

**United States Court of Appeals for the Third Circuit
Docket for Case #: 07-1112**

In Re: Lord Abbett, et al, et al

Date Filed: Jan. 16, 2007
Status: Closed
Nature of suit: 3850 Securities, Commodities, Exchange

Original Cases:

Docket #: 04-cv-00559, U.S. District Court for the District of New Jersey

- **Date Filed:** 02/09/2004
- **District:** 0312
- **NOA Date:** 01/03/2007

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ZANE E. BROWN

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PATRICK BROWNE

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ELLEN G. ITSKOVITS

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MAREN LINDSTROM

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Defendant

THOMAS MALONE

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CHARLES MASSARE, JR.

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STEPHEN J. MCGRUDER

Defendant

PAUL MCNAMARA

Defendant

ROBERT J. NOELKE

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DIANE TORNEJAL

Defendant
CHRISTOPHER J. TOWLE

Defendant
MARION ZAPOLIN

Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	Docket Text
1	Jan. 16, 2007	CIVIL CASE DOCKETED. Notice filed by Joseph C. White, Josephine Logan, Richard Curtis, Bo Bortner, James A. Pingitore and Philip B. Katz.
2	Jan. 16, 2007	RECORD available on District Court CM/ECF.
3	Jan. 18, 2007	APPEARANCE from Attorneys Jerome M. Congress and Janine L. Pollack on behalf of Appellants Joseph C. White, Josephine Logan, Richard Curtis, Bo Bortner, James A. Pingitore and Philip B. Katz, filed.
4	Jan. 18, 2007	TRANSCRIPT PURCHASE ORDER (PART I), no proceedings in District Court.
5	Jan. 18, 2007	INFORMATION STATEMENT on behalf of Appellants, received.
6	Jan. 18, 2007	CONCISE SUMMARY OF CASE on behalf of Appellants, received.
7	Jan. 25, 2007	APPEARANCE from Attorney Nicholas G. Terris on behalf of Appellees Lord Abbett Co and Lord Abbett Distr, filed.
8	Jan. 25, 2007	DISCLOSURE STATEMENT on behalf of Appellees Lord Abbett Co, and Lord Abbett Distr, filed.
9	Jan. 25, 2007	APPEARANCE from Attorney Mark Levine on behalf of Appellant James A. Pingitore, filed.
10	Jan. 25, 2007	DISCLOSURE STATEMENT on behalf of Appellant James A. Pingitore, filed.
11	Jan. 29, 2007	APPEARANCE from Attorney Patrick L. Rocco on behalf of Appellanst Joseph C. White, Bo Bortner and James A. Pingitore, filed.
12	Jan. 31, 2007	FOLLOW UP LETTER to Mary S. Henifin, Gary S. Graifman, Jennifer A. Sullivan, Joseph J. DePalma, Samuel H. Rudman, Donald A. Broggi, Jules Brody, Michael M. Goldberg, Richard Maniskas, Charles J. Piven, Christopher Barbarisi and Jeffrey B. Maletta requesting the following documents: **Appearance Form **Disclosure Statement
13	Feb. 13, 2007	MOTION by Appellant to amend case caption, filed. Answer due 2/26/07.

