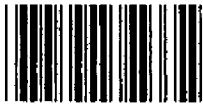


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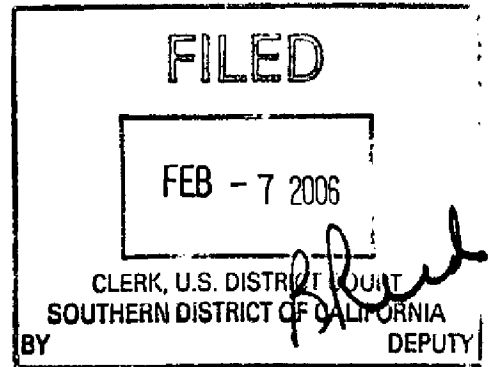
3:02-CV-00870 PEREGRINE SYS INC V.

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\*APP.\*

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The Loran Group



8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

11 IN RE PEREGRINE SYSTEMS, INC.  
SECURITIES LITIGATION

Case No. 02-CV-0870-BEN (RBB)

NOTICE OF APPEAL

14 This Document Relates to:

15 ALL ACTIONS.


17  
18 **NOTICE IS HEREBY GIVEN** that Lead Plaintiff the Loran Group hereby appeals to  
19 the United States Court of Appeals for the Ninth Circuit from the Judgment pursuant to Rule  
20 54(b) of the Federal Rules of Civil Procedure filed in this action on January 17, 2006 (Docket  
21 No. 716).

22 Specifically, the Loran Group appeals from (1) the dismissal with prejudice of the claims  
23 under Section 10(b) of the Securities Exchange Act of 1934 (the "1934 Act"), 15 U.S.C. §78j(b),  
24 against defendants BearingPoint, Inc., KPMG LLP, and Larry Rodda, as reflected in the District  
25 Court's January 20, 2005 Order (Docket No. 592) and (2) the dismissal with prejudice of the  
26 claims under Section 10(b) and Section 20(a) of the 1934 Act, 15 U.S.C. §78t(a), against  
27 defendants John J. Moores, Richard T. Nelson, Frederic B. Luddy (as to Section 10(b) only),  
28 Charles E. Noell III, Christopher A. Cole, Norris van den Berg, Richard A. Hosley II,

1 William D. Savoy, Thomas G. Watrous, and Rodney T. Dammeyer, as reflected in the Court's  
2 March 30, 2005 Order (Docket No. 614).

3 Dated: February 6, 2006

GOLD BENNETT CERA & SIDENER LLP

4  
5 By:   
6 Solomon B. Cera

7 Attorneys for Section 10(b) Lead Plaintiff  
8 The Loran Group  
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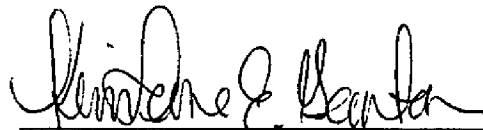
CERTIFICATE OF SERVICE

1  
2  
3 I, KimLane E. Gantan, hereby declare under penalty of perjury as follows:

4 I am employed by Gold Bennett Cera & Sidener LLP, 595 Market Street, Suite 2300, San  
5 Francisco, California, 94105-2835. I am over the age of eighteen years and am not a party to this  
6 action.

7 On February 7, 2006, I served a copy of the aforementioned "NOTICE OF APPEAL"  
8 on all parties listed on the attached Exhibit I, by causing true and correct copies of same to be  
9 enclosed in sealed envelopes and deposited in the U.S. Mail, postage prepaid, or delivered via  
10 facsimile, or as otherwise indicated on the attached Exhibit I.

11 Executed on February 7, 2006, at San Francisco, California.

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KimLane E. Gantan

EXHIBIT I

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SOUTHERN DISTRICT OF CALIFORNIA  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

In re:  
PEREGRINE SYSTEMS, INC.  
SECURITIES LITIGATION

CASE NO. 02CV870-BEN (RBB)  
**ORDER GRANTING FINAL  
JUDGMENT UNDER RULE 54(b)  
AND STAYING ACTION  
PENDING FINAL RESOLUTION  
OF APPEAL (Docket Nos. 630 and  
639)**

I.

