

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-05755-LMM

In Re: Adelpia Comm., et al v. , et al
Assigned to: Judge Lawrence M. McKenna
Demand: \$0

Lead case: [1:03-md-01529-LMM](#)

Member cases:

[1:03-cv-05750-LMM](#)

[1:03-cv-05751-LMM](#)

[1:03-cv-05752-LMM](#)

[1:03-cv-05753-LMM](#)

[1:03-cv-05754-LMM](#)

[1:03-cv-05755-LMM](#)

[1:03-cv-05756-LMM](#)

[1:03-cv-05757-LMM](#)

[1:03-cv-05758-LMM](#)

[1:03-cv-05759-LMM](#)

[1:03-cv-05760-LMM](#)

[1:03-cv-05761-LMM](#)

[1:05-cv-10081-LMM](#)

Related Case: [1:03-md-01529-LMM](#)

Case in other court: MDL PANEL, 1:03-md-1529
USDC-EDPA, 2:02-cv-1781

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

Plaintiff

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Plaintiff

PAX World High Yield Fund
*on behalf of themselves and all others
similarly situated*

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V.

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Defendant

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Defendant

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Movant

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Movant

Date Filed	#	Docket Text
08/01/2003	1	CERTIFIED TRUE COPY OF CONDITIONAL MDL TRANSFER IN ORDER FROM THE MDL PANEL...transferring action from the U.S.D.C. for the District of Eastern District of Pennsylvania, Docket No.: 2:02cv1781, MDL No.: 1:03md1529,, to the S.D.N.Y. Mailed letter requesting transfer of their file. (gf) (Entered: 08/06/2003)
08/01/2003		Magistrate Judge Andrew J. Peck is so designated. (gf) (Entered: 08/06/2003)
08/01/2003		Case accepted as related to 1:03md1529. Notice of assignment to follow. (gf) (Entered: 08/06/2003)
08/01/2003		CONSOLIDATED MDL CASE: Case consolidated with 1:03-md-1529. (rag,) (Entered: 10/20/2004)
09/03/2003	2	NOTICE of attorney appearance for Adelphia Comm. by Francis S. Chlapowski. (jco) (Entered: 09/05/2003)
09/22/2003		MDL TRANSFER IN: Received certified copy of docket entries and file from the District of Eastern Pennsylvania, Docket No.: 2:02-cv-1781(HH), MDL No.: 1529. (gmo) (Entered: 10/15/2003)
09/22/2003		Mailed notice with Rules 2 and 3 to the attorney(s) of record. (gmo) (Entered: 10/16/2003)
09/22/2003		Mail notice to the USDC - Eastern Pennsylvania acknowledging receipt of their entire file, a certified copy of transfer order and docket entries. (gmo) (Entered: 10/16/2003)
10/08/2003	3	CERTIFIED TRUE COPY OF MDL ORDER REASSIGNING ACTION ...that the action is reassigned to the Honorable Lawrence M. McKenna for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. 1407. (gf) (Entered: 10/10/2003)
10/08/2003	4	Notice of Case Reassignment to Judge Lawrence M. McKenna . Copy of notice and judge's rules mailed to Attorney(s) of record: Francis S. Chlapowski . (jjm) (Entered: 10/10/2003)
10/31/2003	5	DECLARATION of Jamie A. Forman by Peter L. Venetis in support of the application of Mr. Venetis, pursuant to Rule 1.4 of the Local Civil Rules of the United States District Court for the Souther District of New York, to substitute GEAB&P in place of Martin J. Auerbach. (sac) (Entered: 11/07/2003)
12/05/2003		Order; that the Class Actions (listed on the annexed Schedule A) are consolidated for all purposes including, but not limited to, discovery, pretrial proceedings pursuant to Rule 42(a) of the F.R.C.P. (the "Class Actions"). The Derivative

