

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:01-cv-06241-SAS

Blue Martini Inc IPO, et al v. Blue Martini, Inc., et al
Assigned to: Judge Shira A. Scheindlin
Demand: \$0

Lead case: [1:01-cv-06241-SAS](#)

Member cases:

[1:01-cv-06441-SAS](#)

[1:01-cv-06628-SAS](#)

[1:01-cv-06992-SAS](#)

[1:01-cv-07773-SAS](#)

[1:01-cv-08211-SAS](#)

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

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

Date Filed: 07/11/2001

Jury Demand: Plaintiff

Nature of Suit: 850

Securities/Commodities

Jurisdiction: Federal Question

Plaintiff

Glenn Tortoso

*on behalf of himself and all others
similarly situated*

TERMINATED: 04/19/2002

represented by **Aaron Lee Brody**

Stull Stull & Brody

6 East 45th Street, 5th Floor

New York, NY 10017

212-687-7230

Fax: 212-4902022

Email: ssbny@aol.com

TERMINATED: 04/19/2002

LEAD ATTORNEY

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

TERMINATED: 04/19/2002

LEAD ATTORNEY

Tzivia Brody
Stull, Stull & Brody
6 East 45th Street
New York, NY 10017
(212) 687-7230
TERMINATED: 04/19/2002
LEAD ATTORNEY

V.

Consolidated Plaintiff

Piyali Ganguwy
TERMINATED: 04/19/2002

Consolidated Plaintiff

Iris Hsu
TERMINATED: 04/19/2002

V.

Defendant

Blue Martini Software, Inc.

Defendant

Monte Zweben
TERMINATED: 10/15/2002

Defendant

John E. Calonico, Jr.
TERMINATED: 10/15/2002

Defendant

James C. Gaither
TERMINATED: 10/15/2002

Defendant

A. Michael Spence
TERMINATED: 10/15/2002

Defendant

Andrew W. Verhalen

TERMINATED: 10/15/2002

Defendant

Edward H. Vick

TERMINATED: 10/15/2002

Defendant

William F. Zuendt

TERMINATED: 10/15/2002

Defendant

Goldman, Sachs & Co.

represented by **David Maxwell James Rein**
Sullivan & Cromwell, LLP
125 Broad Street
New York, NY 10004-2498
(212) 558-4000
LEAD ATTORNEY

Gandolfo Vincent DiBlasi
Sullivan and Cromwell, LLP(NYC)
125 Broad Street
NY, NY 10004
(212)558-3836
Fax: (212)-558-3588
Email: diblasig@sullcrom.com
LEAD ATTORNEY

John Louis Hardiman
Sullivan & Cromwell, LLP(NYC)
125 Broad Street
New York, NY 10004
(212)-558-4070
Fax: (212)-558-3588
Email: hardimanj@sullcrom.com
LEAD ATTORNEY

Penny Shane
Sullivan and Cromwell, LLP(NYC)
125 Broad Street
NY, NY 10004
(212)558-4000
LEAD ATTORNEY

Penny Shane

Sullivan & Cromwell
125 Broad Street
New York, NY 10004-2498
(212) 558-4000
LEAD ATTORNEY

Defendant

Dain Rauscher Incorporated

Defendant

Thomas Weisel Partners LLC

represented by **Jeffrey A. Rosenthal**
Cleary Gottlieb Steen & Hamilton,
LLP(NYC)
1 Liberty Plaza
New York, NY 10006
212-225-2000
Fax: 212-225-3499
Email: jrosenthal@cgsh.com
LEAD ATTORNEY

Defendant

U.S. Bancorp Piper Jaffray Inc.

represented by **Dean M. Jeske**
Foley & Lardner
321 North Clark Street
Suite 2800
Chicago, IL 60610
(312) 832-4500
LEAD ATTORNEY

Defendant

RBC Dain Rauscher Corporation
as successor-in-interest to Dain Rauscher

represented by **Stewart D. Aaron**
Arnold & Porter LLP
399 Park Avenue
New York, NY 10022
(212)715-1000
LEAD ATTORNEY

Stewart David Aaron
Dorsey & Whitney LLP
250 Park Avenue
NY, NY 10177
(212) 715-1000
Fax: 212-715-1399
Email: stewart_aaron@aporter.com
LEAD ATTORNEY

