

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:02-cv-00865-RMB-FM

In re Elan Corpor, et al v. , et al

Date Filed: Feb. 04, 2002
Status: Closed
Nature of suit: 850 Securities/Commodities
Demand: \$0
Assigned to: [Judge Richard M. Berman](#)
Cause: 15:78m(a) Securities Exchange Act
Date terminated: Apr. 26, 2005
Jurisdiction: Federal Question
Jury demand: Plaintiff
Member cases: [1:02-cv-00871-RMB](#) *Israel, et al v. Elan Corporation, et al*
[1:02-cv-00892-RMB](#) *Ezra Birnbaum v. Elan Corporation, et al*
[1:02-cv-00907-RMB](#) *Cohen v. Elan Corporation, et al*
[1:02-cv-00928-RMB](#) *Mirken v. Elan Corporation, et al*
[1:02-cv-00930-RMB](#) *Housman v. Elan Corp., plc, et al*
[1:02-cv-00943-RMB](#) *Kahn v. Elan Corporation, et al*
[1:02-cv-00949-RMB](#) *Wilén v. Elan Corporation, et al*
[1:02-cv-00970-RMB](#) *Moy v. Elan Corporation, et al*
[1:02-cv-00986-RMB](#) *Sprengel v. Elan Corporation, et al*
[1:02-cv-01005-RMB](#) *Gersten v. Elan Corporation, et al*
[1:02-cv-01021-RMB](#) *Siegel v. Elan Corporation PLC, et al*
[1:02-cv-01042-RMB](#) *Lerner v. Elan Corporation, et al*
[1:02-cv-01096-RMB](#) *Tehrani v. Elan Corporation PLC, et al*
[1:02-cv-01107-RMB](#) *Lakhani v. Elan Corporation, et al*
[1:02-cv-01144-RMB](#) *Eisdorfer v. Elan Corporation, et al*
[1:02-cv-01152-RMB](#) *Nowak, et al v. Elan Corporation, et al*
[1:02-cv-01306-RMB](#) *Abe Siegel Trustee v. Elan Corp., et al*
[1:02-cv-01358-RMB](#) *Chernehoff v. Elan Corporation, et al*
[1:02-cv-01611-RMB](#) *Krim v. Elan Corporation, et al*
[1:02-cv-01616-RMB](#) *Krause, et al v. Elan Corporation, et al*
[1:02-cv-01655-RMB](#) *Gallai v. Elan Corporation, et al*
[1:02-cv-04231-RMB](#) *Pope, et al v. Elan Corporation, et al*
[1:02-cv-04310-RMB](#) *Curtis v. Elan Corporation, et al*
[1:02-cv-04312-RMB](#) *Dodd, et al v. Elan Corporation, et al*
[1:02-cv-04313-RMB](#) *Fruchter v. Elan Corporation, et al*
[1:02-cv-04314-RMB](#) *Sheniak v. Elan Corporation, et al*
[1:02-cv-04948-RMB](#) *Harris v. Elan Corporation, et al*
[1:02-cv-01858-RMB](#) *Baker v. Elan Corporation, et al*
[1:02-cv-01890-RMB](#) *Wheelock v. Elan Corporation, et al*
[1:02-cv-01903-RMB](#) *Pomerantz v. Elan Corporation, et al*
[1:02-cv-01911-RMB](#) *Vajdos v. Elan Corporation, et al*
[1:02-cv-03746-RMB](#) *Klein v. Elan Corp., plc, et al*

Referred to: Magistrate Judge Frank Maas

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on behalf of himself and all others similarly situated

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Movant

Gregory Van Kipnis

Movant

The Schutt

Movant

The Schutt

Movant

S & T Investment Company

Movant

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Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
1	Feb. 04, 2002	1	CLASS ACTION COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 429107. (jol) (Entered: 02/05/2002)
2	Feb. 04, 2002		Magistrate Judge Frank Maas is so designated. (jol) (Entered: 02/05/2002)
3	Apr. 05, 2002	2	NOTICE OF MOTION by S & T Investment Company, First Winchester Investments Limited, Bank Gutmann and the City Monroe Employees' Retirement System for an Order appointing S & T Group as lead plaintiff, pursuant to 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995 and, approving S & T Group's selection of Milberg Weiss Bershad Hynes & Lerach LLP to serve as lead counsel . Return date not indicated. Proposed Order attached. Received in night deposit box on 4/5/02 at 6:03 p.m. (yv) Modified on 04/09/2002 (Entered: 04/09/2002)
4	Apr. 05, 2002	3	NOTICE OF MOTION by Elan Corporation investor Fox Asset Management pursuant to Section 21D of the Securities Exchange Act of 1934, to consolidate cases for all purposes of the securities of Elan Corp. between 4/23/01 and 2/4/02 , to approve the counsel selected and retained by Fox Asset Management as lead counsel and liaison counsel , to appoint Fox Asset Management as lead plaintiff in the related actions . Return date 4/25/02 at 9:30. (bai) (Entered: 04/09/2002)
5	Apr. 05, 2002	4	DECLARATION of Andrei Rado by S & T Investment Company, First Winchester Investments Limited, Bank Gutmann and the City of Monroe Employees' Retirement System in support Re: [2-1] motion for an Order appointing S & T Group as lead plaintiff, pursuant to 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, [2-2] motion approving S & T Group's selection of Milberg Weiss Bershad Hynes & Lerach LLP to serve as lead counsel . Received in night deposit box on 4/5/02 at 6:04 p.m. (yv) (Entered: 04/09/2002)
6	Apr. 05, 2002	5	MEMORANDUM OF LAW by S & T Investment Company, First

Req #	Filed	#	Docket Text
			Winchester Investments Limited, Bank Gutmann and the City of Monroe Employees' Retirement System in support of [2-1] motion for an Order appointing S & T Group as lead plaintiff, pursuant to 21D(a)(3)(B) of the Securities Exchange Act of 1934, as amended by the Private Securities Litigation Reform Act of 1995, [2-2] motion approving S & T Group's selection of Milberg Weiss Bershad Hynes & Lerach LLP to serve as lead counsel . Received in night deposit box on 4/5/02 at 6:04 p.m. (yv) (Entered: 04/09/2002)
7	Apr. 05, 2002	6	MEMORANDUM OF LAW by Elan Corporation in support of [3-1] motion pursuant to Section 21D of the Securities Exchange Act of 1934, to consolidate cases for all purposes of the securities of Elan Corp. between 4/23/01 and 2/4/02, [3-2] motion to approve the counsel selected and retained by Fox Asset Management as lead counsel and liaison counsel, [3-3] motion to appoint Fox Asset Management as lead plaintiff in the related actions . (bai) (Entered: 04/09/2002)
8	Apr. 05, 2002	7	AFFIDAVIT of Stuart L. Berman by Elan Corporation in support of [3-1] motion pursuant to Section 21D of the Securities Exchange Act of 1934, to consolidate cases for all purposes of the securities of Elan Corp. between 4/23/01 and 2/4/02, [3-2] motion to approve the counsel selected and retained by Fox Asset Management as lead counsel and liaison counsel, [3-3] motion to appoint Fox Asset Management as lead plaintiff in the related actions . (bai) (Entered: 04/09/2002)
9	Apr. 05, 2002	8	NOTICE OF MOTION by Gregory Van Kipnis for an order to consolidate cases for all purposes related actions filed against Elan Corp., and certain of its officers and directors for violations of the Securities Exchange Act of 1934 pursuant to Rule 42 of the FRCP , to approve Gregory Van Kipnis, as General Partner of Tieddmann/Invictus, as lead plaintiff on behalf of purchasers of Elan's American Depository Shares pursuant to 21D(a)(3)(B) of the Exchange Act , to approve lead plaintiff's choice of lead counsel . Return date not indicated. (bai) Modified on 04/09/2002 (Entered: 04/09/2002)
10	Apr. 05, 2002	9	MEMORANDUM OF LAW in support of [8-1] motion for an order to consolidate cases for all purposes related actions filed against Elan Corp., and certain of its officers and directors for violations of the Securities Exchange Act of 1934 pursuant to Rule 42 of the FRCP, [8-2] motion to approve Gregory Van Kipnis, as General Partner of Tieddmann/Invictus, as lead plaintiff on behalf of purchasers of Elan's American Depository Shares pursuant to 21D(a)(3)(B) of the Exchange Act, [8-3] motion to approve lead plaintiff's choice of lead counsel . (bai) (Entered: 04/09/2002)
11	Apr. 05, 2002	10	NOTICE OF MOTION by William Browning, Christopher Tighe for an order pursuant to Rule 42(a) of the FRCP to consolidate cases 02cv865, 02cv871, 02cv892, 02cv907, 02cv928, 02cv930, 02cv943, 02cv949, 02cv970, 02cv986, 02cv1005, 02cv1021, 02cv1042, 02cv1107, 02cv1144, 02cv1152, 02cv1306, 02cv1358, 02cv1611, 02cv1616, 02cv1655, 02cv1858, 02cv1890, 02cv1903 and 02cv1911 , for movant's appointment as lead plaintiff's , and for approval of lead plaintiff's selection of lead counsel . Proposed orders attached. No Return date indicated. (db) (Entered: 04/10/2002)

