

U.S. District Court
District of Kansas (Kansas City)
CIVIL DOCKET FOR CASE #: 2:01-cv-02013-JWL

In Re: Atchison Cast v. , et al
Assigned to: Judge John W Lungstrum
Referred to: Magistrate Judge David J. Waxse
Demand: \$0
Lead case: [2:01-cv-02013-JWL](#)

Date Filed: 01/08/2001
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Member cases:

[2:01-cv-02031-JWL](#)

[2:01-cv-02033-JWL](#)

[2:01-cv-02059-JWL](#)

[2:01-cv-02081-JWL](#)

Cause: 28:1331 Fed. Question

In Re

Atchison Casting Corporation
Securities Litigation

Plaintiff

Ron Martin
Individually and on Behalf of All Others
Similarly Situated

represented by **Angela K. Drake**
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Plaintiff

Anthony Hill

represented by **Willem F Jonckheer**
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Angela K. Drake
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V.

Defendant

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Defendant

Hugh Aiken

represented by **David J Wood**

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Dean S Kristy

(See above for address)

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Rachel A. Hayes
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Susan S Muck
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Defendant

Kevin T McDermed

represented by **David J Wood**
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Date Filed	#	Docket Text
01/08/2001	1	COMPLAINT; No Summons issued (case referred to Magistrate Judge David J. Waxse) (TUB) (Entered: 01/09/2001)
01/08/2001	2	DESIGNATION OF PLACE OF TRIAL - trial to be held in Kansas City, KS by plaintiff; Jury demand by plaintiff (TUB) (Entered: 01/09/2001)
01/08/2001		FILING FEE PAID on 1/8/01 in the amount of \$150.00 Receipt #088340 (TUB) (Entered: 01/09/2001)
02/26/2001	3	MOTION with memorandum in support to extend time to answer or otherwise respond until 45 days after the date on which defendants are served with an Amended Consolidated Complaint by defendants Atchison Casting Cor, Hugh Aiken, Kevin T McDermed referred to Magistrate Judge David J. Waxse (TRS) (Entered: 02/27/2001)
03/09/2001	4	MOTION to consolidate cases by plaintiff referred to Judge John W. Lungstrum , for order to be appointed lead plaintiffs and for approval of lead plaintiffs' selection of lead counsel and liaison counsel by plaintiff referred to Judge John W. Lungstrum (TRS) (Entered: 04/19/2001)
03/09/2001	5	MEMORANDUM by plaintiff in support of motion to consolidate cases by plaintiff referred to Judge John W. Lungstrum [4-1], motion for order to be appointed lead plaintiffs and for approval of lead plaintiffs' selection of lead counsel and liaison counsel by plaintiff referred to Judge John W. Lungstrum [4-2] (TRS) (Entered: 04/19/2001)
03/12/2001	6	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion to extend time until 5/25/01 to answer or otherwise respond to Class Action Complaint by defendants Atchison Casting Cor, Hugh Aiken, Kevin T McDermed referred to Magistrate Judge David J. Waxse [3-1] (cc: all counsel) (TRS) Modified on 04/19/2001 (Entered: 03/13/2001)
03/26/2001	7	MOTION for attorney Susan S. Muck to appear pro hac vice on behalf of defendant's Atchison Casting Corporation, Hugh Aiken, and Kevin T McDermed; referred to Magistrate Judge David J. Waxse (cc: Attorney admissions) (MG) Modified on 04/19/2001 (Entered: 03/27/2001)
03/26/2001		PRO HAC VICE FEE PAID re: motion for attorney Susan S. Muck to appear pro hac vice on behalf of defendant's Atchison Casting Corporation, Hugh Aiken, and Kevin T McDermed; referred to Magistrate Judge David J. Waxse (cc: Attorney admissions) [5-1] by attorney Lori Sellers on 03/26/01 in the amount of \$10.00 (Receipt # 089101) (MG) (Entered: 03/27/2001)
03/26/2001	8	MOTION for attorney Dean S. Kristy to appear pro hac vice by defendants referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) (TRS) Modified on 04/19/2001 (Entered: 03/27/2001)
03/26/2001	9	MOTION for attorney Clayton Basser-Wall to appear pro hac vice by defendant referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) (TRS) Modified on 04/19/2001 (Entered: 03/28/2001)

