

US Court Civil Docket as of 06/28/2007

Retrieved from the court on Wednesday, January 09, 2008

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:01-cv-04187-SAS**

In Re: Intertrust Tech IPO, et al v. Intertrust Techno., et al

Assigned to: Judge Shira A. Scheindlin

Demand: \$0

Member cases:

[1:01-cv-04461-SAS](#)

[1:01-cv-04783-SAS](#)

[1:01-cv-04883-SAS](#)

[1:01-cv-05037-SAS](#)

[1:01-cv-04576-SAS](#)

[1:01-cv-04600-SAS](#)

[1:01-cv-04347-SAS](#)

[1:01-cv-06036-SAS](#)

Related Case: [1:21-mc-00092-SAS](#)

Cause: 15:77 Securities Fraud

Date Filed: 05/17/2001

Jury Demand: Plaintiff

Nature of Suit: 850

Securities/Commodities

Jurisdiction: Federal Question

**Plaintiff**

**Morris Kassin**

*on behalf of himself and all others  
similarly situated*

*TERMINATED: 04/19/2002*

represented by **Christopher Lovell**

Lovell & Stewart, L.L.P.

500 Fifth Avenue

New York, NY 10010

(212) 608-1900

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Saul Roffe**

Sirota & Sirota, L.L.P.

110 Wall Street

New York, NY 10005

(212) 425-9055

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Plaintiff**

**Jim Greenwood**

represented by **Melvyn I. Weiss**

Milberg Weiss Bershad & Schulman LLP  
(NYC)

One Pennsylvania Plaza

New York, NY 10119

212 594 5300

Fax: 212 868 1229  
Email: mweiss@milbergweiss.com  
*LEAD ATTORNEY*

**Stanley D Bernstein**  
Bernstein Liebhard & Lifshitz, LLP  
10 East 40th Street  
New York, NY 10016  
(212) 779-1414  
Fax: (212) 779-3218  
Email: bernstein@bernlieb.com  
*LEAD ATTORNEY*

**Plaintiff**

**Jerome T. Sherman**

represented by **Melvyn I. Weiss**  
(See above for address)  
*LEAD ATTORNEY*

**Stanley D Bernstein**  
(See above for address)  
*LEAD ATTORNEY*

**Plaintiff**

**Arthur Dokes**

represented by **Melvyn I. Weiss**  
(See above for address)  
*LEAD ATTORNEY*

**Stanley D Bernstein**  
(See above for address)  
*LEAD ATTORNEY*

V.

**Defendant**

**Intertrust Technologies Corporation**

**Defendant**

**Victor Shear**  
*TERMINATED: 10/15/2002*

**Defendant**

**David C. Chance**  
*TERMINATED: 10/15/2002*

**Defendant**

**Peter Van Cuylenburg**  
*TERMINATED: 10/15/2002*

**Defendant**

**Edmund J. Fish**  
*TERMINATED: 10/15/2002*

**Defendant**

**Erwin N. Lenowitz**  
*TERMINATED: 10/15/2002*

**Defendant**

**David M. Van Wie**  
*TERMINATED: 10/15/2002*

**Defendant**

**Bruce Fredrickson**  
*TERMINATED: 10/15/2002*

**Defendant**

**Satish K. Gupta**  
*TERMINATED: 10/15/2002*

**Defendant**

**Credit Suisse First Boston Corporation**

**Defendant**

**Citigroup Global Markets, Inc.**

**Defendant**

**BancBoston Robertson Stephens, Inc.**

**Defendant**

**Morgan Stanley Dean Witter, Inc.**

represented by **Andrew Brian Clubok**  
Kirkland and Ellis LLP  
153 East 53rd Street  
New York, NY 10022  
(202) 879-5173  
Fax: 202-879-5200

Email: aclubok@kirkland.com  
*LEAD ATTORNEY*

**Defendant**

**Merrill Lynch, Pierce, Fenner & Smith,  
Incorporated**

represented by **Mark Holland**  
Clifford Chance US LLP  
200 Park Avenue  
New York, NY 10166  
(212) 878-8000  
*LEAD ATTORNEY*