Req #	Filed	#	Docket Text
12	Apr. 05, 2002	11	MEMORANDUM OF LAW by William Browning, Christopher Tighe in support of [10-1] motion for an order pursuant to Rule 42(a) of the FRCP to consolidate cases 02cv865, 02cv871, 02cv892, 02cv907, 02cv928, 02cv930, 02cv943, 02cv949, 02cv970, 02cv986, 02cv1005, 02cv1021, 02cv1042, 02cv1107, 02cv1144, 02cv1152, 02cv1306, 02cv1358, 02cv1611, 02cv1616, 02cv1655, 02cv1858, 02cv1890, 02cv1903 and 02cv1911, [10-2] motion for movant's appointment as lead plaintiff's, [10-3] motion for approval of lead plaintiff's selection of lead counsel . (db) (Entered: 04/10/2002)
13	Apr. 05, 2002	12	DECLARATION of Douglas Risen by William Browning, Christopher Tighe in support Re: [10-1] motion for an order pursuant to Rule 42(a) of the FRCP to consolidate cases 02cv865, 02cv871, 02cv892, 02cv907, 02cv928, 02cv930, 02cv943, 02cv949, 02cv970, 02cv986, 02cv1005, 02cv1021, 02cv1042, 02cv1107, 02cv1144, 02cv1152, 02cv1306, 02cv1358, 02cv1611, 02cv1616, 02cv1655, 02cv1858, 02cv1890, 02cv1903 and 02cv1911, [10-2] motion for movant's appointment as lead plaintiff's, [10-3] motion for approval of lead plaintiff's selection of lead counsel . (db) (Entered: 04/10/2002)
14	Apr. 05, 2002	13	DECLARATION of Hae Sung Nam in support Re: [8-1] motion for an order to consolidate cases for all purposes related actions filed against Elan Corp., and certain of its officers and directors for violations of the Securities Exchange Act of 1934 pursuant to Rule 42 of the FRCP, [8-2] motion to approve Gregory Van Kipnis, as General Partner of Tieddmann/Invictus, as lead plaintiff on behalf of purchasers of Elan's American Depository Shares pursuant to 21D(a)(3)(B) of the Exchange Act, [8-3] motion to approve lead plaintiff's choice of lead counsel . (bai) (Entered: 04/10/2002)
15	Apr. 05, 2002	14	NOTICE OF MOTION by The Schutt for an order to consolidate cases , appointing the Schutt lead platintffs to serve as lead plaintiffs in the action pursuant to section 21D(a)(3)(B) of the Securities Exchange Act of 1934 , to approve the Schutt lead plaintiffs' choice of lead counsel . Return date not indicated. (bai) (Entered: 04/10/2002)
16	Apr. 05, 2002	16	MEMORANDUM OF LAW by The Schutt in support of [3-1] motion pursuant to Section 21D of the Securities Exchange Act of 1934, to consolidate cases for all purposes of the securities of Elan Corp. between 4/23/01 and 2/4/02, [3-2] motion to approve the counsel selected and retained by Fox Asset Management as lead counsel and liaison counsel, [3-3] motion to appoint Fox Asset Management as lead plaintiff in the related actions . (bai) (Entered: 04/11/2002)
17	Apr. 05, 2002	17	DECLARATION of Aaron Brody by The Schutt in support Re: [14-1] motion for an order to consolidate cases, [14-2] motion appointing the Schutt lead platintffs to serve as lead plaintiffs in the action pursuant to section 21D(a)(3)(B) of the Securities Exchange Act of 1934, [14-3] motion to approve the Schutt lead plaintiffs' choice of lead counsel . (bai) (Entered: 04/11/2002)
18	Apr. 05, 2002	18	NOTICE OF MOTION by Barry Pinkowitz; for an Order pursuant to F.R.C.P. 42(a) consolidate cases 02cv865, 02cv1611, 02cv907, 02cv1858, 02cv1616, 02cv1152, 02cv1306, 02cv1358, 02cv1107, 02cv1903, 02cv1911, 02cv892, 02cv930, 02cv871, 02cv970, 02cv986, 02cv1890,

Req #	Filed	#	Docket Text
			02cv1005, 02cv1042, 02cv1021, 02cv1096, 02cv928, 02cv943, 02cv1144, 02cv1655 filed in the Southern District of New York for all purposes ; appointing Dr. Morman Lefkovitz as Lead Plaintiff for the Class of all purchasers of the American Depository Receipts of Elan Corporation during the period of 4/23/01 through 2/4/02, both dates inclusive ; approving the selection of Pomerantz Haudek Block Grossman & Gross LLP as Lead Counsel for the Class . Return date 4/5/02 at 10:00. Proposed Order attached. (jco) Modified on 04/15/2002 (Entered: 04/12/2002)
19	Apr. 05, 2002	19	MEMORANDUM OF LAW by Barry Pinkowitz in support of [18-1] motion for an Order pursuant to F.R.C.P. 42(a) consolidate cases 02cv865, 02cv1611, 02cv907, 02cv1858, 02cv1616, 02cv1152, 02cv1306, 02cv1358, 02cv1107, 02cv1903, 02cv1911, 02cv892, 02cv930, 02cv871, 02cv970, 02cv986, 02cv1890, 02cv1005, 02cv1042, 02cv1021, 02cv1096, 02cv928, 02cv943, 02cv1144, 02cv1655 filed in the Southern District of New York for all purposes, [18-2] motion appointing Dr. Morman Lefkovitz as Lead Plaintiff for the Class of all purchasers of the American Depository Receipts of Elan Corporation during the period of 4/23/01 through 2/4/02, both dates inclusive, [18-3] motion approving the selection of Pomerantz Haudek Block Grossman & Gross LLP as Lead Counsel for the Class. (jco) Modified on 04/15/2002 (Entered: 04/15/2002)
20	Apr. 05, 2002	20	NOTICE OF MOTION; for an order pursuant to sec. 21D(a)(3)(B) of the Securities Exchange Act of 1934 appointing the Liposome/Dura Plaintiffs Group as lead plaintiff on behalf of the Securities Act Claimants ; and; approving the Liposome/Dura Plaintiffs Group's choice of Glancy & Binkow LLP and the Catanzarite Law Corporation as lead counsel on behalf of the Securities Act Claimants ; w/ attch. aff. of Pamela E. Kulsrud; Return date: not indicated. (pl) Modified on 04/15/2002 (Entered: 04/15/2002)
21	Apr. 05, 2002	22	AFFIDAVIT of Murielle J. Steven by Barry Pinkowitz in support of [18-1] motion for an Order pursuant to F.R.C.P. 42(a) consolidate cases 02cv865, 02cv1611, 02cv907, 02cv1858, 02cv1616, 02cv1152, 02cv1306, 02cv1358, 02cv1107, 02cv1903, 02cv1911, 02cv892, 02cv930, 02cv871, 02cv970, 02cv986, 02cv1890, 02cv1005, 02cv1042, 02cv1021, 02cv1096, 02cv928, 02cv943, 02cv1144, 02cv1655 filed in the Southern District of New York for all purposes, [18-2] motion appointing Dr. Morman Lefkovitz as Lead Plaintiff for the Class of all purchasers of the American Depository Receipts of Elan Corporation during the period of 4/23/01 through 2/4/02, both dates inclusive, [18-3] motion approving the selection of Pomerantz Haudek Block Grossman & Gross LLP as Lead Counsel for the Class. (jco) (Entered: 04/16/2002)
22	Apr. 08, 2002	21	MEMORANDUM OF LAW in support of [20-1] motion for an order pursuant to sec. 21D(a)(3)(B) of the Securities Exchange Act of 1934 appointing the Liposome/Dura Plaintiffs Group as lead plaintiff on behalf of the Securities Act Claimants, [20-2] motion approving the Liposome/Dura Plaintiffs Group's choice of Glancy & Binkow LLP and the Catanzarite Law Corporation as lead counsel on behalf of the Securities Act Claimants . (pl) (Entered: 04/15/2002)

Req #	Filed	#	Docket Text
23	Apr. 16, 2002	23	CORRECTED AFFIDAVIT of Ira M. Press in support of [20-1] motion for an order pursuant to sec. 21D(a)(3)(B) of the Securities Exchange Act of 1934 appointing the Liposome/Dura Plaintiffs Group as lead plaintiff on behalf of the Securities Act Claimants . (bai) (Entered: 04/22/2002)
24	May 03, 2002	24	Statement by Elan Corporation regarding Stipulation and (Proposed) Order appointing Lead Plaintiff and approving Lead Plaintiffs selection of Co-Lead Counsel for the Class. (kkc) (Entered: 05/06/2002)
25	May 30, 2002	25	NOTICE OF MOTION by Christopher Tighe, Gregory Van Kipnis, S & T Investment Co., City of Monroe, Norman Lefkowitz for an order appointing movants as lead plaintiffs , approving movants selection of Milberg Weiss Bershad Hynes & Lerach LLP, Kaplan Fox, and Pomerantz, Haudek Block Grossman & Gross LLP as co-lead counsel for the class , or, in the alternative appointing Gregory Van Kipnis as sole lead plaintiff , approving Kaplan Fox as lead counsel . No Return Date indicated. Received in night deposit box on 5/30/02 at 5:31 p.m. (db) Modified on 06/07/2002 (Entered: 06/07/2002)
26	May 30, 2002	26	MEMORANDUM OF LAW by Christopher Tighe, Gregory Van Kipnis, S & T Investment Co., City of Monroe, Norman Lefkowitz in support of [25-1] motion for an order appointing movants as lead plaintiffs, [25-2] motion approving movants selection of Milberg Weiss Bershad Hynes & Lerach LLP, Kaplan Fox, and Pomerantz, Haudek Block Grossman & Gross LLP as co-lead counsel for the class, [25-3] motion appointing Gregory Van Kipnis as sole lead plaintiff, [25-4] motion approving Kaplan Fox as lead counsel. Received in night deposit box on 5/30/02 at 5:31 p.m. (db) Modified on 06/07/2002 (Entered: 06/07/2002)
27	May 30, 2002	27	SUPPLEMENTAL MEMORANDUM OF LAW by non-party member Grace Pope in support of Pope's motion. Received in night deposit box on 5/30/02 at 6:34 p.m. (db) Modified on 06/10/2002 (Entered: 06/10/2002)
28	Jun. 03, 2002	28	DECLARATION of Hae Sung Nam in support Re: [8-1] motion for an order to consolidate cases for all purposes related actions filed against Elan Corp., and certain of its officers and directors for violations of the Securities Exchange Act of 1934 pursuant to Rule 42 of the FRCP, [8-2] motion to approve Gregory Van Kipnis, as General Partner of Tieddmann/Invictus, as lead plaintiff on behalf of purchasers of Elan's American Depository Shares pursuant to 21D(a)(3)(B) of the Exchange Act, [8-3] motion to approve lead plaintiff's choice of lead counsel. (sac) (Entered: 06/11/2002)
29	Jun. 04, 2002	31	NOTICE OF MOTION by Fox Asset Management to withdraw [3-1] motion pursuant to Section 21D of the Securities Exchange Act of 1934, to consolidate cases for all purposes of the securities of Elan Corp. between 4/23/01 and 2/4/02, [3-2] motion to approve the counsel selected and retained by Fox Asset Management as lead counsel and liaison counsel, [3-3] motion to appoint Fox Asset Management as lead plaintiff in the related actions . Declaration of service attached. No Return Date indicated. (db) (Entered: 06/13/2002)
30	Jun. 06, 2002	29	REPLY by S & T Investment Co., Norman Lefkowitz to response to [25-1] motion for an order appointing movants as lead plaintiffs (cd) (Entered: 06/12/2002)