INTRODUCTION.

Now before the Court is the Lead Plaintiff<sup>1</sup>, the Loran Group's, Motion for Entry of Judgment under Federal Rule of Civil Procedure 54(b), based on two rulings the Court issued in January and March of 2005. Under Rule 54(b), "[w]hen more than one claim for relief is presented in an action . . . or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties . . ." *Id.* The Motion is

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<sup>1</sup> Plaintiffs are divided into one main class and two sub-classes. The main class is represented by the Lead Plaintiff, the Loran Group. The sub-classes include those who obtained Peregrine's stock when it merged with Harbinger and Remedy Corporations. Unless specifically distinguishing between these classes of Plaintiffs, when the Court uses Plaintiff it only refers to the Lead Plaintiff, the Loran Group.

712

1 unopposed.<sup>2</sup> Instead, Defendants<sup>3</sup> Moores, Noell, Hosley and van den Berg move for stay of the  
2 action if the 54(b) judgment is granted, which the sub-class Plaintiffs oppose.

3 The Loran Group's claims are under Sections 10(b) and 20(a) of the Securities Exchange  
4 Act, 15 U.S.C. §§ 78j(b) 78t(a), and the Securities Exchange Commission's Rule 10b-5, 17 C.F.R.  
5 § 240.10b-5.

6 In 2005, the Court issued two rulings regarding the Loran Group's claims. First, in January  
7 2005, the Court dismissed with prejudice the Loran Group's claims under Section 10(b) and Rule  
8 10b-5 of the 1934 Act against Defendants KPMG LLP, BearingPoint, Inc., and Larry Rodda ("the  
9 KPMG Defendants"). Specifically, the Court found that the KPMG Defendants were aiders and  
10 abettors within the meaning of Section 10(b) and Rule 10b-5, and thus not liable. See, Central  
11 Bank of Denver, N.A. v. First Interstate Bank of Denver ("Central Bank"), 511 U.S. 164, 191  
12 (1994) ("[A] private plaintiff may not maintain an aiding and abetting suit under § 10(b).").

13 Then, in March 2005, the Court issued its second Order. In that Order, as relevant here, the  
14 Court found that the Loran Group state a Section 10(b) claim against Gardner, Gless, Spitzer, and  
15 Cappel. The Court also found that the Loran Group adequately states claims for control liabilities  
16 under Sections 20(a) against Gardner and Gless. However, the Court found, that the Loran Group  
17 fails to state a: (1) Section 10(b) and Rule 10b-5 claim against Defendants: Nelson, Luddy,  
18 Moores, Noell, Cole, van den Berg, Hosley, Savoy, Watrous, Dammeyer, Stulac, and AWSC; and  
19 (2) Section 20(a) control liability claim against Moores, Nelson, Noell, Cole, van den Berg,  
20 Hosley, Watrous, Savoy, and Dammeyer. In dismissing these claims, the Court found that the  
21 Complaint failed to allege Luddy, Dammeyer, and Stulac engaged in a primary act, i.e., either  
22 employed a scheme to defraud or made any statements. As to the other Defendants, while the  
23 Complaint sufficiently alleged a primary act on their part in that they made statements, it failed to  
24 allege they did so with scienter. There were no allegations identifying specific conversations,  
25 board meetings, or reports where these individuals purportedly learned of the true and adverse

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27 <sup>2</sup> Originally, Arthur Anderson LLP opposed the Motion. However, Arthur Anderson, LLP has  
28 subsequently withdrew that opposition. (See, Docket No. 696.)

<sup>3</sup> Defendants will be referred to by their last names only.

1 information regarding Peregrine's fraud. Further, there were no allegations showing that any of  
2 these Defendants directed sales personnel to enter into contingent contracts, or otherwise directed  
3 the alleged improper revenue recognition. Although, the Court dismissed the Loran Group's  
4 claims against these Defendants without prejudice, and granted leave to amend, the Loran Group  
5 decided not to amend its Complaint.

