

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:01-cv-05600-SAS

Silverstream IPO, et al v. Silverstream, Inc., et al

Assigned to: Judge Shira A. Scheindlin

Demand: \$0

Lead case: [1:01-cv-05600-SAS](#)

Member cases:

[1:01-cv-05790-SAS](#)

[1:01-cv-06598-SAS](#)

[1:01-cv-07447-SAS](#)

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

Cause: 15:77 Securities Fraud

Date Filed: 06/20/2001

Jury Demand: Plaintiff

Nature of Suit: 850

Securities/Commodities

Jurisdiction: Federal Question

Plaintiff

Collegeware USA, Inc.

*on behalf of itself and all other similarly
situated*

represented by **Christopher Lovell**

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LEAD ATTORNEY

Saul Roffe

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(212) 425-9055

LEAD ATTORNEY

V.

Defendant

Silverstream Software, Inc.

Defendant

David R. Skok

TERMINATED: 10/15/2002

Defendant

David A. Litwack

TERMINATED: 10/15/2002

Defendant

Craig A. Dynes

TERMINATED: 10/15/2002

Defendant

Morgan Stanley Dean Witter, Inc.

represented by **Steven G. Bradbury**
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Defendant

Fleetboston Robertson Stephens, Inc.

TERMINATED: 04/19/2002

Defendant

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Defendant

BancBoston Robertson, Stephens, Inc.

Defendant

SG Cowen Securities Corporation

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Intervenor Plaintiff

John A. Higman
TERMINATED: 09/30/2004

Plaintiff

Don Petersen
Lead Pltff

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Movant

Doug Otto

TERMINATED: 04/19/2002

represented by **Andrew L. Barroway**
(See above for address)
TERMINATED: 04/19/2002
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(See above for address)
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Marc A. Topaz
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Sandy A Liebhard
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Stuart L. Berman
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TERMINATED: 04/19/2002
LEAD ATTORNEY

Date Filed	#	Docket Text
06/20/2001	1	CLASS ACTION COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 409663. (db) (Entered: 06/21/2001)
06/20/2001		Magistrate Judge Frank Maas is so designated. (db) (Entered: 06/21/2001)
06/20/2001	2	RULE 1.9 CERTIFICATE filed by Collegeware USA. (db) (Entered: 06/21/2001)
07/16/2001	3	AFFIDAVIT OF SERVICE of Summons & Complaint as to Fleetboston Stephens by Andrew J. Frackman, atty, on 7/6/01. Answer due on 7/26/01 for Fleetboston Stephens. (sac) (Entered: 07/17/2001)
08/09/2001	4	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 10/31/2001 (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)
08/15/2001	5	STIPULATION and ORDER; defendants' (Morgan Stanley Dean Witter & Co., INc., and FleetBoston Robertson Stephens, Inc.) time to answer, move or otherwise respond to the complaint in this action is extended through and including sixty days after the filing of an amended, consolidated complaint by a court-appointed lead plaintiff ; (signed by Judge Gerard E. Lynch) (djc) (Entered: 08/16/2001)
08/20/2001	6	NOTICE OF MOTION (FILED ON SERVICE DATE) by Don Petersen, Doug Otto to consolidate cases 01cv5600, 01cv5790, 01cv6598 and 01cv7447 into one action for all purposes , appointing Movants to serve as lead plaintiffs and approving Movants' selection of counsel for the Class . No return date indicated. [Original filed in 01cv5600(SAS) as Doc# 6 and docketed to 01cv5790, 01cv6598 and 01cv7447.] (dcap) (Entered: 08/23/2001)
08/20/2001	7	AFFIDAVIT of Joseph R. Seidman, Jr. by Don Petersen, Doug Otto in support of [6-1] motion to consolidate cases 01cv5600, 01cv5790, 01cv6598 and 01cv7447 into one action for all purposes, [6-2] motion appointing Movants to serve as lead plaintiffs, [6-3] motion approving Movants' selection of counsel for the Class. [Original filed in 01cv5600(SAS) as Doc# 7 and docketed to 01cv5790, 01cv6598

