

U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:03-cv-00069

Taubenfeld v. Hotels.com, et al
Assigned to: Judge David C Godbey
Demand: \$0
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 01/10/2003
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Daniel Taubenfeld
*on behalf of himself and all others
similarly situated*

represented by **Debbie Branscum**
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Plaintiff

Michael R Dehlinger

represented by **Shaun Khojayan**
(See above for address)
LEAD ATTORNEY
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Joe Kendall

(See above for address)
ATTORNEY TO BE NOTICED

Willie Briscoe

(See above for address)
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Plaintiff

Diane Perkins

represented by **Darren J Check**
Schiffrin & Barroway - Radnor
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Plaintiff

Robert Perkins

represented by **Darren J Check**
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ATTORNEY TO BE NOTICED

Joe Kendall
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ATTORNEY TO BE NOTICED

Willie Briscoe
(See above for address)
ATTORNEY TO BE NOTICED

V.

Consol Plaintiff

Ken Ryan
individually and on behalf of all others
similarly situated

represented by **Barry C Barnett**
(See above for address)
ATTORNEY TO BE NOTICED

Joe Kendall

(See above for address)
ATTORNEY TO BE NOTICED

Willie Briscoe
(See above for address)
ATTORNEY TO BE NOTICED

Consol Plaintiff

Robert D Green
*on behalf of himself and all others
similarly situated*

represented by **Joe Kendall**
(See above for address)
ATTORNEY TO BE NOTICED

Willie Briscoe
(See above for address)
ATTORNEY TO BE NOTICED

Consol Plaintiff

Bert Steele
*Trustee, on behalf of himself and all
others similarly situated*

represented by **Joe Kendall**
(See above for address)
ATTORNEY TO BE NOTICED

Willie Briscoe
(See above for address)
ATTORNEY TO BE NOTICED

Consol Plaintiff

Sally Steele
*Trustee, on behalf of herself and all others
similarly situated*

represented by **Joe Kendall**
(See above for address)
ATTORNEY TO BE NOTICED

Willie Briscoe
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ATTORNEY TO BE NOTICED

V.

Defendant

Hotels.com

represented by **Lara M Shalov**
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Defendant

Robert Diener

represented by **Lara M Shalov**
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Greg Weselka
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Josh Scott Roseman
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Patricia J Villareal
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Richard A Rosen
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Thomas R Jackson
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Defendant

Mel Robinson

represented by **Lara M Shalov**
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Greg Weselka
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Thomas R Jackson
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Defendant

David Litman

represented by **Lara M Shalov**
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Richard A Rosen
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Thomas R Jackson
(See above for address)
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V.

Movant

Walter Thomas Cole

represented by **Thomas E Bilek**
Hoeffner & Bilek
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Houston, TX 77002
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Dungan, Ltd.

represented by **Thomas E Bilek**
(See above for address)
LEAD ATTORNEY

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Movant

Nedra M Rich

represented by **Thomas E Bilek**
(See above for address)
LEAD ATTORNEY
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Date Filed	#	Docket Text
01/10/2003	1	COMPLAINT for violation of the Federal Securities Laws filed; Filing Fee \$ 150 Receipt # 189730 (14) (aat) (Entered: 01/13/2003)
01/10/2003		DEMAND for jury trial by plaintiff Daniel Taubenfeld (aat) (Entered: 01/13/2003)
01/10/2003	2	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by plaintiff Daniel Taubenfeld (3) (aat) (Entered: 01/13/2003)
01/10/2003	3	SUMMONS(ES) issued for defendant Hotels.com, defendant Robert Diener, defendant Mel Robinson, defendant David Litman (ISS-4) (aat) (Entered: 01/13/2003)
01/10/2003		PRELIMINARY ASSIGNMENT TO Magistrate Judge Paul Stickney (aat) (Entered: 01/13/2003)
02/18/2003	4	ORDER/STIPULATION extending defendants' time to respond to plaintiff's complaint until 2/28/03. (Signed by Judge David C Godbey on 2/18/03) (aat,) (Entered: 02/19/2003)
03/03/2003	5	Application and Order for appearance pro hac vice by Mark Solomon for Daniel Taubenfeld (Signed by Judge David C Godbey on 3/3/03) (aat,) (Entered: 03/04/2003)
03/03/2003	6	Application and Order for appearance pro hac vice by Shaun Khojayan for Daniel Taubenfeld (Signed by Judge David C Godbey on 3/3/03) (aat,) (Entered: 03/04/2003)
03/03/2003	7	Application and Order for appearance pro hac vice by Mary K Blasy for Daniel Taubenfeld (Signed by Judge David C Godbey on 3/3/03) (aat,) (Entered: 03/04/2003)
03/11/2003	8	MOTION for consolidation of the related cases, appointment as lead plaintiffs and for approval of their selection of lead counsel by Walter Thomas Cole, Dungan, Ltd., Nedra M Rich (aat,) (Entered: 03/12/2003)
03/11/2003	9	Memorandum in Support re 8 MOTION for consolidation of the actions, appointment as lead plaintiffs, and for approval of their selection of lead counsel filed by Walter Thomas Cole, Dungan, Ltd., Nedra M Rich. (aat,) (Entered: 03/12/2003)