6 Instead, as noted, the Loran Group now moves for entry of judgment under Rule 54(b). For  
7 the reasons that follow, the Court GRANTS Plaintiff's Motion for entry of judgment under Rule  
8 54(b), and certifies judgment of Plaintiff's claims in accordance with the Court's January and  
9 March 2005 Orders. Specifically, the following claims are certified for appeal: the Lead Plaintiff,  
10 the Loran Group's: (1) Section 10(b) and Rule 10b-5 of the 1934 Act against Defendants KPMG  
11 LLP, BearingPoint, Inc., and Larry Rodda ("the KPMG Defendants"); (2) Section 10(b) and Rule  
12 10b-5 of the 1934 Act against Defendants Nelson, Luddy, Moores, Noell, Cole, van den Berg,  
13 Hosley, Savoy, Watrous, Dammeyer, Stulac, and AWSC; and (3) Section 20(a) control liability of  
14 the 1934 Act against Moores, Nelson, Noell, Cole, van den Berg, Hosley, Watrous, Savoy, and  
15 Dammeyer. Further, the entire case is STAYED pending resolution of these claims on appeal.<sup>4</sup>

## 16 II.

### 17 DISCUSSION.

18 "Rule 54(b) certification is proper if it will aid 'expeditious decision' of the case." Texaco,  
19 Inc. v. Ponsoldt, 939 F.2d 794 797 -798 (9th Cir. 1991). It "does not relax the finality required of  
20 each decision . . . but it does provide a practical means of permitting an appeal to be taken from  
21 one or more final decisions . . . in multiple claims actions, without waiting for final decisions to be  
22 rendered on all the claims in the case." Sears, Roebuck & Co. v. Mackey, 351 U.S. 427, 435  
23 (1956) (emphasis in original). "A pragmatic approach to the question of finality has been  
24 considered essential to the achievement of the 'just, speedy, and inexpensive determination of  
25 every action' . . ." Brown Shoe Co. v. United States, 370 U.S. 294, 306 (1962).

26 Rule 54(b) was enacted to counter the "liberalization of our practice to allow more issues  
27

28 <sup>4</sup> In light of the Court's decision to stay the entire action pending resolution of appeal, Defendant Gardner's motion to stay the action as to him is denied as moot. (See, Docket No. 639.)

1 and parties to be joined in one action.” Dickinson v. Petroleum Conversion Corp., 338 U.S. 507,  
2 511 (1950). Thus, “the trend is towards greater deference to a district court’s decision to certify  
3 under Rule 54(b).” Texaco, Inc. v. Ponsoldt, 939 F.2d 794, 798 (9th Cir. 1991) (citations omitted);  
4 see also, Cadillac Fairview v. United States, 41 F.3d 562, 564 n. 1 (9th Cir. 1994) (“The present  
5 trend is toward greater deference to a court’s decision to certify under 54(b).”); Purdy Mobile  
6 Homes v. Champion Home Bldrs., 594 F. 2d 1313, 1316 (9th Cir. 1979) (“Whether there is just  
7 reason for delay in the entry of judgment is a matter left to the discretion of the trial court.”). In  
8 making its decision, a district court should adopt “a pragmatic approach focusing on severability  
9 and efficient judicial administration.” Continental Airlines v. Goodyear Tire & Rubber Co., 819  
10 F.2d 1519, 152 (9th Cir. 1987). See also, Core-Vent Corp. v. Nobel Indus. AB, 11 F.3d 1482,  
11 1484 (9th Cir. 1993).

12 As noted, Rule 54(b) judgment may be entered before the resolution of the entire case  
13 “[w]hen more than one claim for relief is presented in an action . . . or when multiple parties are  
14 involved . . . .” Id. Here, there are multiple claims and parties. As such, Rule 54(b) provides the  
15 proper statutory basis for Plaintiff’s Motion for Entry of Judgment. See, Liberty Mutual Ins. Co. v.  
16 Wetzel, 424 U.S. 737 (1976).