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31	Jun. 06, 2002	30	DECLARATION of Sherrie Savett, Lionel Glancy, by S & T Investment Co., Norman Lefkowitz in support Re: [25-1] motion for an order appointing movants as lead plaintiffs . (cd) (Entered: 06/12/2002)
32	Jun. 11, 2002	32	Statement regarding lead plaintiff motions by Elan Corporation. Received in night deposit box on 6/11/02 at 5:04 p.m. (yv) (Entered: 06/17/2002)
33	Jul. 25, 2002	36	Letter filed by Barry Pinkowitz addressed to Mr. Parkison from Samuel H. Rudman, dated 7/23/02, re: transfer of this action along with the 32 related actions attached to this letter. (db) (Entered: 08/12/2002)
34	Jul. 26, 2002	33	Order admitting attorneys Martin M. Green and Jonathan F. Andress pro hac vice on plaintiff's behalf is granted. (signed by Judge Whitman Knapp); Copies mailed; (docmt forwarded to atty admission clerk) (dj) Modified on 08/02/2002 (Entered: 07/29/2002)
35	Aug. 01, 2002	34	ORDER, for Travis E. Downs, III to appear pro hac vice for plntf s Jonathan Siegel and Abe Siegel and for proposed lead plntf Dr. Norman Lefkovitz (signed by Judge Whitman Knapp); Copies mailed; forwarded orig. doc to the Atty Admissions Clerk (cd) (Entered: 08/05/2002)
36	Aug. 07, 2002	35	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial/Including Initial Case Management Conference; dispositive motion (i.e. motion requiring a report and recommendation). (Referred to Magistrate Judge Frank Maas . (signed by Whitman Knapp) (rag) Modified on 12/02/2002 (Entered: 08/08/2002)
37	Aug. 07, 2002	37	MEMORANDUM & ORDER, consolidating cases 02cv865, 02cv871, 02cv892, 02cv907, 02cv928, 02cv930, 02cv943, 02cv949, 02cv970, 02cv986, 02cv1005, 02cv1021, 02cv1042, 02cv1096, 02cv1107, 02cv1144, 02cv1152, 02cv1306, 02cv1358, 02cv3746, 02cv1611, 02cv1616, 02cv1655, 02cv1858, 02cv1890, 02cv1903, 02cv1911, 02cv4231, 02cv4310, 02cv4312, 02cv4313, 02cv4314, 02cv4948 ; the caption of these consolidated actions shall be "In re Elan Corporation Securities Litigation" and the files of these consolidated actions shall be maintained in one file under Master File 02 cv 865 ; the Clerk of the Court is directed to serve a copy of this Order on all parties of record in the consolidated actions (signed by Judge Whitman Knapp); Copies mailed. (cd) (Entered: 08/12/2002)
38	Aug. 07, 2002		Consolidated Lead Case. (cd) (Entered: 08/12/2002)
39	Sep. 05, 2002	38	SUBSTITUTION OF COUNSEL, substituting the law firm of Entwistle & Cappucci LLP for the Law Firm Slotnick, Shapiro & Crocker, LLP; Added Stephen D. Oestreich of the Law Firm Entwistle & Cappucci LLP . (signed by Judge Whitman Knapp) Copies mailed. (db) Modified on 09/09/2002 (Entered: 09/06/2002)
40	Sep. 06, 2002		Oral argument held before Magistrate Judge Frank Maas. (moc) (Entered: 09/18/2002)
41	Sep. 12, 2002	39	Memorandum to Docket Clerk: Oral Argument was held before Magistrate Juge Maas on 9/6/02. (moc) (Entered: 09/18/2002)
42	Nov. 20, 2002	40	Transcript of record of proceedings before Judge Whitman Knapp for the date(s) of 9/6/02. (pr) (Entered: 11/20/2002)
43	Dec. 03, 2002	41	MEMORANDUM DECISION, That for the reasons set forth, the Court Grants the motion of the S&T/Lefkovitz Group for appointment as Lead Plaintiff, denies the motion of the Pope plaintiffs Group for appointment as co-Lead Plaintiff, and denies the remaining motions for appointment as

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			Lead Plaintiff as moot ; Directs that the law firms of Milberg, Weiss, Bershad, Hynes & Learach, LLP, and Pomerantz, Haudek, Block, Grossman & Gross, LLP, shall jointly serve as Lead Counsel ; A pretrial conference will be held at 9:30 a.m. on 12/11/02, in Courtroom 11C at 500 Pearl Street. Prior to the conference, Lead Counsel should submit a proposed order regarding the composition and role of the plaintiffs' Exwecutive Committee . (signed by Magistrate Judge Frank Maas); Copy sent by Chambers. (tp) (Entered: 12/06/2002)
44	Dec. 11, 2002	42	SCHEDULING ORDER No. 1: Plaintiffs shall file a consolidated complaint on or before 45 days of entry of this order. Defendants shall respond to the consolidated complaint on or before 60 days of the filing of the consolidated complaint. If defendants move to dismiss all or a portion of the consolidated complaint, plaintiffs shall serve opposition papers on or before 60 days thereafter. Defendants shall serve any reply papers in further support of their motion to dismiss on or before 30 days thereafter. This case is designated as an electronic filing case and shall be governed by the rules of this Court for such cases once electronic filing takes effect, Until then, filings must be made in the conventional manner. (signed by Magistrate Judge Frank Maas) (sb) (Entered: 12/16/2002)
45	Dec. 11, 2002		Status Conference held before Magistrate Judge Frank Maas. (kw) (Entered: 12/17/2002)
46	Dec. 11, 2002	43	PRETRIAL ORDER REGARDING PLAINTIFFS' EXECUTIVE COMMITTEE; the following plaintiffs are appointed members of plaintiffs' executive committee: Gregory Van Kipnes, Michael Pennock, Randy Spokane, Charles Tighe; the following law firms are appointed counsel to plaintiffs' executive committee: Kaplan Fox & Kilsheimer, Glancy & Binkow< Berger & Montague; Lead plaintiffs and lead counsel, in consultation with the members of the Executive Committee and its counsel, shall have responsibilities and duties in connection with the prosecution of the consolidated actions as further set forth in this pretrial order. (signed by Magistrate Judge Frank Maas) (dle) (Entered: 12/18/2002)
47	Jan. 06, 2003	44	CONSENT TO SUBSTITUTION OF ATTORNEY AND ORDER, that pursuant to Rule 1.4 of the Local Rules for the USDC-SDNY, the Law Offices of Laura M. Perrone, PLLC be substituted as counsel of record for plaintiff Jerry Krim in this action in the place and stead of the Law Firm of Harvey Greenfield as of the date hereof . (signed by Judge Whitman Knapp). (tp) (Entered: 01/08/2003)
48	Jan. 24, 2003	45	CONSOLIDATED COMPLAINT filed (Relates to All Actions). Summons issued. (tp) (Entered: 01/30/2003)
49	Jan. 28, 2003	46	AFFIDAVIT OF SERVICE of S/C as to KPMG LLP by personal svc on 1/24/03. Answer due on 2/13/03 for KPMG LLP . (cd) (Entered: 02/03/2003)
50	Feb. 03, 2003	47	STIPULATED TOLLING AGREEMENT, that plaintiffs' claims against Messrs. Clark and Groom are dismissed without prejudice ; This stipulation shall act to toll completely as to Maessrs. Clark, Groom, Armen, Boushel, McLaughlin, and McGowan as further set forth herein . (signed by Magistrate Judge Frank Maas) (tp) (Entered: 02/05/2003)
51	Feb. 26, 2003	48	NOTICE OF MOTION by KPMG LLP for Cheryl D. Justice to appear

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			pro hac vice . Return Date not indicated; Attached is Affidavit in support of Mitchell A. Karlan (djc) (Entered: 02/27/2003)
52	Mar. 04, 2003	49	AFFIDAVIT OF SERVICE of summons and complaint as to KPMG LLP by Mr. Richard George, Partner on 2/13/03. Answer due on 3/5/03 for KPMG LLP. (jco) (Entered: 03/05/2003)
53	Mar. 06, 2003	50	ORDER: granting [48-1] motion for Cheryl D. Justice to appear pro hac vice. Document sent to attorney admissions clerk. (signed by Magistrate Judge Frank Maas) (db) Modified on 03/07/2003 (Entered: 03/07/2003)
54	Mar. 10, 2003	51	NOTICE of attorney appearance for Barry Pinkowitz by Daniel R. Karon. (cd) (Entered: 03/11/2003)
55	Mar. 10, 2003	52	NOTICE of CHANGE of FIRM NAME AND ADDRESS by plaintiff. The law firm of Holzer & Holzer changed its name to Holzer Holzer & Cannon LLC. The firm's new address, telephone number, and facsimile number will change to: Holzer Holzer & Cannon LLC, 1117 Perimeter Center West, Suite E-107, Atlanta, GA 30338 telephone: (770) 392-0090, fax: (770) 392-0029. (sb) (Entered: 03/11/2003)
56	Mar. 25, 2003	53	RULE 7.1 CERTIFICATE filed by KPMG LLP . (sb) (Entered: 03/27/2003)
57	Mar. 25, 2003	54	NOTICE OF MOTION by KPMG LLP for an order purs. to FRCP 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995, dismissing the Consolidated Complaint with prejudice for failure to state a claim upon which relief may be granted . No Return Date. Affidavit of Michael R. Young attached. (sb) (Entered: 03/27/2003)
58	Mar. 25, 2003	55	MEMORANDUM OF LAW by KPMG LLP in support of [54-1] motion for an order purs. to FRCP 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995, dismissing the Consolidated Complaint with prejudice for failure to state a claim upon which relief may be granted. (sb) (Entered: 03/27/2003)
59	Mar. 25, 2003	56	NOTICE OF MOTION by KPMG LLP for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity . No Return Date indicated. Received in night deposit box on 3/25/03 at 8:26 p.m. (db) Modified on 03/27/2003 (Entered: 03/27/2003)
60	Mar. 25, 2003	57	MEMORANDUM OF LAW by KPMG LLP in support of [56-1] motion for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity. Received in night deposit box on 3/24/03 at 8:26 p.m. (db) (Entered: 03/27/2003)
61	Mar. 25, 2003	58	DECLARATION of Cheryl D. Justice by KPMG LLP in support Re: [56-1] motion for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity. Received in night deposit on 3/25/03 at 8:26 p.m. (db) (Entered: 03/27/2003)
62	Mar. 25, 2003	60	NOTICE OF MOTION [filed on service date] by Elan Corporation, Donald Geaney, Thomas Lynch, Shane Cooke, and William F. Daniel; for an Order pursuant to Rule 12(b)(6) and 9(b) of the F.R.C.P. and the Private Securities Llitigation Reform Act of 1995 dismissing the Consolidated Complaint . Return Date not indicated. (jco) (Entered: 03/28/2003)