03/26/2001	10	MOTION for attorney David J. Wood to appear pro hac vice by defendant referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) (TRS) Modified on 04/19/2001 (Entered: 03/28/2001)
04/03/2001	11	RESPONSE by defendants to motion to consolidate actions, to be appointed lead plaintiffs and for for approval of lead plaintiffs' selection of lead Counsel and liaison Counsel (TRS) Modified on 04/19/2001 (Entered: 04/04/2001)
04/09/2001	12	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion for attorney David J. Wood to appear pro hac vice defendant (cc: Attorney Admissions) [10-1] (cc: all counsel)(TRS) Modified on 04/19/2001 (Entered: 04/10/2001)
04/09/2001	13	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion for attorney Susan S. Muck to appear pro hac vice behalf of defendant's Atchison Casting Corporation, Hugh Aiken, and Kevin T McDermed (cc: Attorney admissions) [7-1] (cc: all counsel) (TRS) Modified on 04/19/2001 (Entered: 04/10/2001)
04/09/2001	14	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion for attorney Dean S. Kristy to appear pro hac vice by defendants (cc: Attorney Admissions) [8-1] (cc: all counsel)(TRS) Modified on 04/19/2001 (Entered: 04/10/2001)
04/09/2001	15	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion for attorney Clayton Basser-Wall to appear pro hac vice for defendants (cc: Attorney Admissions) [9-1] (cc: all counsel) (MM) Modified on 04/19/2001 (Entered: 04/10/2001)
04/13/2001	16	MOTION for attorney Willem F. Jonckheer to appear pro hac vice by plaintiff referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) (TRS) Modified on 04/19/2001 (Entered: 04/16/2001)
04/13/2001	17	AFFIDAVIT of Willem F. Jonckheer re: motion for attorney Willem F. Jonckheer to appear pro hac vice by plaintiff referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) [16-1] (TRS) Modified on 04/19/2001 (Entered: 04/16/2001)
04/13/2001	18	REPLY by plaintiffs to response to motion to consolidate cases by plaintiff referred to Judge John W. Lungstrum [4-1], motion for order to be appointed lead plaintiffs and for approval of lead plaintiffs' selection of lead counsel and liaison counsel by plaintiff referred to Judge John W. Lungstrum [4-2] (TRS) (Entered: 04/19/2001)
04/13/2001	19	AFFIDAVIT of Willem F. Jonckheer re: motion for attorney Willem F. Jonckheer to appear pro hac vice by plaintiff referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) [16-1] (TRS) (Entered: 04/19/2001)
04/17/2001		PRO HAC VICE FEE PAID re: motion for attorney Willem F. Jonckheer to appear pro hac vice by plaintiff referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) [16-1] by attorney Willem Jonckheer on 4/17/01 in the amount of \$ 10.00 (Receipt # 089313) (TRS) (Entered: 04/19/2001)
04/20/2001	20	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion for attorney Willem F. Jonckheer to appear pro hac vice by plaintiff (cc: Attorney Admissions) [16-1] (cc: all counsel) (TRS) (Entered: 04/23/2001)