17 But, before entering such judgment, there has be an “express determination that there is no  
18 just reason for delay and upon an express direction for the entry of judgment.” Fed.R.Civ.P. 54(b).  
19 Thus, Rule 54(b) authorizes district courts to direct entry of a final judgment where the following  
20 two elements are met: (1) “a final judgment”; and (2) “no just reason for delay.” Fed.R.Civ.P.  
21 54(b). Both requirements are met here.

22 A ruling is final, and therefore appealable “if it ‘ends the litigation on the merits and leaves  
23 nothing for the court to do but execute the judgment’ ” as to that party or claim. Arizona State  
24 Carpenters Pension Trust Fund v. Miller, 938 F.2d 1038, 1039 (9th Cir. 1991). “It must be a  
25 ‘judgment’ in the sense that it is a decision upon a cognizable claim for relief, and it must be ‘final’  
26 in the sense that it is an ultimate disposition of an individual claim entered in the course of a  
27 multiple claims action.” Curtiss-Wright Corp. v. General Elec. Co., 446 U.S. 1, 10 (1980). The  
28 Court has entered just such a judgment , when, in January 2005, it dismissed with prejudice the

1 Plaintiff's Section 10(b) and Rule 10b-5 claims against the KPMG Defendants; all claims against  
2 the KPMG Defendants were then extinguished and became proper for appeal. See, Conerly v.  
3 Westinghouse Elec. Corp., 623 F.2d 117, 119 (9th Cir. 1980) ("A dismissal with prejudice  
4 constitutes a final appealable judgment . . ."); see also, Marks v. San Francisco Real Estate Bd.,  
5 627 F.2d 947, 949 (9th Cir. 1980) (Same).

6 Similarly, in March 2005, the Court dismissed Plaintiff's Section 10(b) and Rule 10b-5  
7 claims against Defendants: Nelson, Luddy, Moores, Noell, Cole, van den Berg, Hosley, Savoy,  
8 Watrous, Dammeyer, Stulac, and AWSC. Although, the Court dismissed the Loran Group's  
9 claims against these Defendants without prejudice, and granted leave to amend, the Loran Group  
10 decided not to amend its Complaint. Thus, for all practical purposes, the Plaintiff's claims against  
11 these Defendants were also dismissed with prejudice, and therefore, appealable.

12 "Once having found finality, the district court must go on to determine whether there is any  
13 just reason for delay." Curtiss-Wright Corp. v. General Elec. Co., 446 U.S. at 8. "It is left to the  
14 sound judicial discretion of the district court to determine the 'appropriate time' when each final  
15 decision in a multiple claims action is ready for appeal. This discretion is to be exercised in the  
16 interest of sound judicial administration." Id. "Deference is granted to the district court's decision  
17 because it is the one most likely to be familiar with the case and with any justifiable reasons for  
18 delay." Texaco, Inc. v. Ponsoldt, 939 F.2d at 797.

19 In making this determination, "the district court must take into account judicial  
20 administrative interests as well as the equities involved." Curtiss-Wright Corp. v. General Elec.  
21 Co., 446 U.S. at 8. "Thus Curtiss-Wright requires two enquiries." Gregorian v. Izvestia, 871 F.2d  
22 1515, 1519 (9th Cir. 1989). First, is the judicial concerns, and "[t]he second, an assessment of  
23 basically equitable concerns, is made only after the 'judicial concerns' of the first step are  
24 satisfied." Id. As discussed below, both favor Rule 54(b) certification.

25 When considering judicial interests, the Court must determine "whether the claims under  
26 review [are] separable from the others remaining to be adjudicated and whether the nature of the  
27 claims already determined was such that no appellate court would have to decide the same issues  
28 more than once even if there were subsequent appeals." Id. See also, Wood v. GCC Bend, LLC,

1 422 F.3d 873, 878 (9th Cir. 2005) (“Whether a final decision on a claim is ready for appeal is a  
2 different inquiry from the equities involved, for consideration of judicial administrative interests is  
3 necessary to assure that application of the Rule effectively preserves the historic federal policy  
4 against piecemeal appeals.”).