**Defendant**

**Robertson Stephens, Inc.**

represented by **Andrew Jay Frackman**  
O'Melveny & Myers LLP  
7 Times Square  
New York, NY 10036  
212-326-2000  
Fax: 212-326-2061  
Email: afrackman@omm.com  
*LEAD ATTORNEY*

**Brendan Joseph Dowd**  
O'Melveny & Myers LLP  
7 Times Square  
New York, NY 10036  
212-326-2000  
Fax: 212-326-2061  
Email: bdowd@omm.com  
*LEAD ATTORNEY*

**Plaintiff**

**Gary Crandall**  
*Lead Pltff*

represented by **Joseph R. Seidman**  
Bernstein Liebhard & Lifshitz, LLP  
10 East 40th Street  
New York, NY 10016  
(212)-779-1414  
Fax: (212)-779-3218  
Email: seidman@bernlieb.com  
*LEAD ATTORNEY*

**Joshua M. Lifshitz**  
Bull & Lifshitz, LLP  
18 East 41st Street  
New York, NY 10017  
(212) 213-6222  
Email: jml@nyclasslaw.com  
*LEAD ATTORNEY*

**Katherine B. DuBose**

Wolf, Haldenstein, Adler, Freeman &  
Herz, L.L.P.

270 Madison Avenue  
New York, NY 10016  
(212) 545-4600

*LEAD ATTORNEY*

**Peter D. Bull**

Bull & Lifshitz, L.L.P.

246 West 38th Street  
New York, NY 10018  
(212) 869-9449

*LEAD ATTORNEY*

**Sandy A Liebhard**

Bernstein Liebhard & Lifshitz, LLP

10 East 40th Street  
New York, NY 10016  
(212) 779-1414

Fax: (212) 779-3218

Email: liebhard@bernlieb.com

*LEAD ATTORNEY*

V.

**Consolidated Plaintiff**

**Sharyn Lawall-Dratel**

*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**

Labaton Sucharow, LLP

140 Broadway  
New York, NY 10005  
212-907-0879

Fax: 212-818-0477

Email: dgoldsmith@labaton.com

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Joel H. Bernstein**

Labaton Sucharow, LLP

140 Broadway  
New York, NY 10005  
212-907-0869

Fax: 212-883-7069

Email: jbernstein@labaton.com

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Patrice A. Lawall**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Richard Lawall**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Debby Lawall-Pappas**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Joann White-Lawall**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**William M. Dratel**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Ernst W. Hofmann**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Juani J. Tantillo**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Phillip G. Pappas**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Joshua L. Dratel**  
*TERMINATED: 04/19/2002*

represented by **David J. Goldsmith**  
(See above for address)

*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joel H. Bernstein**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Brijesh Agarwal**  
*TERMINATED: 04/19/2002*

represented by **Joseph R. Seidman**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joshua M. Lifshitz**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Katherine B. DuBose**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Peter D. Bull**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Sandy A Liebhard**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Rodney J. Paulette**  
*TERMINATED: 04/19/2002*

represented by **Joseph R. Seidman**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Joshua M. Lifshitz**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Katherine B. DuBose**  
(See above for address)  
*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Peter D. Bull**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Sandy A Liebhard**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Jeffrey Eltinge**

*TERMINATED: 04/19/2002*

represented by **Joseph R. Seidman**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Joshua M. Lifshitz**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Katherine B. DuBose**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Peter D. Bull**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Sandy A Liebhard**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Consolidated Plaintiff**