05/11/2001	21	MEMORANDUM AND ORDER: by Judge John W. Lungstrum granting motion to consolidate cases by plaintiff [4-1], denying motion for order to be appointed lead plaintiffs and for approval of lead plaintiffs' selection of lead counsel and liaison counsel by plaintiff [4-2]; The lead plaintiffs should submit to the court, within 30 days from the date of this order, evidence that they have conducted a thorough search for lead counsel and have reached an agreement with a law firm; 12 pages (cc: all counsel) (TRS) (Entered: 05/14/2001)
05/22/2001	22	MOTION to extend time for 45 days to answer or otherwise respond to consolidated amended complaint by defendants Atchison Casting Cor, Hugh Aiken, and Kevin T McDermed in 2:01-cv-02013 referred to Magistrate Judge David J. Waxse (TRS) (Entered: 05/23/2001)
05/24/2001	23	MOTION for attorney Juden Justice Reed to appear pro hac vice by plaintiff in 2:01-cv-02013 referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) (TRS) (Entered: 05/25/2001)
05/24/2001		PRO HAC VICE FEE PAID re: motion for attorney Juden Justice Reed to appear pro hac vice by plaintiff in 2:01-cv-02013 referred to Magistrate Judge David J. Waxse (cc: Attorney Admissions) [23-1] by attorney Juden Reed on 5/24/01 in the amount of \$ 10.00 (Receipt # 089678) (TRS) (Entered: 05/25/2001)
06/11/2001	24	LEAD PLAINTIFF'S RESPONSE by plaintiff Ron Martin in 2:01-cv-02013 re: order [21-1]; Plaintiff Anthony Hill requests that the court approve Schubert & Reed LLP as lead counsel, and approve his fee agreement. Plaintiff Ron Martin requests that he be relieved of his duties as lead plaintiff, due to his extended absence from this county (TRS) (Entered: 06/12/2001)
06/13/2001	25	INITIAL ORDER REGARDING PLANNING AND SCHEDULING ENTERED: by Magistrate Judge David J. Waxse scheduling conference set for 11:00 7/17/01, parties to meet by 7/3/01 to discuss the nature and basis of their claims and defenses (cc: all counsel) (TRS) (Entered: 06/14/2001)
06/19/2001	26	ORDER ENTERED: by Magistrate Judge David J. Waxse denying plaintiff's motion for attorney Juden Justice Reed to appear pro hac vice. [23-1] (cc: all counsel) (MG) (Entered: 06/20/2001)
06/27/2001	27	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion to extend time for 45 days to answer or otherwise respond to consolidated amended complaint by defendants Atchison Casting Cor, Hugh Aiken, and Kevin T McDermed [22-1] (cc: all counsel) (TRS) (Entered: 06/28/2001)
07/03/2001	28	MEMORANDUM AND ORDER: by Judge John W. Lungstrum; Ron Martin is removed from the position of lead plaintiff and Schubert & Reed is approved as lead counsel; 3 pages (cc: all counsel) (TRS) (Entered: 07/05/2001)
07/19/2001	29	SCHEDULING ORDER ENTERED by Magistrate Judge David J. Waxse; Scheduling conference was held 7/17/01; Discovery is stayed pending a decision of defendants' motion to dismiss; Status conference for further scheduling will be set after the Court's ruling of the motion to dismiss (cc: all counsel) (TRS) (Entered: 07/20/2001)
08/17/2001	30	UNOPPOSED MOTION to extend time to file amended and consolidated

		complaint for 1 week by plaintiffs referred to Magistrate Judge David J. Waxse (TRS) (Entered: 08/20/2001)
08/21/2001	31	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion to extend time to file amended and consolidated complaint for 1 week by plaintiffs [30-1] (cc: all counsel) (TRS) (Entered: 08/22/2001)
08/24/2001	32	CONSOLIDATED AMENDED CLASS ACTION COMPLAINT; w/jury demand (YH) (Entered: 08/27/2001)
08/29/2001	33	ORDER ENTERED: by Magistrate Judge David J. Waxse telephone status conference regarding settlement scheduled for 11:30 a.m. on 9/4/01 (cc: all counsel) (TRS) (Entered: 08/30/2001)
09/06/2001	34	ORDER ENTERED: by Magistrate Judge David J. Waxse: settlement conference is set for 9:00 a.m. on 11/2/01 (cc: all counsel) (CK) Modified on 09/27/2001 (Entered: 09/07/2001)
09/20/2001	35	ORDER ENTERED: by Magistrate Judge David J. Waxse settlement hearing continued to 10:30 11/9/01, to be conducted by U.S. Magistrate Judge, settlement statement due by 11/2/01 (cc: all counsel) (TRS) (Entered: 09/21/2001)
10/09/2001	36	MOTION to dismiss Plaintiff's Consolidated Amended Class Action Complaint by defendant referred to Judge John W. Lungstrum (TRS) Modified on 08/13/2002 (Entered: 10/10/2001)
10/09/2001	37	MEMORANDUM by defendant in support of motion to dismiss Plaintiff's Consolidated Amended Class Action Complaint by defendant referred to Judge John W. Lungstrum [36-1] (TRS) (Entered: 10/10/2001)
10/09/2001	38	APPENDIX OF UNREPORTED AUTHORITIES IN SUPPORT by defendant of motion to dismiss Plaintiff's Consolidated Amended Class Action Complaint by defendant referred to Judge John W. Lungstrum [36-1] (TRS) (Entered: 10/10/2001)
10/09/2001	39	REQUEST by defendant for Judicial Notice in connection with the motion to dismiss [36-1] (TRS) (Entered: 10/10/2001)
10/09/2001	40	CERTIFICATE OF SERVICE of Motion to Dismiss; Memorandum in Support; Appendix of Unreported Authorities; and Request for Judicial Notice by defendant in 2:01-cv-02013 (TRS) (Entered: 10/10/2001)
10/09/2001	41	CERTIFICATE OF SERVICE of Motion to Dismiss Consolidated Amended Class Action Complaint; Memorandum of Points and Authorities in Support of Motion to Dismiss; Appendix of Unreported Authorities in Support by defendants Atchison Casting Cor, Hugh Aiken, Kevin T McDermed (TRS) (Entered: 10/15/2001)
11/26/2001	42	UNOPPOSED MOTION for extension of time until 1/15/02 to file response to motion to dismiss by plaintiff Ron Martin in 2:01-cv-02013 referred to Magistrate Judge David J. Waxse (TRS) (Entered: 11/27/2001)
11/28/2001	43	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion for extension of time until 1/15/02 to file to motion to dismiss by plaintiff Ron Martin in 2:01-cv-02013 [42-1] (cc: all counsel) (TRS) (Entered: 11/29/2001)

