

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
CIVIL DOCKET FOR CASE #: 1:01-cv-01125-GEL

Mann, et al v. Worldwide Xceed, et al  
Assigned to: Judge Gerard E. Lynch  
Demand: \$0  
Lead case: [1:01-cv-01125-GEL](#)

Member cases:

[1:01-cv-01775-GEL](#)  
[1:01-cv-01826-GEL](#)  
[1:01-cv-01883-GEL](#)  
[1:01-cv-01896-GEL](#)  
[1:01-cv-01952-GEL](#)  
[1:01-cv-02516-GEL](#)  
[1:01-cv-02746-GEL](#)  
[1:01-cv-03144-GEL](#)

Cause: 15:78m(a) Securities Exchange Act

Date Filed: 02/14/2001  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**Eli Mann**

represented by **Gary S. Graifman**  
Kantrowitz, Goldhamer & Graifman, P.C.  
747 Chestnut Ridge Road  
Chestnut Ridge, NY 10977  
(845) 356-2570  
*LEAD ATTORNEY*

**Howard T. Longman**  
Stull, Stull & Brody  
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*LEAD ATTORNEY*

**Plaintiff**

**Adam Burstyn**

represented by **Jules Brody**  
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*LEAD ATTORNEY*

**Plaintiff**

**Joseph C. Rosenbaum**

represented by **Jules Brody**  
(See above for address)  
*LEAD ATTORNEY*

**Plaintiff**

**Waterview Partners**

represented by **Jules Brody**  
(See above for address)  
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V.

**Consolidated Plaintiff**

**Camille Defillippo**

represented by **Steven G. Schulman**  
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New York, NY 10119  
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**Consolidated Plaintiff**

**Marvin Zweig**

represented by **Mel E. Lifshitz**  
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*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Steven R. Ceasar**

represented by **Steven G. Schulman**  
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**Consolidated Plaintiff**

**David Deutsch**

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**Consolidated Plaintiff**

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**Consolidated Plaintiff**

**David Weigel**

represented by **Marvin Lawrence Frank**  
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**Consolidated Plaintiff**

**Rick A. Carpenter**

represented by **Gregory M. Nespole**  
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**Consolidated Plaintiff**

**Harry Zlotnick**

represented by **Curtis V. Trinko**  
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**Consolidated Plaintiff**

**Aliza Zlotnick**

represented by **Curtis V. Trinko**  
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**Consolidated Plaintiff**

**Robert J. Kennedy**

represented by **Gregory M. Nespole**  
(See above for address)  
*LEAD ATTORNEY*

V.

**Defendant**

**Worldwide Xceed Group, Inc.**

**Defendant**

**Scott A. Mednick**

represented by **Ian Kenneth Hochman**  
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*LEAD ATTORNEY*

**Defendant**

**Werner G. Haase**

represented by **Ian Kenneth Hochman**  
(See above for address)  
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**Jeanne Marie Luboja**  
(See above for address)  
*LEAD ATTORNEY*

**Michael R. Young**

(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Nurit K. Haase**

represented by **Ian Kenneth Hochman**  
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*LEAD ATTORNEY*

**Jeanne Marie Luboja**  
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*LEAD ATTORNEY*

**Defendant**

**William Zabit**

represented by **Ian Kenneth Hochman**  
(See above for address)  
*LEAD ATTORNEY*

**Jeanne Marie Luboja**  
(See above for address)  
*LEAD ATTORNEY*

**Michael R. Young**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**John P. Gandolfo**

represented by **Ian Kenneth Hochman**  
(See above for address)  
*LEAD ATTORNEY*

**Jeanne Marie Luboja**  
(See above for address)  
*LEAD ATTORNEY*

**Michael R. Young**  
(See above for address)  
*LEAD ATTORNEY*

**Movant****Boymell Green Foundation**

represented by **Jeffrey Michael Haber**  
Bernstein Liebhard & Lifshitz, LLP  
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(212) 779-1414  
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*LEAD ATTORNEY*

**Movant****Howard A. Tullman***TERMINATED: 09/30/2002*

represented by **Edward Joseph Johnsen**  
Winston & Strawn LLP (NY)  
200 Park Avenue  
New York, NY 10166  
(212) 294-6700 x4741  
Fax: (212) 294-4700  
*TERMINATED: 09/30/2002*  
*LEAD ATTORNEY*

| <b>Date Filed</b> | <b>#</b> | <b>Docket Text</b>   |
|-------------------|----------|--|
| 02/14/2001        | 1        | CLASS ACTION COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 386195. (bm) Modified on 02/21/2001 (Entered: 02/21/2001)   |
| 02/14/2001        |          | Magistrate Judge Andrew J. Peck is so Designated. (bm) (Entered: 02/21/2001)   |
| 04/30/2001        | 2        | NOTICE OF MOTION by the Vaiano Group, for an order consolidating cases # 01 civ. 1125, 01 civ. 1775, 01 civ. 1826, 01 civ. 1883, 01 civ. 1896, 01 civ. 1952, 01 civ. 2516, 01 civ. 2746 and 01 civ. 3144 ; for an order appointing the Vaiano Group as Lead Plaintiff ; for an order approving the Vaiano Group's selection of the law firm of Bull & Lifshitz, LLP to serve as Lead Counsel . No return date. (Received in the night deposit box on 4/30/01 at 8:48 p.m.) (kw) Modified on 05/03/2001 (Entered: 05/03/2001) |
| 04/30/2001        | 3        | DECLARATION of Peter D. Bull in support of Re: [2-1] motion for an order consolidating cases # 01 civ. 1125, 01 civ. 1775, 01 civ. 1826, 01 civ. 1883, 01 civ. 1896, 01 civ. 1952, 01 civ. 2516, 01 civ. 2746 and 01 civ. 3144, [2-2] motion for an  |

