

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:02-cv-03835-JFK

In Re: Merrill Lynch GoTo, et al v. Merrill Lynch & Co., et al
Assigned to: Judge John F. Keenan
Demand: \$0
Member case:

[1:02-cv-04240-JFK](#)

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

Date Filed: 05/20/2002
Date Terminated: 09/19/2007
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Lead Plaintiff

Victor Parker

*as Trustee of Joseph P. Pajewski Living
Trust Dated 11/26/97, on behalf of himself
and all others similarly situated*

represented by **John Balestriere**
Ballestriere, P.L.L.C.
225 Broadway
Suite 2700
New York, NY 10007
212 374-5400
Fax: 212-661-8665
Email: jbalestriere@pomlaw.com
LEAD ATTORNEY

Marc Ian Gross

Pomerantz Haudek Block Grossman &
Gross LLP
100 Park Avenue, 26th Floor
New York, NY 10017
(212) 661-1100
Fax: (212) 661-8665
Email: migross@pomlaw.com
LEAD ATTORNEY

Paul T. Curley

Pomerantz, Haudek, Block, Grossman &
Gross, L.L.P.
100 Park Avenue
26th Floor
New York, NY 10017
(212)661-1100
LEAD ATTORNEY

Richard J. Vita

77 Franklin Street
Boston, MA 02110
(617) 426-6566

LEAD ATTORNEY

Shaheen Rushd

Pomerantz, Haudek, Block, Grossman &
Gross, L.L.P.

100 Park Avenue

26th Floor

New York, NY 10017

(212)661-1100

Email: srushd@pomlaw.com

LEAD ATTORNEY

Stanley Merrill Grossman

Pomerantz Haudek Block Grossman &
Gross LLP

100 Park Avenue, 26th Floor

New York, NY 10017

212 661-1100

Fax: 212 661-8665

Email: SMGrossman@pomlaw.com

LEAD ATTORNEY

Consolidated Plaintiff

Rodney Myers

*individually and on behalf of all others
similarly situated*

represented by **Linda P. Nussbaum**

Kaplan Fox & Kilsheimer LLP(NYC)

850 Third Avenue

14th Floor

New York, NY 10022

(212)-687-1980

Fax: (212)-687-7714

Email: lnussbaum@kaplanfox.com

LEAD ATTORNEY

V.

Defendant

Merrill Lynch & Co. Inc.

represented by **Edward J. Yodowitz**

Skadden, Arps, Slate, Meagher & Flom,
L.L.P.

Four Times Square

New York, NY 10036

(212) 735-3000

LEAD ATTORNEY

Defendant

Henry Blodget

Date Filed	#	Docket Text
05/20/2002	1	CLASS ACTION COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 439942. (jol) (Entered: 05/21/2002)
05/20/2002		Magistrate Judge James C. Francis is so designated. (jol) (Entered: 05/21/2002)
06/04/2002	2	STIPULATION and ORDER, defts' time to answer the complaint is extended until 30 days after the appointment of lead plntf (signed by Judge Miriam Goldman Cedarbaum) (cd) (Entered: 06/05/2002)
07/03/2002		Case accepted as related to 1:21mc96. (jol) (Entered: 08/02/2002)
07/03/2002	7	Notice of Case Reassignment to Judge Milton Pollack . Copy of notice and judge's rules mailed to Attorney(s) of record: Richard J. Vita, Paul T. Curley, Shaheen Rushd, Stanley M. Grossman . (jol) (Entered: 08/02/2002)
07/03/2002	8	Notice of Case Reassignment to Judge Milton Pollack . Copy of notice and judge's rules mailed to Attorney(s) of record: Richard J. Vita, Paul T. Curley, Shaheen Rushd, Stanley M. Grossman . (jol) (Entered: 08/05/2002)
07/19/2002	3	NOTICE OF MOTION by Victor Parker; for an Order pursuant to F.R.C.P. 42(a) consolidating all actions filed in the Southern District of New York which are related to this action for all purposes ; appointing Victor Parker as Lead Plaintiff for the Class of purchasers of the common stock of GoTo.com,Inc., during the period from 1/11/01 through 6/6/01, both dates inclusive ; approving Victor Parker's selection of Pomerantz Haudek Block Grossman & Gross LLP as Lead Counsel for the Class . Return Date not indicated. (jco) (Entered: 07/26/2002)
07/19/2002	4	MEMORANDUM OF LAW by Victor Parker in support of [3-1] motion for an Order pursuant to F.R.C.P. 42(a) consolidating all actions filed in the Southern District of New York which are related to this action for all purposes, [3-2] motion appointing Victor Parker as Lead Plaintiff for the Class of purchasers of the common stock of GoTo.com,Inc., during the period from 1/11/01 through 6/6/01, both dates inclusive, [3-3] motion approving Victor Parker's selection of Pomerantz Haudek Block Grossman & Gross LLP as Lead Counsel for the Class. (jco) (Entered: 07/26/2002)
07/19/2002	5	Application for recognition of authority of lead plaintiff and counsel approved by Judge Scheindlin with respect to claims by Victor Parker. Received in night deposit box on 7/10/02 at 11:45 p.m. (db) Modified on 07/30/2002 (Entered: 07/30/2002)
07/19/2002	6	DECLARATION of Robert Abrams by Victor Parker in support Re: [5-1] remark. Received in night deposit box on 7/19/02 at 11:45 p.m. (db) (Entered: 07/30/2002)
10/28/2002	9	CERTIFIED TRUE COPY OF CONDITIONAL MDL TRANSFER IN ORDER FROM THE MDL PANEL... that pursuant to 28 U.S.C. 1407, the action(s) listed... and pending... be, and the same hereby are... with the consent of that court, assigned to the Honorable Milton Pollack for coordinated or consolidated proceedings with the action(s) pending in that district... (rmo) (Entered: 10/28/2002)