		and 01cv7447.] (dcap) (Entered: 08/23/2001)
08/20/2001	8	MEMORANDUM OF LAW by Don Petersen, Doug Otto in support of [6-1] motion to consolidate cases 01cv5600, 01cv5790, 01cv6598 and 01cv7447 into one action for all purposes, [6-2] motion appointing Movants to serve as lead plaintiffs, [6-3] motion approving Movants' selection of counsel for the Class. [Original filed in 01cv5600(SAS) as Doc# 8 and docketed to 01cv5790, 01cv6598 and 01cv7447.] (dcap) (Entered: 08/23/2001)
08/31/2001	9	STIPULATION AND ORDER; the Stipulating Defts' Silverstream Software, Inc., David A. Litwack, Craig A. Dynes and David R. Skok to answer, move or otherwise respond to the Complaint in this action is extended through and including the later of 45 days (i) the assignment of lead plttfs' counsel; or (ii) the filing of an amended complaint in this action. (signed by Judge Shira A. Scheindlin) (sac) (Entered: 09/05/2001)
09/05/2001	10	RULE 1.9 CERTIFICATE filed by Silverstream, Inc. . (bai) (Entered: 09/20/2001)
09/10/2001	11	ORDER,... that all cases involving Silverstream in this IPO Securities Litigation, as set forth in the attached Rider (1:01-cv-05790, 1:01-cv-06598 and 1:01-cv-07447) shall be consolidated into case number 01 Civ. 5600. The Clerk of Court is hereby ordered to consolidate any future cases that are designated as related to 01 Civ. 5600 ,... 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-05600 Document No. 11. Document Docketed in 1:01-cv-05790; 1:01-cv-06598; 1:01-cv-07447] (dcap) Modified on 11/02/2001 (Entered: 11/02/2001)
09/10/2001		Consolidated Lead Case. (dcap) (Entered: 11/02/2001)
09/21/2001	13	RULE 1.9 CERTIFICATE filed by Morgan Stanley Dean. (kkc) (Entered: 11/08/2001)
09/25/2001	12	AFFIDAVIT OF SERVICE of Summons and Complaint as to Morgan Stanley Dean by James F. Doyle, Counsel on 7/6/01. Answer due on 7/26/01 for Morgan Stanley Dean. (db) Modified on 11/02/2001 (Entered: 09/26/2001)
10/23/2001	14	RULE 1.9 CERTIFICATE filed by SG Cowen Securities. (kkc) (Entered: 11/13/2001)
01/07/2002	15	RULE 1.9 CERTIFICATE filed by Robertson Stephens. (sac) (Entered: 02/07/2002)
04/19/2002		OMNIBUS ORDER, Don Peterson 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: 06/05/2002)
04/19/2002	16	AMENDED COMPLAINT by Collegeware USA, Don Petersen amending [1-1] complaint ; Summons issued. (ac) (Entered: 06/19/2002)
04/19/2002		MASTER ALLEGATIONS by Collegeware USA, Don Petersen RE: Amended Complaint, doc. # 16, Filed on April 19, 2002. (ac) (Entered: 07/30/2002)