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|            |   | order appointing the Vaiano Group as Lead Plaintiff, and [2-3] motion for an order approving the Vaiano Group's selection of the law firm of Bull & Lifshitz, LLP to serve as Lead Counsel. (Received in the night deposit box on 4/30/01 at 8:48 p.m.) (kw) (Entered: 05/03/2001)   |
| 04/30/2001 | 4 | MEMORANDUM OF LAW by the Vaiano Group in support of [2-1] motion for an order consolidating cases # 01 civ. 1125, 01 civ. 1775, 01 civ. 1826, 01 civ. 1883, 01 civ. 1896, 01 civ. 1952, 01 civ. 2516, 01 civ. 2746 and 01 civ. 3144, [2-2] motion for an order appointing the Vaiano Group as Lead Plaintiff, and [2-3] motion for an order approving the Vaiano Group's selection of the law firm of Bull & Lifshitz, LLP to serve as Lead Counsel. (Received in the night deposit box on 4/30/01 at 8:48 p.m.) (kw) Modified on 05/04/2001 (Entered: 05/04/2001)   |
| 04/30/2001 | 5 | NOTICE OF MOTION by Movants, for an order consolidating the cases 01 civ. 1125, 01 civ. 1775, 01 civ. 1826, 01 civ. 1883, 01 civ. 1896, 01 civ. 1952, 01 civ. 2516, 01 civ. 2746, and 01 civ. 3144 ; for an order appointing the Proposed Lead Plaintiffs to serve as lead plaintiffs in the action pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 ; for an order approving Movants' choice of Co-Lead Counsel . No return date. (Received in the night deposit box on 4/30/01 at 8:50 p.m.) (kw) Modified on 05/04/2001 (Entered: 05/04/2001)  |
| 04/30/2001 | 6 | DECLARATION of Aaron Brody by movants in support of Re: [5-1] motion for an order consolidating the cases 01 civ. 1125, 01 civ. 1775, 01 civ. 1826, 01 civ. 1883, 01 civ. 1896, 01 civ. 1952, 01 civ. 2516, 01 civ. 2746, and 01 civ. 3144, [5-2] motion for an order appointing the Proposed Lead Plaintiffs to serve as lead plaintiffs in the action pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, and [5-3] motion for an order approving Movants' choice of Co-Lead Counsel. (Received in the night deposit box on 4/30/01 at 8:51 p.m.) (kw) Modified on 05/04/2001 (Entered: 05/04/2001) |
| 04/30/2001 | 7 | MEMORANDUM OF LAW by movants in support of [5-1] motion for an order consolidating the cases 01 civ. 1125, 01 civ. 1775, 01 civ. 1826, 01 civ. 1883, 01 civ. 1896, 01 civ. 1952, 01 civ. 2516, 01 civ. 2746, and 01 civ. 3144, [5-2] motion for an order appointing the Proposed Lead Plaintiffs to serve as lead plaintiffs in the action pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, and [5-3] motion for an order approving Movants' choice of Co-Lead Counsel. (Received in the night deposit box on 4/30/01 at 8:50 p.m.) (kw) (Entered: 05/04/2001)                                     |
| 04/30/2001 | 8 | NOTICE OF MOTION by Boymell Green Found. purs. to F.R.C.P. 42(c) and the Private Securites Litigation Reform Act of 1995, 15 U.S.C. Sec. 78u-4, for an order consolidating case nos. 01 cv 1125 (as Lead Case), with case nos. 01 cv 1775; 01 cv 1826; 01 cv 1883; 01 cv 1896; 01 cv 1952; 01 cv 2516; 01 cv 2746; and 01 cv 3144 ; appointing movant to serve as lead plttf ; and approving movant's selection of counsel for the class . No return date indicated. (sn) Modified on 06/28/2001 (Entered: 05/04/2001)   |
| 04/30/2001 | 9 | AFFIDAVIT of Michael S. Egan by Boymell Green Found. in support of [8-1] motion purs. to F.R.C.P. 42(c) and the Private Securites Litigation Reform Act of 1995, 15 U.S.C. Sec. 78u-4, for an order consolidating case nos. 01 cv 1125 (as Lead Case), with case nos. 01 cv 1775; 01 cv 1826; 01 cv 1883; 01 cv 1896; 01 cv 1952; 01 cv 2516; 01 cv 2746; and 01 cv 3144, [8-2] motion appointing movant to  |