		11/05/2002)
12/09/2002		CASE MANAGMENT ORDER #1, consolidating cases the following actions on behalf of purchasers of the common stock of GoTo.com are hereby consolidated for all purposes: Myers v. Merrill Lynch & Inc. and Henry Blodget 02-CV-4240(MP) Parker v. Merrill Lynch & Co., Inc. and Henry Blodget 02-CV-3835(MP) The consolidated actions shall be carried in the Clerk's office and known as the In re Merrill Lynch & Co., Inc. GoTo.Com Research Reports Securities Litigation, 02-CV-3835 (MP). Clerk shall administratively close all of the actions above, other than 02-CV-3835(MP). . (signed by Judge Milton Pollack); (ORIGINAL FILED IN 02md1484 AS DOCUMENT #133) (rag) Modified on 01/16/2003 (Entered: 12/23/2002)
12/09/2002		Consolidated Lead Case. (rag) (Entered: 12/23/2002)
03/14/2003	10	AMENDED COMPLAINT by Victor Parker (Answer due 3/24/03 for Henry Blodget, for Merrill Lynch & Co.) amending [1-1] complaint ; Summons issued. (gmo) (Entered: 03/19/2003)
03/14/2003	10	DEMAND for jury trial by Victor Parker . (gmo) (Entered: 03/19/2003)
11/24/2003	11	JOINT MOTION to Amend the [10] First Consolidated Amended Complaints. Document filed by Victor Parker. (tp,) (Entered: 12/03/2003)
12/08/2003		MOTION (this document relates to 02cv3429, 02cv7218, 02cv3042, 2cv6914, 02cv3835, 01cv6881, 02cv6916, 02cv3050) to Dismiss the complaints with prejudice pursuant to F.R.C.P. 9(b) and 12(b)(6) and Section 21D(b) of the Private Securities Litigation Reform Act of 1995, 15 U.S.C. 78u-4(b). Document filed by Merrill Lynch & Co. Inc. Original document filed under case no. 02 MDL 1484, doc. # 364. (kkc,) (Entered: 01/06/2004)
12/08/2003		DECLARATION of Scott D. Musoff in Support re: MOTION to Dismiss. Exhibits Volumes I - XI attached. (this document relates to 02cv3429, 02cv7218, 02cv3042, 02cv6914, 02cv3835, 01cv6881, 02cv6916, 02cv3050) Document filed by Merrill Lynch & Co. Inc. Original document filed under case no. 02 MDL 1484, doc. # 365.(kkc,) (Entered: 01/06/2004)
12/10/2003		ORDER No. 24 granting [11] Motion to Amend [10] Amended Complaint; that Lead Plaintiffs' motions for leave to amend their First Consolidated Amended Complaints are granted and Lead Plaintiffs in actions 02cv3835 and 02cv6916 are directed to serve and file with the Clerk of Court a Second Consolidated Amended Complaint in the form submitted no later than 12:00 pm on the second business day herefrom. (Signed by Judge Milton Pollack on 12/10/2003) Original document filed in case no. 02 MDL 1484 (MP), doc. # 354. (kkc,) (Entered: 12/15/2003)
12/10/2003	12	SECOND AMENDED COMPLAINT amending [10] Amended Complaint against Henry Blodget, Merrill Lynch & Co. Inc. Document filed by Merrill Lynch & Co., Inc. GoTo.com Research Reports Securities Litigation, Victor Parker. Related document: [10] Amended Complaint filed by Victor Parker.(sac,) (Entered: 01/02/2004)
12/19/2003		CASE MANAGEMENT ORDER #26 (02cv3429, 02cv7218, 02cv3042, 02cv6914, 02cv3835, 01cv6881, 02cv6916, 02cv3050); plaintiffs shall oppose defendants'