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63	Mar. 26, 2003	59	RULE 7.1 CERTIFICATE filed by Elan Corporation. (jco) (Entered: 03/28/2003)
64	Mar. 26, 2003	61	MEMORANDUM OF LAW by Elan Corporation, Donald Geaney, Thomas Lynch, Shane Cooke in support of [60-1] motion for an Order pursuant to Rule 12(b)(6) and 9(b) of the F.R.C.P. and the Private Securities Llitigation Reform Act of 1995 dismissing the Consolidated Complaint. (jco) (Entered: 03/28/2003)
65	Mar. 26, 2003	62	DECLARATION of Jaculin Aaron in support Re: [60-1] motion for an Order pursuant to Rule 12(b)(6) and 9(b) of the F.R.C.P. and the Private Securities Llitigation Reform Act of 1995 dismissing the Consolidated Complaint. (jco) (Entered: 03/28/2003)
66	Apr. 09, 2003	63	Memo-Endorsement on letter addressed to Judge Maas from Jaculin Aaron, dated 3/21/03; granting defendants requests for permission to file a single 40-page memorandum of law in support of the motion on behalf of al five defendants; approved (for both sides) . (signed by Magistrate Judge Frank Maas); (pl) Modified on 04/10/2003 (Entered: 04/10/2003)
67	Apr. 16, 2003	64	Notice of Case reassignment to Judge Richard M. Berman . Copy of notice and judge's rules mailed to Attorney(s) of record: Laura M. Perrone, Stephen D. Oestreich, Gregory Mark Nespole, Fred Taylor Isquith, Frederic Scott Fox, Jules Brody, Neil L. Selinger, Richard Bemporad, Mitchell A. Karlan, Daniel R. Karon, Gustavo Bruckner, Gregory M. Nespole . (laq) (Entered: 04/21/2003)
68	Apr. 17, 2003	65	AFFIDAVIT OF SERVICE of S/C as to Elan Corporation by unnamed on 3/19/02 . Answer due on 4/8/02 for Elan Corporation . (cd) (Entered: 04/21/2003)
69	May 15, 2003	66	Memo-Endorsement on letter addressed to Judge Maas from Lee G. Dunst, dated 5/12/03. Plaintiffs' Response to Motion reset for 5/30/03 re: [56-1] motion for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity, for 5/30/03 re: [54-1] motion for an order purs. to FRCP 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995, dismissing the Consolidated Complaint with prejudice for failure to state a claim upon which relief may be granted ; defendant KPMG LLP's Reply to Response to Motion reset for 6/27/03 re: [56-1] motion for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity, for 6/27/03 re: [54-1] motion for an order purs. to FRCP 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995, dismissing the Consolidated Complaint with prejudice for failure to state a claim upon which relief may be granted . (signed by Magistrate Judge Frank Maas); (kw) (Entered: 05/16/2003)
70	May 27, 2003	67	NOTICE OF MOTION by Barry Pinkowitz to strike, Exhibits 5 and 10 to the declaration of Jaculin Aaron fld in support of the Elan defts motion to dismiss ; Return Date not indicated (cd) (Entered: 06/03/2003)
71	May 27, 2003	68	MEMORANDUM OF LAW by Barry Pinkowitz in support of [67-1] motion to strike, Exhibits 5 and 10 to the declaration of Jaculin Aaron fld in support of the Elan defts motion to dismiss . (cd) (Entered: 06/03/2003)
72	May 27, 2003	69	MEMORANDUM OF LAW by Barry Pinkowitz in opposition to [56-1]

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			motion for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity . (cd) (Entered: 06/03/2003)
73	May 27, 2003	70	MEMORANDUM OF LAW by Barry Pinkowitz in opposition to [60-1] motion for an Order pursuant to Rule 12(b)(6) and 9(b) of the F.R.C.P. and the Private Securities Llitigation Reform Act of 1995 dismissing the Consolidated Complaint . (cd) (Entered: 06/03/2003)
74	May 27, 2003	71	DECLARATION of Marc Gross by Barry Pinkowitz in opposition Re: [56-1] motion for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity, [54-1] motion for an order purs. to FRCP 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995, dismissing the Consolidated Complaint with prejudice for failure to state a claim upon which relief may be granted, [60-1] motion for an Order pursuant to Rule 12(b)(6) and 9(b) of the F.R.C.P. and the Private Securities Llitigation Reform Act of 1995 dismissing the Consolidated Complaint . (cd) (Entered: 06/03/2003)
75	May 30, 2003	72	MEMORANDUM OF LAW by Barry Pinkowitz, Gan Israel, Mercaz Chabad, Ezra Birnbaum Char, Harold M Cohen, Barbara Mirken, Henry Housman, Alan R Kahn, Mark Wilen, Anthony Moy, Steven C. Sprengel, Eliot B. Gersten, Jonathan Siegel, Michael Lerner, Mishel Tehrani, Subhan Lakhani, James Eisdorfer, Joseph A. Nowak, Abe Siegel Trustee U, Gerald Chernekoff, Jerry Krim, James C. Krause, James Gallal, Lewis D. Baker, Judith Wheelock, Joel Pomerantz, Vanessa Vajdos, Daniel A. Klein, Grace T. Pope, William M. Curtis, Dale M. Dodd, Michael Pennock, Randy Spokane, Eli Fruchter, Michael Sheniak, Stanley W. Harris, Jerry Krim in opposition to [56-1] motion for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity . (sb) (Entered: 06/05/2003)
76	Jun. 16, 2003	73	NOTICE of Change of Name for Shearman & Sterling LLP by Elan Corporation, Donald Geaney, Thomas Lynch, Shane Cooke . (cd) (Entered: 06/17/2003)
77	Jun. 23, 2003	74	Memo-Endorsement on letter addressed to Magistrate Judge Maas from Jaculin Aaron, dated 6/23/03. Re:, granting counsel for dfts' request for permission to file a single 20 page reply memorandum of law in support of the motion on behalf of all dfts . (signed by Magistrate Judge Frank Maas); (dle) (Entered: 06/26/2003)
78	Jun. 27, 2003	75	REPLY MEMORANDUM by Elan Corporation, Donald Geaney, Thomas Lynch, Shane Cooke in support of [60-1] motion for an Order pursuant to Rule 12(b)(6) and 9(b) of the F.R.C.P. and the Private Securities Llitigation Reform Act of 1995 dismissing the Consolidated Complaint. (sb) (Entered: 06/30/2003)
79	Jun. 27, 2003	76	DECLARATION of Jaculin Aaron by Elan Corporation, Donald Geaney, Thomas Lynch, Shane Cooke in support of [60-1] motion for an Order pursuant to Rule 12(b)(6) and 9(b) of the F.R.C.P. and the Private Securities Llitigation Reform Act of 1995 dismissing the Consolidated Complaint. (sb) (Entered: 06/30/2003)
80	Jun. 27, 2003	77	REPLY MEMORANDUM by KPMG LLP in support of [56-1] motion