**June Eltinge**

*TERMINATED: 04/19/2002*

represented by **Joseph R. Seidman**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Joshua M. Lifshitz**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Katherine B. DuBose**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Peter D. Bull**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Sandy A Liebhard**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Darren Gallo**  
*TERMINATED: 04/19/2002*

represented by **Christopher Lovell**  
Lovell & Stewart, L.L.P.  
500 Fifth Avenue  
New York, NY 10110  
(212) 608-1900  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Howard B. Sirota**  
Sirota & Sirota, L.L.P.  
110 Wall Street  
New York, NY 10005  
(212) 425-9055  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Saul Roffe**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**M.D. Michael C. Powers**  
*TERMINATED: 04/19/2002*

represented by **Charles J. Piven**  
The World Trade Center-Baltimore  
401 East Pratt Street  
Suite 2525  
Baltimore, MD 21202  
(410) 332-0030  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Frederick W. Gerken, III**  
Lovell Stewart Halebian, LLP  
500 Fifth Avenue, 58th Flr.  
New York, NY 10110  
(212)608-1900  
Fax: (212)719-4677  
Email: fgerkens@lshllp.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Jeffrey Michael Norton**  
Wechsler Harwood LLP  
488 Madison Avenue, 8th Floor  
New York, NY 10022  
212-935-7400  
Fax: 212-753-3630  
Email: jnorton@hfesq.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Robert I. Harwood**  
Wechsler Harwood LLP  
488 Madison Avenue, 8th Floor  
New York, NY 10022  
212-935-7400  
Fax: 212 753-3630  
Email: rharwood@hfesq.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**M.D. George C. Ellis, Jr.**  
*TERMINATED: 04/19/2002*

represented by **Charles J. Piven**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Frederick W. Gerken, III**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Jeffrey Michael Norton**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Robert I. Harwood**  
(See above for address)  
*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Buenos Aires Seruwenos, L.L.C.**  
*TERMINATED: 04/19/2002*

represented by **Joshua M. Lifshitz**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Mel E. Lifshitz**  
Bernstein, Liebhard & Lifshitz, L.L.P.  
10 East 40th Street  
New York, NY 10016  
(212) 779-1414  
Email: lifshitz@bernlieb.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Peter D. Bull**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Jeffrey Levitin**  
*TERMINATED: 04/19/2002*

represented by **Joseph Harry Weiss**  
Weiss & Lurie  
551 Fifth Ave,  
New York, NY 10176  
(212)682-3025  
Fax: 212 682 3010  
Email: jweiss@weisslurie.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Jules Brody**  
Stull Stull & Brody  
6 East 45th Street, 5th Floor  
New York, NY 10017  
(212)-687-7230  
Fax: (212)-490-2022  
Email: ssbny@aol.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Mark David Smilow**  
Weiss & Lurie  
The Fred French Building  
551 Fifth Avenue  
New York, NY 10176

(212) 682-3025  
Fax: (212) 682-3010  
Email: msmilow@weisslurie.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Mark Sculnick**  
*TERMINATED: 04/19/2002*

represented by **Frederick Taylor Isquith, Sr**  
Wolf, Haldenstein, Adler, Freeman &  
Herz, L.L.P.  
270 Madison Avenue  
New York, NY 10016  
(212) 545-4600  
Email: isquith@whafh.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Gustavo Bruckner**  
Wolf Haldenstein Adler Freeman & Herz  
LLP  
270 Madison Avenue  
New York, NY 10017  
(212) 545-4600  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Nadeem Faruqi**  
Faruqi & Faruqi, LLP  
369 Lexington Avenue  
10th Floor  
New York, NY 10017  
(212)983-9330  
Fax: (212) 983-9331  
Email: nfaruqi@faruqilaw.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Todd Simon**  
*TERMINATED: 04/19/2002*

represented by **Ira M. Press**  
Kirby McInerney LLP  
830 Third Avenue  
10th Floor  
New York, NY 10022  
(212) 371-6600  
Fax: (212) 751-2540  
Email: ipress@kmslaw.com  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Yvonne Y. Chan**

*TERMINATED: 04/19/2002*

represented by **Frederick W. Gerkens, III**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Robert I. Harwood**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Michael Erickson**

*TERMINATED: 04/19/2002*

represented by **David R. Buchanan**

Seeger Weiss LLP

One William Street, 10th Floor

New York, NY 10004

(212)-584-0700

Fax: (212)-584-0799

Email: dbuchanan@seegerweiss.com

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Melvyn I. Weiss**

(See above for address)