		<p>Actions (listed on the annexed Schedule B) are consolidated for all purposes with the Class Actions and are stayed pursuant to Section 362 of the Bankruptcy Code, 11 U.S.C. 362 (the "Derivative Actions"). The Class Actions and Derivative Actions are hereinafter referred to as the "Consolidated Actions." The Consolidated Actions and the Individual Actions shall be referred to collectively as In re Adelpia Communications Corp., Securities and Deriv. Litig., Master File No. 03 MD 1529 (LMM). A Master File is hereby established for the Consolidated Actions and the Individual Actions (all collectively, "the Actions"). The Master File shall be Civil Action No. 03 Civ. 5755 (LMM). Eminence Capital, LLC, and Argent Classic Convertible Arbitrage Fund L.P., Argent Classic Convertible Arbitrage Fund (Bermuda) L.P., Argent Lowlev Convertible Arbitrage Fund Ltd., UBS O'Conner LLC f/b/o UBS Global Equity Arbitrage Master Ltd. And UBS O'Conner LLC f/b/o UBS Global Convertible Portfolio are appointed lead plaintiffs in the Consolidated Actions pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. 78n-4(a)(3)(B). Abbey Gardy, LLP, and Kirby McInerney & Squire, LLP, shall serve as co-Lead Counsel for all plaintiffs in the Consolidated Actions. In addition to the Consolidated Actions, 11 individual actions: Stocke v. Rigas (03-cv-5754) (E.D. Pa.); NYC Employees' Retirement System v. Adelpia (03-cv-5789) (E.D. Pa.); NYC Employees' Retirement System v. John J. Rigas (02-cv-9804) (S.D.N.Y.); W.R. Huff Asset v. Deloitte & Touche LLP (03-cv-5752) (W.D.N.Y.); W.R. Huff Asset v. Deloitte & Touche LLP (03-cv-5753) (W.D.N.Y.); Appaloosa Investment LP v. Deloitte & Touche LLP (03-cv-7301) (W.D.N.Y.); Los Angeles County Employees' Retirement v. John J. Rigas (03-cv-5750) (C.D. Ca.); Franklin Strategic v. John J. Rigas (03-cv-5751) (C.D. Ca.); Bent v. John J. Rigas (03-cv-5793) (W.D. Pa.); Elkmont Capital v. Deloitte & Touche LLP (03-cv-5794) (N.D. Tex.); and Division of Investment v. John J. Rigas (no docket number assigned as of 9/11/03) (D.N.J.) (the "Individual Actions") have been assigned to this Court for coordinated or consolidated pretrial proceedings. Goodkind Labaton Rudolf & Sucharow LLP and Lowenstein Sandler P.C. shall serve as co-liaison counsel for the plaintiffs in the Individual Actions. On or before 12/22/03, liaison counsel will designate one complaint in the Individual Actions. Defendants will move with respect to, or answer, the Consolidated Amended Complaint, the Designated Individual Complaint and the Unique Counts on or before 2/9/04. Plaintiffs' opposition to any motions to dismiss will be submitted on or before 3/29/04. Defendants' reply papers in further support of any motions to dismiss will be submitted on or before 4/26/04. Absent further Order of the Court, there shall be no discovery. (Signed by Judge Lawrence M. McKenna on 12/5/2003) (Original document filed under case no. 03 MDL 1529 (LMM), doc. # 22) (kkc,) (Entered: 12/17/2003)</p>
12/19/2003	6	<p>ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Lawrence P. Kolker dated 12/17/03 re: regarding a schedule for pleading motion practice in the Adelpia Business actions as follows: Last day for filing amended and consolidated complaint by 1/6/04; dfts' respnse to amended and consolidated complaint due 2/26/04; plaintiffs' opposition papers due 4/15/04; dfts' reply papas due 5/13/04. (Signed by Judge Lawrence M. McKenna on 12/18/03) (pl,) (Entered: 01/06/2004)</p>
12/19/2003		<p>Set/Reset Scheduling Order Deadlines: Amended Pleadings due by 1/6/2004. (pl,) (Entered: 01/06/2004)</p>