		<p>motion to dismiss and renew or make any motions for leave to amend by 12:00 pm on 1/9/2004. Defendants shall serve and file their replies by 12:00 pm on 1/23/2004, and shall specifically state any opposition to any motions for leave to amend at the same time in the same brief. Plaintiffs may reply to defendants' opposition on the motions for leave to further amend on or before 12:00 pm on 1/30/2004. A hearing on the motions shall be held at 11:00 am on 2/6/2004, subject to adjournment by the Court. (Signed by Judge Milton Pollack on 12/19/2003) Original document filed under case no. 02 MDL 1484, doc. #359.(kkc,) (Entered: 01/02/2004)</p>
01/12/2004	13	<p>Request to submit supplemental authority in opposition to the motion to dismiss. Document filed by Victor Parker. Received in night deposit box on 1/12/04 at 5:48 p.m. (yv,) (Entered: 01/21/2004)</p>
01/16/2004	14	<p>MEMORANDUM OF LAW in Opposition re: MOTION to Dismiss.. Document filed by Victor Parker. (cd,) (Entered: 01/29/2004)</p>
01/16/2004	15	<p>DECLARATION of Marc Gross in Support re: [14] Memorandum of Law in Opposition to Motion. Document filed by Victor Parker. (cd,) (Entered: 01/29/2004)</p>
01/21/2004		<p>CASE MANAGEMENT ORDER #7 (this document relates to 02cv3429, 02cv7218, 02cv3042, 02cv6914, 02cv3835, 01cv6881, 02cv6916, 02cv3050); the time for defendants to serve and file their replies and specifically state any opposition to any motions for leave to amend is extended from 12:00 pm on 1/23/2004 to 12:00 pm on 1/27/2004. Plaintiffs time to reply to defendants' opposition on the motions for leave to further amend is correspondingly extended from 12:00 pm on 1/30/2004 to 12:00 pm on 2/5/2004. (Signed by Judge Milton Pollack on 1/21/2004) Original document filed under case no. 02 MDL 1484, doc. #383.(kkc,) (Entered: 02/03/2004)</p>
03/31/2004	16	<p>LEAD PLAINTIFFS' REQUEST TO SUBMIT SUPPLEMENTAL AUTHORITY in opposition to the motions to dismiss. Document filed by Victor Parker. (pl,) (Entered: 04/01/2004)</p>
10/05/2004	17	<p>NOTICE OF CASE REASSIGNMENT to Judge John F. Keenan. Judge Milton Pollack no longer assigned to the case. (gf,) (Entered: 10/07/2004)</p>
11/17/2004	18	<p>MOTION (FILED ON SERVICE DATE) for limited lifting of the automatic stay of discovery in order to serve subpoenas, fld by plaintiffss and the Class. (cd,) (Entered: 11/23/2004)</p>
11/17/2004	19	<p>MEMORANDUM OF LAW in Support re: [18] MOTION (FILED ON SERVICE DATE) for limited lifting of the automatic stay of discovery in order to serve subpoenas. (cd,) (Entered: 11/23/2004)</p>
11/17/2004	21	<p>MOTION (FILED ON SERVICE DATE) pursuant to Sec. 21D(b)(3)(B) of the Securities Exchange Act of 1934, for a limited lifting of the automatic stay of discovery in the Goto.com Action, to allow the plaintiffs to serve the subpoenas on the non-parties Goto.com, Ted Meisel and Todd Tappin, in order to preserve evidence and to prevent undue prejudice to the plaintiffs in the Goto.com Action. Schedule of documents to the subpoena duces tecum and proposed Order attached. Document filed by Victor Parker. (yv,) (Entered: 11/29/2004)</p>

11/17/2004	22	MEMORANDUM OF LAW in Support re: [21] MOTION (FILED ON SERVICE DATE) for a limited lifting of the automatic stay of discovery in the Goto.com Action, to allow the plaintiffs to serve the subpoenas on the non-parties Goto.com, Ted Meisel and Todd Tappin, in order to preserve evidence and to prevent undue prejudice to the plaintiffs in the Goto.com Action. Document filed by Victor Parker. (yv,) (Entered: 11/29/2004)
11/24/2004	20	ORDER; granting [18] Motion for a limited lifting of the automatic stay of discovery. (Signed by Judge John F. Keenan on 11/23/04) Filed In Associated Cases: 1:02-cv-03835-JFK,1:02-cv-04240-JFK(sac,) (Entered: 11/29/2004)
05/31/2006	23	DUPLICATE MINUTE ORDER PURSUANT TO MEMORANDUM FROM THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS, DATED JUNE 15TH, 1973....Case Closed administratively pursuant to Memorandum from the Administrative Office of the United States Courts dated June 15th, 1973.... (Signed by Judge Michael B. Mukasey on 5/31/06)(orig. entered in 76cv2125(RWS) as document # 363) (kco,) (Entered: 06/02/2006)
09/19/2007		ORDER AND FINAL JUDGMENT settling action as to all actions listed in Schedule 1 of this judgment. (Orig filed in case no. 02 MD 1484 (JFK) as doc. # 467). (Signed by Judge John F. Keenan on 9/18/07) Filed In Associated Cases: 1:02-cv-03835-JFK, 1:02-cv-04240-JFK(ml) (Entered: 10/26/2007)

Note: Links in this docket are stored in the PACER system (Public Access to Court Electronic Records). PACER is a service of United States Judiciary. To view and retrieve the linked documents from PACER, you must be a registered user. To register, fill out one of the [registration forms](#) available on the PACER site. The United States Congress has given the Judicial Conference of the United States, the judicial governing body of the U.S. Federal Courts, authority to impose user fees for electronic access to case information. For more information visit the PACER site at <http://pacer.psc.uscourts.gov/pacerdesc.html>