03/11/2003	10	DECLARATION OF THOMAS BILEK re 8 motion for consolidation of the related cases, appointment as lead plaintiffs and for approval of their selection of lead counsel by Nedra M. Rich, Dungan, Ltd., and Walter Thomas Cole. (aat,) (Entered: 03/12/2003)
03/11/2003	11	NOTICE OF MOTION AND MOTION to appoint Michael R. Dehlinger as lead plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to approve lead plaintiff's choice of lead counsel by Michael R Dehlinger (aat,) (Entered: 03/12/2003)
03/11/2003	12	CERTIFICATE of Conference re 11 MOTION to appoint Michael R. Dehlinger as lead plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to approve lead plaintiff's choice of lead counsel by Joe Kendall on behalf of Michael R Dehlinger (aat,) (Entered: 03/12/2003)
03/11/2003	13	DECLARATION OF JOE KENDALL re 11 MOTION to appoint Michael R. Dehlinger as lead plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to approve lead plaintiff's choice of lead counsel. (aat,) (Entered: 03/12/2003)
03/11/2003	14	Memorandum in Support re 11 MOTION to appoint Michael R. Dehlinger as lead plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to approve lead plaintiff's choice of lead counsel filed by Michael R Dehlinger. (aat,) (Entered: 03/12/2003)
03/11/2003	15	Appendix in Support re 11 MOTION to appoint Michael R. Dehlinger as lead plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to approve lead plaintiff's choice of lead counsel filed by Michael R Dehlinger. (aat,) (Entered: 03/12/2003)
03/11/2003	16	MOTION to Consolidate actions, to be appointed lead plaintiffs, for approval of lead plaintiffs' selection of lead counsel and liason counsel by Diane Perkins, Robert Perkins (aat,) (Entered: 03/12/2003)
03/11/2003	17	Memorandum in Support re 16 MOTION to Consolidate actions, to be appointed lead plaintiffs, for approval of lead plaintiffs' selection of lead counsel and liason counsel filed by Diane Perkins, Robert Perkins. (aat,) (Entered: 03/12/2003)
03/11/2003	18	AFFIDAVIT OF J.J. HOPKINS re 16 MOTION to Consolidate actions, to be appointed lead plaintiffs, for approval of lead plaintiffs' selection of lead counsel and liason counsel by Diane Perkins, Robert Perkins. (aat,) (Entered: 03/12/2003)
03/12/2003	19	CERTIFICATE OF SERVICE by Michael R Dehlinger re 12 Certificate of Conference, (aat,) (Entered: 03/13/2003)
03/12/2003	20	CERTIFICATE OF SERVICE by Michael R Dehlinger re 13 Declaration of Joe Kendall(aat,) (Entered: 03/13/2003)
03/12/2003	21	CERTIFICATE OF SERVICE by Michael R Dehlinger re 15 Appendix in Support, (aat,) (Entered: 03/13/2003)
03/12/2003	22	CERTIFICATE OF SERVICE by Michael R Dehlinger re 11 MOTION to appoint Michael R. Dehlinger as lead plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to approve lead plaintiff's choice of lead