12/19/2003		Set Answer Due Date purs. to [6] Endorsed Letter, as to Adelphia Communications Corporation answer due on 2/26/2004; Adelphia Communications Securities Litigations answer due on 2/26/2004. (pl,) (Entered: 01/06/2004)
01/06/2004	7	CONSOLIDATED AMENDED CLASS ACTION COMPLAINT against Adelphia Communications Corporation, James P. Rigas, John J. Rigas, Michael J. Rigas, Timothy Rigas.Document filed by Larry Walsh, Norman Preston, Joseph Hyslip, John Hyslip, Jeffrey Hyslip, John Dewaileebe, Richard Bokman, Rance Baxter.(db,) (Entered: 01/08/2004)
01/06/2004		Set Answer Due Date re: [7] Amended Complaint, as to Adelphia Communications Corporation answer due on 1/16/2004; James R. Brown answer due on 1/16/2004; Deloitte & Touche, L.L.P. answer due on 1/16/2004; James P. Rigas answer due on 1/16/2004; Michael J. Rigas answer due on 1/16/2004; Timothy Rigas answer due on 1/16/2004; Peter L. Venetis answer due on 1/16/2004. (db,) (Entered: 01/08/2004)
02/04/2004	8	NOTICE of Change of Firm Name. That effective 2/1/2004, Wilmer, Cutler & Pickering changed its name to Wilmer Cutler Pickering LLP. Document filed by Credit Suisse First Boston Corporation, Royal Bank of Scotland.(kkc,) (Entered: 02/23/2004)
02/26/2004	9	ENDORSED LETTER addressed to Judge McKenna from Pennt Conly Ellison dated 2/25/2004 re: extension of briefing schedule as follows: 3/8/04 defendant's response to amended and consolidated complaint; 4/26/2004; opposition papers due; 5/24/2004 reply papers due. The Court approves the schedule. (Signed by Judge Lawrence M. McKenna on 2/26/2004) (jsa,) (Entered: 02/27/2004)
02/26/2004		Set/Reset Deadlines: Replies due by 5/24/2004. Responses due by 4/26/2004 (jsa,) (Entered: 02/27/2004)
02/26/2004		Set Answer Due Date purs. to [9] Endorsed Letter, as to Adelphia Communications Corporation answer due on 3/8/2004; James R. Brown answer due on 3/8/2004; Deloitte & Touche, L.L.P. answer due on 3/8/2004; James P. Rigas answer due on 3/8/2004; John J. Rigas answer due on 3/8/2004; Michael J. Rigas answer due on 3/8/2004; Timothy Rigas answer due on 3/8/2004; Peter L. Venetis answer due on 3/8/2004. (jsa,) (Entered: 02/27/2004)
03/08/2004	10	MOTION to Dismiss th Consolidated Class Action Complaint, Designated Individual Complaint and "Unique Counts". Document filed by Peter L. Venetis. (cd,) (Entered: 03/12/2004)
03/08/2004	11	DECLARATION of Jeffrey Golenbock in Support re: [10] MOTION to Dismiss.. Document filed by Peter L. Venetis. (cd,) (Entered: 03/12/2004)
03/08/2004	12	MEMORANDUM OF LAW in Support re: [10] MOTION to Dismiss.. Document filed by Peter L. Venetis. (cd,) (Entered: 03/12/2004)
03/08/2004	13	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Credit Suisse First Boston Corporation, Credit Suisse First Boston New York Branch.(kkc,) (Entered: 03/15/2004)
04/26/2004	14	MEMORANDUM OF LAW in Opposition re: [10] MOTION to Dismiss. Document filed by Rance Baxter, Richard Bokman, John Dewaileebe, Alan Garner,