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			for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity, [54-1] motion for an order purs. to FRCP 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995, dismissing the Consolidated Complaint with prejudice for failure to state a claim upon which relief may be granted. (sb) (Entered: 06/30/2003)
81	Jun. 27, 2003	78	REPLY MEMORANDUM by KPMG LLP in support of [56-1] motion for an order pursuant to Rule 9(b) and 12(b)(6) dismissing with prejudice plttfs' consolidated complaint for failure to state a claim and failure to plead with particularity. (sb) (Entered: 06/30/2003)
82	Sep. 02, 2003		Status Conference held before Judge Richard M. Berman . (ae) (Entered: 10/01/2003)
83	Sep. 24, 2003	79	NOTICE of Firm registration as an LLP and name change by KPMG. Willkie Farr & Gallagher has registered as a limited liability partnership, and has changed its name to Willkie Farr & Gallagher, LLP. (sb) (Entered: 09/26/2003)
84	Oct. 15, 2003	80	NOTICE OF MOTION by Barry Pinkowitz for judicial notice in connection with opposition to the Motions to Dismiss ; Return Date not indicated (cd) (Entered: 10/20/2003)
85	Oct. 28, 2003	81	MEMORANDUM OF LAW by Elan Corporation, Donald Geaney, Thomas Lynch, Shane Cooke in opposition to plaintiffs' [80-1] motion for judicial notice in connection with opposition to the to Dismiss. (tp) (Entered: 10/30/2003)
86	Oct. 28, 2003	82	DECLARATION of Panagiotis Katsambas by Elan Corporation, Donald Geaney, Thomas Lynch, Shane Cooke in opposition Re: [80-1] motion for judicial notice in connection with opposition to the Motions to Dismiss. (tp) (Entered: 10/30/2003)
87	Oct. 29, 2003	83	RULE 7.1 CERTIFICATE filed by KPMG LLP . (cd) (Entered: 10/31/2003)
88	Nov. 03, 2003	85	RULE 7.1 CERTIFICATE filed by Barry Pinkowitz . (sac) (Entered: 11/07/2003)
89	Nov. 04, 2003	84	PLAINTIFFS' REPLY in support of [80-1] motion for judicial notice in connection with opposition to the Motions to Dismiss (dle) (Entered: 11/06/2003)
90	Nov. 18, 2003	86	RULE 7.1 CERTIFICATE filed by S & T Investment Co. . (djc) (Entered: 11/19/2003)
91	Mar. 25, 2004	87	NOTICE of Change of Address by Patrick Anthony Klingman, New Address: that the firm of Schatz & Nobel, P.C. new address is Schatz & Nobel, P.C., One Corporate Ctr., 20 Church Street, Sutie 1700, Hartford, CT 06103, atty. Andrew M. Schatz and Patrick A. Klingman. (pl,) (Entered: 03/30/2004)
92	Apr. 15, 2004	88	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition re: 54 Motion to Dismiss, 60 Motion to Dismiss, 56 Motion to Dismiss. Document filed by Lewis D. Baker, Mercaz Chabad. (cd,) (Entered: 04/19/2004)
93	May 06, 2004	89	NOTICE of Change of Firm Affiliation. Please take notice that counsel for plaintiffs, formerly with Milberg, Weiss, Bershad, Hynes & Lerach LLP, have changed their law firm affiliation. Document filed by Jerry

Req #	Filed	#	Docket Text
			Krim, Barry Pinkowitz. (jco,) (Entered: 05/07/2004)
94	May 18, 2004	90	Letter addressed to Magistrate Judge Maas from Travis E. Downs, III dated 01/28/04 re: lead plaintiffs requestst the Court consider the decision in Re Vivendi Universal, A.A Sec. Litig., 02 cv 557, 2003 and the Court permit plaintiffs to file a motion to partially lift the discovery stay imposed by the Private Securities Litig. Reform Act of 1995 and allow plaintiffs to seek production of all documents produced by defendants to SEC in connection wth its investigations of Elan corporation, plc.. (djc,) (Entered: 05/19/2004)
95	May 18, 2004	91	ORDER Plaintiff's request to lift the mandatory discovery stay prescribed by the PSLRA is denied. (Signed by Judge Frank Maas on 5/18/2004) Filed In Associated Cases: 1:02-cv-00865-RMB-FM,1:02-cv-00871-RMB,1:02-cv-00892-RMB,1:02-cv-00907-RMB,1:02-cv-00928-RMB,1:02-cv-00930-RMB,1:02-cv-00943-RMB,1:02-cv-00949-RMB,1:02-cv-00970-RMB,1:02-cv-00986-RMB,1:02-cv-01005-RMB,1:02-cv-01021-RMB,1:02-cv-01042-RMB,1:02-cv-01096-RMB,1:02-cv-01107-RMB,1:02-cv-01144-RMB,1:02-cv-01152-RMB,1:02-cv-01306-RMB,1:02-cv-01358-RMB,1:02-cv-01611-RMB,1:02-cv-01616-RMB,1:02-cv-01655-RMB,1:02-cv-01858-RMB,1:02-cv-01890-RMB,1:02-cv-01903-RMB,1:02-cv-01911-RMB,1:02-cv-03746-RMB,1:02-cv-04231-RMB,1:02-cv-04310-RMB,1:02-cv-04312-RMB,1:02-cv-04313-RMB,1:02-cv-04314-RMB,1:02-cv-04948-RMB Copies mailed by Chambers.(jsa,) (Entered: 05/19/2004)
96	May 18, 2004	92	REPORT AND RECOMMENDATIONS For the reasons set forth in this report and recommendation, the dfts' motion to dismiss should be granted in part and denied in part. The plaintiffs' cross motion to strike certain exhibits proffered by the Elan and KPMG Ireland dfts is rendered moot, because I have not considered those exhibits, which raise matters not appropriate for consideration at this pre-discovery stage. Finally, the plaintiffs' cross motion asking the court to take judicial notice of Elan's 2002 Annual Report and Form 20-F should be granted. Objections to R&R due by 5/28/2004 (Signed by Judge Frank Maas on 5/18/04) (dle,) (Entered: 05/19/2004)
97	May 21, 2004	93	Letter addressed to Magistrate Judge Frank Maas Cheryl D. Justice dated 2/5/04 re: in opposition to plaintiffs' letter, dated 1/28/04. Document filed by KPMG LLP.(kw,) (Entered: 05/21/2004)
98	May 21, 2004	94	Letter addressed to Magistrate Judge Frank Maas from Stuart Baskin dated 2/10/04 re: in response to plaintiffs' letter dated 1/28/04. Document filed by William Daniel, Shane Cooke, Elan Corporation, PLC, Donald Geaney, Thomas Lynch.(kw,) (Entered: 05/21/2004)
99	May 21, 2004	95	Letter addressed to Magistrate Judge Frank Maas from Michael R. Yound dated 2/11/04 re: write to join in Elan Corporation letter of yesterday. Document filed by KPMG LLP.(kw,) (Entered: 05/21/2004)
100	May 25, 2004	96	Letter addressed to Mag. Judge Frank Maas from Marc I. Gross and Travis E. Downs, III dated 3/30/04 re: Lead Plaintiffs submit this letter in further support of their 1/28/04 request to partially lift the Private Securities Litigation Reform Act of 1995 ("PSLRA") discovery stay. (pl,) (Entered: 05/25/2004)
101	May 25, 2004	97	Letter addressed to Mag. Judge Maas from Stuart Baskin dated 4/7/04 re:

Req #	Filed	#	Docket Text
			addressing plaintiffs' letter of 3/30/04. Document filed by Shane Cooke, William Daniel, Elan Corporation PLC, Donal J. Geaney, Thomas Lynch.(pl,) (Entered: 05/25/2004)
102	May 28, 2004	98	AMENDED STIPULATION AND ORDER: the parties shall file and serve any Objections to R&R due by 7/23/200, subject to Court's rules re: page limits, etc. (Signed by Judge Richard M. Berman on 5/27/04) (sac,) (Entered: 05/28/2004)
103	Jul. 08, 2004	99	Request for clarification of the report and recommendation to the Honorable Richard M. Berman. Document filed by KPMG LLP. (dle,) (Entered: 07/12/2004)
104	Jul. 15, 2004	100	MEMO ENDORSEMENT on KPMG-I's Request for clarification of the Report and Recommendation to the Honorable Judge Richard M. Berman; KPMG-I's interpretation of my R&R is correct. (Signed by Judge Frank Maas on 7/13/2004) Filed In Associated Cases: 1:02-cv-00865-RMB-FM,1:02-cv-00871-RMB,1:02-cv-00892-RMB,1:02-cv-00907-RMB,1:02-cv-00928-RMB, 1:02-cv-00930-RMB,1:02-cv-00943-RMB,1:02-cv-00949-RMB,1:02-cv-00970-RMB,1:02-cv-00986-RMB, 1:02-cv-01005-RMB,1:02-cv-01021-RMB,1:02-cv-01042-RMB,1:02-cv-01096-RMB,1:02-cv-01107-RMB, 1:02-cv-01144-RMB,1:02-cv-01152-RMB,1:02-cv-01306-RMB,1:02-cv-01358-RMB,1:02-cv-01611-RMB, 1:02-cv-01616-RMB,1:02-cv-01655-RMB,1:02-cv-01858-RMB,1:02-cv-01890-RMB,1:02-cv-01903-RMB, 1:02-cv-01911-RMB,1:02-cv-03746-RMB,1:02-cv-04231-RMB,1:02-cv-04310-RMB,1:02-cv-04312-RMB, 1:02-cv-04313-RMB,1:02-cv-04314-RMB,1:02-cv-04948-RMB(jp,) (Entered: 07/15/2004)
105	Jul. 15, 2004	101	ENDORSED LETTER addressed to Judge Berman from Marc I.Gross dated 7/14/2004 re: You should hold off submitting objections to 9/15/2004. So ordered (Signed by Judge Richard M. Berman on 7/13/2004) (JSA) (Entered: 07/16/2004)
106	Jul. 15, 2004		Set/Reset Deadlines: Objections to R&R NOT UNTIL 9/15/2004 (jsa,) (Entered: 07/16/2004)
107	Aug. 11, 2004	102	NOTICE of Change of Firm name of counsel to Co-lead Counsel for Plaintiffs. (djc,) (Entered: 08/16/2004)
108	Sep. 21, 2004	103	ORDER that dfts' motion to dismiss, filed on 3/25/03 is denied as moot. (Signed by Judge Richard M. Berman on 9/15/04) (dle,) (Entered: 09/23/2004)
109	Sep. 22, 2004	104	ENDORSED LETTER addressed to Judge Richard M. Berman from Marc I. Gross; Travis E. Downs, III and Jaculin Aaron dated 9/15/04 re: the parties have reached a settlement to resolve all claims. A hearing is scheduled for 10/25/04 at 2:00 p.m. to discuss the final agreement. (Signed by Judge Richard M. Berman on 9/20/04) (sac,) (Entered: 09/24/2004)
110	Oct. 22, 2004	105	(This document relates to: all actions). DECLARATION of Marc I. Gross in Support of Interim award of expenses. Document filed by Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg. (kw,) (Entered: 10/26/2004)
111	Nov. 01, 2004	106	ORDER, PRELIMINARILY APPROVING SETTLEMENT AND APPROVING FORM AND MANNER OF NOTICE, a hearing will be held 2/18/05, at 2:30 pm., in courtroom 706, 40 Centre St., as further set forth in this document. (Signed by Judge Richard M. Berman on

