

**U.S. District Court**  
**Southern District of New York (White Plains)**  
CIVIL DOCKET FOR CASE #: 7:03-cv-09151-SCR

Heller, et al v. Starwood Hotels & Re, et al  
Assigned to: Judge Stephen C. Robinson  
Demand: \$0  
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 11/18/2003  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**Warren Heller**  
*individually and on behalf of all others  
similarly situated*

represented by **Lawrence P. Kolker**  
Wolf, Haldenstein, Adler, Freeman &  
Herz, L.L.P.  
270 Madison Avenue  
New York, NY 10016  
(212) 545-4600  
Email: kolker@whafh.com  
**LEAD ATTORNEY**

**Plaintiff**

**Ralph Silver**  
*individually and on behalf of all others  
similarly situated.*

represented by **Lawrence P. Kolker**  
(See above for address)  
**LEAD ATTORNEY**

V.

**Defendant**

**Starwood Hotels & Resorts Worldwide,  
Inc.,**

represented by **Peter Duffy Doyle**  
Kirkland and Ellis LLP  
153 East 53rd Street  
New York, NY 10022  
212-446-4678  
Fax: 212-446-4900  
Email: pdoyle@kirkland.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**WHLP Acquisition LLC**

represented by **Peter Duffy Doyle**  
(See above for address)

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Westin Realty Corp.**

represented by **Steven M. Bierman**  
Sidley Austin Brown & Wood LLP  
787 Seventh Avenue  
New York, NY 10019-6018  
(212) 839-5300  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Theodore W. Darnall**

represented by **Peter Duffy Doyle**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant**

**Alan M. Schnaid**

represented by **Steven M. Bierman**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/18/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 491646. (jma) (Entered: 11/19/2003)
11/18/2003		Magistrate Judge George A. Yanthis is so designated. (jma) (Entered: 11/19/2003)
01/20/2004	5	MOTION to Appoint Ralph Silver and Warren Heller to serve as lead plaintiff(s) and approve selection of Lead Counsel. Document filed by Warren Heller, Ralph Silver. (dcr, ) (Entered: 02/04/2004)
01/20/2004	6	MEMORANDUM OF LAW in Support re: [5] MOTION to Appoint Ralph Silver and Warren Heller to serve as lead plaintiff(s). Document filed by Warren Heller, Ralph Silver. (dcr, ) (Entered: 02/04/2004)
01/26/2004	2	MOTION to Dismiss. Document filed by Alan M. Schnaid, Westin Realty Corp.. (pf, ) (Entered: 02/03/2004)
01/26/2004	3	MEMORANDUM OF LAW in Support re: [2] MOTION to Dismiss.. Document filed by Alan M. Schnaid, Westin Realty Corp.. (pf, ) (Entered: 02/03/2004)
01/26/2004	4	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Westin Realty