		Jeffrey Hyslip, John Hyslip, Joseph Hyslip, PAX World High Yield Fund, Norman Preston, Jerrold Ruskin, Joseph E. Stocke, Larry Walsh. (pl,) (Entered: 04/27/2004)
05/12/2004		SUPPLEMENTAL RULE 7.1 CORPORATE DISCLOSURE STATEMENT of defendant Fleet Securities, Inc. (jco,) Original filed in case 03MD1529, doc #191. (Entered: 05/19/2004)
05/12/2004		SUPPLEMENTAL RULE 7.1 CORPORATE DISCLOSURE STATEMENT of defendant Citigroup Global Markets Holdings, Inc. (jco,) Original filed in case 03MD1529, doc #192. (Entered: 05/19/2004)
05/24/2004		Reply in Support re: [10] MOTION to Dismiss. Original document filed in case #MDL 1529, document #108. Document filed by James P. Rigas, John J. Rigas, Michael J. Rigas, Timothy Rigas. (dle,) (Entered: 06/01/2004)
07/13/2004		DECLARATION of Judith L. Spanier in Opposition re: [137] MOTION to Dismiss.Document filed by Argent Classic Convertible Arbitrage Fund (Bermuda) L.P., ArgentClassic Convertible Arbitrage Fund L.P., Argent Lowlev Convertible Arbitrage Fund Ltd., Eminence Capital, L.L.C., UBS O'Connor LLC. Exhibits 1-38 attached. Plaintiffs' State Law & Trust Indenture Act Binder attached. Plaintiffs' Federal Binder Volumes I & II attached. Original filed in case 03-md-1529, doc #201. (jco,) (Entered: 07/19/2004)
07/15/2004		STIPULATION AND ORDER for Substitution of Counsel that Frankfurt Kurnit Klein & Selz, P.C., 488 Madison Ave., NY NY 10022, shall be substituted as counsel of record for Dennis P. Coyle, Leslie J. Gelber & Erland E. Kailbourne, in place of Morgan Lewis & Bockius LLP, 101 Park Ave., NY NY 10178, as of the date hereof. All papers should be served upon Frankfurt Kurnit Klein & Selz, P.C. henceforth.Original filed in case 03MD1529, doc #202. (Signed by Judge Lawrence M. McKenna on 7/15/04) (jco,) (Entered: 07/23/2004)
07/19/2004	15	ENDORSED LETTER addressed to Judge McKenna from Penny Conly Ellison dated 07/16/04 re: the Rigases' respectfully request that the following briefing schedule be set: August 16, 2004 - Rigases' opening brief; September 16, 2004 - Pagnotti plaintiffs' response brief; September 24, 2004 - Rigases' reply brief; Approved, provided that the plaintiffs may request one adjournment of the scheduule if the above is not reasonably convenient. (Signed by Judge Lawrence M. McKenna on 7/19/04) (djc,) (Entered: 07/23/2004)
07/19/2004		Set Deadlines/Hearings: Brief due by 8/16/2004. Reply to Response to Brief due by 9/24/2004. Responses to Brief due by 9/16/2004 (djc,) (Entered: 07/23/2004)
08/03/2004		RULE 7.1 DISCLOSURE STATEMENT. Document filed by Deft. Calyon New York Branch (successor by operation of law to Credit Lyonnais New York Branch). Original filed in case 03MD1529, doc # 203.(jco,) (Entered: 08/06/2004)
08/03/2004		RULE 7.1 DISCLOSURE STATEMENT. Document filed by Deft. Calyon Securities (USA) Inc. (f/k/a Credit Lyonnais Securities, (USA) Inc.). Original filed in case 03MD1529, doc #204.(jco,) Modified on 8/9/2004 (jco,). (Entered: 08/06/2004)
09/07/2004	16	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from Neal D.