Consolidated Plaintiff

Kenneth Dillon

TERMINATED: 04/19/2002

Consolidated Plaintiff

Alo Ghosh

TERMINATED: 04/19/2002

Consolidated Plaintiff

Maurice Philogene

TERMINATED: 04/19/2002

Consolidated Plaintiff

Donna L. Davison

TERMINATED: 04/19/2002

Consolidated Plaintiff

Joseph F. Simone

TERMINATED: 04/19/2002

Consolidated Plaintiff

Brenda Abbruzzino

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@milberg.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

Consolidated Plaintiff

Salvatore Abbruzzino

represented by **Melvyn I. Weiss**

(See above for address)
LEAD ATTORNEY

Stanley D Bernstein
(See above for address)
LEAD ATTORNEY

Consolidated Plaintiff

Remy Girard
TERMINATED: 04/19/2002

Consolidated Plaintiff

Xin Ju
TERMINATED: 04/19/2002

Consolidated Plaintiff

Mohammad Khalaf
TERMINATED: 04/19/2002

Consolidated Plaintiff

C. Strakaris

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

Stanley D Bernstein
(See above for address)
LEAD ATTORNEY

Plaintiff

Ralph B. Wood
Lead Pltff

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

Stanley D Bernstein
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
07/11/2001	1	CLASS ACTION COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 411277. (db) (Entered:

		07/12/2001)
07/11/2001		Magistrate Judge Douglas F. Eaton is so designated. (db) (Entered: 07/12/2001)
07/11/2001	2	RULE 1.9 CERTIFICATE filed by Glenn Tortoso. (db) (Entered: 07/12/2001)
08/09/2001	3	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) (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)
08/17/2001	4	STIPULATION AND ORDER; that the defts' time to answer, move or otherwise respond to the Complaint in this action is extended through and including the later of 60 days after (i) the assignment of lead plttfs' counsel; or (ii) the filing of an amended complaint in this action. (signed by Judge Richard C. Casey) (sac) (Entered: 08/27/2001)
09/04/2001	6	ORDER, that all cases against Blue Martini in this IPO Securities Litigation, as set forth in the attached Rider (1:01-cv-6441, 1:01-cv-6628, 1:01-cv-6992 and 1:01-cv-7773)) shall be consolidated into case number 01 Civ. 6241. The Clerk of the Court is ordered to consolidate any future cases filed against Blue Martini subsequent to the date of this Order into lead case number 01 Civ. 6241. The Clerk of the 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. (sac) Modified on 11/16/2001 (Entered: 09/20/2001)
09/04/2001		Consolidated Lead Case. (sac) (Entered: 09/20/2001)
09/05/2001	5	RULE 1.9 CERTIFICATE filed by Blue Martini, Inc. . (bai) (Entered: 09/19/2001)
09/06/2001	7	RULE 1.9 CERTIFICATE filed by Thomas Weisel Partners, LLC. (sac) (Entered: 10/04/2001)
09/07/2001	8	RULE 1.9 CERTIFICATE filed by the Pltffs on whose behalf Brodsky & Smith, LLC. (sac) (Entered: 10/04/2001)
09/07/2001	9	STIPULATION AND ORDER; the Defts' time to answer, move or otherwise respond to the Complaint in this action is extended through and including the later of 45 days after (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: 10/04/2001)

