

US District Court for the  
Northern District of Illinois

1:04cv3530

Petkun v. Bally Total Fitness, et al

Date Filed: 05/20/2004	Class Code: CONALL
Assigned To: Honorable John F Grady	MASON
Referred To:	Closed: No
Nature of suit: Securities (850)	Statute: 15:78m(a)
Cause: Securities Exchange Act	Jury Demand: Plaintiff
Lead Docket: None	Demand
Other Docket: None	Amount: \$0
Jurisdiction: Federal Question	

**Litigants**

Gladys Petkun, on Behalf of Herself and All Others  
Similarly Situated  
PLAINTIFF

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v.

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Lee S Hillman  
DEFENDANT

<b>Date</b>	<b>#</b>	<b>Proceeding Text</b>
5/20/2004	1	COMPLAINT; jury demand - Civil cover sheet - (no summons(es) issued.) (Documents: (1-1 through 1-2)) [Date Entered: 05/21/04, By: gma]
5/20/2004	--	RECEIPT regarding payment of filing fee paid; on 5/20/04 in the amount of \$150.00, receipt #10215214. [Date Entered: 05/21/04, By: gma]

5/21/2004 2 ATTORNEY APPEARANCE for plaintiff by Fay Clayton, Carl Thomas Bergetz [Date Entered: 05/24/04, By: nf]

5/21/2004 3 CERTIFICATION by plaintiff; Notice. [Date Entered: 05/24/04, By: nf]

7/13/2004 4 ATTORNEY APPEARANCE for Bally Total Fitness, Paul A Toback by Timothy Bunker Hardwicke, Erin S. Shaw, Robert Brian Tanner, Amanda Jean Smith [Date Entered: 07/14/04, By: nf]

7/13/2004 9 JOINT STIPULATION by parties. [Date Entered: 07/22/04, By: nf]

7/13/2004 10 MOTION by defendants Bally Total Fitness, Paul A Toback to reassign related cases pursuant to Local Rule 40.4 (Attachments); Notice [Date Entered: 07/22/04, By: nf]

7/13/2004 11 AGREED MOTION by defendants Bally Total Fitness, Paul A Toback to extend time to answer or otherwise respond to complaint (Attachments); Notice [Date Entered: 07/22/04, By: nf]

7/16/2004 5 CORRECTED MOTION by defendants Bally Total Fitness Holding Corporation, Paul A. Toback to reassign related cases 04 C 3713, 04 C 3783, 04 C 3844, 04 C 3864, 04 C 3936, 04 C 4125 and 04 C 4342 pursuant to Local Rule 40.4. [Date Entered: 07/19/04, By: hp]

7/16/2004 6 CORRECTED MOTION by defendants Bally Total Fitness, Paul A. Toback, plaintiff Gladys Petkun to extend time to answer or otherwise respond to plaintiff's complaint; (Attachments). [Date Entered: 07/19/04, By: hp]

7/16/2004 7 CORRECTED JOINT STIPULATION by defendants Bally Total Fitness, Paul A. Toback and plaintiff regarding [5-1] [6-1]. [Date Entered: 07/19/04, By: hp]

7/19/2004 8 EXHIBITS A-Q by defendants Bally Total Fitness, Paul A Toback motion to reassign related cases 04 C 3713, 04 C 3783, 04 C 3844, 04 C 3864, 04 C 3936, 04 C 4125 and 04 C 4342 pursuant to Local Rule 40.4 [5-1] [Date Entered: 07/20/04, By: nf]

7/21/2004 -- SCHEDULE set on 7/21/04 by Hon. John F. Grady : Status hearing set to 11:30 on 9/8/04 . No notice [Date Entered: 07/21/04, By: amm]

7/21/2004 12 MINUTE ORDER of 7/21/04 by Hon. John F. Grady : The agreed and corrected agreed motion to extend time to answer or otherwise respond to complaint [6-1], [11-1] is granted. The motion and corrected motion to reassign related cases 04 C 3713, 04 C 3783, 04 C 3844, 04 C 3864, 04 C 3936, 04 C 4125 and C 4342 pursuant to Local Rule 40.4 [5-1], [10-1] is granted. Mailed notice [Date Entered: 07/22/04, By: nf]