11/29/2001	44	ORDER ENTERED: by Magistrate Judge David J. Waxse On 11/28/01 a status conference was held in chambers; Mediation shall be rescheduled; Plaintiff's response time was extended on defendants's Motion to Dismiss (cc: all counsel) (TRS) (Entered: 11/30/2001)
11/30/2001	45	MOTION for an order directing further mediation by plaintiff Ron Martin referred to Magistrate Judge David J. Waxse (TRS) (Entered: 12/03/2001)
12/04/2001	46	ORDER ENTERED: by Magistrate Judge David J. Waxse granting motion for an order directing further mediation by plaintiff Ron Martin [45-1]; The parties, including defendants' insurance carrier, shall participate in another mediation session with the Honorable Edward Infante; (cc: all counsel) (TRS) (Entered: 12/05/2001)
12/07/2001		NOTICE OF CHANGE OF ADDRESS by attorney William S. Lerach (address stated in original complaint) (no PHV to date) (TRS) (Entered: 01/02/2002)
12/14/2001	47	MEMORANDUM in opposition by plaintiff Anthony Hill to request for Judicial Notice [39-1] (TRS) Modified on 05/30/2002 (Entered: 12/20/2001)
12/14/2001	48	MEMORANDUM in opposition by plaintiff Anthony Hill to motion to dismiss Plaintiff's Consolidated Amended Class Action Complaint by defendant referred to Judge John W. Lungstrum [36-1] (TRS) (Entered: 12/20/2001)
12/14/2001	49	APPENDIX by plaintiff Anthony Hill in 2:01-cv-02013 re: memorandum [48-1], re: motion to dismiss Plaintiff's Consolidated Amended Class Action Complaint by defendant referred to Judge John W. Lungstrum [36-1] (TRS) (Entered: 12/20/2001)
01/10/2002	50	UNOPPOSED MOTION to extend time until 1/29/02 in which to file a Reply in support of their motion to dismiss Amended Class Action Complaint by defendant referred to Judge John W. Lungstrum (TRS) Modified on 01/15/2002 (Entered: 01/11/2002)
01/15/2002	51	ORDER ENTERED: by Judge John W. Lungstrum granting motion to extend time until 1/29/02 in which to file a Reply in support of their motion to dismiss Amended Class Action Complaint by defendant [50-1] (cc: all counsel) (TRS) (Entered: 01/16/2002)
04/09/2002	52	UNOPPOSED MOTION for Preliminary Approval of Class Action Settlement by plaintiff Anthony Hill referred to Judge John W. Lungstrum (TRS) (Entered: 04/10/2002)
04/09/2002	53	MEMORANDUM by plaintiff Anthony Hill in support of motion for Preliminary Approval of Class Action Settlement by plaintiff Anthony Hill referred to Judge John W. Lungstrum [52-1] (TRS) (Entered: 04/10/2002)
04/18/2002	54	PRELIMINARY ORDER IN CONNECTION WITH SETTLEMENT PROCEEDINGS ENTERED: by Judge John W. Lungstrum granting motion for Preliminary Approval of Class Action Settlement by plaintiff Anthony Hill [52-1] settlement hearing set for 9:00 a.m. on 7/9/02 (cc: all counsel) (TRS) (Entered: 04/18/2002)
07/02/2002	55	UNOPPOSED MOTION for entry of final order approving proposed settlement,

