

US District Court Civil Docket as of 07/16/2004  
retrieved from the court on Tuesday, August 17, 2004

US District Court for the  
District of New Jersey

2:02cv2724

Binder, et al v. MH Meyerson & Co, , et al

Date Filed: 06/06/2002	Class Code: 12BB, LEAD, RULE16
Assigned To: Judge Joseph A Greenaway, Jr	Closed: No
Referred To: Magistrate Judge G Donald Haneke	Statute: 15:78m(a)
Nature of suit: Securities (850)	Jury Demand: Plaintiff
Cause: Securities Exchange Act	Demand Amount: \$0
Lead Docket: None	
Other Docket: None	
Jurisdiction: Federal Question	

Litigants

Attorneys

Harry Binder, on Behalf of Himself and All Others Similarly  
Situated  
PLAINTIFF

Laurence Rosen  
[COR LD NTC]  
The Rosen Law Firm, PA  
236 Tillou Road  
South Orange , NJ 07079  
USA  
973 313-1887

Hee Sun Choung, Hee Sun Choung, on Behalf of Himself and  
All Others Similarly Situated Consol  
PLAINTIFF

Robert J Berg  
[COR LD NTC]  
Bernstein Liebhard & Lifshitz, LLP  
2050 Center Avenue  
Suite 200  
Fort Lee , NJ 07024  
USA  
201-592-3201  
Email: Berg@bernlieb.com

v.

MH Meyerson & Co, Inc  
DEFENDANT

Kenneth M Vandeventer  
[COR LD NTC]  
Riker, Danzig, Scherer, Hyland & Perretti  
Headquarters Plaza  
One Speedwell Avenue  
Morristown , NJ 07962-1981  
USA

(973) 538-0800

Martin Meyerson  
DEFENDANT

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[COR LD NTC]  
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Estate of Eugene Whitehouse  
DEFENDANT

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Martin Leventhal  
DEFENDANT

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Alfred Duncan  
DEFENDANT

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Date	#	Proceeding Text
6/6/2002	1	COMPLAINT filed; jury demand FILING FEE \$ 150.00 RECEIPT # 308560 (dc) (Entered: 06/07/2002)
6/7/2002	2	NOTICE of Allocation and Assignment filed. ( NEWARK - Judge Joseph A. Greenaway, Jr. - Magistrate Judge G. Donald Haneke) (NM) (dc) (Entered: 06/07/2002)
6/7/2002	--	SUMMONS(ES) issued for M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN ( 20 Days) (Mailed to Counsel) (dc) (Entered: 06/07/2002)
8/12/2002	3	Notice of MOTION to consolidate cases Civ 02cv2724 and 02cv3632 and all related actions filed in USDC District of New Jersey, appointing Lead Plaintiffs, and approving selection of The Rosen Law Firm P.A. and Law Offices of Brian Barry as Co-Lead Counsel by HARRY BINDER and Movants Lawrence Lippert and Edward Rone Motion set for 9/9/02 on [3-1] motion . (Brief/PO Subm) (ar) Modified on 08/19/2002 (Entered: 08/19/2002)
8/12/2002	4	DECLARATION of LAURENCE M. ROSEN on behalf of plaintiff HARRY BINDER and Movants - Lawrence Lippert and Edward Rone Re: [3-1] motion to consolidate cases Civ 02cv2724 and 02cv3632 and all related actions filed in USDC District of New Jersey, appointing Lead Plaintiffs, and approving selection of The Rosen Law Firm P.A. and Law Offices of Brian Barry as Co-Lead Counsel (ar) (Entered: 08/19/2002)
8/12/2002	5	CERTIFICATE OF SERVICE by HARRY BINDER and Movants Lawrence Lippert and Edward Rone Service Re: [4-1] declaration, [3-1] motion to consolidate cases Civ 02cv2724 and 02cv3632 and all related actions filed in USDC District of New Jersey, appointing Lead Plaintiffs, and approving selection of The Rosen Law Firm P.A. and Law Offices of Brian Barry as Co-Lead Counsel (ar) (Entered: 08/19/2002)