7/26/2004 13 MOTION by unknown Cosmos Inv Co LLC for consolidation, for appointment as lead plaintiff and for approval of lead plaintiff's selection of lead counsel; Memorandum of law in support; Notice [Date Entered: 07/27/04, By: nf]

7/26/2004 14 MOTION by unknown Genesee Co Emp for consolidation of related actions, appointment as lead plaintiff and approval of selection of lead counsel; Memorandum of law in support; Notice [Date Entered: 07/27/04, By: nf]

7/26/2004 15 MOTION by unknown Earl G Chesson, Richard J Jaffke, Timothy Weise to consolidate actions, to be appointed lead plaintiffs and for approval of lead plaintiffs' selection of lead counsel and liaison counsel; Memorandum of law in support; (Attachments); Notice [Date Entered: 07/27/04, By: nf]

7/26/2004 16 MOTION by unknown David Carlton, Dodie Carlton for appointment as lead plaintiff and for approval of lead plaintiff's selection of lead counsel; Memorandum of law in support; (Attachments); Notice [Date Entered: 07/27/04, By: nf]

- 7/26/2004 17 MOTION by unknown Sam Pitcher, Sabiheh Sameyah, Shelomoh Sameyah, Marlyn Slenn, Jacob Gerstenfeld for consolidation, appointment as lead plaintiff and approval of selection of lead counsel and liaison counsel;Memorandum of law in support; (Attachments); Notice [Date Entered: 07/27/04, By: nf]
- 7/26/2004 18 DECLARATION of Douglas Risen in support of motion by the Cosmos Group for consolidation [13-1], motion for appointment as lead plaintiff and for approval of lead plaintiff's selection of lead counsel [13-2] (Attachments). [Date Entered: 07/27/04, By: nf]
- 8/3/2004 19 APPLICATION for leave to appear pro hac vice for Bally Total Fitness, Paul A Toback by Laurie B Smilan; Order entered granting leave by Hon. John F. Grady [Date Entered: 08/04/04, By: nf]
- 8/3/2004 20 ATTORNEY APPEARANCE for Bally Total Fitness, Paul A Toback by Laurie B. Smilan. [Date Entered: 08/04/04, By: nf]
- 8/10/2004 27 MOTION by defendants Bally Total Fitness, Paul A Toback to reassign Catherine A. Eads v. Bally Total fitness Holding Corp et,al. 04cv4697, pursuant to Local Rule 40.4 (Attachments); Notice [Date Entered: 09/08/04, By: nf]
- 8/11/2004 21 ATTORNEY APPEARANCE for defendant John W Dwyer by Howard Steven Suskin, William Denby Heinz, Ryan Stacy Stippich, Shyni R Varghese. [Date Entered: 08/12/04, By: gma]
- 8/12/2004 22 NOTICE by plaintiff of change of firm name. [Date Entered: 08/16/04, By: jmp]
- 8/16/2004 26 MEMORANDUM OF LAW by Cosmos Group's Inv Co LLC in further support of the Cosmos Group's motion for consolidation, for appointment as lead plaintiff and for approval of lead plaintiff's selection of lead counsel and in opposition tothe other motions [13-1] (Attachments). [Date Entered: 09/07/04, By: jxm]
- 8/24/2004 23 ATTORNEY APPEARANCE for unknown Genesee Co Emp by Jonathan M. Plasse, Christopher J. Keller, Emily Cornelia Komlossy [Date Entered: 08/25/04, By: nf]
- 8/30/2004 24 RESPONSE by defendants Bally Total Fitness, Paul A Toback to motions for the appointment as lead plaintiff [16-1], [15-1], [15-2], [14-2], [13-2] (Attachments). [Date Entered: 08/31/04, By: nf]
- 8/31/2004 25 ATTORNEY APPEARANCE for David Carlton, Dodie Carlton by Laura M. Andracchio, Ramzi Abadou (Attachments). [Date Entered: 09/01/04, By: nf]
- 9/1/2004 28 MINUTE ORDER of 9/1/04 by Hon. John F. Grady : Defendants' motion to reassign Catherine A. Eads v. Bally Total fitness Holding Corp et,al. 04cv4697, pursuant to Local Rule 40.4 [27-1] is granted. Telephoned notice [Date Entered: 09/08/04, By: nf]
- 9/8/2004 29 MINUTE ORDER of 9/8/04 by Hon. John F. Grady : Status hearing held. The parties' motion for consolidation is granted [17-1] and case numbers 04cv3530, 04cv3634, 04cv3713,04cv3783,04c3844,04cv3864,04cv3936,04cv4125,04cv4342 and 04cv4697 are consolidated for all purposes. Further, these cases shall be referred as In Re Bally Fitness Securities Litigation. All persons seeking to be appointed lead plaintiff in these consolidated cases are given until 09/29/04 to respond to any competing application for appointment; persons filing competing applications and the defendant Bally are given until 10/13/04 to file their replies Case consolidated 1:04-cv-3530 with member cases 1:04-cv-3634, 04cv3713, 04cv3783, 04cv3844, 04cv3864,04cv3936, 04cv4125, 04cv4342and 04cv4697. Mailed notice [Date Entered: 09/13/04, By: nf]

