cv252]
- 09/29/2000 111 ORDER by Judge Charles A. Legge approving plan of allocation: the court finds and concludes that the plan of allocation, as set forth in the notice, is, in all respects, fair and reasonable and the court approves the plan of allocation (cc: all counsel) [3:98-cv-00252]

(tn) [Entry date 10/03/00] [3:98cv252]

- 09/29/2000 112 FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE by Judge Charles A. Legge: dismissing case with prejudice (3:98-cv-00252 3:98-cv-00253 3:98-cv-00268 3:98-cv-00277 3:98-cv-00288 3:98-cv-00334 3:98-cv-00335 3:98-cv-00348 3:98-cv-00371 3:98-cv-00414 3:98-cv-00436 3:98-cv-00483 3:98-cv-00519 3:98-cv-00743 3:98-cv-00742 3:98-cv-00739 3:98-cv-00741 3:98-cv-00281 3:98-cv-01183 3:98-cv-00253 3:98-cv-00268 3:98-cv-00277 3:98-cv-00281 3:98-cv-00288 3:98-cv-00334 3:98-cv-00335 3:98-cv-00348 3:98-cv-00371 3:98-cv-00414 3:98-cv-00436 3:98-cv-00483 3:98-cv-00519 3:98-cv-00739 3:98-cv-00740 3:98-cv-00741 3:98-cv-00742 3:98-cv-00743 3:98-cv-01183 3:98-cv-00252 3:98-cv-01538); appeal filing ddl 11/2/00 (Date Entered: 10/3/00) (cc: all counsel) [3:98-cv-00252] (tn) [Entry date 10/03/00] [3:98cv252]
- 10/10/2000 113 PROOF OF SERVICE by defendant of judgment [112-2], order [111-1], and order [110-1] [3:98-cv-00252] (tn) [Entry date 10/12/00] [3:98cv252]