09/10/2001	10	RULE 1.9 CERTIFICATE filed by Goldman, Sachs & Co. (sac) (Entered: 10/04/2001)
09/10/2001	11	NOTICE OF MOTION by Donna L. Davison, Joseph F. Simone for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, 01 Civ. 8211 ; for an order, appointing Movants to serve as lead plttfs ; for an order, approving Movants' selection of counsel for the Class ; Return date not indicated. Affidavit of Michael S. Egan in support attached. (sac) (Entered: 10/04/2001)
09/10/2001	12	MEMORANDUM OF LAW by Donna L. Davison, Joseph F. Simone in support of [11-1] motion for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, 01 Civ. 8211, [11-2] motion for an order, appointing Movants to serve as lead plttfs, [11-3] motion for an order, approving Movants' selection of counsel for the Class. (sac) (Entered: 10/04/2001)
09/10/2001	13	NOTICE OF MOTION by Brenda Abbruzzino, Salvatore Abbruzzino, Remy Girard, Xin Ju, Mohammad Khalaf, C. Strakaris for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6441, 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773 ; for an order, appointment as Lead Pltffs, purs. to Section 27(a)(3)(B) of the Securities Act of 1933 and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 ; for an order, approval of Movants' selection of Lead Counsel ; Return date not indicated. (rec'd in the night deposit box on 9/10/01 at 11:12 p.m.) (sac) (Entered: 10/04/2001)
09/10/2001	14	MEMORANDUM OF LAW by Brenda Abbruzzino, Salvatore Abbruzzino, Remy Girard, Xin Ju, Mohammad Khalaf, C. Strakaris in support of [13-1] motion for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6441, 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, [13-2] motion for an order, appointment as Lead Pltffs, purs. to Section 27(a)(3)(B) of the Securities Act of 1933 and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, [13-3] motion for an order, approval of Movants' selection of Lead Counsel. (rec'd in the night deposit box on 9/10/01 at 11:12 p.m.) (sac) (Entered: 10/04/2001)
09/10/2001	15	DECLARATION of Aaron Brody by Brenda Abbruzzino, Salvatore Abbruzzino, Remy Girard, Xin Ju, Mohammad Khalaf, C. Strakaris in support Re: [13-1] motion for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6441, 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, [13-2] motion for an order, appointment as Lead Pltffs, purs. to Section 27(a)(3)(B) of the Securities Act of 1933 and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, [13-3] motion for an order, approval of Movants' selection of Lead Counsel. (rec'd in the night deposit box on 9/10/01 at 11:12 p.m.) (sac) (Entered: 10/04/2001)
09/10/2001	16	NOTICE OF MOTION by Ralph B. Wood for an order, appointing Ralph B. Wood to serve as Lead Pltff ; for an order, approving the Lead Pltff's selection of Wolf Haldenstein Adler Freeman & Herz LLP as Lead Counsel ; Return date not indicated. (rec'd in the night deposit box on 9/10/01 at 11:48 p.m.) (sac) (Entered: 10/04/2001)

09/10/2001	17	MEMORANDUM OF LAW by Ralph B. Wood in support of [16-1] motion for an order, appointing Ralph B. Wood to serve as Lead Pltff, [16-2] motion for an order, approving the Lead Pltff's selection of Wolf Haldenstein Adler Freeman & Herz LLP as Lead Counsel. (rec'd in the night deposit box on 9/10/01 at 11:48 p.m.) (sac) (Entered: 10/04/2001)
09/10/2001	18	RULE 1.9 CERTIFICATE filed by Dain Rauscher Inc. (sac) (Entered: 10/04/2001)
09/25/2001	19	MEMORANDUM OF LAW by Brenda Abbruzzino, Salvatore Abbruzzino, Remy Girard, Xin Ju, Mohammad Khalaf, C. Strakaris in further support of [13-1] motion for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6441, 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, [13-2] motion for an order, appointment as Lead Pltffs, purs. to Section 27(a)(3)(B) of the Securities Act of 1933 and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, [13-3] motion for an order, approval of Movants' selection of Lead Counsel; in opposition to [11-1] motion for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, 01 Civ. 8211, [11-2] motion for an order, appointing Movants to serve as lead pltffs, [11-3] motion for an order, approving Movants' selection of counsel for the Class, in opposition to [16-1] motion for an order, appointing Ralph B. Wood to serve as Lead Pltff, [16-2] motion for an order, approving the Lead Pltff's selection of Wolf Haldenstein Adler Freeman & Herz LLP as Lead Counsel. (rec'd in the night deposit box on 9/25/01 at 9:57 p.m.) (sac) (Entered: 10/04/2001)
09/26/2001	20	RULE 1.9 CERTIFICATE filed by Goldman, Sachs & Co. (sac) (Entered: 10/04/2001)
09/27/2001	21	REPLY MEMORANDUM by Ralph B. Wood in further support of [16-1] motion for an order, appointing Ralph B. Wood to serve as Lead Pltff, [16-2] motion for an order, approving the Lead Pltff's selection of Wolf Haldenstein Adler Freeman & Herz LLP as Lead Counsel; in opposition to [13-1] motion for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6441, 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, [13-2] motion for an order, appointment as Lead Pltffs, purs. to Section 27(a)(3)(B) of the Securities Act of 1933 and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, [13-3] motion for an order, approval of Movants' selection of Lead Counsel; in opposition to [11-1] motion for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, 01 Civ. 8211, [11-2] motion for an order, appointing Movants to serve as lead pltffs, [11-3] motion for an order, approving Movants' selection of counsel for the Class. (rec'd in the night deposit box on 9/27/01 at 7:34 p.m.) (sac) (Entered: 10/04/2001)
09/27/2001	22	MEMORANDUM OF LAW by Donna L. Davison, Joseph F. Simone in further support of [11-1] motion for an order, consolidating this action 01 Civ. 6241 (Lead Case) with the following Mem. Cases: 01 Civ. 6628, 01 Civ. 6992, 01 Civ. 7773, 01 Civ. 8211, [11-2] motion for an order, appointing Movants to serve as lead pltffs, [11-3] motion for an order, approving Movants' selection of counsel for the Class. (rec'd in the night deposit box on 9/27/01 at 5:27 p.m.) (sac) (Entered: 10/04/2001)

