

US District Court for the  
Middle District of Florida

6:03cv543

Simon v. Sawtek, Inc, et al

Date Filed: 02/07/2003  
Assigned To: Judge Gregory A Presnell  
Referred To:  
Nature of suit: Securities (850)  
Cause: Securities Exchange Act  
Lead Docket: None  
Other Docket: Dkt # : is 8:03-cv-00204  
Jurisdiction: Federal Question

Class Code: 03-294 DAB  
Closed: No  
Statute: 15:0078m(a)  
Jury Demand: Plaintiff  
Demand Amount: \$0

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Date	#	Proceeding Text
02/07/2003	1	CLASS ACTION COMPLAINT for Securities Exchange Act of 1934; breach of fiduciary duties filed; jury demand. Filing fee \$150.00 Receipt #T020129 (snp)
02/07/2003	--	MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned: Thomas G. Wilson (snp)

02/12/2003 2 NOTICE of designation under Local Rule 3.05 - TRACK 2. (ctc) (ag) [Entry date 02/13/03]

03/20/2003 3 WAIVER OF SERVICE returned executed as to Sawtek, Inc. on 3/3/03 Answer due on 5/2/03 for Sawtek, Inc. (ag)

03/20/2003 4 WAIVER OF SERVICE returned executed as to Kimon Anemogiannis on 3/3/03; Answer due on 5/2/03 for Kimon Anemogiannis. (ag)

03/20/2003 5 WAIVER OF SERVICE returned executed as to Raymond A. Link on 3/3/03; Answer due on 5/2/03 for Raymond A. Link (ag)

03/20/2003 6 WAIVER OF SERVICE returned executed as to Gary A. Monetti on 3/3/03; Answer due on 5/2/03 for Gary A. Monetti (ag)

03/20/2003 7 MOTION by Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link to transfer case to Orlando Division for all further proceedings (ag)

03/24/2003 8 ORDER of procedure. (Signed by Judge Elizabeth A. Kovachevich), ctc (ag)

03/26/2003 9 NOTICE of filing of similar class action case in Orlando Division by Sawtek, Inc. (ag)

04/01/2003 10 ORDER that the following cases are to be subsumed into case no. 8:03-cv-204-T-17TGW, the first filed case: case nos. 8:03-cv-244-T-17MSS, 8:03-cv-407-T-17MAP, and 8:03-cv-436-T-17MAP; the three subsumed cases, be closed and all further proceedings be filed in case no. 8:03-cv-204-T-17TGW, the consolidated case. (Signed by Judge Elizabeth A. Kovachevich), ctc (ag) [Edit date 04/02/03]

04/04/2003 11 RESPONSE by Todd Simon in opposition to [7-1] motion to transfer case to Orlando Division for all further proceedings (ag) [Entry date 04/07/03]

04/07/2003 12 ORDER that the following case is to be subsumed into case no. 8:03-cv-204-T-17TGW, the first filed case: case no. 8:03-cv-589-T-17MSS subsumed case, 8:03-cv-589-T-17MSS be closed and all further proceedings be filed in case no. 8:03-cv-204-T-17TGW, the consolidated case. (Signed by Judge Elizabeth A. Kovachevich), ctc (ag) [Edit date 04/08/03]

04/10/2003 13 NOTICE of filing original affidavit of Gary A. Monetti in support of defendants' motion for intra-district reassignment by Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link (ag) [Entry date 04/11/03]

04/10/2003 13 AFFIDAVIT of Gary A. Monetti by Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link in support of [7-1] motion to transfer case to Orlando Division for all further proceedings (ag) [Entry date 04/11/03]

04/11/2003 14 APPEARANCE of non-resident counsel and designation of local counsel as to Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link . Local counsel: Kurtis T. Bauerle. Non-resident counsel: Kurtis T. Bauerle. (ag)

04/11/2003 15 MOTION by Libra Advisors, LLC, Jay B. Heimowitz to be appointed lead plaintiffs, and for approval of lead plaintiffs' selection of lead counsel and liaison counsel (ag) [Edit date 04/14/03]