9/24/2002 6 ORDER granting [3-1] motion to consolidate cases Civ 02cv2724 and 02cv3632 and all related actions filed in USDC District of New Jersey, appointing Lead Plaintiffs, and approving selection of The Rosen Law Firm P.A. and Law Offices of Brian Barry as Co-Lead Counsel ( signed by Judge Joseph A. Greenaway, Jr. ) (NM) (ar) (Entered: 09/26/2002)

9/26/2002 -- Consolidated Lead Case with Member Case 02-3632(JAG) for all purposes. (ar) (Entered: 09/26/2002)

11/7/2002 7 FIRST AMENDED CONSOLIDATED COMPLAINT w/JURY DEMAND by HARRY BINDER, HEE SUN CHOUNG , amending [1-1] complaint (ar) (Entered: 11/13/2002)

11/7/2002 8 CERTIFICATE OF SERVICE by HARRY BINDER, HEE SUN CHOUNG Service Re: [7-1] amended complaint (ar) (Entered: 11/13/2002)

11/15/2002 9 NOTICE & ORDER of WITHDRAWAL re co-lead plaintiff Harry Binder and co-lead counsel Brian Barry ( signed by Judge Joseph A. Greenaway, Jr. ) (NM) (ar) (Entered: 11/25/2002)

11/22/2002 10 NOTICE of attorney appearance for M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN by KENNETH M. VANDEVENTER (ar) (Entered: 12/03/2002)

11/22/2002 11 CERTIFICATE OF SERVICE by M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN Service Re: [10-1] appear/appearance notice (ar) (Entered: 12/03/2002)

12/3/2002 12 LETTER APPLICATION for Paul Ferrillo to appear pro hac vice by M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN [Proposed Consent Order subm] (ar) (Entered: 12/10/2002)

12/3/2002 13 CERTIFICATION of KENNETH M. VAN DEVENTER on behalf of M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN Re: [12-1] application for Paul Ferrillo to appear pro hac vice (ar) (Entered: 12/10/2002)

12/3/2002 14 AFFIDAVIT of PAUL FERRILLO on behalf of M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN Re: [12-1] application for Paul Ferrillo to appear pro hac vice (ar) (Entered: 12/10/2002)

12/3/2002 15 CERTIFICATE OF SERVICE by M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN Service Re: [14-1] affidavit, [13-1] certification, [12-1] application for Paul Ferrillo to appear pro hac vice (ar) (Entered: 12/10/2002)

12/17/2002 16 ORDER GRANTING depts' appl to admit Paul Ferrillo pro hac vice.( signed by Mag. Judge G. D. Haneke ) (NM) (ar) (Entered: 12/19/2002)

12/20/2002 17 AFFIDAVIT of KENNETH M. VAN DEVENTER on behalf of M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN Re: in support of depts' motion to dismiss etc. [Memo of Law and Appendix of Unreported Cases Subm] (ar) (Entered: 12/30/2002)

12/20/2002 18 CERTIFICATE OF SERVICE by M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN Service Re: [17-1] affidavit of Van Deventer; Memo of Law and Appendix of Unreported Cases (ar) (Entered: 12/30/2002)

12/23/2002 19 ORDER, set scheduling conference for 3:00 1/27/03 ( signed by Mag. Judge G. D. Haneke ) (NM) (ar) (Entered: 01/02/2003)

2/3/2003 20 STIPULATION and ORDER ext depts time to file reply to plas' opp to depts' motion to dismiss etc. ( signed by Judge Joseph A. Greenaway, Jr. ) (NM) (ar) (Entered: 02/05/2003)

2/27/2003 21 Notice of Intent to submit a Dispositive motion dismissing by M.H. MEYERSON & CO, etc. (ar) (Entered: 03/04/2003)

2/27/2003 22 Notice of MOTION to dismiss by M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN, Motion set for 3/24/03 on [21-1] dispositive motion notice dismissing w/cert svc. (Briefs: Support, Opp Reply/PO Subm) (ar) (Entered: 03/04/2003)

2/27/2003 23 AFFIDAVIT of KENNETH M. VAN DEVENTER on behalf of M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN Re: [22-1] dispositive motion to dismiss (ar) (Entered: 03/04/2003)