Req #	Filed	#	Docket Text
			10/29/04) (cd,) (Entered: 11/03/2004)
112	Nov. 05, 2004	107	NOTICE of Change of Address by Eric James Belfi on behalf of Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Lewis D. Baker, Mercaz Chabad, Gerald Chernekoff, Harold M Cohen, William M. Curtis, Dale M. Dodd, James Eisdorfer, Ezra Birnbaum Charitable Trust, Eli Fruchter, James Gallal, Donal J. Geaney, Eliot B. Gersten, Stanley W. Harris, Henry Housman, Gan Israel, Alan R Kahn, Daniel A. Klein, James C. Krause, Jerry Krim, Subhan Lakhani, Michael Lerner, Barbara Mirken, Anthony Moy, Joseph A. Nowak, Michael Pennock, Barry Pinkowitz, Joel Pomerantz, Grace T. Pope, Michael Sheniak, Jonathan Siegel, Randy Spokane, Steven C. Sprengel, Mishel Tehrani, Vanessa Vajdos, Judith Wheelock. New Address: Murray, Frank & Sailer LLP, 275 Madison Avenue, Suite 801, New York, New York, 10016, (212) 682-1818. (pl,) (Entered: 11/10/2004)
113	Nov. 30, 2004	109	ENDORSED LETTER addressed to Judge Berman from Charles D. Chalmers dated 11/23/04 re: asking the Court to request that class counsel provide certain detail regarding costs. Counsel has already been requested to submit Lodestar. Costs, expenses and fees will need to be documented with sufficient detail before they can be reviewed and/or approved (Signed by Judge Richard M. Berman on 11/30/04) (yv,) (Entered: 12/02/2004)
114	Dec. 01, 2004	108	TRANSCRIPT of proceedings held on 10/25/04 before Judge Richard M. Berman.(Simpson, Evon) (Entered: 12/01/2004)
115	Dec. 01, 2004	110	MEMORANDUM OF LAW in Support of motion for final approval of proposed settlement and plan of allocation of settlement proceeds. Document filed by Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Lewis D. Baker, Mercaz Chabad, Gerald Chernekoff, Harold M Cohen, Shane Cooke, William M. Curtis, Dale M. Dodd, James Eisdorfer, Ezra Birnbaum Charitable Trust, Eli Fruchter, James Gallal, Eliot B. Gersten, Stanley W. Harris, Henry Housman, Gan Israel, Alan R Kahn, Daniel A. Klein, James C. Krause, Jerry Krim, Subhan Lakhani, Norman Lefkowitz, Michael Lerner, Barbara Mirken, Anthony Moy, Joseph A. Nowak, Michael Pennock, Barry Pinkowitz, Joel Pomerantz, Grace T. Pope, Michael Sheniak, Jonathan Siegel, Randy Spokane, Steven C. Sprengel, Mishel Tehrani, Vanessa Vajdos, Judith Wheelock, Mark Wilen. Received in night deposit box on 12/1/04 at 5:33 p.m. (yv,) (Entered: 12/08/2004)
116	Dec. 01, 2004	111	MEMORANDUM OF LAW in Support in support of motion for an award of attorneys' fees and reimbursement of expenses. Document filed by Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Lewis D. Baker, Mercaz Chabad, Gerald Chernekoff, Harold M Cohen, William M. Curtis, Dale M. Dodd, James Eisdorfer, Ezra Birnbaum Charitable Trust, Eli Fruchter, James Gallal, Eliot B. Gersten, Stanley W. Harris, Henry Housman, Gan Israel, Alan R Kahn, Daniel A. Klein, James C. Krause, Jerry Krim, Subhan Lakhani, Norman Lefkowitz, Michael Lerner, Barbara Mirken, Anthony Moy, Joseph A. Nowak, Michael Pennock, Barry Pinkowitz, Joel Pomerantz, Grace T. Pope, Michael Sheniak, Jonathan Siegel, Randy Spokane, Steven C. Sprengel, Mishel Tehrani, Vanessa Vajdos, Judith Wheelock, Mark Wilen. Received in night deposit

Req #	Filed	#	Docket Text
			box on 12/1/04 at 5:33 p.m. (yv,) (Entered: 12/08/2004)
117	Dec. 01, 2004	112	DECLARATION of Marc I. Gross and Travis E. Downs in Support of the proposed settlement, plan of allocation, and request for an award of fees and expenses. Document filed by Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Lewis D. Baker, Mercaz Chabad, Gerald Chernekoff, Harold M Cohen, Shane Cooke, William M. Curtis, Dale M. Dodd, James Eisdorfer, Ezra Birnbaum Charitable Trust, Eli Fruchter, James Gallal, Eliot B. Gersten, Stanley W. Harris, Henry Housman, Gan Israel, Alan R Kahn, Daniel A. Klein, James C. Krause, Jerry Krim, Subhan Lakhani, Norman Lefkowitz, Michael Lerner, Barbara Mirken, Anthony Moy, Joseph A. Nowak, Michael Pennock, Barry Pinkowitz, Joel Pomerantz, Grace T. Pope, Michael Sheniak, Jonathan Siegel, Randy Spokane, Steven C. Sprengel, Mishel Tehrani, Vanessa Vajdos, Judith Wheelock, Mark Wilen. Received in night deposit box on 12/1/04 at 5:33 p.m. (yv,) (Entered: 12/08/2004)
118	Dec. 01, 2004	113	APPENDIX of plaintiffs' counsel's declarations in support of application for award of attorneys' fees and reimbursement of expenses. Document filed by Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Lewis D. Baker, Mercaz Chabad, Gerald Chernekoff, Harold M Cohen, Shane Cooke, William M. Curtis, Dale M. Dodd, James Eisdorfer, Elan Corporation PLC, Ezra Birnbaum Charitable Trust, Eli Fruchter, James Gallal, Eliot B. Gersten, Stanley W. Harris, Henry Housman, Gan Israel, Alan R Kahn, Daniel A. Klein, James C. Krause, Jerry Krim, Subhan Lakhani, Michael Lerner, Barbara Mirken, Anthony Moy, Joseph A. Nowak, Michael Pennock, Barry Pinkowitz, Joel Pomerantz, Grace T. Pope, Michael Sheniak, Jonathan Siegel, Randy Spokane, Steven C. Sprengel, Mishel Tehrani, Vanessa Vajdos, Judith Wheelock, Mark Wilen. Received in night deposit box on 12/1/04 at 5:34 p.m.(yv,) (Entered: 12/08/2004)
119	Dec. 01, 2004	114	AFFIDAVIT of Michael Rosenbaum re: mailing and publication of notice. Document filed by Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Lewis D. Baker, Mercaz Chabad, Gerald Chernekoff, Harold M Cohen, William M. Curtis, Dale M. Dodd, James Eisdorfer, Ezra Birnbaum Charitable Trust, Eli Fruchter, James Gallal, Eliot B. Gersten, Stanley W. Harris, Henry Housman, Gan Israel, Alan R Kahn, Daniel A. Klein, James C. Krause, Jerry Krim, Subhan Lakhani, Norman Lefkowitz, Michael Lerner, Barbara Mirken, Anthony Moy, Joseph A. Nowak, Michael Pennock, Barry Pinkowitz, Joel Pomerantz, Grace T. Pope, Michael Sheniak, Jonathan Siegel, Randy Spokane, Steven C. Sprengel, Mishel Tehrani, Vanessa Vajdos, Judith Wheelock, Mark Wilen. Received in night deposit box on 12/1/04 at 5:34 p.m. Filed In Associated Cases: 1:02-cv-00865-RMB-FM,1:02-cv-00871-RMB,1:02-cv-00892-RMB,1:02-cv-00907-RMB,1:02-cv-00928-RMB, 1:02-cv-00930-RMB,1:02-cv-00943-RMB,1:02-cv-00949-RMB,1:02-cv-00970-RMB,1:02-cv-00986-RMB, 1:02-cv-01005-RMB,1:02-cv-01021-RMB,1:02-cv-01042-RMB,1:02-cv-01096-RMB,1:02-cv-01107-RMB, 1:02-cv-01144-RMB,1:02-cv-01152-RMB,1:02-cv-01306-RMB,1:02-cv-01358-RMB,1:02-cv-01611-RMB, 1:02-cv-01616-RMB,1:02-cv-01655-RMB,1:02-cv-01858-RMB,1:02-cv-01890-RMB,1:02-cv-01903-RMB,