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Peter Edward Seidman**

Milberg Weiss Bershad & Schulman LLP  
(NYC)

One Pennsylvania Plaza

New York, NY 10119

(212) 613-5625

Fax: (212) 868-1229

Email: pseidman@milbergweiss.com

*TERMINATED: 04/19/2002*

*LEAD ATTORNEY*

**Samuel Howard Rudman**

Coughlin, Stoia, Geller, Rudman &  
Robbins, LLP(LIs)

58 South Service Road

Suite 200

Melville, NY 11747

631-367-7100

Fax: 631-367-1173

Email: srudman@csgrr.com

*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Stephen A. Weiss**  
Seeger, Weiss, L.L.P.  
One William Street  
New York, NY 10004  
(212) 584-0700  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Steven G. Schulman**  
Milberg Weiss Bershad & Schulman LLP  
(NYC)  
One Pennsylvania Plaza  
New York, NY 10119  
212-946-9356  
Fax: 212-273-4406  
Email: [sschulman@milbergweiss.com](mailto:sschulman@milbergweiss.com)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Khaled Barakat**  
*TERMINATED: 04/19/2002*

represented by **Frederick Taylor Isquith, Sr**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Gustavo Bruckner**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Luis Perelman**  
*TERMINATED: 04/19/2002*

represented by **Melvyn I. Weiss**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Peter Edward Seidman**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Samuel Howard Rudman**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Steven G. Schulman**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Consolidated Plaintiff**

**Luis Perelman Trust FBO Gay  
Perelman**  
*TERMINATED: 04/19/2002*

represented by **Melvyn I. Weiss**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Peter Edward Seidman**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Samuel Howard Rudman**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

**Steven G. Schulman**  
(See above for address)  
*TERMINATED: 04/19/2002*  
*LEAD ATTORNEY*

<b>Date Filed</b>	<b>#</b>	<a href="#">clear</a>	<b>Docket Text</b>
05/17/2001	1		CLASS ACTION COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 405992. (tp) (Entered: 05/18/2001)
05/17/2001			Magistrate Judge Henry B. Pitman is so designated. (tp) (Entered: 05/18/2001)
06/11/2001	2		AFFIDAVIT OF SERVICE of Summons & Complaint as to Morgan Stanley Dean by personal service on 6/1/01 . Answer due on 6/21/01 for Morgan Stanley Dean . (pl) (Entered: 06/13/2001)
06/11/2001	3		AFFIDAVIT OF SERVICE of Summons & Complaint as to Merrill Lynch by personal service on 6/1/01 . Answer due on 6/21/01 for Merrill Lynch . (pl) (Entered: 06/13/2001)
06/11/2001	4		AFFIDAVIT OF SERVICE of Summons and Complaint as to Credit Suisse First by personal service on 6/11/01. Answer due on 7/2/01 for Credit Suisse First. (pl) (Entered: 06/13/2001)
06/11/2001	5		RULE 1.9 CERTIFICATE filed by Morgan Stanley Dean . (pl) (Entered: 06/13/2001)