04/11/2003 16 MEMORANDUM by Libra Advisors, LLC, Jay B. Heimowitz in support of [15-1] motion to be appointed lead plaintiffs, [15-2] motion for approval of lead plaintiffs' selection of lead counsel and liaison counsel (ag) [Edit date 04/14/03]

04/11/2003 17 AFFIDAVIT of Sean M. Handler by Libra Advisors, LLC, Jay B. Heimowitz Re: [15-2] motion for approval of lead plaintiffs' selection of lead counsel and liaison counsel (ag) [Edit date 04/14/03]

04/11/2003 18 CERTIFICATE OF SERVICE of [15-2] motion for approval of lead plaintiffs' selection of lead counsel and liaison counsel, [15-1] motion to be appointed lead plaintiffs, [16-1] support memorandum, [17-1] affidavit by Libra Advisors, LLC, Jay B. Heimowitz (ag) [Edit date 04/14/03]

04/11/2003 19 MOTION by William B. Trilling, William S. LaLonde to consolidate with case 8:03-cv-244; 8:03-cv-289; 6:03-cv-294; 8:03-cv-318; 8:03-cv-407; 8:03-cv-436; 8:03-cv-589 and 8:03-cv-599 for all purposes and for appointment of lead plaintiff and approval of lead plaintiffs' selection of lead and liaison counsel (ag) [Entry date 04/14/03] [Edit date 04/14/03]

04/11/2003 20 MEMORANDUM by William B. Trilling, William S. LaLonde in support of [19-1] motion to consolidate with case 8:03-cv-244; 8:03-cv-289; 6:03-cv-294; 8:03-cv-318; 8:03-cv-407; 8:03-cv-436; 8:03-cv-589 and 8:03-cv-599 for all purposes and [19-2] motion for appointment of lead plaintiff and approval of lead plaintiffs' selection of lead and liaison counsel (ag) [Entry date 04/14/03]

04/11/2003 21 DECLARATION of Kenneth J. Vianale by William B. Trilling, William S. LaLonde re: [19-1] motion to consolidate with case 8:03-cv-244; 8:03-cv-289; 6:03-cv-294; 8:03-cv-318; 8:03-cv-407; 8:03-cv-436; 8:03-cv-589 and 8:03-cv-599 for all purposes, [19-2] motion for appointment of lead plaintiff and approval of lead plaintiffs' selection of lead and liaison counsel (ag) [Entry date 04/14/03]

04/11/2003 22 MOTION by Steven Jennings, Edward Bellamy, Arden Doering, Margaret Doering, Jerome Gitzen, Larry Sachs, Douglas Thieleke, Kathryn Thieleke, James Wiengei with memorandum in support for consolidation of cases for all purposes, and for appointment as lead plaintiffs and approval of selection of lead and liaison counsel (ag) [Entry date 04/14/03]

04/11/2003 23 DECLARATION of Aaron L. Brody by Steven Jennings, Edward Bellamy, Arden Doering, Margaret Doering, Jerome Gitzen, Larry Sachs, Douglas Thieleke, Kathryn Thieleke, James Wiengei re: [22-1] motion for consolidation of cases for all purposes, [22-2] motion for appointment as lead plaintiffs and approval of selection of lead and liaison counsel (ag) [Entry date 04/14/03]

04/11/2003 24 MOTION by Robert M. Horn with memorandum in support for consolidation of cases for all purposes, and for appointment of as lead plaintiff and approval of his choice of lead counsel (ag) [Entry date 04/14/03]

04/15/2003 25 MOTION by Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link for leave to file brief in reply to plaintiffs opposition to defendants' motion for intra-district reassignment (original signed reply brief attached) (ag) [Entry date 04/16/03]

04/15/2003 26 STIPULATION (MOTION) by Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link, Bob Howard, Sharon McFarlin for entry of consolidation order (ag) [Entry date 04/16/03]