		counsel (aat,) (Entered: 03/13/2003)
03/12/2003	23	CERTIFICATE OF SERVICE by Michael R Dehlinger re 14 Memorandum in Support of Motion, (aat,) (Entered: 03/13/2003)
03/27/2003	24	RESPONSE to Motion re 16 MOTION to Consolidate Cases and appoint lead plaintiffs, 11 MOTION to appoint Michael R. Dehlinger as lead plaintiff pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and to approve lead plaintiff's choice of lead counsel, 8 MOTION to Consolidate Cases and to appoint lead plaintiffs, filed by Robert Diener, Hotels.com, David Litman, Mel Robinson. (aat,) (Entered: 03/28/2003)
03/31/2003	25	MOTION to enter stipulated order consolidating related-actions and appointing lead plaintiffs and appointing lead counsel and liason counsel, by Walter Thomas Cole, Michael R Dehlinger, Dungan, Ltd., Diane Perkins, Robert Perkins, Nedra M Rich (aat,) (Entered: 04/01/2003)
04/15/2003	26	Application and Order for appearance pro hac vice by Lara M Shalov for David Litman; Mel Robinson; Robert Diener and Hotels.com. (Signed by Judge David C Godbey on 4/15/03) (aat,) (Entered: 04/16/2003)
04/15/2003	27	Application and Order for appearance pro hac vice by Richard A Rosen for David Litman; Mel Robinson; Robert Diener and Hotels.com. (Signed by Judge David C Godbey on 4/15/03) (aat,) (Entered: 04/16/2003)
04/16/2003	28	ORDER OF CONSOLIDATION The following civil actions are consolidated with 3:03CV69-N; 3:03CV144-N; 3:03CV279-N; 3:03CV323-N. All pleadings, motions, or other papers will be filed in 3:03CV69-N. (Signed by Judge David C Godbey on 4/16/03) (aat,) (Entered: 04/16/2003)
06/04/2003	29	JOINT STIPULATION appointing lead plaintiffs, their selection of lead counsel and liason counsel by Michael R Dehlinger, Diane Perkins. (aat,) (Entered: 06/05/2003)
06/04/2003	30	JOINT STIPULATION setting schedule for filing consolidated complaint and briefing anticipated motion to dismiss by Michael R Dehlinger, Diane Perkins. (aat,) (Entered: 06/05/2003)
06/17/2003	31	ORDER APPROVING the joint stipulation appointing lead plaintiffs, their selection of lead counsel and liason counsel. Robert and Diane Perkins and Michael R. Dehlinger are appointed lead plaintiffs. Schiffrin & Barroway, LLP and Milberg Weiss Bershad Hynes & Lerach LLP are appointed co-lead counsel and Provost & Umphrey Law Firm are appointed liason counsel. (Signed by Judge David C Godbey on 6/17/03) (aat,) (Entered: 06/18/2003)
06/17/2003	32	ORDER APPROVING JOINT STIPULATION AND SETTING SCHEDULE FOR FILING CONSOLIDATED COMPLAINT AND BRIEFING ANTICIPATED MOTION TO DISMISS. See order for specifics. (Signed by Judge David C Godbey on 6/17/03) (aat,) (Entered: 06/18/2003)
06/23/2003	33	Application and Order for appearance pro hac vice by Thomas E Glynn for Daniel Taubenfeld. (Signed by Judge David C Godbey on 6/23/03) Copy to Glynn.(aat,) (Entered: 06/24/2003)

08/18/2003	34	CONSOLIDATED COMPLAINT for violation of the Federal Securities Laws and jury demand against Robert Diener, Hotels.com, David Litman, Mel Robinson , filed by Michael R Dehlinger, Diane Perkins, Robert Perkins.(aat,) (Entered: 08/19/2003)
08/19/2003	35	CERTIFICATIONS of named plaintiffs filed by Michael R Dehlinger, Diane Perkins, Robert Perkins (aat,) (Entered: 08/20/2003)
10/14/2003	36	AGREED MOTION to extend time to answer plaintiffs' consolidated complaint and to set page limitations by Michael R Dehlinger, Robert Diener, Robert D Green, Hotels.com, David Litman, Diane Perkins, Robert Perkins, Mel Robinson, Ken Ryan, Bert Steele, Sally Steele, Daniel Taubenfeld (aat,) (Entered: 10/15/2003)
10/16/2003	37	AGREED ORDER granting 36 motion for extension of time to file answer to plaintiff's consolidated complaint and to set page limitations. The new deadline is 10/31/03. The deadline for plaintiffs to file their oppositions to defendant's motion to dismiss is 1/13/04. (Signed by Judge David C Godbey on 10/15/03) (aat,) (Entered: 10/16/2003)
10/16/2003		Answer due from Robert Diener on 10/31/2003; Hotels.com on 10/31/2003; David Litman on 10/31/2003; Mel Robinson on 10/31/2003. Responses due by 1/13/2004 re: motion to dismiss. (aat,) (Entered: 10/16/2003)
10/17/2003	38	MOTION to withdraw and substitute counsel filed by Robert Diener, Hotels.com, David Litman, Mel Robinson (aat,) (Entered: 10/20/2003)
10/21/2003	39	AGREED ORDER granting 38 motion to withdraw and substitute attorney. Karen Hirschman and Todd A. Murray of Vinson & Elkins LLP are withdrawn as counsel for defendants. Patricia J. Villareal, Thomas J. Jackson, Greg L. Weselka and Joshua S. Roseman of Jones Day are substituted as counsel of record for defendants. (Signed by Judge David C Godbey on 10/21/03) (aat,) (Entered: 10/22/2003)
10/21/2003	40	AGREED MOTION to set page limitation by Michael R Dehlinger, Robert Diener, Hotels.com, David Litman, Diane Perkins, Robert Perkins, Mel Robinson, Daniel Taubenfeld (aat,) (Entered: 10/22/2003)
10/21/2003	41	AGREED ORDER granting 40 agreed motion to set page limitations. The page limitation for defendants' motion to dismiss and plaintiffs' opposition papers is 30 pages. (Signed by Judge David C Godbey on 10/21/03) (aat,) (Entered: 10/22/2003)
10/31/2003	42	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Robert Diener, Hotels.com, David Litman, Mel Robinson. (aat,) (Entered: 11/03/2003)
10/31/2003	43	MOTION to dismiss by Robert Diener, Hotels.com, David Litman, Mel Robinson with memorandum of law in support. (aat,) (Entered: 11/03/2003)
10/31/2003	44	SUPPLEMENT of unpublished cases to support motion to dismiss by Robert Diener, Hotels.com, David Litman, Mel Robinson.(Not imaged) (USC) (aat,) (Entered: 11/03/2003)