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			1:02-cv-01911-RMB,1:02-cv-03746-RMB,1:02-cv-04231-RMB,1:02-cv-04310-RMB,1:02-cv-04312-RMB, 1:02-cv-04313-RMB,1:02-cv-04314-RMB,1:02-cv-04948-RMB(yv,) (Entered: 12/08/2004)
120	Dec. 01, 2004	115	Compendium of unreported authority in support of final approval of settlement and award of attorneys' fees and expenses. Document filed by Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Lewis D. Baker, Mercuz Chabad, Gerald Chernekoff, Harold M Cohen, Shane Cooke, William M. Curtis, Dale M. Dodd, James Eisdorfer, Ezra Birnbaum Charitable Trust, Eli Fruchter, James Gallal, Eliot B. Gersten, Stanley W. Harris, Henry Housman, Gan Israel, Alan R Kahn, Daniel A. Klein, James C. Krause, Jerry Krim, Subhan Lakhani, Norman Lefkowitz, Michael Lerner, Barbara Mirken, Anthony Moy, Joseph A. Nowak, Michael Pennock, Barry Pinkowitz, Joel Pomerantz, Grace T. Pope, Michael Sheniak, Jonathan Siegel, Randy Spokane, Steven C. Sprengel, Mishel Tehrani, Vanessa Vajdos, Judith Wheelock, Mark Wilen. Received in night deposit box on 12/1/04 at 5:34 p.m. (yv,) (Entered: 12/08/2004)
121	Dec. 09, 2004	116	ENDORSED LETTER addressed to Judge Richard M. Berman from Charles D. Chalmers dated 12/6/04 re: As Mr. Chalmers well knows from his involvement in other cases before this Court, legal fees and costs will not be approved unless they are properly detailed, explained, made public and reasonable. All counsel are directed to the Court's 11/30/04 Order and para. 14 of the 10/29/04 Order. (Signed by Judge Richard M. Berman on 12/9/04) (db,) (Entered: 12/13/2004)
122	Dec. 17, 2004	117	TRANSCRIPT of proceedings held on 10/29/04 before Judge Richard M. Berman.(Belfiore, John) (Entered: 12/17/2004)
123	Dec. 21, 2004	118	Proof of Claim and Release for Alejandro Estepa. (cd,) (Entered: 01/03/2005)
124	Jan. 03, 2005	119	NOTICE of Objection (of David E Kaplan as a member of the settlement class and others) to the amount of attorneys' fees.... (djc,) (Entered: 01/06/2005)
125	Jan. 05, 2005	120	Supplemental Joint Declaration of Marc I. Gross and Travis E. Downs in further support of the proposed request for an award of fees and expenses. (Entered: 01/10/2005)
126	Jan. 10, 2005	121	William T.Seufert's notice of objection and intention to be heard with argument and supporting memorandum of law. Document filed by William T. Seufert. (Entered: 01/17/2005)
127	Jan. 10, 2005	122	Objection to Proposed Settlement by Roger S. Braugh, Jr. and Christine E. Braugh, class members. (Entered: 01/17/2005)
128	Jan. 10, 2005	123	Memorandum of class member Doyle Barnes in support of opposition to award of 20% of settlement as attorneys' fees and to award of certain costs. (Entered: 01/17/2005)
129	Jan. 10, 2005	124	Report on Class Counsel's Lodestar and Cost Presentation by Class Member Doyle Barnes. Document filed by Doyle Barnes. (dle,) (Entered: 01/17/2005)
130	Jan. 10, 2005	125	Declaration of Charles D. Chalmers in support of objection of class member Doyle Barnes to award of 20% of settlement as attorneys' fees and to award of certain costs. (dle,) (Entered: 01/17/2005)
131	Jan. 10, 2005	128	ENDORSED LETTER addressed to Judge Richard M. Berman from Charles D. Chalmers dated 1/8/05 re: the Court will set the agenda for the

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			hearing and as counsel, is aware assuming Mr. Chalmers is the same Mr. Chalmers who recently appeared in connection with the UPS settlement, objections will be fully heard. (Signed by Judge Richard M. Berman on 1/10/05) (pl,) (Entered: 01/19/2005)
132	Jan. 11, 2005	127	NOTICE of objection and intent to appear at settlement hearing. Document filed by Samuel B. Rothman (yv,) (Entered: 01/18/2005)
133	Jan. 12, 2005	126	NOTICE of of objections by James E. Gorman. (kw,) (Entered: 01/18/2005)
134	Jan. 21, 2005	129	Co-Lead Plaintiffs' Responses to Objections. (djc) (Entered: 02/01/2005)
135	Jan. 21, 2005	130	DECLARATION of Marc I. Gross re: 129 Response to Objections. (djc) (Entered: 02/01/2005)
136	Jan. 24, 2005	132	Amended Report by Class Member Doyle Barnes on Class Counsel's Lodestar and Costs. (djc,) (Entered: 02/03/2005)
137	Jan. 25, 2005	131	MOTION (FILED ON SERVICE DATE) for Keith F. Park to Appear Pro Hac Vice on behalf of Plaintiffs. Document filed by Gan Israel, Mercaz Chabad, Barry Pinkowitz, Ezra Birnbaum Charitable Trust, Harold M Cohen, Barbara Mirken, Henry Housman, Alan R Kahn, Mark Wilen, Anthony Moy, Steven C. Sprengel, Eliot B. Gersten, Jonathan Siegel, Michael Lerner, Mishel Tehrani, Subhan Lakhani, James Eisdorfer, Joseph A. Nowak, Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Gerald Chernekoff, Jerry Krim, James C. Krause, James Gallal, Lewis D. Baker, Judith Wheelock, Joel Pomerantz, Vanessa Vajdos, Daniel A. Klein, Grace T. Pope, William M. Curtis, Dale M. Dodd, Michael Pennock, Randy Spokane, Eli Fruchter, Michael Sheniak, Stanley W. Harris, Jerry Krim, Wiliam T. Seufert. (pl,) (Entered: 02/02/2005)
138	Feb. 04, 2005	133	ENDORSED LETTER addressed to Judge Richard M. Berman from Martin M. Green dated 2/2/05 re: any response to this letter should be served and filed by 2/12/05. The fairmus hearing is to be held on 2/18/05 at 2:30. All are welcome!!! (Signed by Judge Richard M. Berman on 2/3/05) (sac,) (Entered: 02/10/2005)
139	Feb. 04, 2005	134	MOTION (FILED ON SERVICE DATE) for Attorney Fees and Costs. Document filed by Doyle Barnes. (kkc,) (Entered: 02/11/2005)
140	Feb. 04, 2005	138	SUPPLEMENTAL DECLARATION of Charles D. Chalmers in Support Objection of Class Member Doyle Barnes to Award of Attorneys' Fees and Certain Costs. Document filed by Doyle Barnes. (ae,) (Entered: 02/15/2005)
141	Feb. 04, 2005	139	MOTION (FILED ON SERVICE DATE) Exclusion From Settlement Class Due to Lack of Notice and for good cause shown. Document filed by Andrew Nicely. (ae,) (Entered: 02/15/2005)
142	Feb. 08, 2005	135	MEMORANDUM OF LAW in Support re: 134 MOTION (FILED ON SERVICE DATE) for Attorney Fees. Document filed by Doyle Barnes. (kkc,) (Entered: 02/11/2005)
143	Feb. 08, 2005	136	DECLARATION of Charles D. Chalmers in Support re: 134 MOTION (FILED ON SERVICE DATE) for Attorney Fees. Document filed by Doyle Barnes. (kkc,) (Entered: 02/11/2005)
144	Feb. 10, 2005	137	MOTION (FILED ON SERVICE DATE) for Ellen Gusikoff Stewart to Appear Pro Hac Vice. Document filed by Barry Pinkowitz, Jerry Krim, Wiliam T. Seufert. (jmi,) (Entered: 02/15/2005)
145	Feb. 11, 2005	140	Supplemental Response of Lead Plaintiffs to Additional Fee petitions and

Req #	Filed	#	Docket Text
			Other Matters. (djc,) (Entered: 02/16/2005)
146	Feb. 16, 2005	141	ORDER granting 137 Motion for Ellen Gusikoff Stewart to Appear Pro Hac Vice, subject to payment of fee to the Clerk. (Signed by Judge Richard M. Berman on 2/15/05) (cd,) (Entered: 02/18/2005)
147	Feb. 16, 2005		Transmission to Attorney Admissions Clerk. Transmitted re: 141 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (cd,) (Entered: 02/18/2005)
148	Feb. 16, 2005	142	REPLY to co-lead plaintiffs counsel reponses to objections. (pl,) (Entered: 02/22/2005)
149	Feb. 16, 2005	143	DECLARATION of David E. Kaplan in reply to co-lead plaintiffs counsel responses to objections. (pl,) (Entered: 02/22/2005)
150	Feb. 24, 2005		CASHIERS OFFICE REMARK on 141 Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 2/18/05, Receipt Number 535420. (mlo,) (Entered: 02/24/2005)
151	Mar. 22, 2005	144	TRANSCRIPT of proceedings held on 02/18/05 before Judge Richard M. Berman. (es,) (Entered: 03/22/2005)
152	Mar. 22, 2005	145	TRANSCRIPT of proceedings held on 02/18/05 before Judge Richard M. Berman. (es,) (Entered: 03/22/2005)
153	Apr. 20, 2005	146	DECISION AND ORDER the motion (110) for final approval of the Settlement is granted; Class Counsel's fee Application (111) is approved in the amount of \$9,000,000 in legal fees and \$452,840.27 in expenses; granting 134 Motion for Attorney Fees in the amount of \$81,050 in legal fees and \$4,001.41 in expenses. (Signed by Judge Richard M. Berman on 4/19/05) (cd,) (Entered: 04/21/2005)
154	Apr. 20, 2005		Transmission to Judgments and Orders Clerk. Transmitted re: 146 Order on Motion for Attorney Fees,, to the Judgments and Orders Clerk for preparation of Judgment. (cd,) (Entered: 04/21/2005)
155	Apr. 21, 2005	147	ORDER APPROVING PLAN OF ALLOCATION OF SETTLEMENT PROCEEDS re Stipulation and Agreement of Settlement dated as of 10/21/04, and the Plan of Alloation is approved (see the Court's Decision & Order dated 4/19/05). (Signed by Judge Richard M. Berman on 4/20/05) (cd,) (Entered: 04/26/2005)
156	Apr. 21, 2005	149	ORDER AWARDING ATTORNEYS' FEES AND REIMBURSEMENT OF EXPENSES, that the Court awards co-lead counsel attys' fees of 12% of the Settlement Fund or \$9,000,000 and reimbursement of expenses in an aggregate amount of \$452,840.27, together with interest earned, as furthe set forth in this document. Se Court's Decision & Order dated 4/19/05. The Court hereby awards to Charles Chalmers counsel to objector Doyle Barnes, \$81,050 in atty fees and \$4,001.41 for expenses. (Signed by Judge Richard M. Berman on 4/20/05) (cd,) (Entered: 04/26/2005)
157	Apr. 26, 2005	148	FINAL JUDGMENT AND ORDER OF DISMISSAL settling action. (Signed by Judge Richard M. Berman on 4/20/05) Filed In Associated Cases: 1:02-cv-00865-RMB-FM,1:02-cv-00871-RMB,1:02-cv-00892-RMB,1:02-cv-00907-RMB,1:02-cv-00928-RMB, 1:02-cv-00930-RMB,1:02-cv-00943-RMB,1:02-cv-00949-RMB,1:02-cv-00970-RMB,1:02-cv-00986-RMB, 1:02-cv-01005-RMB,1:02-cv-01021-RMB,1:02-cv-01042-RMB,1:02-cv-01096-RMB,1:02-cv-01107-RMB, 1:02-cv-01144-RMB,1:02-cv-01152-RMB,1:02-cv-01306-RMB,1:02-cv-