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|            |    | serve as lead plttf, [8-3] motion approving movant's selection of counsel for the class. (sn) (Entered: 05/04/2001)  |
| 04/30/2001 | 10 | MEMORANDUM OF LAW by Boymell Green Found. in support of [8-1] motion purs. to F.R.C.P. 42(c) and the Private Securites Litigation Reform Act of 1995, 15 U.S.C. Sec. 78u-4, for an order consolidating case nos. 01 cv 1125 (as Lead Case), with case nos. 01 cv 1775; 01 cv 1826; 01 cv 1883; 01 cv 1896; 01 cv 1952; 01 cv 2516; 01 cv 2746; and 01 cv 3144, [8-2] motion appointing movant to serve as lead plttf, [8-3] motion approving movant's selection of counsel for the class. (sn) (Entered: 05/04/2001)   |
| 06/25/2001 | 11 | ORDER, set amended pleadings due for 7/23/01 by lead plaintiffs as set forth in this document ; on or before sixty days after the filing of the amended complaint, defendants shall file their answer or any motion to dismiss the amended complaint. If defendants file a motion to dismiss the amended complaint, lead plaintiffs shall file their opposition to such motion on or before forty-five days after defendants' service upon them of such motion. Defendants' shall have thirty days after service of Lead Plaintiffs' opposition to file a reply, if any, in support of their motion to dismiss ; granting [5-1] motion for an order consolidating the cases 01 civ. 1125, 01 civ. 1775, 01 civ. 1826, 01 civ. 1883, 01 civ. 1896, 01 civ. 1952, 01 civ. 2516, 01 civ. 2746, and 01 civ. 3144, granting [5-2] motion for an order appointing the Proposed Lead Plaintiffs to serve as lead plaintiffs in the action pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, granting [5-3] motion for an order approving Movants' choice of Co-Lead Counsel; the following plaintiffs and putative class members are appointed lead plaintiffs pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 Waterview Partners, Adam Burstyn, Robert James Kennedy, Eli Mann, and Joseph Rosenbaum. The law firms of Stull, Stull & Brody and Weiss & Yourman are hereby appointed Co-Lead Counsel; with the approval of the Court, Co-Lead Counsel shall assume and exercise the powers and responsibilities set forth in this document. Regarding the newly-filed or transferred actions that might properly be consolidated as part of the action . ( signed by Judge Gerard E. Lynch ) ; Copies mailed. (kw) Modified on 06/28/2001 (Entered: 06/26/2001) |
| 06/25/2001 |    | Consolidated Lead Case. (kw) (Entered: 06/28/2001)   |
| 07/26/2001 | 12 | STIPULATION and ORDER; the time for plaintiffs to file their amended class action complaint, currently due to be filed on 07/23/01, is extended to and including the 15th day of August 2001 ; ( signed by Judge Gerard E. Lynch ) (djc) (Entered: 07/26/2001)   |
| 07/30/2001 | 13 | Transcript of record of proceedings before Judge Gerard E. Lynch on 6/6/01. (kw) (Entered: 07/31/2001)   |
| 08/03/2001 | 14 | Transcript of record of proceedings before Judge Gerard E. Lynch for the date(s) of 6/6/01 @ 10:50 a.m. (rmo) (Entered: 08/03/2001)  |
| 08/15/2001 | 15 | AMENDED CLASS ACTION COMPLAINT and JURY DEMAND by Eli Mann, Adam Burstyn, Joseph C. Rosenbaum, Waterview Partners (Answer due 8/28/01 for John P. Gandolfo, for William Zabit, for Nurit K. Haase, for Werner G. Haase, for Scott A. Mednick, for Worldwide Xceed amending [1-1] complaint ; Summons issued. (pl) (Entered: 08/21/2001)  |