- 9/13/2004 30 APPLICATION for leave to appear pro hac vice for David Carlton, Dodie Carlton by Laura M. Andracchio; Order entered granting leave by Hon. John F. Grady [Date Entered: 09/14/04, By: nf]
- 9/13/2004 31 APPLICATION for leave to appear pro hac vice for David Carlton, Dodie Carlton by Ramzi Abadou ; Order entered granting leave by Hon. John F. Grady [Date Entered: 09/14/04, By: nf]
- 9/27/2004 32 NOTICE OF VOLUNTARY DISMISSAL OF CASE by plaintiff pursuant to Rule 41(a)(1); Notice. [Date Entered: 09/28/04, By: nf]
- 9/29/2004 33 MEMORANDUM of law by unknown Cosmos Inv Co LLC in further support of the Cosmos Group's motion for appointment as lead plaintiff and for approval of lead plaintiff's selection of lead counsel [13-2] and in opposition to the other motions (Attachments); Notice. [Date Entered: 09/30/04, By: nf]
- 9/29/2004 34 MEMORANDUM of law by Bally Total Fitness, Earl G Chesson, Richard Jaffke, Timothy Weise in further support of motion to be appointed lead plaintiffs and for approval of lead plaintiffs' selection of lead counsel and liaison counsel[15-2] and in opposition to competing motions (Attachments); Notice. [Date Entered: 09/30/04, By: nf]
- 9/29/2004 35 MEMORANDUM of law by unknown Genesee Co Emp in opposition to competing motions for appointment as lead plaintiff and approval of selection of lead counsel (Attachments); Notice. [Date Entered: 09/30/04, By: nf]
- 10/13/2004 36 REPLY memorandum by unknown Genesee Co Emp in further support for its motion for appointment as lead plaintiff and approval of selection of lead counsel [14-2]; Notice. [Date Entered: 10/14/04, By: nf]
- 10/13/2004 38 REPLY memorandum of law by Cosmos Inv Co LLC in further support of their motion for appointment as lead plaintiff and for approval of lead plaintiff's selection of lead counsel [13-2]; Notice. [Date Entered: 10/19/04, By: nf]
- 10/13/2004 39 REPLY memorandum of law by Bally Total Fitness, Earl G Chesson, Richard J Jaffke, Timothy Weise in further support of their motion to be appointed lead plaintiffs and for approval of lead plaintiffs' selection lead counsel and liaison counsel [15-2]; Notice. [Date Entered: 10/19/04, By: nf]
- 10/14/2004 37 AMENDED reply memorandum by Bally Total Fitness, Earl G Chesson, Richard J Jaffke, Timothy Weise in further support of motion to be appointed plaintiffs and for approval of lead plaintiffs' selection lead counsel and liaison counsel[15-2]; Notice. [Date Entered: 10/18/04, By: nf]