10/31/2003	45	APPENDIX VOLUME I in support re 43 motion to dismiss filed by Robert Diener, Hotels.com, David Litman, Mel Robinson. (Not imaged) (USC) (aat,) (Entered: 11/03/2003)
10/31/2003	46	APPENDIX VOLUME II in support re 43 motion to dismiss filed by Robert Diener, Hotels.com, David Litman, Mel Robinson. (Not imaged) (USC)(aat,) (Entered: 11/03/2003)
11/18/2003	47	ORDER REQUIRING STATUS AND SCHEDULING CONFERENCE. The parties are directed to confer within 14 days of the date of this order and to report to the court within 14 days of the conference. (Signed by Judge David C Godbey on 11/18/03) (aat,) (Entered: 11/19/2003)
12/16/2003	48	JOINT RULE 26(f) REPORT by Michael R Dehlinger, Robert Diener, Robert D Green, Hotels.com, David Litman, Diane Perkins, Robert Perkins, Mel Robinson, Ken Ryan, Bert Steele, Sally Steele, Daniel Taubenfeld. (aat,) (Entered: 12/17/2003)
01/13/2004	49	RESPONSE in opposition re 43 motion to dismiss filed by Michael R Dehlinger, Robert D Green, Diane Perkins, Robert Perkins, Ken Ryan, Bert Steele, Sally Steele, Daniel Taubenfeld. (aat,) (Entered: 01/14/2004)
02/27/2004	50	REPLY to response to motion re 43 motion to dismiss filed by Robert Diener, Hotels.com, David Litman, Mel Robinson. (aat,) (Entered: 03/01/2004)
02/27/2004	51	SECOND APPENDIX in support re 43 motion to dismiss filed by Robert Diener, Hotels.com, David Litman, Mel Robinson. (aat,) (Entered: 03/01/2004)
02/27/2004	52	SUPPLEMENT of unpublished cases in support of defendants' reply brief filed by Robert Diener, Hotels.com, David Litman, Mel Robinson. (Not imaged) (USC) (aat,) (Entered: 03/01/2004)
04/02/2004	53	UNOPPOSED MOTION for leave to file a sur-reply in response to defendants' reply to brief in support of their motion to dismiss by Michael R Dehlinger, Robert D Green, Diane Perkins, Robert Perkins, Ken Ryan, Bert Steele, Sally Steele, Daniel Taubenfeld (aat,) (Entered: 04/05/2004)
04/06/2004	54	ORDER granting 53 unopposed motion for leave to file a sur-reply in response to defendants' reply brief in support of their motion to dismiss. (Signed by Judge David C Godbey on 4/6/04) (aat,) (Entered: 04/07/2004)
04/06/2004	55	SUR-REPLY to reply to response to 43 motion to dismiss filed by Michael R Dehlinger, Robert D Green, Diane Perkins, Robert Perkins, Ken Ryan, Bert Steele, Sally Steele, Daniel Taubenfeld. (aat,) (Entered: 04/07/2004)
04/27/2004	56	MOTION for leave to file supplemental authority in support of their motion to dismiss by Robert Diener, Hotels.com, David Litman, Mel Robinson with brief in support thereof. (aat,) (Entered: 04/28/2004)
06/04/2004	57	NOTICE of change of firm affiliation by Thomas E Glynn, Mark Solomon. New address is: Lerach Coughlin Stoia & Robbins LLP, 401 B. Street, Suite 1700, San Diego, CA 92101. (aat,) (Entered: 06/07/2004)
08/18/2004	58	NOTICE of change of firm name by William Lerach for plaintiffs. New firm name