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| 08/15/2001 | 15 | DEMAND for jury trial by Eli Mann, Adam Burstyn, Joseph C. Rosenbaum, Waterview Partners . (pl) (Entered: 08/21/2001)   |
| 10/15/2001 | 16 | STIPULATION and ORDER, reset answer to the Amended Complaint due for 11/5/01 for John P. Gandolfo, for William Zabit, for Nurit K. Haase, Werner G. Haase, for Scott A. Mednick ( signed by Judge Gerard E. Lynch ) (cd) (Entered: 10/16/2001)  |
| 11/08/2001 | 17 | STIPULATION and ORDER, reset answer to amended complaint due for 11/21/01 for John P. Gandolfo, for William Zabit, for Nurit K. Haase, Werner G. Haase, for Scott A. Mednick ; plaintiff's opposition papers to any motion(s) to dismiss made by any of the individual defendants shall be served no later than 101/25/02; and the individual defendants' reply papers (if any) to any such plaintiff's opposition shall be served no later than 02/25/02 ; ( signed by Judge Gerard E. Lynch ) (djc) (Entered: 11/09/2001)   |
| 11/21/2001 | 18 | NOTICE OF MOTION by Scott A. Mednick, Werner G. Haase, Nurit K. Haase, William Zabit, John P. Gandolfo; for an Order pursuant to Rules 12(b)(6) and 9(b) of the FRCP, Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint in its entirety . No Return date set. Affidavit of Jeanne M. Luboja attached. (kkc) (Entered: 11/26/2001)  |
| 11/21/2001 | 19 | MEMORANDUM OF LAW by Scott A. Mednick, Werner G. Haase, Nurit K. Haase, William Zabit, John P. Gandolfo in support of [18-1] motion for an Order pursuant to Rules 12(b)(6) and 9(b) of the FRCP, Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint in its entirety. Appendix attached. (kkc) Modified on 11/26/2001 (Entered: 11/26/2001)   |
| 11/21/2001 | 20 | NOTICE OF MOTION by Howard A. Tullman; for an Order pursuant to Rules 9(b) and 12(b)(6) of the FRCP, the Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint . No Return date set. (kkc) (Entered: 11/26/2001)   |
| 11/21/2001 | 21 | MEMORANDUM OF LAW by Howard A. Tullman in support of [20-1] motion for an Order pursuant to Rules 9(b) and 12(b)(6) of the FRCP, the Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint. (kkc) (Entered: 11/26/2001)  |
| 11/27/2001 |    | Terminated documents 2-1,2-2,2-3,8-1,8-2,8-3 pursuant to instructions of Judge Lynch. (decided) (rag) (Entered: 11/27/2001)   |
| 02/05/2002 | 22 | STIPULATION TO EXTEND TIME TO FILE OPPOSITION TO MOTIONS TO DISMISS; plffs' time to respond is extended to 2/8/02 for [20-1] motion for an Order pursuant to Rules 9(b) and 12(b)(6) of the FRCP, the Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint; reset to 2/8/02 [18-1] motion for an Order pursuant to Rules 12(b)(6) and 9(b) of the FRCP, Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint in its entirety . Defts' time to reply shall be extended to 3/11/02 for [20-1] motion for an Order pursuant to Rules 9(b) and 12(b)(6) of the FRCP, the Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint; reset to 3/11/02 [18-1] motion for an Order pursuant to Rules 12(b)(6) |

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|            |    | and 9(b) of the FRCP, Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint in its entirety . ( signed by Judge Gerard E. Lynch ) (sn) (Entered: 02/07/2002)   |
| 02/08/2002 | 23 | MEMORANDUM OF LAW by Eli Mann, Adam Burstyn, Joseph C. Rosenbaum, Waterview Partners in opposition to [20-1] motion for an Order pursuant to Rules 9(b) and 12(b)(6) of the FRCP, the Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint . Received in night deposit box on 2/8/02 at 8:15 p.m. (yv) (Entered: 02/13/2002)  |
| 02/08/2002 | 24 | APPENDIX of Selected Authorities Cited in Plaintiffs' Memorandum of Law in Opposition to Defendants' Motions to Dismiss by Eli Mann, Adam Burstyn, Joseph C. Rosenbaum, Waterview Partners. Received in night deposit box on 2/8/02 at 8:15 p.m. (yv) Modified on 02/13/2002 (Entered: 02/13/2002)  |
| 02/11/2002 | 25 | Memo-Endorsement on letter addressed to Judge Lynch from William W. Wickersham, dated 2/7/02; granting counsel for plttfs' request for permission to submit a single brief in opposition to defts' motions to dismiss, in excess of the Court's page limit of 25 pages, but no longer than 35 pages in length . ( signed by Judge Gerard E. Lynch ); Copies mailed. (sn) (Entered: 02/14/2002)  |
| 03/18/2002 | 27 | STIPULATION and ORDER; defts' time to file reply briefs in support is extended to 3/18/02 for [20-1] motion for an Order pursuant to Rules 9(b) and 12(b)(6) of the FRCP, the Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint; reset to 3/18/02 [18-1] motion for an Order pursuant to Rules 12(b)(6) and 9(b) of the FRCP, Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint in its entirety. ( signed by Judge Gerard E. Lynch ) (sac) (Entered: 03/18/2002)                |
| 03/18/2002 | 28 | REPLY MEMORANDUM OF LAW by Scott A. Mednick, Werner G. Haase, Nurit K. Haase, William Zabit, John P. Gandolfo in support of: [18-1] for an Order pursuant to Rules 12(b)(6) and 9(b) of the FRCP, Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b) to dismiss the amended class action complaint in its entirety. (kkc) (Entered: 03/19/2002)   |
| 03/18/2002 | 29 | REPLY by Howard A. Tullman in support of: [20-1] motion for an Order pursuant to Rules 9(b) and 12(b)(6) of the FRCP, the Securities Litigation Reform Act of 1995, 15 U.S.C. to dismiss the amended class action complaint. (kkc) (Entered: 03/19/2002)  |
| 03/29/2002 | 30 | NOTICE OF MOTION by Howard A. Tullman for an Order pursuant to Rule 1.3(c) of the Local Civil Rules of this Court admitting David H. Kistenbroker to the bar of this Court , for an Order admitting Leah J. Domitrovic to the bar of this Court , for an Order admitting Matthew J. Cannon to the bar of this Court , for an Order admitting Liat Riff Meisler to the bar of this Court . Return date not indicated. Declaration of Edward J. Johnsen, affidavits of David H. Kistenbroker, Leah J. Domitrovic, Matthew J. Cannon and Liat Riff Meisler in support of motion attached. (yv) (Entered: 04/02/2002) |
| 04/11/2002 |    | Memo endorsed on motion; granting [30-1] motion for an Order pursuant to Rule 1.3(c) of the Local Civil Rules of this Court admitting David H. Kistenbroker to the bar of this Court, granting [30-2] motion for an Order admitting Leah J. Domitrovic  |