04/17/2003 27 APPEARANCE of non-resident counsel and designation of local counsel as to Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link. Local counsel: Kurtis T. Bauerle and John M. Brennan. Non-resident counsel: Douglas J. Clark. (ag) [Entry date 04/18/03]

04/18/2003 -- ENDORSED ORDER denying [25-1] motion for leave to file brief in reply to plaintiffs opposition to defendants' motion for intra-district reassignment. (Signed by Judge Elizabeth A. Kovachevich), etc (ag)

04/22/2003 28 ORDER that the following case is to be subsumed into case no. 8:03-cv-204-T-17GW,

the first filed case: Case No. 8:03-cv-599-T-17MAP subsumed case, 8:03-cv-599-T-17MAP be closed; and all further proceedings be filed in case no. 8:03-cv-204-T-17TGW, the consolidated case. (Signed by Judge Elizabeth A. Kovachevich), etc (ag)

- 04/24/2003 29 MEMORANDUM by Steven Jennings, Edward Bellamy, Arden Doering, Margaret Doering, Jerome Gitzen, Larry Sachs, Douglas Thieleke, Kathryn Thieleke, James Wiengei in opposition to [15-1] motion to be appointed lead plaintiffs, [15-2] motion for approval of lead plaintiffs' selection of lead counsel and liaison counsel, [24-1] motion for consolidation of cases for all purposes, [24-2] motion for appointment of as lead plaintiff and approval of his choice of lead counsel, [19-1] motion to consolidate with case 8:03-cv-244; 8:03-cv-289; 6:03-cv-294; 8:03-cv-318; 8:03-cv-407; 8:03-cv-436; 8:03-cv-589 and 8:03-cv-599 for all purposes, [19-2] motion for appointment of lead plaintiff and approval of lead plaintiffs' selection of lead and liaison counsel (ag) [Entry date 04/25/03]
- 04/28/2003 30 NOTICE of withdrawal of motion of William B. Trilling and William S. LaLonde for appointment as lead plaintiff, and approval of lead plaintiff's selection of lead and liaison counsel by William B. Trilling, William S. LaLonde (ag) [Entry date 04/30/03] [Edit date 05/01/03]
- 04/28/2003 -- WITHDRAWAL of movants, William B. Trilling and William S. LaLonde's [19-2] motion for appointment of lead plaintiff and approval of lead plaintiffs' selection lead and liaison counsel (ag) [Entry date 04/30/03]
- 04/28/2003 31 MEMORANDUM by Libra Advisors, LLC, Jay B. Heimowitz in further support of [15-1] motion to be appointed lead plaintiffs, [15-2] motion for approval of lead plaintiffs' selection of lead counsel and liaison counsel (ag) [Entry date 04/30/03]
- 04/28/2003 31 MEMORANDUM by Libra Advisors, LLC, Jay B. Heimowitz in opposition to [24-2] motion for appointment of as lead plaintiff and approval of his choice of lead counsel, [22-2] motion for appointment as lead plaintiffs and approval of selection of lead and liaison counsel, [19-2] motion for appointment of lead plaintiff and approval of lead plaintiffs' selection of lead and liaison counsel (ag) [Entry date 04/30/03]
- 04/28/2003 32 ORDER, that the Court's [10-1] order, [12-1] order, [28-1] orders be vacated; the following case numbers, 8:03-cv-244-T-17MSS, 8:03-cv-407-T-17MAP, 8:03-cv-436-T-17MAP, 8:03-cv-589-T-17MSS and 8:03-cv-599-T-17MAP be reopened. (Signed by Judge Elizabeth A. Kovachevich), etc (ag) [Entry date 04/30/03]
- 04/29/2003 33 ORDER, transferring case to Honorable Gregory A. Presnell, with his consent, as it is related to case no. 6:03-cv-294-ORL-31DAB (Signed by Judge Elizabeth A. Kovachevich), etc (ag) [Entry date 04/30/03] [Edit date 04/30/03]
- 04/30/2003 -- TRANSFER to Orlando Division division (new case #: 6:03-cv-543-ORL-31) (ag)
- 05/02/2003 34 CERTIFICATE OF INTERESTED PERSONS by defendants Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link and corporate disclosure statement Re: Order (jrm) [Entry date 05/06/03]
- 05/05/2003 -- Original file received from Tampa division (old case no. 8:03-cv-204-T-17TGW) (jrm)
- 05/05/2003 -- CASE reassigned to Judge Gregory A. Presnell (jrm)
- 05/05/2003 -- MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned: David A. Baker (jrm)
- 05/05/2003 35 NOTICE to counsel of new case number and judge assignment (signed by deputy clerk) etc (jrm) [Edit date 05/06/03]