5         Against this backdrop, entry of the requested 54(b) judgment is proper. Plaintiff seeks  
6 entry of such judgment on its claims under Sections 10(b) and 20(a) of the Securities Exchange  
7 Act, 15 U.S.C. §§ 78j(b) 78t(a), and the Securities Exchange Commission’s Rule 10b-5, 17 C.F.R.  
8 § 240.10b-5. Thus, there is no danger of redundant appeal with the remaining claims. As to the  
9 KPMG Defendants, the factual and legal allegations against them are unique. Unlike other  
10 Defendants, Plaintiffs do not charge these Defendants with any false or misleading statements as  
11 proscribed under Rule 10b-5(b). Rather, Plaintiffs only allege the KPMG Defendants violated  
12 subsections (a) and (c) of Rule 10b-5, which prohibit participation in a fraudulent scheme. Claims  
13 for engaging in a fraudulent scheme under 10b-5 (a) and (c) and for making a fraudulent statement  
14 or omission are distinct claims, with distinct elements. Unlike 10b-5(b), which requires a false  
15 statement or omission, claims under 10b-5(a) and (c) “are not so restricted.” Affiliated Ute  
16 Citizens of Utah v. U.S., 406 U.S. 128, 153 (1972). Nor does the Complaint allege that these  
17 Defendants had any role or were in a way involved in reviewing, drafting, preparing or filing any  
18 false or misleading statements. Rather, according to the Complaint, Peregrine and its executives  
19 were the only ones primarily responsible for communications with investors, and to have  
20 personally drafted many of the misleading communications. Moreover, and unlike other  
21 Defendants, the KPMG Defendants are not corporate insiders, but outside business entities and  
22 Peregrine’s principal customers, who allegedly entered into a number of bogus transactions with  
23 Peregrine so that Peregrine could book increasing revenue. These allegations and pleading  
24 requirements do not exist against any other remaining Defendants. There is also no Section 20(a)  
25 claim against the KPMG Defendants.

26         As to the other dismissed Defendants--Nelson, Luddy, Moores, Noell, Cole, van den Berg,  
27 Hosley, Savoy, Watrous, Dammeyer, Stulac, and AWSC--only some of them remain in the case,  
28 and only so on unrelated claims brought by the sub-class Plaintiffs. Specifically, the sub-class

1 Plaintiffs have a Section 11 of the Securities Exchange Act of 1933, 15 U.S.C. §§ 77k claim  
2 against Moores, Noell, Cole, van den Berg, Hosley, Savoy, and Watrous. Unlike the Section 10(b)  
3 claims, which the Plaintiff seeks to certify for judgment under 54(b), Sections 11 is “not governed  
4 by the heightened pleading standards of the PSLRA . . .” Falkowski v. Imation Corp., 309 F.3d  
5 1123, 1133 -1134 (9th Cir. 2002). Rather, under Section 11, “[l]iability . . . is virtually absolute,  
6 even for innocent misstatements.” Id. Therefore, scienter--the controlling factor in the Court’s  
7 dismissal of Section 10(b) and Rule 10b-5 claims--is absent as to the unadjudicated Section 11  
8 claims. See, In re Stac Electronics Securities Litigation, 89 F.3d 1399, 1404 (9th Cir. 1996) (“No  
9 scienter is required for liability under § 11; defendants will be liable for innocent or negligent  
10 material misstatements or omissions.”).

11 That some of the Defendants who have been held to answer to Plaintiff’s Section 10(b) and  
12 Rule 10b-5 claims--Gardner, Gless, Spitzer, and Cappel--does not compel a different result. Three  
13 of these Defendants have pled guilty to securities violations and one has been so indicted. The  
14 Court has also found that the Complaint sufficiently states scienter and a primary act on their part.  
15 By contrast, as to the above mentioned Section 10(b) and Rule 10b-5 Defendants, the Court has  
16 found that the Complaint neither states a primary act nor scienter on their part. Therefore, claims  
17 subject to the Rule 54(b) judgment do not implicate the same issues.