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|            |    | to the bar of this Court, granting [30-3] motion for an Order admitting Matthew J. Cannon to the bar of this Court, and granting [30-4] motion for an Order admitting Liat Riff Meisler to the bar of this Court. ( signed by Judge Gerard E. Lynch ); Copies mailed. (Sent to the Attorney Admissions Clerk). (kw) (Entered: 04/12/2002)  |
| 06/25/2002 | 31 | NOTICE of CHANGE OF FIRM NAME AND ADDRESS by Howard A. Tullman; Katten Muchin Zavis has merged w/ Rosenman & Colin LLP and is now known as Katten Muchin Zavis Rosenman. The address is now 575 Madison Ave., New York, 10022-2585. (ae) (Entered: 07/01/2002)   |
| 09/30/2002 | 32 | OPINION AND ORDER #87522, The Individual Defendants' motion to dismiss purs. to Rules 12(b)(6) and 9(b) of the FRCP and the Private Securities Litigation Reform Act of 1995 15 U.S.C. sec. 78u-4(b) is denied as to the section 10(b) claims, but Tullman's motion to dismiss is granted in its entirety against him . Plaintiff may amend their section 20(a) claims as against the Individual Defendants in order to plead culpable participation . ( signed by Judge Gerard E. Lynch ); (ae) (Entered: 10/03/2002)   |
| 10/23/2002 | 33 | Civil Case Management Plan: This case is to be tried by a jury. Joinder of additional parties must be accomplished 45 days before completion of merits discovery. Amended pleadings, if any, must be filed 45 days before completion of merits discovery. Pltffs' class motion must be filed by 12/1/02. Defts' opposition to the class motion, if any, shall be filed within 20 days of completion of class discovery. Pltffs' reply to defts' opposition shall be filed within 30 days of the filing of defts' opposition. Merits discovery is to be completed by 8/15/03. Expert discovery is to be completed by 11/14/03. Dispositive motions are to be served and filed by 1/15/04. Answering papers are to be served and filed by 2/25/04. Reply papers are to be served and filed by 3/25/04. Next case management conference set for 10:30 AM on 3/7/03. Additional deadlines are set forth herein. ( signed by Judge Gerard E. Lynch ) (sn) (Entered: 10/29/2002) |
| 10/23/2002 |    | Deadline(s) updated: set scheduling order deadlines: Response to motion deadline 2/25/04; Reply to response to motion deadline 3/25/04 . (sn) (Entered: 10/29/2002)  |
| 10/28/2002 | 34 | STIPULATION and ORDER; reset answer the Amended Class Action Complaint due for 11/18/02 for Scott A. Mednick, for Werner G. Haase, for Nurit K. Haase, for William Zabit, for John P. Gandolfo . ( signed by Judge Gerard E. Lynch ) (pl) (Entered: 10/29/2002)  |
| 11/19/2002 | 35 | ANSWER to Complaint by Scott A. Mednick, Werner G. Haase, Nurit K. Haase, William Zabit, John P. Gandolfo (Attorney Ian Kenneth Hochman, Jeanne M. Luboja, Michael R. Young from the Firm: Willkie Farr & Gallagher) . (yv) (Entered: 11/22/2002)  |
| 12/02/2002 | 36 | NOTICE OF MOTION by Adam Burstyn, Robert J. Kennedy, Joseph C. Rosenbaum, Waterview Partners, Eli Mann, for an Order pursuant to Rules 23(a) and 23(b)(3) of the FRCP, permitting this action to be maintained as a class action on behalf of a plaintiff class with lead Plaintiffs designated as class representatives of such class consisting of all persons or entities who purchased common stock of Worldwide Xceed Group, inc during the period 11/29/99, through 11/15/00, inclusive, and who sustained damages as a result of such purchases . Return Date   |