		06/13/2001)
06/14/2001	6	AFFIDAVIT OF SERVICE of summons and complaint as to BancBoston Robertson Stephens, Inc and Fleet Boston Robertson Stephens, Inc., by Andrew J. Frackman on 6/8/01. Answer due on 6/28/01 for BancBoston Robertson. (djc) Modified on 06/22/2001 (Entered: 06/19/2001)
07/17/2001	7	NOTICE OF MOTION (FILED ON SERVICE DATE) by Sharyn Lawall-Dratel, Patrice A. Lawall, Richard Lawall, Debby Lawall-Pappas, Joann White-Lawall, William M. Dratel, Ernst W. Hofmann, Juani J. Tantillo, Phillip G. Pappas, Joshua L. Dratel appointing the Dratel-Lawall-Pappas Family as lead plaintiff and approving its selection of Goodkind, Labaton, Rudoff & Sucharow, LLP as lead counsel in these and related actions . No return date indicated. [Original filed in 01cv4187(BSJ) as Doc# 7 and docketed to 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037.] (dcap) (Entered: 07/26/2001)
07/17/2001	8	AFFIDAVIT of Joel H. Bernstein by Sharyn Lawall-Dratel, Patrice A. Lawall, Richard Lawall, Debby Lawall-Pappas, Joann White-Lawall, William M. Dratel, Ernst W. Hofmann, Juani J. Tantillo, Phillip G. Pappas, Joshua L. Dratel in support of [7-1] motion appointing the Dratel-Lawall-Pappas Family as lead plaintiff, [7-2] motion approving its selection of Goodkind, Labaton, Rudoff & Sucharow, LLP as lead counsel in these and related actions. [Original filed in 01cv4187(BSJ) as Doc# 8 and docketed in 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037.] (dcap) (Entered: 07/26/2001)
07/17/2001	9	MEMORANDUM OF LAW by Sharyn Lawall-Dratel, Patrice A. Lawall, Richard Lawall, Debby Lawall-Pappas, Joann White-Lawall, William M. Dratel, Ernst W. Hofmann, Juani J. Tantillo, Phillip G. Pappas, Joshua L. Dratel in support of [7-1] motion appointing the Dratel-Lawall-Pappas Family as lead plaintiff, [7-2] motion approving its selection of Goodkind, Labaton, Rudoff & Sucharow, LLP as lead counsel in these and related actions. [Original filed in case 01cv4187(BSJ) as Doc# 9 and docketed to 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037.] (dcap) (Entered: 07/26/2001)
07/17/2001	10	NOTICE OF MOTION (FILED ON SERVICE DATE) by Gary Crandall, Brijesh Agarwal, Rodney J. Paulette, Jeffrey Eltinge, June Eltinge to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037 , appointing Movants to serve as lead plaintiffs and approving Movants' selection of counsel for the Class . No return date indicated. Proposed Order attached. [Original filed in 01cv4187(BSJ) as Doc# 10 and docketed in 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037.] (dcap) (Entered: 07/26/2001)
07/17/2001	11	AFFIDAVIT of Joseph R. Seidman, Jr. by Gary Crandall, Brijesh Agarwal, Rodney J. Paulette, Jeffrey Eltinge, June Eltinge in support of [10-1] motion to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037, [10-2] motion appointing Movants to serve as lead plaintiffs, [10-3] motion approving

			Movants' selection of counsel for the Class. [Original filed in 01cv4187(BSJ) as Doc# 11 and docketed in 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037.] (dcap) (Entered: 07/26/2001)
07/17/2001	12		MEMORANDUM OF LAW by Gary Crandall, Brijesh Agarwal, Rodney J. Paulette, Jeffrey Eltinge, June Eltinge in support of [10-1] motion to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037, [10-2] motion appointing Movants to serve as lead plaintiffs, [10-3] motion approving Movants' selection of counsel for the Class. [Original filed in 01cv4187(BSJ) as Doc# 12 and docketed in 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037.] (dcap) (Entered: 07/26/2001)
07/17/2001	13		NOTICE OF MOTION (FILED ON SERVICE DATE) by Darren Gallo to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4600, 01cv4783, 01cv4883 and 01cv5037 , appointing class member Darren Gallo to serve as lead plaintiff and directing that lead counsel for the class be determined by a sealed bid auction . No return date indicated. Supporting Affidavit of Michael P. Reynolds attached. (Received in Night Box on 7/17/01 at 7:45pm) [Original filed in 01cv4187(BSJ) as Doc# 13 and docketed to 01cv4347, 01cv4461, 01cv4600, 01cv4783, 01cv4883 and 01cv5037.] (dcap) (Entered: 07/26/2001)
07/17/2001	14		MEMORANDUM OF LAW by Darren Gallo in support of [13-1] motion to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4600, 01cv4783, 01cv4883 and 01cv5037, [13-2] motion appointing class member Darren Gallo to serve as lead plaintiff, [13-3] motion directing that lead counsel the class be determined by a sealed bid auction. (Received in Night Box on 7/17/01 at 7:45pm) [Original filed in 01cv 4187(BSJ) as Doc# 14 and docketed in 01cv4347, 01cv4461, 01cv4600, 01cv4783, 01cv4883 and 01cv5037.] (dcap) (Entered: 07/26/2001)
07/17/2001	15		NOTICE OF MOTION (FILED ON SERVICE DATE) by Michael C. Powers, George C. Ellis Jr. to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883, 01cv5037 and 01cv6036 , appointing Michael C. Powers and George C. Ellis, Jr. M.D. as co-lead plaintiffs in these actions and all related actions and approving the counsel selected and retained by the Movant as lead counsel . No return date indicated. Proposed Order attached. (Received in Night Box on 7/17/01 at 9:02pm) [Original filed in 01cv4187(BSJ) as Doc# 15 and docketed in 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883, 01cv5037 and 01cv6036.] (dcap) (Entered: 07/26/2001)
07/17/2001	16		DECLARATION of Jeffrey M. Norton by Michael C. Powers, George C. Ellis Jr. in support Re: [15-1] motion to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883, 01cv5037 and 01cv6036, [15-2] motion appointing Michael C. Powers and George C. Ellis, Jr. M.D. as co-lead plaintiffs in these actions and all related actions, [15-3] motion approving the counsel selected and retained by the Movant as lead counsel. (Received in Night Box on 7/17/01