		Corp..(pf, ) (Entered: 02/03/2004)
01/26/2004	7	MOTION to Dismiss. Document filed by Theodore W. Darnall, Starwood Hotels & Resorts Worldwide, Inc., WHLP Acquisition LLC. (pf, ) (Entered: 02/05/2004)
01/26/2004	8	MEMORANDUM OF LAW in Support re: [7] MOTION to Dismiss.. Document filed by Theodore W. Darnall, Starwood Hotels & Resorts Worldwide, Inc., WHLP Acquisition LLC. (dcr, ) (Entered: 02/05/2004)
01/26/2004	9	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Theodore W. Darnall, Starwood Hotels & Resorts Worldwide, Inc., WHLP Acquisition LLC.(dcr, ) (Entered: 02/05/2004)
02/11/2004	10	MOTION for Jeffrey L. william, Michael D. Foster and John E. Tangren to Appear Pro Hac Vice. Document filed by Theodore W. Darnall, Starwood Hotels & Resorts Worldwide, Inc., WHLP Acquisition LLC. *\$75.00 fee in vault*(pf, ) (Entered: 02/18/2004)
02/17/2004	12	MOTION for Attorney Fees and expenses. and to enjoin distribution. Document filed by Warren Heller, Ralph Silver. (dcr, ) (Entered: 02/25/2004)
02/17/2004	13	MEMORANDUM OF LAW in Support re: [12] MOTION for Attorney Fees.. Document filed by Warren Heller, Ralph Silver. (dcr, ) (Entered: 02/25/2004)
02/18/2004	11	STIPULATION AND ORDER: It is hereby Stipulated and Agreed by and between the undersigned counsel for plntffs and DftsTheodore Darnall, Starwood Hotels & Resorts Worldwide, Inc., and WHLP Acquisition LLC that Plntffs have until 2/27/04 to file their responses to Dfts...motion to dismiss. It is further stipulated and agreed that Dfts... have until 3/12/04 to respond. So Ordered: (Signed by Judge Stephen C. Robinson on 2/17/04) Copies sent by Clerk's Office.(pf, ) (Entered: 02/20/2004)
02/25/2004		MEMO ENDORSEMENT on re: [10] MOTION for Jeffrey L. william, Michael D. Foster and John E. Tangren to Appear Pro Hac Vice. filed by Starwood Hotels & Resorts Worldwide, Inc., WHLP Acquisition LLC, Theodore W. Darnall, Motions terminated: [10] MOTION for Jeffrey L. william, Michael D. Foster and John E. Tangren to Appear Pro Hac Vice. filed by Starwood Hotels & Resorts Worldwide, Inc., WHLP Acquisition LLC, Theodore W. Darnall.....ENDORSEMENT: So Ordered: (Signed by Judge Stephen C. Robinson on 2/20/04) *\$75.00 fee paid, receipt #493407* Copies sent by Clerk's Office.(pf, ) Modified on 2/25/2004 (pf, ). (Entered: 02/25/2004)
03/01/2004	14	ORDER OF DISMISSAL without prejudice... Plntffs, Warren Heller and Ralph Silver, hereby dismiss their claims voluntarily without prejudice pursuant to FRCP 41(a)(1). So Ordered: (Signed by Judge Stephen C. Robinson on 2/27/04) Copies sent by Clerk's Office.(pf, ) (Entered: 03/02/2004)
03/09/2004	15	MEMORANDUM OF LAW in Opposition re: [12] MOTION for Attorney Fees.. Document filed by Alan M. Schnaid, Westin Realty Corp.. (pf, ) (Entered: 03/12/2004)
03/09/2004	16	MEMORANDUM OF LAW in Opposition re: [12] MOTION for Attorney Fees.. Document filed by Theodore W. Darnall, Starwood Hotels & Resorts Worldwide, Inc., WHLP Acquisition LLC. (pf, ) (Entered: 03/12/2004)

03/09/2004	17	DECLARATION of Peter Doyle in Support re: [12] MOTION for Attorney Fees.. Document filed by Theodore W. Darnall, Starwood Hotels & Resorts Worldwide, Inc., WHLP Acquisition LLC. (pf, ) (Entered: 03/12/2004)
03/09/2004	18	AFFIDAVIT of Steven Bierman in Support memo of law in opposition to attys fees. Document filed by Alan M. Schnaid, Westin Realty Corp.. (pf, ) (Entered: 03/12/2004)
03/12/2004	19	STIPULATION AND ORDER Defendants have until 3-9-04 to file their opposition to plaintiffs' counsel's motion for attorneys' fees, and plaintiff has until 3-19-04 to file any reply. (Signed by Judge Stephen C. Robinson on 3/12/04) The Clerks office has mailed copies.(dh, ) (Entered: 03/15/2004)
03/18/2004	20	REPLY MEMORANDUM OF LAW in Support re: [12] MOTION for Attorney Fees.. Document filed by Warren Heller, Ralph Silver. (pf, ) (Entered: 03/18/2004)
08/06/2004	21	MEMORANDUM DECISION & ORDER:... For all of the foregoing reasons(see document for details), the Application by the Plntffs' Counsel for attys' fees and enjoinder of the distribution of tender offer proceeds is denied. So Ordered: (Signed by Judge Stephen C. Robinson on 8/6/04) Copies sent by Clerk's Office.(pf, ) (Entered: 08/10/2004)

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