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|            |    | not indicated. (Received in night deposit box on 12/2/02, at 11:30 p.m.) (tp)<br>Modified on 12/04/2002 (Entered: 12/04/2002)  |
| 12/02/2002 | 37 | MEMORANDUM OF LAW by Adam Burstyn, Robert J. Kennedy, Joseph C. Rosenbaum, Waterview Partners, Eli Mann in support of [36-1] motion for an Order pursuant to Rules 23(a) and 23(b)(3) of the FRCP, permitting this action to be maintained as a class action on behalf of a plaintiff class with lead Plaintiffs designated as class representatives of such class consisting of all persons or entities who purchased common stock of Worldwide Xceed Group, inc during the period 11/29/99, through 11/15/00, inclusive, and who sustained damages as a result of such purchases. (Received in night deposit box on 12/2/02, at 11:30 p.m.) (tp) (Entered: 12/04/2002) |
| 02/11/2003 | 38 | STIPULATION and ORDER, the individual defendants shall complete discovery of the proposed class representatives concerning class certification by 3/31/03; individual defendants will file their opposition papers to plaintiffs' class certification motion, if any, by 20 days after the completion of class discovery; plaintiffs' reply papers to the individual defendants' opposition shall be filed within 30 days after the filing of the individual defendants' opposition papers . ( signed by Judge Gerard E. Lynch ) (kw) (Entered: 02/18/2003)  |
| 03/14/2003 | 39 | STIPULATION and ORDER, regarding procedures that will govern the handling of "Confidential Materials" . ( signed by Judge Gerard E. Lynch ) (kw) (Entered: 03/17/2003)   |
| 04/14/2003 | 40 | STIPULATION and ORDER, The individual defendants shall complete discovery of the proposed class representatives concerning class certification by 4/16/03. Individual defendants will file their opposition papers to plaintiffs' class certification motion, if any, by 20 days after the completion of class discovery. Plaintiffs' reply papers to the individual defendants' opposition shall be filed within 30 days after the filing of the individual defendants' opposition papers. ( signed by Judge Gerard E. Lynch ) (sb) (Entered: 04/15/2003)   |
| 05/06/2003 | 41 | RESPONSE by Scott A. Mednick, Werner G. Haase, Nurit K. Haase, William Zabit, John P. Gandolfo to [36-1] motion for an Order pursuant to Rules 23(a) and 23(b)(3) of the FRCP, permitting this action to be maintained as a class action on behalf of a plaintiff class with lead Plaintiffs designated as class representatives of such class consisting of all persons or entities who purchased common stock of Worldwide Xceed Group, inc during the period 11/29/99, through 11/15/00, inclusive, and who sustained damages as a result of such purchases (db) (Entered: 05/07/2003)  |
| 08/07/2003 | 42 | Amended Case Management Plan: Deadline for filing of plntfs' class motion 12/1/02; Merits Discovery cutoff 2/16/04 and Expert discovery is to be completed by 5/17/04; Case management conference set for 10:00 2/27/04; Joint pretrial order shall be fld no later than 30 days after completion of discovery ( signed by Judge Gerard E. Lynch ) (cd) (Entered: 08/11/2003)  |
| 08/07/2003 | 43 | ORDER: that plttfs [36-1] motion for class certification filed on 12/2/02, is deemed withdrawn, without prejudice to later resubmission if the parties are unable to agree as expected. ( signed by Judge Gerard E. Lynch ) (db) (Entered: 08/12/2003)   |
| 09/09/2003 | 44 | NOTICE of Firm Registration as an LLP and Name Change by Scott A. Mednick,   |

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|            |    | Werner G. Haase, Nurit K. Haase, William Zabit, John P. Gandolfo. (jco) (Entered: 09/15/2003)   |
| 10/08/2003 | 45 | AFFIDAVIT of Jeanne M. Luboja in support of the individual defendants' objection to certifying lead plaintiff Waterview Partners as a Class Representative. (jco) (Entered: 10/09/2003)   |
| 10/08/2003 | 46 | Objection(s) by Scott A. Mednick, Werner G. Haase, Nurit K. Haase, William Zabit, John P. Gandolfo to certifying lead plaintiff waterview partners as a class representative. (jco) (Entered: 10/10/2003)   |
| 10/21/2003 | 47 | MEMO-ENDORSEMENT on notice of withdrawal;, lead plaintiff Waterview Partners hereby withdraws as lead plaintiff and from plaintiffs' joint motion to serve as one of the class representatives . signed by Judge Gerard E. Lynch ); (yv) (Entered: 10/23/2003)  |
| 10/24/2003 | 48 | NOTICE OF UNOPPOSED MOTION by Eli Mann, Adam Burstyn, Joseph C. Rosenbaum, Waterview Partners for an Order pursuant to Rules 23(a) and 23(b)(3) of the FRCP permitting this action to be maintained as a class action . Return Date not indicated. Proposed Order attached. (yv) Modified on 10/28/2003 (Entered: 10/28/2003)   |
| 10/24/2003 | 49 | MEMORANDUM OF LAW by Eli Mann, Adam Burstyn, Joseph C. Rosenbaum, Waterview Partners in support of [48-1] motion for an Order pursuant to Rules 23(a) and 23(b)(3) of the FRCP permitting this action to be maintained as a class action . (yv) (Entered: 10/28/2003)   |
| 11/12/2003 | 50 | ORDER CONDITIONALLY granting [48-1] motion for an Order pursuant to Rules 23(a) and 23(b)(3) of the FRCP permitting this action to be maintained as a class action (as set forth in this Order); the Court approves the form, substance, and requirements of the Notice of Pendency of Class Action, in substantially the form and content annexed as Exhibit 1. The Court approves the form of Summary Notice of Pendency of this class action, in substantially the form and content annexed as Exhibit 2, and directs that Plaintiffs' Co-Lead Counsel shall cause the Sumamry Notice to be published in the national edition of The Wall Street Journal no later than December 18, 2003 ; ( signed by Judge Gerard E. Lynch ); (djc) (Entered: 11/14/2003)  |
| 11/20/2003 | 51 | ORDER, that the complaints in cases 01cv1775, 1826, 1883, 1896, 1952, 2516, 2746 are dismissed without prejudice, and the Clerk of the Court is respectfully directed to close the cases . ( signed by Judge Gerard E. Lynch ). (tp) (Entered: 11/21/2003)  |
| 01/14/2004 | 52 | SECOND AMENDED CIVIL CASE MANAGEMENT PLAN: This case is to be tried to a jury; Joinder of additional parties must be accomplished 45 days before completion of merits discovery. Amended pleadings, if any, must be filed 45 days before completion of merits discovery; Pltffs' class motion must be filed by 12/1/02; Defts' opposition to the class motion, if any, shall be filed within 20 days of completion of class discovery. Pltffs' reply to defts' opposition shall be filed within 30 days of the filing of defts' opposition; Merits discovery is to be completed by 6/11/04; Expert discovery is to be completed by 9/10/04; Merits depositions are to be completed by 6/11/04; Expert depositions are to be completed by 9/10/04; Dispositive motions are to be served and filed by 11/12/04; Answering |