		at 9:02pm) [Original filed in 01cv4187(BSJ) as Doc# 16 and docketed in 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883, 01cv5037 and 01cv6036.] (dcap) (Entered: 07/26/2001)
07/17/2001	17	MEMORANDUM OF LAW by Michael C. Powers, George C. Ellis Jr. in support of [15-1] motion to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883, 01cv5037 and 01cv6036, [15-2] motion appointing Michael C. Powers and George C. Ellis, Jr. M.D. as co-lead plaintiffs in these actions and all related actions, [15-3] motion approving the counsel selected and retained by the Movant as lead counsel. (Received in Night Box on 7/17/01 at 9:02pm) [Original filed in 01cv4187(BSJ) as Doc# 17 and docketed in 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883, 01cv5037 and 01cv6036.] (dcap) (Entered: 07/26/2001)
08/03/2001	18	RULE 1.9 CERTIFICATE filed by Intertrust Techno. (dcap) (Entered: 08/08/2001)
08/03/2001	19	MEMORANDUM OF LAW by Gary Crandall, Brijesh Agarwal, Rodney J. Paulette, Jeffrey Eltinge, June Eltinge in re: in opposition to [7-1] motion appointing the Dratel-Lawall-Pappas Family as lead plaintiff, [7-2] motion approving its selection of Goodkind, Labaton, Rudoff & Sucharow, LLP as lead counsel these and related actions, [13-1] motion to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4600, 01cv4783, 01cv4883 and 01cv5037, [13-2] motion appointing class member Darren Gallo to serve as lead plaintiff, [13-3] motion directing that lead counsel for the class be determined by a sealed bid auction, [15-1] motion to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883, 01cv5037 and 01cv6036, [15-2] motion appointing Michael C. Powers and George C. Ellis, Jr. M.D. as co-lead plaintiffs in these actions and all related actions, [15-3] motion approving the counsel selected and retained by the Movant as lead counsel and in support of [10-1] motion to consolidate case 01cv4187(BSJ) as Lead Case with 01cv4347, 01cv4461, 01cv4576, 01cv4600, 01cv4783, 01cv4883 and 01cv5037, [10-2] motion appointing Movants to serve as lead plaintiffs, [10-3] motion approving Movants' selection of counsel for the Class. [Original filed in 1:01-cv-04187 Document No. 19. Document Docketed in 1:01-cv-04347; 1:01-cv-04461; 1:01-cv-04576; 1:01-cv-04600; 1:01-cv-04783; 1:01-cv-04883; 1:01-cv-05037] (dcap) (Entered: 08/08/2001)
08/09/2001	20	Notice of Case Reassignment to Judge Shira A. Scheindlin. Copy of notice mailed to Attorney(s) of record. Pursuant to the Order of Chief Judge Mukasey dated August 8, 2001, the above entitled action is reassigned to the calendar of Judge Shira A. Scheindlin for inclusion in the coordinated pretrial proceedings being conducted by that judge. Two originals of all future documents submitted in this action are to be presented in the Clerk's Office for filing. One original is to be filed in this docket number and one original is to be filed in the miscellaneous case number 21mc92 (SAS). Each shall bear the original assigned judge's ( ) initials after the original docket number. Attached is a copy of Judge Mukasey's ORDER re: coordinating the proceedings before Judge Scheindlin. Also attached is a