		is: Lerach Coughlin Stoia Geller Rudman & Robbins, LLP (aat,) (Entered: 08/19/2004)
09/07/2004	59	NOTICE of change of address by Thomas E Bilek. New address is: Hoeffner & Bilek, LLP, 1000 Louisiana St., Suite 1302, Houston, TX 77002. (aat,) (Entered: 09/08/2004)
09/27/2004	60	ORDER granting 43 motion to dismiss. Plaintiffs' claims are dismissed, partially with prejudice and partially without prejudice. Plaintiffs' request for leave to amend is granted and shall file an amended complaint within 30 days of the date of this order. (Signed by Judge David C Godbey on 9/27/04) (aat,) (Entered: 09/28/2004)
10/27/2004	61	NOTICE of election to stand on the consolidated complaint by plaintiffs. (aat,) (Entered: 10/28/2004)
01/31/2005	62	NOTICE of Change of Address by Eric Lechtzin, counsel for Daniel Taubenfeld, Michael R Dehlinger, Diane Perkins, Robert Perkins. New address is: Schiffrin & Barroway, LLP., 280 King of Prussia Road, Radnor, Pennsylvania 19087 (skt,) (Entered: 02/02/2005)
03/04/2005	63	NOTICE OF APPEAL as to 60 Order on Motion to Dismiss, Order on Motion for Leave to File, by Michael R Dehlinger, Diane Perkins, Robert Perkins. Filing fee \$ 255, receipt number 216781. TOOC. (jmr) (Entered: 03/07/2005)
03/07/2005	64	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 63 Notice of Appeal. (jmr) (Entered: 03/07/2005)
03/14/2005	65	Transcript Order Form by attorney for Plaintiffs: transcript not requested re 63 Notice of Appeal. (jmr) (Entered: 03/14/2005)
05/13/2005	66	Certified and Transmitted Record on Appeal to US Court of Appeals re 63 Notice of Appeal : 3 vol. electronic record and 2 brown folders as well as consolidated cases: 1 electronic record from each: 3:03cv144-N; 3:03cv323-N; 3:03cv279-N. (jmr) (Entered: 05/13/2005)
06/08/2005	67	NOTICE of Docketing Record on Appeal from USCA re 63 Notice of Appeal filed by Michael R Dehlinger,, Robert Perkins,, Diane Perkins,. USCA Case Number 05-10482 (svc,) (Entered: 06/09/2005)
08/12/2005		Appeal Record Returned: 63 Notice of Appeal: 2 brown folders of original documents. (jmr) (Entered: 08/12/2005)
08/12/2005	68	JUDGMENT/MANDATE of USCA as to 63 Notice of Appeal filed by Michael R Dehlinger, Robert Perkins, Diane Perkins. Issued as Mandate: 8/10/05. Pursuant to the stipulation of the parties this appeal is dismissed with prejudice. (jmr) (Entered: 08/12/2005)
09/14/2005	69	NOTICE of Change of Address filed by Joe Kendall, counsel for Daniel Taubenfeld. New address of LERACH COUGHLIN STOIA GELLER RUDMAN & ROBBINS LLP is 655 West Broadway, Suite 1900 San Diego, CA 92101 Telephone: 619/231-1058 (Kendall, Joe) Modified on 9/14/2005 (svc,). (Entered: 09/14/2005)
11/08/2005	70	Order Designating Case for ECF - see order for specifics. (Signed by Judge David

		C Godbey on 11/8/05) (cxb,) (Entered: 11/08/2005)
11/14/2005	71	Joint MOTION for Entry of Final Judgment Nunc Pro Tunc by Daniel Taubenfeld, Hotels.com, Robert Diener, Mel Robinson, David Litman (skt,) (Entered: 11/16/2005)
11/18/2005	72	FINAL JUDGMENT NUNC PRO TUNC. The Court expressly enters this final judgment nunc pro tunc retroactive to February 24, 2005, the date when the Court's judgment became final by operation of law. The Court orders that Plaintiffs take nothing by their suit. Each party shall bear their own costs. (See Order for specifics) (Signed by Judge David C Godbey on 11/18/2005) (skt,) (Entered: 11/21/2005)

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