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|            |    | papers are to be served and filed by 12/10/04; Reply papers are to be served and filed by 1/7/05; The Parties do not consent to trial by a Magistrate Judge; The next Case Management Conference is scheduled for 2/27/04 at 10:00 a.m.; All other deadlines are set accordingly. (Signed by Judge Gerard E. Lynch on 1/13/04) (tp, ) (Entered: 01/26/2004)   |
| 03/02/2004 | 53 | ENDORSED LETTER addressed to Judge Lynch from Jeanne M. Luboja dated 2/20/04 re: seek permission to file a motion to compel Mr. Grossman to respond th subpoena without the need for a pre-motion conf. and/or jt letter with opposing counsel..Granted..So Ordered... (Signed by Judge Gerard E. Lynch on 2/23/04) Associated Cases: 1:01-cv-01125-GEL,1:01-cv-01775-GEL,1:01-cv-01826-GEL,1:01-cv-01883-GEL,1:01-cv-01896-GEL,1:01-cv-01952-GEL,1:01-cv-02516-GEL,1:01-cv-02746-GEL,1:01-cv-03144-GEL(pa, ) (Entered: 03/04/2004)   |
| 03/02/2004 | 54 | ORDER: Case 01cv3144 (GEL) having been consolidated as a member case under lead case 01cv1125 (GEL), it is ordered that the complaint in Harry Zlotnick & Aliza Zlotnick v. Worldwide Xceed et al, 01cv3144, is dismissed without prejudice, and the Clerk of the Court is respectfully directed to close the case. (Signed by Judge Gerard E. Lynch on 2/9/04) Associated Cases: 1:01-cv-01125-GEL,1:01-cv-01775-GEL,1:01-cv-01826-GEL,1:01-cv-01883-GEL,1:01-cv-01896-GEL,1:01-cv-01952-GEL,1:01-cv-02516-GEL,1:01-cv-02746-GEL,1:01-cv-03144-GEL(db, ) (Entered: 03/05/2004) |
| 06/15/2004 | 55 | PROPOSED THIRD AMENDED CASE MANAGEMENT PLAN: The case is to be tried by jury. Motions due by 11/12/2004. Responses due by 12/10/2004 Replies due by 1/7/2004. Merits discovery due 7/16/04; Expert Discovery due by 9/30/2004. Experts to be designated by 7/16/04 and there reports exchanged by 8/13/04. Case Management Conference set for 7/23/2004 03:00 PM before Judge Gerard E. Lynch. (Signed by Judge Gerard E. Lynch on 6/11/04) (db, ) Modified on 6/17/2004 (db, ). (Entered: 06/17/2004)  |
| 06/15/2004 |    | Set/Reset Deadlines: Merit Depositions due 7/16/04; Expert Depositions due by 9/30/2004. (db, ) (Entered: 06/17/2004)   |
| 06/25/2004 | 56 | TRANSCRIPT of proceedings held on 5/10/04 to 5/14/04 and 5/20/04, 5/21/04 before Judge Constance Baker Motley.(dfe, ) (Entered: 06/25/2004)   |
| 06/25/2004 | 57 | TRANSCRIPT of proceedings held on 5/24/04 to 5/27/04 and 6/1/04 to 6/04/04 before Judge Constance Baker Motley.(dfe, ) (Entered: 06/25/2004)  |
| 07/16/2004 | 58 | NOTICE of Change of Address by Eric J. Belfi on behalf of David Weigel. New Address: Murray, Frank & Sailer, L.L.P., 275 Madison Avenue, Suite 801, New York, New York, 10016, (212) 682-1818. (dle, ) (Entered: 07/19/2004)  |
| 08/12/2004 | 59 | SCHEDULING ORDER: Discovery due by 9/15/2004. Post-Discovery Conference set for 9/20/2004 04:30 PM before Judge Gerard E. Lynch. (Signed by Judge Gerard E. Lynch on 8/5/2004) Filed In Associated Cases: 1:01-cv-01125-GEL,1:01-cv-01775-GEL,1:01-cv-01826-GEL,1:01-cv-01883-GEL,1:01-cv-01896-GEL,1:01-cv-01952-GEL,1:01-cv-02516-GEL,1:01-cv-02746-GEL,1:01-cv-03144-GEL(jp, ) (Entered: 08/16/2004)   |
| 10/18/2004 | 60 | NOTICE of Change of Address by all plaintiffs. New Address: Murray, Frank & Sailer LLP, 275 Madison Avenue, Suite 801, New York, New York, 100016. (kw, )   |