10/05/2001	23	REPLY MEMORANDUM by Brenda Abbruzzino, Salvatore Abbruzzino, Remy Girard, Xin Ju, Mohammad Khalaf, C. Strakaris in further support of [13-2] motion for an order, appointment as Lead Pltffs, purs. to Section 27(a)(3)(B) of the Securities Act of 1933 and Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, [13-3] motion for an order, approval of Movants' selection of Lead Counsel; in opposition to: [11-2] motion for an order, appointing Movants to serve as lead pltffs, [11-3] motion for an order, approving Movants' selection of counsel for the Class, [16-1] motion for an order, appointing Ralph B. Wood to serve as Lead Pltff, [16-2] motion for an order, approving the Lead Pltff's selection of Wolf Haldenstein Adler Freeman & Herz LLP as Lead Counsel. (rec'd in the night deposit box on 10/5/01 at 7:23 p.m.) (sac) (Entered: 10/16/2001)
01/09/2002	24	AMENDED RULE 1.9 CERTIFICATE filed by Goldman, Sachs & Co. (sac) (Entered: 02/12/2002)
01/18/2002	25	AMENEDED RULE 1.9 CERTIFICATE filed by Thomas Weisel LLC. (rec'd in the night deposit box on 1/18/02 at 5:23 p.m.) (sac) (Entered: 02/19/2002)
04/19/2002		OMNIBUS ORDER, granting [16-1] motion for an order, appointing Ralph B. Wood to serve as Lead Pltff, granting [16-2] motion for an order, approving the Lead Pltff's selection of Wolf Haldenstein Adler Freeman & Herz LLP as Lead Counsel. All other motions to be appointed lead pltff 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: 05/24/2002)
04/19/2002	26	AMENDED COMPLAINT by Brenda Abbruzzino, Salvatore Abbruzzino, C. Strakaris, Ralph B. Wood amending [1-1] complaint ; Summons issued. (ac) (Entered: 06/24/2002)
04/19/2002		MASTER ALLEGATIONS by Brenda Abbruzzino, Salvatore Abbruzzino, C. Strakaris, Ralph B. Wood RE: Amended Complaint, doc.# 26, Filed on April 19, 2002. (ac) (Entered: 07/31/2002)
05/17/2002	27	AFFIDAVIT OF SERVICE of S&C as to Goldman, Sachs & Co. by Patricia McGraw, managing agent, on 4/26/02. (sac) (Entered: 07/22/2002)
05/17/2002	28	AFFIDAVIT OF SERVICE of S&C as to Thomas Weisel LLC by Kathleen Romeo, managing agent, on 4/25/02. (sac) (Entered: 07/22/2002)
05/22/2002	29	AFFIDAVIT OF SERVICE of S&C as to U.S. Bancorp Piper by Patrice Blaeser, managing agent, on 4/29/02. (sac) (Entered: 07/23/2002)
05/30/2002	30	AFFIDAVIT OF SERVICE of S&C as to Dain Rauscher Inc. by Bentley Anderson, managing agent, on 4/29/02. (sac) (Entered: 07/25/2002)
05/30/2002	31	AFFIDAVIT OF SERVICE of S&C as to Dain Rauscher Inc. by Bentley Anderson, managing agent, on 4/29/02 . . (sac) (Entered: 07/25/2002)
05/30/2002	32	AFFIDAVIT OF SERVICE of S&C as to John E. Calonico Jr. by Naomi Soudahoff, co-worker, on 4/26/02. (sac) (Entered: 07/25/2002)
05/30/2002	33	AFFIDAVIT OF SERVICE of S&C as to Monte Zweben by Naomi Soudahoff, co-worker, on 4/26/02. (sac) (Entered: 07/25/2002)