18 There is also no danger of redundant appeal with respect to the Section 20(a) claims.  
19 Plaintiff alleges Section 20(a) liability against Moores, Nelson, Noell, Cole, van den Berg, Hosley,  
20 Watrous, Savoy, and Dammeyer “based on their control of Peregrine.” (See, Complaint ¶ 669.)  
21 “To establish ‘controlling person’ liability, the plaintiff must show that a primary violation was  
22 committed and that the defendant ‘directly or indirectly’ controlled the violator.” Paracor Finance,  
23 Inc. v. General Elec. Capital Corp., 96 F.3d 1151, 1161 (9th Cir. 1996). No such pleading  
24 requirements remain with respect to the remaining Section 11 claims.

25 To be sure, “[t]he Rule 54(b) claims do not have to be separate from and independent of the  
26 remaining claims.” Sheehan v. Atlanta Int’l Ins. Co., 812 F.2d 465, 468 (9th Cir. 1987); see also,  
27 Wood v. GCC Bend, LLC, 422 F.3d 873, 881 (9th Cir. 2005) (“We do not mean to suggest that  
28 claims with overlapping facts are foreclosed from being separate for purposes of Rule 54(b).

1 Certainly they are not.”). In this regard, even where “the claims disposed of on appeal and the  
2 remaining counterclaims require proof of the same facts”, Rule 54 certification may be proper if  
3 “the legal issues . . . will streamline the ensuing litigation.” Id. This analysis “depends not on  
4 whether there are any facts in common between the adjudicated and the unadjudicated claim, but  
5 rather whether the factual issues ‘at the heart’ of the claims are sufficiently distinct.” Prudential  
6 Ins. Co. V. Curt Bullock Builders, Inc., 626 F.Supp. 159, 169 (D.Ill. 1985). As explained above,  
7 such is the case here.

8 Equity principles also favor not only granting Rule 54(b) certification, but staying the entire  
9 action pending appeal. See, Mediterranean Enterprises, Inc. v. Ssangyong Corp., 708 F.2d 1458,  
10 1465 (9th Cir. 1983) (“A trial court may, with propriety, find it is efficient for its own docket and  
11 the fairest course for the parties to enter a stay of an action before it, pending resolution of  
12 independent proceedings which bear upon the case.”); see also, Doe v. University of California,  
13 1993 WL 361540 (N.D.Cal. 1993) (“If a district court certifies claims for appeal pursuant to Rule  
14 54(b), it should stay all proceedings on the remaining claims if the interests of efficiency and  
15 fairness are served by doing so.”). In this regard, the Court “focus[es] on traditional equitable  
16 principles such as prejudice and delay.” Gregorian v. Izvestia, 871 F.2d at 1519. As Plaintiff  
17 contends, if the Rule 54(b) judgment is denied, the dismissed claims will have to wait as the  
18 remaining claims are litigated, which in all likelihood will take far longer than the resolution of the  
19 appeal of the dismissed claims. No discovery has even begun in the case. Nor has there been any  
20 class certification proceedings. Also remaining are the proceedings involving expert discovery and  
21 summary judgment motions.

22 Further, if the Court’s rulings on the dismissed claims are reversed, the dismissed claims  
23 will have to be incorporated to an already ongoing process. Moreover, as Plaintiff contends, it  
24 makes no sense to have multiple trials, which is what may happen if the Plaintiff is forced to wait  
25 to appeal until a final judgment is entered on the remaining claims years down the road. By  
26 contrast, an immediate appeal of the dismissed claims will eliminate this scenario. If the dismissed  
27 claims are reinstated on appeal, they will be litigated with the remaining claims at the same time.  
28 This would allow the Court and parties to avoid significant duplication of pre-trial efforts, and

1 potentially the need for a second trial. For example, all claims against six Defendants--  
2 Bearingpoint, KPMG, Rodda, AWSC, Stulac, and Dammeyer--have been dismissed. Thus, these  
3 Defendants are no longer in the case. If discovery goes forward, these Defendants will not be  
4 required or entitled to fully participate in it. Should the Ninth Circuit reverse the Court's  
5 dismissals, discovery would have to start all over again.