Req #	Filed	Docket Text
		Certificate of Service dated 2/12/07.
<u>14</u>	Feb. 14, 2007	ATTORNEY NOT PARTICIPATING: Mary S. Henifin advises they will not participate in this appeal. [SEND TO MERITS PANEL]
<u>15</u>	Feb. 15, 2007	MOTION by Appellants to consolidate case nos. 06-4323 and 07-1112 for disposition only, filed. Answer due 3/1/07. Certificate of Service dated 2/13/07.
<u>16</u>	Feb. 15, 2007	APPEARANCE from Attorney Christopher A. Barbarisi on behalf of Appellees, Lord Abbett Co and Lord Abbett Distr, filed.
<u>17</u>	Mar. 01, 2007	RESPONSE filed by Appellee Bordier et Cie in case no. 06-4323 to motion to consolidate for disposition only, filed. Certificate of Service dated 2/28/07.
<u>18</u>	Mar. 01, 2007	RESPONSE in Opposition filed by Appellee Dominick Company AG in case no. 06-4323 to motion to consolidate for disposition only, filed. Certificate of Service dated 3/1/07.
<u>19</u>	Mar. 01, 2007	RESPONSE filed by Appellees Lord Abbett Co and Lord Abbett Distr to motion to consolidate for disposition only. Certificate of Service dated 2/28/07.
<u>20</u>	Mar. 08, 2007	APPEARANCE from Attorney Jeffrey B. Maletta on behalf of Appellees Lord Abbett Co and Lord Abbett Distr, filed.
<u>21</u>	Mar. 13, 2007	REPLY by Lord Abbett in support of motion to consolidate appeals, filed. Certificate of service dated 3/12/07.
<u>22</u>	Apr. 27, 2007	ORDER (Clerk) considering the motion and responses. The motion to consolidate is denied, filed.
<u>23</u>	Aug. 07, 2007	BRIEFING NOTICE ISSUED. Appellant brief and appendix due 9/17/07.
<u>24</u>	Aug. 24, 2007	MOTION by Appellant for extension of time to file brief and appendix until 10/17/07 filed. Answer due 9/10/07. Certificate of Service dated 8/23/07.
<u>25</u>	Aug. 30, 2007	ORDER (Clerk) granting motion to extend time to file brief and appendix by Appellants. Appellants' brief and appendix shall be filed and served on or before October 17, 2007, filed.
<u>26</u>	Oct. 17, 2007	ELECTRONIC BRIEF on behalf of Appellants. Copies: 1, Pages: 25, delivered by mail, filed. Certificate of service date 10/17/07.
<u>27</u>	Oct. 18, 2007	HARD COPY RECEIVED from Appellants (10cc w/ attached appendix).
<u>28</u>	Oct. 18, 2007	APPENDIX attached to Hard Copy of Brief on behalf of Appellants. Volumes: 1, Delivered by mail, filed. Certificate of service date 10/17/07.
<u>29</u>	Nov. 02, 2007	UNCONTESTED MOTION by Appellees for extension of time to file brief, filed. Answer due 11/19/07. Certificate of Service dated 11/2/07.
<u>30</u>	Dec. 04, 2007	ORDER (Clerk) granting motion for extension of time to file brief by Appellees. Appellees' brief shall be filed and served on or before December 24, 2007. At the time of filing their brief, Appellees may file a supplemental appendix consisting of documents from the district court record that Appellees believe are necessary to the appeal, filed.
<u>31</u>	Dec. 12, 2007	MOTION by Appellant to extend time to file reply brief until 1/7/08, filed. Answer due 12/24/07. Certificate of Service dated 12/11/07.
<u>32</u>	Dec. 21, 2007	ELECTRONIC BRIEF on behalf of Appellees Lord Abbett Co and Lord Abbett Distr, Copies: 1, Pages: 57, Word Count: 13,674, Delivered by mail, filed. Certificate of service date 12/21/07.
<u>33</u>	Dec. 24, 2007	ORDER (Clerk) denying motion to amend caption by Appellants. Pursuant to F.R.A.P. 12(a), the clerk is required to docket the appeal under the title of the district court action. Parties dismissed by the District Court remain in the caption unless the caption is amended below, filed.
<u>34</u>	Dec. 24, 2007	SUPPLEMENTAL APPENDIX on behalf of Appellees Lord Abbett Co, and

Req #	Filed	Docket Text
		Lord Abbett Distr. Copies: 4, Volumes: 2, Delivered by mail, filed. (Per Clerk Order Dated 12/4/07) Certificate of service date 12/21/07.
<u>35</u>	Dec. 24, 2007	HARD COPY RECEIVED of brief from Appellees Lord Abbett Co and Lord Abbett Distr, Copies: 10.
<u>36</u>	Dec. 28, 2007	ORDER (Clerk) granting motion to extend time to file reply brief by Appellants. Appellant's reply brief shall be filed and served on or before January 18, 2008, filed.
<u>37</u>	Jan. 18, 2008	ELECTRONIC REPLY BRIEF on behalf of Appellants, Copies: 1. Delivered by mail, filed. Certificate of service date 1/18/08.
<u>38</u>	Jan. 22, 2008	HARD COPY RECEIVED of Reply Brief from Appellants Joseph C. White, Josephine Logan, Richard Curtis, Bo Bortner, James A. Pingitore and Philip B. Katz, Copies: 10.
<u>39</u>	Apr. 03, 2008	Calendared for Wednesday, June 25, 2008. Rescheduled from Friday, June 27, 2008.
<u>40</u>	Jun. 10, 2008	Oral Argument Notification for Wednesday, 06/25/2008 in Newark, N.J.
<u>41</u>	Jun. 11, 2008	LETTER dated 06/10/2008 filed pursuant to Rule 28(j) from counsel for Appellees Lord Abbett Co and Lord Abbett Distr. SEND TO MERITS PANEL.
<u>42</u>	Jun. 25, 2008	ARGUED on Wednesday, June 25, 2008 in Newark, NJ, before SLOVITER, BARRY and ROTH, Circuit Judges. Jerome M. Congress arguing for Appellants Joseph C. White, Josephine Logan, Richard Curtis, Bo Bortner, James A. Pingitore, and Philip B. Katz; Jeffrey B. Maletta arguing for Appellees Lord Abbett Co and Lord Abbett Distr.
<u>43</u>	Jul. 31, 2008	LETTER dated 07/30/2008 filed pursuant to Rule 28(j) from counsel for Appellees Lord Abbett Co and Lord Abbett Distr. SEND TO MERITS PANEL.
<u>44</u>	Aug. 06, 2008	RESPONSE on behalf of Appellants to F.R.A.P. 28j letter, filed. Certificate of Service dated 08/05/2008.
<u>45</u>	Jan. 20, 2009	PRECEDENTIAL OPINION Coram: SLOVITER, BARRY and ROTH, Circuit Judges. Total Pages: 26. Judge: ROTH Authoring.
<u>46</u>	Jan. 20, 2009	JUDGMENT, Vacated and Remanded to the District Court for further proceedings. Costs taxed against Appellees.