		Colton dated 8/27/04 re: counsel for Pagnotti plaintiffs request a stay of the briefing schedule issued by this court with respect to an appeal filed by the Rigases. The schedule for briefing the Rigas appeal from the Middle District of Pennsylvania Bankruptcy Court's decision on remand is amended as follows: assuming the matter remains a part of MD1529, the Pagnotti brief is due 10 days after a decision by the second Circuit, and the Rigas reply eight days after service of the Rigas brief. Should this matter not remain a part of MD 1529, recourse must be had, presumably, to the U.S. District Court for the Middle District of Pennsylvania. (Signed by Judge Lawrence M. McKenna on 9/7/04) (dle,) (Entered: 09/09/2004)
10/13/2004		REPLY MEMORANDUM OF LAW in Further Support re: [71] MOTION to Dismiss the Consolidated Class Action Complaint. This document relates to 03cv5755, 03cv5766, 03cv5769, 03cv5772, 03cv5775, 03cv5785, 03cv5787, 03cv5790, 03cv5760, 03cv5767, 03cv5770, 03cv5773, 03cv5777, 03cv5779, 02cv9804, 03cv5789, 03cv5752, 03cv7300, 03cv5750, 03cv5751, 03cv5754, 03cv5793. Copies sent to Civil Docketing Unit for Notation under each Civil Docket Number. Document filed by Peter L. Venetis. (rjm,) (Entered: 10/15/2004) (entered in 03-md-1529 as document #210) (Entered: 10/25/2004)
11/23/2004	17	ENDORSED LETTER addressed to Judge Lawrence M. McKenna from John J. Higson dated 11/19/04 re: granting John and Timothy Rigas extension until 12/15/04 to respond to the motion for partial summary judgment. (Signed by Judge Lawrence M. McKenna on 11/22/04) (sac,) (Entered: 11/24/2004)
12/10/2004		ENDORSED LETTER addressed to Judge Lawrence M. McKenna from John J. Higson dated 12/6/04 re: Granted request that the Court extend the time for John & Timothy Rigas to respond to ptffs' motion for summary judgment until 30 days after a judgment of conviction is actually entered. Original filed in case 03md1529 Doc#1529. (Signed by Judge Lawrence M. McKenna on 12/10/04) (jco,) (Entered: 12/20/2004)
02/08/2005	18	ENDORSED LETTER addressed to Judge McKenna from John Higson dated 2/4/2005 re: granting counsels request to have until 2/24/2005 to file their reply to plttfs response to the Rigas bried in support of their appeal. (Signed by Judge Lawrence M. McKenna on 2/7/2005) (jp,) (Entered: 02/10/2005)
07/11/2005	19	ENDORSED LETTER addressed to Judge McKenna from Dawn Zubrick dated 7/8/05: the Rigases shall respond to the Motion on or within 45 days of the entries of judgment as against John and Tim Rigas. As judgments against the Rigases were entered on 6/27/05, the Rigases' response to the Motion shall be due on 8/11/05. In addition, plntfs' Reply Brief, in response to the Rigases' response to the Motion, shall be due on 9/1/05. (Signed by Judge Lawrence M. McKenna on 7/11/05) (cd,) (Entered: 07/12/2005)
07/11/2005		NOTICE of Appearance by J. Alexander Hershey, Robert J. Ridge, William M. Wycoff on behalf of Buchanan Ingersoll Professional Corporation. Original Document filed in 03MD1529, Doc#289. (sac,) (Entered: 07/13/2005)
11/04/2005	20	MEMORANDUM AND ORDER granting in part and denying in part [108] (in Case No. 03md1529) Motion to Dismiss. Plaintiffs are granted limited leave to amend their Complaint. (Signed by Judge Lawrence M. McKenna on 11/4/05) Filed In Associated Cases: 1:03-md-01529-LMM,1:03-cv-05755-LMM Copies

		Mailed by Chambers.(rjm,) (Entered: 11/08/2005)
12/19/2005	22	(DUPLICATE ORIGINAL)... CONSOLIDATED SECOND AMENDED CLASS ACTION COMPLAINT amending [7] Amended Complaint, against James P. Rigas, Michael J. Rigas, Timothy Rigas, John J. Rigas.Document filed by Larry Walsh, Norman Preston, Joseph Hyslip, John Hyslip, Jeffrey Hyslip, John Dewaileebe, Richard Bokman, Rance Baxter. Related document: [7] Amended Complaint, filed by Norman Preston,, Rance Baxter,, Richard Bokman,, John Dewaileebe,, Jeffrey Hyslip,, John Hyslip,, Joseph Hyslip,, Larry Walsh.(sac,) (Entered: 01/18/2006)
01/11/2006	21	ENDORSED LETTER addressed to Lawrence M. McKenna from John J. Higson dated 1/9/2006 re: to Action Complaint in the above,atter. After conferring with counsel for plaintiffs, the parties have agreed that the Rigases shall have until January 31,2006 to answer or other wise respond to plaintiffs' Second Amended Complaint. We respectfully request that the Court endorse the above schedule.ENDORSEMENT: Granted. So Ordered. (Signed by Judge Lawrence M. McKenna on 1/10/2006) (jmi,) (Entered: 01/11/2006)

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