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|            |    | (Entered: 10/20/2004)  |
| 05/20/2005 | 61 | ORDER PRELIMINARILY APPROVING SETTLEMENT AND PROVIDING FOR NOTICE; The Court hereby preliminarily approves the Stipulation and the settlement set forth herein, subject to further consideration at the Settlement Hearing described herein. A hearing shall be held before this Court on August 11, 2005 at 12:45 p.m. in Courtroom 443 at the United States District Court for the SDNY....; (Signed by Judge Gerard E. Lynch on 5/19/05) (dj, ) (Entered: 05/24/2005)   |
| 08/01/2005 | 63 | LEAD PLAINTIFFS' MEMORANDUM OF LAW in Support of Their Motion for an Award of Attorneys' Fees and Reimbursement of Expenses. Document filed by Robert J. Kennedy, Adam Burstyn, Eli Mann, Joseph C. Rosenbaum, Waterview Partners. Filed In Associated Cases: 1:01-cv-01125-GEL,1:01-cv-01775-GEL,1:01-cv-01826-GEL,1:01-cv-01883-GEL,1:01-cv-01896-GEL,1:01-cv-01952-GEL,1:01-cv-02516-GEL,1:01-cv-02746-GEL,1:01-cv-03144-GEL(jmi, ) (Entered: 08/03/2005)   |
| 08/01/2005 | 64 | LEAD PLAINTIFF'S MEMORANDUM OF LAW in Support of Final Approval of the Proposed Class Action Settlement. Document filed by Robert J. Kennedy, Adam Burstyn, Eli Mann, Joseph C. Rosenbaum, Waterview Partners. Filed In Associated Cases: 1:01-cv-01125-GEL,1:01-cv-01775-GEL,1:01-cv-01826-GEL,1:01-cv-01883-GEL,1:01-cv-01896-GEL,1:01-cv-01952-GEL,1:01-cv-02516-GEL,1:01-cv-02746-GEL,1:01-cv-03144-GEL(jmi, ) (Entered: 08/03/2005)   |
| 08/01/2005 | 65 | DECLARATION of Howard T. Longman in Support of Approval of the Settlement of This Action, Final Approval of Class Certification and Application of Attorneys' Fees and Reimbursement of Expenses to Plaintiffs' Counsel. Document filed by Robert J. Kennedy, Adam Burstyn, Eli Mann, Joseph C. Rosenbaum, Waterview Partners. Filed In Associated Cases: 1:01-cv-01125-GEL,1:01-cv-01775-GEL,1:01-cv-01826-GEL,1:01-cv-01883-GEL,1:01-cv-01896-GEL,1:01-cv-01952-GEL,1:01-cv-02516-GEL,1:01-cv-02746-GEL,1:01-cv-03144-GEL(jmi, ) (Entered: 08/03/2005) |
| 08/24/2005 | 66 | FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE settling action. (Signed by Judge Gerard E. Lynch on 8/11/05) Filed In Associated Cases: 1:01-cv-01125-GEL,1:01-cv-01775-GEL,1:01-cv-01826-GEL,1:01-cv-01883-GEL,1:01-cv-01896-GEL,1:01-cv-01952-GEL,1:01-cv-02516-GEL,1:01-cv-02746-GEL,1:01-cv-03144-GEL(ml, ) (Entered: 08/24/2005)  |
| 08/30/2005 |    | Mailed notice of Right to Appeal re: [66] Judgment, and to Attorney(s) of Record: Jules Brody, Marvin Lawrence Frank, Gary Steven Graifman, Jeffrey Michael Haber, Robert I. Harwood, Ian Kenneth Hochman, Joshua M. Lifshitz, Menachem E. Lifshitz, Howard T. Longman, Jeanne Marie Luboja, Gregory Mark Nespole, Steven G. Schulman, Curtis Victor Trinko, Michael Richard Young. (lma, ) (Entered: 08/30/2005)  |
| 09/09/2005 |    | Received returned mail re: [66] Judgment. Mail was addressed to Marc S. Henzel at 210 West Washington Square, Third Floor, Philadelphia, PA 19106 and was returned for the following reason(s): not deliverable as addressed. (tve, ) (Entered: 09/14/2005)  |
| 09/21/2005 | 67 | TRANSCRIPT of proceedings held on 8/11/05 before Judge Gerard E. Lynch. (jbe,  |

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