		certifying the class, and awarding counsel attorneys' fees and reimbursement of expenses by plaintiff Anthony Hill; referred to Judge John W. Lungstrum (TRS) (Entered: 07/03/2002)
07/02/2002	56	MEMORANDUM by plaintiff Anthony Hill in 2:01-cv-02013 in support of motion for entry of final order approving proposed settlement, certifying the class, and awarding counsel attorneys' fees and reimbursement of expenses by plaintiff Anthony Hill; referred to Judge John W. Lungstrum [55-1] (TRS) (Entered: 07/03/2002)
07/02/2002	57	DECLARATION (AFFIDAVIT) of Juden Justice Reed re: motion for entry of final order approving proposed settlement, certifying the class, and awarding counsel attorneys' fees and reimbursement of expenses by plaintiff Anthony Hill; referred to Judge John W. Lungstrum [55-1] (TRS) (Entered: 07/03/2002)
07/02/2002	58	NOTICE OF CHANGE OF ADDRESS by Angela K Green for plaintiff Ron Martin; (cc: Attorney Admissions) (TRS) (Entered: 07/03/2002)
07/03/2002	59	AFFIDAVIT of of Mailing of Notice and Proof of Claim and Publication of the Summary Notice by Francisco R. Garzon (TRS) (Entered: 07/05/2002)
07/09/2002	60	MINUTE SHEET of hearing before Judge John W. Lungstrum: Settlement Hearing held; The Court grants plaintiff's unopposed motion for entry of order approving proposed settlement, certifying the class, and awarding counsel attorneys' fees and reimbursement of expenses by plaintiff Anthony Hill; See Order and Final Judgment for specific details [55-1]; Court Reporter: Becky Ryder. (CK) (Entered: 07/10/2002)
07/09/2002	61	ORDER AND FINAL JUDGMENT ENTERED by Judge John W. Lungstrum: On 7/9/02, a hearing was held to determine (1) whether this action should be certified as a class action for the purposes of settlement; (2) whether the terms and conditions of the Stipulation of Settlement dated as of 7/22/02 are fair, reasonable and adequate; (3) whether judgment should be entered dismissing the complaint on the merits with prejudice in favor of the defendant and against all persons or entities who are members of the Class certified in the Preliminary Approval Order; (4) whether and in what amount to award attorneys' fees and (5) whether to approve the Plan of Allocation as a fair and reasonable method to allocate settlement proceeds; this action is certified as class action for the purposes of settlement only; the terms of the Stipulation and settlement are approved as fair and reasonable; this action is dismissed on the merits with prejudice, each party to bear his/its own costs, except as provided in the Stipulation. (cc: all counsel) (CK) Modified on 08/22/2002 (Entered: 07/10/2002)
07/19/2002	62	NOTICE by plaintiffs of entry of order and final judgment (TRS) (Entered: 07/22/2002)
10/06/2003	63	MOTION for Order <i>Autorizing Distribution of Net Settlement Consideration to Class Members</i> by Plaintiff Anthony Hill (Attachments: # 1 Exhibit Declaration of Juden Reed# 2 Exhibit 1A# 3 Exhibit 1B# 4 Exhibit Declaration of Francisco Garzon# 5 Exhibit 2A# 6 Exhibit 2B# 7 Exhibit 2C)(Green, Angela) (Entered: 10/06/2003)
11/04/2003	64	ORDER AUTHORIZING DISTRIBUTION OF NET SETTLEMENT

		CONSIDERATION TO CLASS MEMEBERS granting 63 Motion for Order . Signed by Judge John W. Lungstrum on 11/04/03. (Attachments: # 1 Exhibit A) (ses) (Entered: 11/04/2003)
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