		copy of Judge Scheindlin's ORDER re: set initial PTC 09/07/01 and directing all counsel to comply with judge Scheindlin's requirements. [Original Orders docketed in 21mc92 (SAS) as documents numbers 1 and 2] (dcap) Modified on 11/13/2001 (Entered: 08/10/2001)
08/09/2001		Pretrial Conference set at 4:30 9/7/01 before Judge Shira A. Scheindlin. (dcap) (Entered: 08/10/2001)
09/05/2001	21	ORDER,... that all cases involving Intertrust in this IPO Securities Litigation, as set forth in the attached Rider (1:01-cv-04347, 1:01-cv-04461, 1:01-cv-04576, 1:01-cv-04600, 1:01-cv-04783, 1:01-cv-04883, 1:01-cv-05037, and 1:01-cv-06036) shall be consolidated into case number 01 Civ. 4187. The Clerk of Court is hereby ordered to consolidate any future cases that are designated as related to 01 Civ. 4187 ,... the Clerk of Court is further ordered to close all cases that have been consolidated, subject to re-opening at a later date on proper application by a party ... ( signed by Judge Shira A. Scheindlin ); Copies mailed. [Original filed in 1:01-cv-04187 Document No. 21. Document Docketed in 1:01-cv-04347; 1:01-cv-04461; 1:01-cv-04576; 1:01-cv-04600; 1:01-cv-04783; 1:01-cv-04883; 1:01-cv-05037; 1:01-cv-06036] (dcap) Modified on 10/12/2001 (Entered: 09/26/2001)
09/05/2001		Consolidated Lead Case. (dcap) (Entered: 09/26/2001)
09/07/2001	22	RULE 1.9 CERTIFICATE filed by Salomon Smith Barney . (ICMSUSER) Modified on 10/24/2001 (Entered: 10/04/2001)
09/07/2001	23	NOTICE: by Kirby, McInerney & Squire, LLP indicating no motions for consolidation and/or appointment of lead plaintiff and lead counsel have been filed by them; Contact information, stated; indication that they are not aware of any NON-IPO cases that have been transferred to this consolidated litigation. (ICMSUSER) Modified on 10/24/2001 (Entered: 10/04/2001)
09/07/2001	24	RULE 1.9 CERTIFICATE filed by Morris Kassin, Sharyn Lawall-Dratel, Patrice A. Lawall, Richard Lawall, Debby Lawall-Pappas, Joann White-Lawall, William M. Dratel, Ernst W. Hofmann, Juani J. Tantillo, Phillip G. Pappas, Joshua L. Dratel, Gary Crandall, Brijesh Agarwal, Rodney J. Paulette, Jeffrey Eltinge, June Eltinge, Darren Gallo, Michael C. Powers, George C. Ellis Jr.. (ICMSUSER) Modified on 10/24/2001 (Entered: 10/04/2001)
09/20/2001	25	RULE 1.9 CERTIFICATE filed by Credit Suisse First . (ICMSUSER) (Entered: 10/04/2001)
09/21/2001	26	RULE 1.9 CERTIFICATE filed by Morgan Stanley Dean . (ICMSUSER) (Entered: 10/04/2001)
01/04/2002	27	RULE 1.9 CERTIFICATE filed by Merrill Lynch. (sac) (Entered: 01/28/2002)
01/07/2002	28	RULE 1.9 CERTIFICATE filed by Robertson Stephens. (sac) (Entered: 02/07/2002)
04/19/2002		OMNIBUS ORDER, Gary Crandall is hereby appointed as lead plttf and his