6 **III.**

7 **CONCLUSION.**

8 For the reasons set forth above, Plaintiff's Motion for entry of judgment under Rule 54(b)  
9 is **GRANTED**. The following claims are certified for appeal: the Lead Plaintiff, the Loran  
10 Group's: (1) Section 10(b) and Rule 10b-5 of the 1934 Act against Defendants KPMG LLP,  
11 BearingPoint, Inc., and Larry Rodda ("the KPMG Defendants"); (2) Section 10(b) and Rule 10b-5  
12 of the 1934 Act against Defendants Nelson, Luddy, Moores, Noell, Cole, van den Berg, Hosley,  
13 Savoy, Watrous, Dammeyer, Stulac, and AWSC; and (3) Section 20(a) control liability of the 1934  
14 Act against Moores, Nelson, Noell, Cole, van den Berg, Hosley, Watrous, Savoy, and Dammeyer.  
15 Further, the entire case is **STAYED** pending resolution of these claims on appeal.

16 **SO ORDERED.**

17  
18 DATED: 1/13/06

  
19 **ROGER T. BENITEZ**  
20 United States District Judge

21 cc: All parties and respective counsel  
22  
23  
24  
25  
26  
27  
28

**UNITED STATES DISTRICT COURT**

Southern District Of California  
Office Of The Clerk  
880 Front Street, Room 4290  
San Diego, California 92101-8900  
Phone: (619) 557-5600  
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.  
Clerk of Court

To: Clerk, U.S. Court of Appeals  
P.O. Box 193939  
San Francisco, CA 94119-3939

Re: USCA No:  
USDC No: **02cv870 BEN**  
**In Re Peregrine Systems Inc (Loran Group)**

Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

x	Copy of the Notice of Appeal	x	Docket Entries
x	Case Information/Docket Fee Payment Notification Form		
	Order for Time Schedule (Criminal)		
	Original Clerk's Record in	set(s) of	volume(s).
	Reporter's transcript's transcripts in	set(s) of	volume(s).
	Exhibits in	envelope(s)	box(es) folders(s)
x	Judgement Order		F/P Order
	CJA Form 20		Minute Order
	Certificate of Record		Mandate Return
	Magistrate Judge's Report and Recommendation		
	COA Order		
	Amended docket fee notification form		
	Order Appointing Counsel for Appeal		
x	Please acknowledge on the enclosed copy of this transmittal		

Sincerely yours,

W. Samuel Hamrick, Jr.  
Clerk of Court

Date: 02/8/06

By: B. Reed  
B. Reed, Deputy

# Notice of Appeal Notification Form

To: Clerk, U.S. Court of Appeals

Date: 02/8/06

From: U.S. District Court, Southern District of California

Subject: New Appeals Case Information & Docket Fee Notification

## Case Information

Case Title: In Re Peregrine Systems Inc.

U.S.D.C. No.: 02cv870 BEN (RBB)

U.S.D.C. Judge: Roger T Benitez

Complaint/Indictment/Petition Filed: 05/06/02

Appealed Order Entered: 01/17/06

Notice of Appeal Filed: 02/07/06

Court Reporter: Gayle Wakefield

COA Status:  Granted in full/part (appeal only)

Denied (send clerk's file)

## Docket Fee Notification

Docket Fee:  Paid

Not Paid

No Fee Required

USA/GOVT. APPEAL:  Yes

No

Date F/P granted (Show Date and Attach Copy of Order): \_\_\_\_\_

Was F/P Status Revoked?  Yes

No

Companion Case(s): (Please list consolidated cases, if applicable) \_\_\_\_\_

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Counsel Status:  Retained

Appointed

Pro Se

Appointed by: \_\_\_\_\_

(Attach copy of order/minutes)

## Defendant Information

Prisoner ID Number: \_\_\_\_\_

Bail: \_\_\_\_\_

Custody: \_\_\_\_\_

**SERVICE LIST**

**Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:**

x	Transmittal of U.S.C.A. (Appellant and Appellee)
x	Case Information/Docketing Fee Notification Form. (Appellant Only)
x	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
x	Docket Entries (Appellant and Appellee)
x	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
	Other:

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B. Reed

Deputy's Name

**B. Reed**

Deputy's Signature