05/17/2002	17	AFFIDAVIT OF SERVICE of SC as to Fleetboston Stephens by Stephen Austin, managing agent, on 4/26/02. (sac) (Entered: 07/22/2002)
05/17/2002	18	AFFIDAVIT OF SERVICE of S&C as to David R. Skok by Susan Wanzer, co-worker, on 4/26/02. (sac) (Entered: 07/22/2002)
05/17/2002	19	AFFIDAVIT OF SERVICE of S&C as to David A. Litwack by Susan Wanzer, co-worker, on 4/26/02. (sac) (Entered: 07/22/2002)
05/17/2002	20	AFFIDAVIT OF SERVICE of S&C as to Silverstream, Inc. by Susan Wanzer, managing agent, on 4/26/02. (sac) (Entered: 07/22/2002)
05/17/2002	21	AFFIDAVIT OF SERVICE of S&C as to Morgan Stanley Dean by Kevin McCarthy on 4/24/02. (sac) (Entered: 07/22/2002)
05/17/2002	22	AFFIDAVIT OF SERVICE of S&C as to Craig A. Dynes by Susan Wanzer, co-worker, on 4/26/02. (sac) (Entered: 07/22/2002)
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 R. Skok, David A. Litwack, and Craig A. Dynes. (Orig. filed and signed by Judge Scheindlin in 21 mc 92.) (sac) (Entered: 03/11/2003)
07/21/2003	23	ANSWER by Robertson Stephens to [16-1] amended complaint. (Attorney Brendan Joseph Dowd from the O'Melveny & Myers, LLP)... rec'd in the night deposit box on 7/21/03 at 7:09 p.m. (sac) (Entered: 08/20/2003)
07/22/2003	24	ANSWER by SG Cowen Securities to [16-1] amended complaint . (Attorney Scott D. Musoff from the Skadden, Arps, Slate, Meagher & Flom, LLP). (sac) (Entered: 08/26/2003)
07/29/2003	25	ANSWER by Morgan Stanley Dean to Consolidated Amended Class Action Complaint. (Attorney Steven G. Bradbury from the Firm: Kirkland & Ellis). (moc) (Entered: 11/22/2003)
09/04/2003		NOTICE OF OMNIBUS MOTION (FILED ON SERVICE DATE) to Intervene EACH CLASS MEMBER named on Exhibit 1 attached to Memorandum of Law in Support, as class plaintiffs in those coordinated actions. This Document Relates to: 01cv5902; 01cv2359; 01cv10901; 01cv3360; 01cv6890; 01cv5446; 01cv2858; 01cv10827; 01cv9883; 01cv6397; 01cv6613; 01cv6271; 01cv10839; 01cv5937; 01cv6222; 01cv7669; 01cv10971; 01cv5575; 01cv7044; 01cv10943; 01cv10686; 01cv10105; 01cv5834; 01cv6542; 01cv7000; 01cv10944; 01cv3792; 01cv4942; 01cv11231; 01cv6887; 01cv6242; 01cv7467; 01cv9411; 01cv9414; 01cv6775; 01cv5911; 01cv11246; 01cv7055; 01cv6948; 01cv10164; 01cv10813; 01cv7084; 01cv10738; 01cv10640; 01cv10884; 01cv10741; 01cv6339; 01cv6771; 01cv9743; 01cv62672; 01cv6842; 01cv6277; 01cv9922; 01cv10969; 01cv6084; 01cv3975; 01cv7654; 01cv9917; 01cv9349; 01cv 4974; 01cv9417; 01cv 10740; 01cv992; 01cv4147; 01cv6661; 01cv3483; 01cv6757; 01cv10990; 01cv6627; 01cv7726; 01cv9651; 01cv4183; 01cv3910; 01cv7028; 01cv5332; 01cv9798; 01cv11239; 01cv6089; 01cv6004; 01cv10823; 01cv10945; 01cv7280; 01cv10775; 01cv5354; 01cv7032; 01cv9744; 01cv9904; 01cv11217; 01cv10185; 01cv7279; 01cv2261; 01cv6082; 01cv10867; 01cv10160; 01cv10898; 01cv10683; 01cv2712; 01cv6090;

		01cv10942; 01cv10120; 01cv11245; 01cv5225; 01cv6950; 01cv9746; 01cv7415; 01cv4941; 01cv10831; 01cv5600; 01cv10941; 01cv9921; 01cv4186; 01cv6846; 01cv6821; 01cv7474; 01cv5267; 01cv6288; 01cv7247; 01cv6110; 01cv10822; 01cv6008; 01cv5269; 01cv9563; 01cv9348; 01cv9604; 01cv5739; 01cv10999; 01cv3450; 01cv5241; 01cv9720; 01cv10040; 01cv6906; 01cv9514; 01cv10833; 01cv10092; 01cv10053; 01cv6768; 01cv10830; 01cv10638; 01cv4779; 01cv5074. Original Document filed in 21MC92, Doc#5191. Document filed by John A. Higman. (sac,) (Entered: 04/07/2004)
09/04/2003		MEMORANDUM OF LAW in Support re: MOTION (FILED ON SERVICE DATE) to Intervene.. Document filed by John A. Higman. Original Document filed in 21 MC 92, Doc#5195.(sac,) (Entered: 04/08/2004)
04/21/2004		MEMORANDUM OF LAW in Support re: MOTION, Doc#5191, (FILED ON SERVICE DATE) to Intervene. Original Document filed in 21mc92, Doc#5279. (sac,) (Entered: 04/23/2004)
06/09/2004	26	This Document Relates to: 01Civ.6000; 01Civ.9883; 01Civ.6824; 01Civ.6397; 01Civ.11000; 01Civ.6627; 01Civ.9675; 01Civ.10894; 01Civ.6089; 01Civ.6873; 01Civ.10185; 01Civ.6082; 01Civ.9978; 01Civ.5600; 01Civ.9921; 01Civ.7181; 01Civ.10595; 01Civ.9500; 01Civ.10115. NOTICE OF FIRM'S CHANGE OF NAME; Firm: Wilmer Cutler Pickering Hale and Dorr LLP. Email address has changed accordingly. Document filed by Akamai Technologies, Inc.; Robert O. Ball, III; Arthur Bilger; George Conrades; Todd A. Dages; F. Thompson Leighton; Terrance G. McGuire; Edward W. Scott; Timothy Weller; Bookham Technology PLC; Stephen J. Cockrell; Andrew G. Rickman, David Simpson; Bottomline Technologies, Inc.; Robert A. Eberle, Daniel M. McGurl; Gordon Brooks, Kevin Comerford; Christopher H. Greendale; Manufactures' Services Ltd; Robert E. Donahue; Kevin C. Melia; McData Corp.; John F. McDonnell; Thomas McGimpsey; Dee J. Perry; Net Perceptions, Inc.; Thomas M. Donnelly; Stephen J. Snyder; Network Engines, Inc.; Douglas G. Bryant; Lawrence A. Genovesi; George Alex; James J. Crowley; Robert T. Hale; Robert T. Hale, Jr.; OTG Software, Inc.; F. William Caple; Ronald W. Kaiser; Richard A. Kay; Packeteer, Inc.; Steven J. Campbell; Craig W. Elliot; David C. Yntema; Proton Energy Systems, Inc.; John A. Glidden; Trent M. Molter; Walter W. Schroeder; Robert W. Shaw, Jr.; Radio Unica Communications Corp.; Joaquin F. Blaya; Manuel A. Borges; Steven E. Dawson; SilverStream Software, Inc.; Craig A. Synes; David A. Litwack; David R. Skok Sonus Networks, Inc.; Hassan M. Ahmed; Stephen J. Nill; StorageNetworks, Inc.; Peter W. Bell; Paul C. Flanagan; William D. Miller; Switchboard, Inc.; Douglas J. Greenlaw; John P. Jewett; Dean Polnerow; TeleCommunication Systems, Inc.; Thomas M. Brandt, Jr.; Maurice B. Tose; Triton Network Systems, Inc.; Howard Speaks and Kenneth R. Vines (sac,) (Entered: 07/19/2004)
09/30/2004		NOTICE OF WITHDRAWAL OF OMNIBUS MOTION FOR INTERVENTION; the Class members listed on Exhibit 1 to this Notice hereby withdraw, without prejudice to renewal, their Omnibus Motion for Intervention (Doc. No. 5191 on Dkt. 21 MC 92) that was filed on 9/2/03. This Document Relates to: 01cv5902; 01cv2359; 01cv10901; 01cv3360; 01cv6890; 01cv5446; 01cv2858; 01cv10827; 01cv9883; 01cv6397; 01cv6613; 01cv6271; 01cv10839; 01cv5937; 01cv6222; 01cv7669; 01cv10971; 01cv5575; 01cv7044; 01cv10943; 01cv10686; 01cv10105; 01cv5834; 01cv6542; 01cv7000; 01cv10944; 01cv3792; 01cv4942; 01cv11231;