2/27/2003 24 CERTIFICATE OF SERVICE by M.H. MEYERSON & CO, MARTIN MEYERSON, KENNETH KOOCK, ESTATE OF EUGENE WHI, JEFFREY MEYERSON, BERTRM SIEGEL, MARTIN LEVENTHAL, ALFRED DUNCAN Service Re: [23-1] affidavit, [22-1] dispositive motion to dismiss (ar) (Entered: 03/04/2003)

2/27/2003 25 Declaration of LAURENCE ROSEN IN RESPONSE by HARRY BINDER in opposition to [22-1] dispositive motion to dismiss [Opp Brief Subm] (ar) (Entered: 03/04/2003)

2/27/2003 26 CERTIFICATE OF SERVICE by HARRY BINDER Service Re: [25-1] Declaration of Laurence Rosen opposition response (ar) (Entered: 03/04/2003)

2/27/2003 27 CERTIFICATE OF SERVICE by HARRY BINDER Service Re: OPP MEMO OF LAW (ar) (Entered: 03/04/2003)

9/25/2003 29 Minute entry: Proceedings recorded by Ct-Reporter: Tom Brazaitis; Minutes of: 9/25/03; The following actions were taken, granting [22-1] dispositive motion to dismiss, granting dispositive motion notice dismissing; ordered atty JOSEPH ALLERHAND to appear pro hac vice by dfts. By Judge Joseph A. Greenaway, Jr. (DS) (Entered: 10/01/2003)

9/25/2003 30 ORDER, for JOSEPH S. ALLERHAND, ESQ., to appear pro hac vice by dfts. ( signed by Judge Joseph A. Greenaway, Jr. ) (NM) (DS) (Entered: 10/01/2003)

9/29/2003 28 ORDER granting [22-1] dispositive motion to dismiss complt. against all defts. M.H. Meyerson & Co., INC., Martin Meyerson, Kenneth Koock, Estate of Eugene Whitehouse, Jeffrey Meyerson, Bertram Siegel, Martin Leventhal & Alfred Duncan, & granting plfts. 30 dys for leave to file Second Amended Class Action Complaint ( signed by Judge Joseph A. Greenaway, Jr. ) (NM) (mn) (Entered: 09/30/2003)

10/29/2003 31 SECOND AMENDED COMPLAINT by HARRY BINDER, HEE SUN CHOUNG , amending [7-1] amended complaint w/jury demand. (DS) (Entered: 10/30/2003)

10/29/2003 32 CERTIFICATE OF SERVICE by HARRY BINDER, HEE SUN CHOUNG of [31-1] amended complaint (DS) (Entered: 10/30/2003)

11/21/2003 33 STIPULATION and ORDER, setting answer due for 12/8/03 for all dfts to respond to Second Amended Consolidated Complaint. ( signed by Judge Joseph A. Greenaway, Jr. ) (NM) (DS) (Entered: 12/03/2003)

2/4/2004 34 Notice of MOTION to Dismiss the second amended consolidated class action complaint w/prejudice by dfts MARTIN LEVENTHAL, M.H. MEYERSON & CO., INC., JEFFREY MEYERSON, MARTIN MEYERSON w/certsvc. (Attachments: # 1 Dft's Memorandum of Law# 2 Appendix of unreported cases# 3 Lead plt's Memorandum in opposition# 4 Part 2 of Memorandum# 5 Dft's Reply Memorandum# 6 Reply Aff of Kenneth M. Van Deventer# 7 Reply Appendix# 8 Part 2 of Reply Appendix# 9 Aff of Kenneth M. Van Deventer# 10 p/o)(ak, ) (Entered: 02/23/2004)

2/4/2004 -- Set Deadlines as to 34 MOTION to Dismiss. Motion Hearing set for 3/8/2004. (ak, ) (Entered: 02/23/2004)

4/2/2004 35 Notice of MOTION for Judicial Notice of Facts by HARRY BINDER, etal.. (Attachments: # 1 continuation of brief# 2 continuation of brief# 3 continuation of brief# 4 continuation of brief# 5 continuation of brief# 6 continuation of brief# 7 continuation of brief# 8 proposed order)(jd, ) (Entered: 04/05/2004)

4/2/2004 36 MOTION for Leave to File a Third Amended Consolidated Complaint w/cert of service and p/o attached by HARRY BINDER, etal. (Attachments: # 1 brief# 2 proposed third amended consolidated complaint# 3 exhibit A# 4 exhibit B# 5 exhibit C# 6 exhibits D-E-F)(jd, ) (Entered: 04/05/2004)