- 05/06/2003 36 AGREED MOTION by Sawtek, Inc., Libra Advisors, LLC, Jay B. Heimowitz, Steven Jennings, Edward Bellamy, Arden Doering, Margaret Doering, Jerome Gitzen, Larry Sachs, Douglas Thieleke, Kathryn Thieleke, James Wiengei to File Reply Briefs in Support of the Competing Lead Plaintiff Motions (agreed); referred to Magistrate Judge David A. Baker. (hsh) [Entry date 05/07/03]
- 05/06/2003 37 NOTICE OF HEARING: Status Conference set at 9:00 a.m. on Wednesday, 5/28/03; scheduled before Judge Gregory A. Presnell, United States District Judge and David A. Baker, United States Magistrate Judge. (Signed by Judge Gregory A. Presnell) ctc (hsh) [Entry date 05/07/03]
- 05/07/2003 38 NOTICE of withdrawal of the motion of Robert M. Horn for consolidation of the related cases, appointment as lead plaintiff and approval of their selection of lead counsel by Robert M. Horn (jrm) [Entry date 05/08/03]
- 05/08/2003 -- MOTION no longer referred: [36-1] consent motion to File Reply Briefs in Support of the Competing Lead Plaintiff Motions (jrm) [Edit date 05/08/03]
- 05/08/2003 -- WITHDRAWAL of terminating [24-1] motion for consolidation of cases for all purposes, terminating [24-2] motion for appointment as lead plaintiff and approval of his choice of lead counsel (jrm) [Edit date 05/08/03]
- 05/08/2003 39 ORDER granting [36-1] consent motion to file reply briefs in support of the competing lead plaintiff motions (Signed by Judge Gregory A. Presnell) ctc (jrm)
- 05/08/2003 40 NOTICE OF HEARING: At the status conference to be held on 05-28-03 at 9:00, the Court will consider and entertain argument on all motions pending as of this date. Motion hearing set for 9:00 5/28/03 for [26-1] joint motion for entry of consolidation order; [15-1] motion to be appointed lead plaintiffs; [15-2] motion for approval of lead plaintiffs' selection of lead counsel and liaison counsel; [22-1] motion for consolidation of cases for all purposes; [22-2] motion for appointment as lead plaintiffs and approval of selection of lead and liaison counsel; [19-1] motion to consolidate with case 8:03-cv-244; 8:03-cv-289; 6:03-cv-294; 8:03-cv-318; 8:03-cv-407; 8:03-cv-436; 8:03-cv-589 and 8:03-cv-599 for all purposes; scheduled for Judge Gregory A. Presnell and Magistrate Judge David A. Baker (Signed by Judge Gregory A. Presnell) ctc (jrm)
- 05/09/2003 41 INTERESTED PERSONS ORDER plaintiff and movants shall respond within 11 days. (Signed by Judge Gregory A. Presnell) ctc (jrm) [Entry date 05/12/03]
- 05/12/2003 42 REPLY MEMORANDUM by Libra Advisors, LLC, Jay B. Heimowitz in further support of [15-1] motion to be appointed lead plaintiffs, [15-2] motion for approval of lead plaintiffs' selection of lead counsel and liaison counsel (jrm)
- 05/13/2003 43 MEMORANDUM by Steven Jennings, Edward Bellamy, Arden Doering, Margaret Doering, Jerome Gitzen, Larry Sachs, Douglas Thieleke, Kathryn Thieleke, James Wiengei in reply to [15-1] motion to be appointed lead plaintiffs, [15-2] motion for approval of lead plaintiffs' selection of lead counsel and liaison counsel and in support of [22-1] motion for consolidation of cases for all purposes, [22-2] motion for appointment as lead plaintiffs and approval of selection of lead and liaison counsel (jrm)
- 05/13/2003 44 DECLARATION of Shawn M. Brannagan by Steven Jennings, Edward Bellamy, Arden Doering, Margaret Doering, Jerome Gitzen, Larry Sachs, Douglas Thieleke, Kathryn Thieleke, James Wiengei re: [43-1] memorandum in reply to competing motions and in support of the Jennings lead plaintiffs' motion for consolidation appointment as lead plaintiffs and approval of selection of lead and liaison counsel