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			01358-RMB,1:02-cv-01611-RMB, 1:02-cv-01616-RMB,1:02-cv-01655-RMB,1:02-cv-01858-RMB,1:02-cv-01890-RMB,1:02-cv-01903-RMB, 1:02-cv-01911-RMB,1:02-cv-03746-RMB,1:02-cv-04231-RMB,1:02-cv-04310-RMB,1:02-cv-04312-RMB, 1:02-cv-04313-RMB,1:02-cv-04314-RMB,1:02-cv-04948-RMB(ml,) (Entered: 04/26/2005)
158	Apr. 27, 2005		Mailed notice of Right to Appeal re: 148 Judgment, and to Attorney(s) of Record: Richard D. Bemporad, Jules Brody, Gustavo Fabian Bruckner, Charles D. Chalmers, Frederic Scott Fox, Sr, Marc Ian Gross, Frederick Taylor Isquith, Sr, Mitchell Alan Karlan, Daniel R. Karon, Gregory Mark Nespole, Stephen D. Oestreich, Laura M. Perrone, Neil L. Selinger. (lma,) (Entered: 04/27/2005)
159	Mar. 02, 2006	151	MOTION (FILED ON SERVICE DATE) for Disbursement of Settlement Funds. Document filed by Barry Pinkowitz. (cd,) (Entered: 03/07/2006)
160	Mar. 03, 2006	150	AFFIDAVIT of Michael Rosenbaum in Support re Motion to Distribute the Net Settlement Fund. (cd,) (Entered: 03/03/2006)
161	Apr. 06, 2006	152	ORDER FOR DISTRIBUTION OF SETTLEMENT FUND: the claims set forth in Exhibit C to Rosenbaum Affidavit are hereby allowed in the amounts set forth therein. The claims set forth in Exhibit E of the Rosenbaum Affidavit are hereby rejected. The Court hereby awards Berdon \$1,022,935.00 in fees and \$93,553.38 in expenses to be paid from the settlement fund. The Court hereby authorizes Berdon to compute each eligible claimant's pro rata share of the remaining Settlement Fund, and issues checks in said amounts to the claimants immediately. (Signed by Judge Richard M. Berman on 4/6/06) (db,) (Entered: 04/07/2006)
162	Dec. 18, 2007	153	MOTION FOR FINAL DISTRIBUTION OF SETTLEMENT FUND. Document filed by Gan Israel, Mercaz Chabad, Ezra Birnbaum Charitable Trust, Harold M Cohen, Barbara Mirken, Henry Housman, Alan R Kahn, Mark Wilen, Anthony Moy, Steven C. Sprengel, Eliot B. Gersten, Jonathan Siegel, Michael Lerner, Mishel Tehrani, Subhan Lakhani, James Eisdorfer, Joseph A. Nowak, Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Gerald Chernekoff, Jerry Krim, James C. Krause, James Gallal, Lewis D. Baker, Judith Wheelock, Joel Pomerantz, Vanessa Vajdos, Daniel A. Klein, Grace T. Pope, William M. Curtis, Dale M. Dodd, Michael Pennock, Randy Spokane, Eli Fruchter, Michael Sheniak, Stanley W. Harris, William T. Seufert.(jco) (Entered: 12/21/2007)
163	Dec. 18, 2007	154	AFFIDAVIT of Michael Rosenbaum in Support re: 153 MOTION FINAL DISTRIBUTION OF SETTLEMENT FUND. Document filed by Gan Israel, Mercaz Chabad, Ezra Birnbaum Charitable Trust, Harold M Cohen, Barbara Mirken, Henry Housman, Alan R Kahn, Mark Wilen, Anthony Moy, Steven C. Sprengel, Eliot B. Gersten, Jonathan Siegel, Michael Lerner, Mishel Tehrani, Subhan Lakhani, James Eisdorfer, Joseph A. Nowak, Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Gerald Chernekoff, Jerry Krim, James C. Krause, James Gallal, Lewis D. Baker, Judith Wheelock, Joel Pomerantz, Vanessa Vajdos, Daniel A. Klein, Grace T. Pope, William M. Curtis, Dale M. Dodd, Michael Pennock, Randy Spokane, Eli Fruchter, Michael Sheniak, Stanley W. Harris, William T. Seufert. (jco) (Entered: 12/21/2007)
164	Dec. 18, 2007	155	DECLARATION of Marc I. Gross in Support re: 153 MOTION FINAL DISTRIBUTION OF SETTLEMENT FUND. Document filed by Gan

Req #	Filed	#	Docket Text
			Israel, Mercaz Chabad, Ezra Birnbaum Charitable Trust, Harold M Cohen, Barbara Mirken, Henry Housman, Alan R Kahn, Mark Wilen, Anthony Moy, Steven C. Sprengel, Eliot B. Gersten, Jonathan Siegel, Michael Lerner, Mishel Tehrani, Subhan Lakhani, James Eisdorfer, Joseph A. Nowak, Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Gerald Chernekoff, Jerry Krim, James C. Krause, James Gallal, Lewis D. Baker, Judith Wheelock, Joel Pomerantz, Vanessa Vajdos, Daniel A. Klein, Grace T. Pope, William M. Curtis, Dale M. Dodd, Michael Pennock, Randy Spokane, Eli Fruchter, Michael Sheniak, Stanley W. Harris, Wiliam T. Seufert. (jco) (Entered: 12/21/2007)
165	Jan. 09, 2008	156	ENDORSED LETTER addressed to Judge Richard M. Beman from Marc I. Gross dated 12/17/07 re: counsel for plaintiff submits motion for final distribution of settlement fund and supporting papers. ENDORSEMENT: Counsel need to revise the proposed distribution of settlement funds (i.e. par 7) so that settlement funds get tot the plaintiffs (e.g. approx \$435K). Lets have a reasonable set of options. It is not the goal of settlement of these cases to do the work of the Ford Foundation. Proposals due by 1/14/08 and conference on 1/29/08 @ 2:30. (Signed by Judge Richard M. Berman on 1/9/08) (dle) (Entered: 01/09/2008)
166	Jan. 22, 2008	157	ENDORSED LETTER addressed to Judge Richard M. Berman from Marc I. Gross dated 1/22/08 re: Proposed equitable options regarding settlement issues that will (optimistically) be discussed at the scheduled 1/29/08 hearing at 2:30 p.m. ENDORSEMENT: The questions I have are: (i) why can't we utilize option 2 with the proviso that recipients be shareholders whose initial checks were cashed; (ii) why BCA receives any additional compensation for "previously rendered" services (p2); and (iii) why there is any need for allocating any remaining funds. SO ORDERED. (Signed by Judge Richard M. Berman on 1/22/08) (db) (Entered: 01/23/2008)
167	Jan. 30, 2008	158	ORDER that the remaining funds be distributed as follows:1. 18.6% of the balance will be paid to the Securities and Exchange Commission (approximately \$8 1,000); 2. BCA will be paid \$15,000 for services to be rendered in connection with distribution of the balance of the Fund, including tracking the cashed, uncashed, and returned checks; 3. After payment of the foregoing, the remaining amount will be distributed in amounts of no less than \$10 per check to claimants who received and cashed checks for \$5,000 or less in the first round; and 4. Any checks that remain uncashed or returned after 45 days will be deemed void. All remaining funds will be allocated to Elan Corp., Plc. to be used specifically for shareholder services and shareholder relations. IT IS SO ORDERED. (Signed by Judge Richard M. Berman on 1/30/2008) (jmi) (Entered: 01/31/2008)
168	Mar. 10, 2008	159	MEMO ENDORSEMENT on Motion (unfiled) to Modify Final Order Approving Distribution of Settlement Fund: Application denied (without prejudice) at this time. Mr. Gross is directed forthwith (by 3/12/08) to advise the Court of the status of the distribution and payments directed by the Court on 1/30/08, and to explain if any of the funds have not been distributed as directed by the Court. (Signed by Judge Richard M. Berman on 3/10/08) (cd) (Entered: 03/11/2008)

Req #	Filed	#	Docket Text
<u>169</u>	Mar. 10, 2008		Set Deadlines/Hearings: Status Report due by 3/12/2008. (cd) (Entered: 03/11/2008)
<u>170</u>	Mar. 12, 2008	160	MOTION to Modify Final Order Approving Distribution of Settlement Fund. Document filed by Gan Israel, Mercaz Chabad, Barry Pinkowitz, Ezra Birnbaum Charitable Trust, Harold M Cohen, Barbara Mirken, Henry Housman, Alan R Kahn, Mark Wilen, Anthony Moy, Steven C. Sprengel, Eliot B. Gersten, Jonathan Siegel, Michael Lerner, Mishel Tehrani, Subhan Lakhani, James Eisdorfer, Joseph A. Nowak, Abe Siegel Trustee U/W/O Beatrice Claire Rosenberg, Gerald Chernekoff, Jerry Krim, James C. Krause, James Gallal, Lewis D. Baker, Judith Wheelock, Joel Pomerantz, Vanessa Vajdos, Daniel A. Klein, Grace T. Pope, William M. Curtis, Dale M. Dodd, Michael Pennock, Randy Spokane, Eli Fruchter, Michael Sheniak, Stanley W. Harris, Wiliam T. Seufert.(djc) (Entered: 03/14/2008)
<u>171</u>	Jul. 07, 2008	161	ENDORSED LETTER addressed to Judge Richard M Berman from Marc I. Gross dated 6/25/2008 re: Counsel request that Your Honor reconsider allocation of these monies in light of the recent request by the four Chief Judges of the Federal Courts in New York State that such cy pres class action funds be used to fill the significant gap for funding "civil legal assistance and funding for low-income New Yorkers.". ENDORSEMENT: No! See order dated 3/10/2008 and accompanying letter of 3/10/2008. So Ordered. (Signed by Judge Richard M. Berman on 7/7/2008) (jfe) (Entered: 07/07/2008)