05/30/2002	34	AFFIDAVIT OF SERVICE of S&C as to Andrew W. Verhalen by Naomi Soudahoff, co-worker, on 4/26/02. (sac) (Entered: 07/25/2002)
05/30/2002	35	AFFIDAVIT OF SERVICE of S&C as to Edward H. Vick by Naomi Soudahoff, co-work, on 4/26/01. (sac) (Entered: 07/25/2002)
05/30/2002	36	AFFIDAVIT OF SERVICE of S&C as to James C. Gaither by Naomi Soudahoff, co-worker, on 4/26/02. (sac) (Entered: 07/25/2002)
05/30/2002	37	AFFIDAVIT OF SERVICE of S&C as to A. Michael Spence by Naomi Soudahoff, co-worker, on 4/26/02. (sac) (Entered: 07/25/2002)
05/30/2002	38	AFFIDAVIT OF SERVICE of S&C as to Blue Martini, Inc. by Naomi Soudahoff, managing agent, on 4/26/02. (sac) (Entered: 07/25/2002)
05/30/2002	39	AFFIDAVIT OF SERVICE of S&C as to William F. Zuendt by Naomi Soudahoff, co-worker, on 4/26/02. (sac) (Entered: 07/25/2002)
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 John Calonico, James Gaither, Michael Spence, Andrew Verhalen, Edward Vick, William Zuendt, and Monte Zweben. (Orig. filed and signed by Judge Scheindlin in 21 mc 92.) (sac) (Entered: 03/06/2003)
01/15/2003	40	NOTICE of REGISTRATION AND FIRM NAME CHANGE by Goldman, Sachs & Co. Re: Sullivan & Cromwell LLP. (jw) (Entered: 03/06/2003)
07/16/2003	42	ANSWER by RBC Dain Rauscher to [26-1] amended complaint . (Attorney Stewart D. Aaron from the Firm: Dorsey & Whitney, LLP)... rec'd in the night deposit box on 7/18/03 at 5:47 p.m. (sac) (Entered: 07/24/2003)
07/17/2003	41	ANSWER by RBC Dain Rauscher to [26-1] amended complaint. (Attorney Stewart D. Aaron from the Firm: Dorsey & Whitney LLP). (rec'd in the night deposit box on 7/17/03 at 6:40 p.m.) (sac) (Entered: 07/22/2003)
07/21/2003	43	ANSWER by Thomas Weisel LLC to [26-1] amended complaint. (Attorney Jeffrey A. Rosenthal from the Cleary, Gottlieb, Steen & Hamilton)... rec'd in the night deposit box on 7/21/03 at 7:45 p.m. (sac) (Entered: 08/11/2003)
07/22/2003	44	ANSWER by Goldman, Sachs & Co. to [26-1] amended complaint. (Attorney Penny Shane from the Sullivan & Cromwell, LLP) (sac) (Entered: 08/21/2003)
07/23/2003	45	ANSWER by U.S. Bancorp Piper to [26-1] amended complaint . (Attorney Dean M. Jeske from the Firm: Foley & Lardner). (sac) (Entered: 09/22/2003)
06/23/2004	46	AFFIDAVIT OF SERVICE of Letter, dated 6/11/04 served on Plaintiff Lawrence H. Fox on 6/16/04. Service was accepted by Ross Abelow, Attorney. (sac,) (Entered: 06/28/2004)
03/31/2005		ORDER; that Arnold & Porter LLP be substituted in the place and stead of Dorsey & Whitney LLP as the attorneys of record for defendant, RBC Dain Rauscher, Inc. in this action. Original Document filed in 21-mc-92, Doc#5427. (Signed by Judge Shira A. Scheindlin on 3/31/05) This Document Relates to: 01cv6000; 01cv9742; 01cv9982; 01cv6275; 01cv9422; 01cv5446; 01cv10827; 01cv6241; 01cv6613; 01cv5143; 01cv5072; 01cv10988; 01cv5937; 01cv6222; 01cv11234; 01cv10686;

	01cv6542; 01cv6887; 01cv7355; 02cv9699; 01cv8404; 01cv5911; 01cv9800; 01cv10684; 01cv6143; 01cv7055; 01cv7048; 01cv5039; 01cv10834; 01cv6084; 01cv9917; 01cv10899; 01cv4147; 01cv6661; 01cv11000; 01cv6757; 01cv6627; 01cv11230; 01cv9675; 01cv5332; 01cv7035; 01cv11239; 01cv6004; 01cv7280; 01cv7344; 01cv4778; 01cv10185; 01cv10797; 01cv7270; 01cv11201; 01cv6090; 01cv10140; 01cv11245; 01cv4941; 01cv10596; 01cv6821; 01cv6001; 01cv6492; 01cv9981; 01cv9563; 01cv5241; 01cv6906; 01cv9514; 01cv10833; 01cv10053; 01cv10830; 01cv6365; 01cv4779; 01cv5074. (sac,) (Entered: 04/13/2005)
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