(jrm)

05/19/2003 45 CERTIFICATE OF INTERESTED PERSONS by defendants Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link and corporate disclosure statement Re: Order (jrm) [Entry date 05/20/03]

05/20/2003 46 STIPULATION and [proposed] consolidation order by plaintiff Todd Simon, defendants Sawtek, Inc., Kimon Anemogiannis, Gary A. Monetti, Raymond A. Link, plaintiffs Ilene Reif, George Reif, William S. LaLonde, Bob Howard, Sharon McFarlin, Gretchen Stephens, Lila A. Breedlove, George J. McCauley (jrm)

05/22/2003 47 CERTIFICATE OF INTERESTED PERSONS by Libra Advisors, LLC, Jay B. Heimowitz and corporate disclosure statement Re: [41-1] order (jrm)

05/22/2003 48 AGREED MOTION by Sawtek, Inc., Libra Advisors, LLC, Jay B. Heimowitz to cancel the May 28, 2003 status conference (agreed). (hsh) [Entry date 05/23/03]

05/23/2003 49 ORDER cancelling Status Conference previously set for 05-28-03; granting [48-1] consent motion to cancel the May 28, 2003 status conference (Signed by Judge Gregory A. Presnell) ctc (jrm) [Entry date 05/27/03]

05/27/2003 50 NOTICE of withdrawal of motion of the Jennings proposed lead plaintiffs for appointment as lead plaintiffs and for approval of its choice of lead and liaison counsel by Steven Jennings, Edward Bellamy, Arden Doering, Margaret Doering, Jerome Gitzen, Larry Sachs, Douglas Thieleke, Kathryn Thieleke, James Wiengei (jrm)

05/27/2003 -- WITHDRAWAL of terminating [22-2] motion for appointment as lead plaintiffs and approval of selection of lead and liaison counsel (jrm)

05/27/2003 51 MOTION by plaintiff Todd Simon for Jules Brody to appear pro hac vice with Shawn Brannagan designated as local counsel; referred to Magistrate Judge David A. Baker (jrm)

05/27/2003 52 MOTION by plaintiff Todd Simon for Aaron Brody to appear pro hac vice with Shawn Brannagan designated as local counsel; referred to Magistrate Judge David A. Baker (jrm)

05/28/2003 53 ORDER Re: [46-1] stipulation for consolidation; consolidating with case 6:03-cv-294-Orl-31DAB for pretrial proceedings with all documents to be filed in the master case, 03-cv-294. Objections to this Order due within 30 days. (Signed by Judge Gregory A. Presnell) ctc (jrm)

05/28/2003 -- \*\*CONSOLIDATED member case flag Lead Case Number: 03-294 (jrm)

05/28/2003 54 ORDER approving [51-1] motion for Jules Brody to appear pro hac vice on behalf of plaintiff with Shawn Brannagan designated as lead counsel. (Signed by Magistrate Judge David A. Baker) ctc (jrm)

06/02/2003 55 ORDER granting [52-1] motion for Aaron Brody to appear pro hac vice on behalf of plaintiff (Signed by Magistrate Judge David A. Baker) ctc (jrm)