01cv6887; 01cv5948; 01cv6242; 01cv7467; 01cv9411; 01cv9414; 01cv6775;
01cv5911; 01cv11246; 01cv7055; 01cv6948; 01cv10164; 01cv10813; 01cv7048;
01cv10738; 01cv10640; 01cv10884; 01cv10741; 01cv6339; 01cv6771; 01cv9743;
01cv6272; 01cv6842; 01cv6277; 01cv9922; 01cv10969; 01cv6084; 01cv3975;
01cv7654; 01cv9917; 01cv9349; 01cv7974; 01cv9417; 01cv10740; 01cv9442;
01cv4147; 01cv6661; 01cv3483; 01cv6757; 01cv10990; 01cv6627; 01cv7726;
01cv9651; 01cv4183; 01cv3910; 01cv7028; 01cv5332; 01cv9798; 01cv11239;
01cv6089; 01cv6004; 01cv10823; 01cv10945; 01cv7280; 01cv10775; 01cv5354;
01cv7032; 01cv9744; 01cv9904; 01cv11217; 01cv10185; 01cv7279; 01cv2261;
01cv6082; 01cv10867; 01cv10160; 01cv10898; 01cv10683; 01cv2712; 01cv6090;
01cv10942; 01cv10120; 01cv11245; 01cv5225; 01cv6950; 01cv9746; 01cv7415;
01cv4941; 01cv10831; 01cv5600; 01cv10941; 01cv9921; 01cv4186; 01cv6846;
01cv6821; 01cv7474; 01cv5267; 01cv6288; 01cv7247; 01cv6110; 01cv10822;
01cv6008; 01cv5269; 01cv9563; 01cv9348; 01cv9604; 01cv5739; 01cv10999;
01cv3450; 01cv5241; 01cv9720; 01cv10040; 01cv6906; 01cv9514; 01cv10833;
01cv10092; 01cv10053; 01cv6768; 01cv10830; 01cv10638; 01cv4779; 01cv5074.
(Signed by Judge Shira A. Scheindlin on 9/30/04)... Original Document filed in 21-
mc-92, Doc#5367.(sac,) (Entered: 10/04/2004)

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