4/2/2004 -- Set Deadlines as to 35 MOTION for Judicial Notice of Facts, 36 MOTION for Leave to File Third Amended Complaint. Motion Hearing set for 4/26/2004 10:00 AM before Judge Joseph A. Greenaway, Jr.. (jd, ) (Entered: 04/05/2004)

- 4/30/2004 | 37 STIPULATION of extension by KENNETH KOOCK, MARTIN LEVENTHAL, M.H. MEYERSON & CO., INC., JEFFREY MEYERSON. (Attachments: # 1 brief in opposition to pltf's motion for leave to file an amended pleading# 2 appendix of unreported cases in support of defts' opposition to pltf's motion# 3 cert of service)(jd, ) (Entered: 05/03/2004)
- 5/6/2004 | 38 STIPULATION AND ORDER extending time for defts' to file opposition papers to pltf's motion for leave to file a third amended complaint is extended to 4/30/04and pltf's to file reply papers to defts' opposition to 5/14/04. Signed by Judge Joseph A. Greenaway, Jr. on 5/5/04. (bl, ) (Entered: 05/06/2004)
- 5/14/2004 | 39 BRIEF in Support re 36 MOTION for Leave to File filed by lead pltf's HARRY BINDER, et al. (Attachments: # 1 cert. of service)(sr, ) (Entered: 05/18/2004)
- 5/24/2004 | 40 ORDER granting 35 Motion for Judicial Notice of Facts; etc. . Signed by Judge Joseph A. Greenaway, Jr. on 5/24/04. (sr, ) (Entered: 05/25/2004)
- 6/4/2004 | 41 ORDER granting 36 Motion for Leave to File an amended pleading, It is further ordered that defendant shall have 20 days from the date of this Order to, if they so choose. etc.. Signed by Judge Joseph A. Greenaway, Jr. on 06/04/04. (JB, ) (Entered: 06/04/2004)
- 6/7/2004 | 42 Letter to Judge Greenaway from Kenneth M. Van Deventer on behalf of defts, received 2/23/04 re: defts' pending motion to dismiss the second amended complaint. (jd, ) (Entered: 06/07/2004)
- 6/7/2004 | 43 Letter to Judge Greenaway from Laurence Rosen on behalf of pltf, received 3/2/04, in response to letter brief dated 2/20/04 submitted by defense counsel Kenneth Van Deventer. (jd, ) (Entered: 06/07/2004)
- 6/9/2004 | 44 PROPOSED DOCUMENT by KENNETH KOOCK, MARTIN LEVENTHAL, M.H. MEYERSON & CO., INC., JEFFREY MEYERSON, MARTIN MEYERSON. (Attachments: # 1 Letter of Request from Kenneth M. Van Deventer, Esq.)(JARMICKI, LISA) (Entered: 06/09/2004)
- 6/23/2004 | 45 Letter from Kenneth M. Van Deventer withdrawing pending motion to dismiss without prejudice. (JARMICKI, LISA) (Entered: 06/23/2004)
- 7/1/2004 | -- CLERKS OFFICE QUALITY CONTROL MESSAGE - The Letter document number 45 submitted by (L. JARMICKI on 6/23/04 did not contain a proper signature. Only Registered Users are permitted to sign electronically filed documents with an s/. PLEASE RESUBMIT THE DOCUMENT WITH A PROPER ELECTRONIC OR SCANNED SIGNATURE BY 7/7/04. This submission will remain on the docket unless otherwise ordered by the court. This message is for informational purposes only. (cs) (Entered: 07/01/2004)

7/16/2004

46 SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS THE THIRD AMENDED CONSOLIDATED COMPLAINT filed by KENNETH KOOCK, MARTIN LEVENTHAL, M.H. MEYERSON & CO., INC., JEFFREY MEYERSON, MARTIN MEYERSON, w/Appendix of Unreported Decisions placed in the Clerk's Office file. (Attachments: # 1 Aff. of Lisa M. Jarmicki# 2 Letter# 3 Certsvc.)(dc, ) (Entered: 07/29/2004)