		selection of the Executive Committee to serve as Lead Counsel is approved. All other motions to be appointed lead plttf and for approval of lead counsel are hereby denied. ( signed by Judge Shira A. Scheindlin ); Copies mailed. (orig. doc. filed in 21 mc 92, doc. #4319) (sac) (Entered: 05/30/2002)
04/19/2002	29	AMENDED COMPLAINT by Gary Crandall, Jim Greenwood, Jerome T. Sherman, Arthur Dokes amending [1-1] complaint ; Summons issued. (ac) (Entered: 06/14/2002)
04/19/2002		MASTER ALLEGATIONS by Gary Crandall, Jim Greenwood, Jerome T. Sherman, Arthur Dokes RE: Amended Complaint, doc. # 29, Filed on April 19, 2002. (ac) (Entered: 07/30/2002)
06/21/2002	30	AFFIDAVIT OF SERVICE of S&C as to Salomon Smith Barney by Ms. Strauss, V.P., on 6/20/02. (sac) (Entered: 07/29/2002)
10/15/2002		(UNSIGNED) STIPULATION OF DISMISSAL; this action purs. to Stipulation and Order entered in 21 mc 92, doc. #5059, hereby dismisses without prejudice and without costs as to defts David C. Chance, Edmund J. Fish, Bruce Frederickson, Satish K. Gupta, Erwin N. Lenowitz, Victor Shear, Peter van Cuylenberg, and David M. Van Wie. (Orig. filed and signed by Judge Scheindlin in 21 mc 92.) (sac) (Entered: 03/10/2003)
07/21/2003	31	ANSWER by Robertson Stephens to [29-1] amended complaint. (Attorney Brendan Joseph Dowd from the O'Melveny & Myers, LLP)... rec'd in the night deposit box on 7/21/03 at 7:13 p.m. (sac) (Entered: 08/19/2003)
07/22/2003	32	ANSWER by Merrill Lynch to [29-1] amended complaint. (Attorney Mark Holland from the Firm: Clifford Chance US LLP). (sac) (Entered: 09/15/2003)
07/29/2003	33	ANSWER by Morgan Stanley Dean to [29-1] amended complaint . (Attorney Andrew B. Clubok Firm of Kirkland & Ellis, LLP) (sac) (Entered: 10/20/2003)
08/13/2003	34	ANSWER to Corrected Consolidated Amended Class Action Complaint. Document filed by Citigroup Global Markets, Inc.. Related document: <a href="#">29</a> Amended Complaint filed by Gary Crandall, Jim Greenwood, Jerome T. Sherman, Arthur Dokes.(sac, ) (Entered: 03/26/2004)
08/13/2003	35	ANSWER to Corrected Consolidated Amended Class Action Complaint. Document filed by Credit Suisse First Boston Corporation. Related document: <a href="#">29</a> Amended Complaint filed by Gary Crandall, Jim Greenwood, Jerome T. Sherman, Arthur Dokes.(sac, ) (Entered: 03/26/2004)
08/13/2003	36	ANSWER to Consolidated Amended Class Action Complaint. Document filed by Credit Suisse First Boston Corporation.(sac, ) (Entered: 03/26/2004)
06/28/2007		STIPULATION AND ORDER that the Stipulation and Agreement of Settlement with defendant Issuers and Individuals submitted to the Court on 6/10/4, is hereby terminated purs to Paragraph 39 of the Proposed Partial Settlement. However, purs to paragraph 40 of the Proposed Partial Settlement, that paragraph, and the paragraphs referred to therein, shall

		survive the termination of the Proposed Partial Settlement. This Stipulation resolves (5527) Motion to Approve of Class action settlement. The Clerk of Court is directed to close this motion. This document relates to: All cases listed on Schedule I. (orig fld in 21mc92, #5620). (Signed by Judge Shira A. Scheindlin on 6/25/07) (cd) (Entered: 07/25/2007)
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