

**U.S. District Court**  
**Southern District Of Texas (Houston)**  
CIVIL DOCKET FOR CASE #: 4:05-cv-00108

Read v. Input/Output, Inc. et al  
Assigned to: Judge Nancy F. Atlas  
Related Cases: [4:05-cv-00457](#)  
[4:05-cv-00818](#)  
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 01/12/2005  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**Harold Read**

*Individually and On Behalf of All Others*  
*Similarly Situated*

represented by **Thomas E Bilek**  
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**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

V.

**Consol Plaintiff**

**Schneur Grossberger**

*Individually and on Behalf of All Others*  
*Similarly Situated*

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

**Giovanni Arca**

represented by **John G Emerson**

*Individually and On Behalf of All Others  
Similarly Situated*

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V.

**Defendant**

**Input/Output, Inc.**

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**Defendant**

**Robert P Peebler**

represented by **Gerard G Pecht**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**J Michael Kirksey**

represented by **Gerard G Pecht**  
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**Defendant**

**Michael K Lambert**

represented by **Gerard G Pecht**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**All Defendants**

**Movant**

**Ronald J Cater**

represented by **Arthur L Shingler, III**  
(See above for address)  
*TERMINATED: 07/29/2005*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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**Scott E Poynter**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/12/2005	<a href="#">1</a>	COMPLAINT against Input/Output, Inc. (Filing fee \$ 150) filed by Harold Read.(hlerma, ) Additional attachment(s) added on 1/12/2005 (hlerma, ). (Entered: 01/12/2005)
01/12/2005		Filing fee : \$ 150.00, receipt number 552122 , filed. (sgreen, ) (Entered: 01/12/2005)
01/12/2005	<a href="#">2</a>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons Initial Conference set for 3/11/2005 at 01:30 PM in Courtroom 9F before Judge Nancy F. Atlas. Parties notified.(hlerma, ) (Entered: 01/12/2005)
03/01/2005	<a href="#">3</a>	NOTICE of Resetting Initial Conference set for 3/9/2005 at 11:30 AM in Courtroom 9F before Judge Nancy F. Atlas, filed. (sashabrunner, ) (Entered: 03/01/2005)
03/01/2005	<a href="#">4</a>	REQUEST for Waiver of Service by Harold Read, filed.(Bilek, Thomas) (Entered: 03/01/2005)
03/01/2005	<a href="#">5</a>	MOTION to Continue Initial Pretrial and Scheduling Conference by Harold Read, filed. Motion Docket Date 3/21/2005. (Attachments: # <a href="#">1</a> )(Bilek, Thomas) (Entered: 03/01/2005)
03/02/2005	<a href="#">6</a>	Amended MOTION to Continue Initial Pretrial and Scheduling Conference (Unopposed) by Harold Read, filed. Motion Docket Date 3/22/2005. (Attachments: # <a href="#">1</a> )(Bilek, Thomas) (Entered: 03/02/2005)
03/04/2005	<a href="#">7</a>	Pretrial Conference set for 3/9/2005 is reset to 5/6/2005 at 12:30 PM in Courtroom 9F before Judge Nancy F. Atlas.( Signed by Judge Nancy F. Atlas ) Parties notified.(fwilliams) Additional attachment(s) added on 3/7/2005 (Itien, ). (Entered: 03/04/2005)
03/14/2005	<a href="#">8</a>	Opposed MOTION to Appoint Ronald J Cater as Lead Plaintiff by Ronald J Cater, filed. Motion Docket Date 4/4/2005. (Emerson, John) Modified on 4/27/2005 - filer corrected (Itien, ). (Entered: 03/14/2005)
03/14/2005	<a href="#">9</a>	DECLARATION in Support re: <a href="#">8</a> Opposed MOTION to Appoint Plaintiff by Harold Read, filed. (Attachments: # <a href="#">1</a> Exhibit Appendix in Support of Cater's Motion for Appointment of Lead Plaintiff# <a href="#">2</a> Exhibit Sworn Certification of Ronald J. Cater# <a href="#">3</a> Exhibit Exh B - Notice of Class Action Suit on Business Wire# <a href="#">4</a> Exhibit Exh. C - Resume for Scott + Scott, LLC# <a href="#">5</a> Exhibit Exh. D - Resume for Emerson Poynter LLP)(Emerson, John) (Entered: 03/14/2005)

03/14/2005	<a href="#">10</a>	PROPOSED ORDER re: <a href="#">8</a> Opposed MOTION to Appoint Plaintiff, filed.(Emerson, John) (Entered: 03/14/2005)
05/03/2005	<a href="#">11</a>	Unopposed MOTION to Continue Initial Pretrial and Scheduling Conference by Harold Read, filed. Motion Docket Date 5/23/2005. (Attachments: # <a href="#">1</a> )(Bilek, Thomas) (Entered: 05/03/2005)
05/04/2005	<a href="#">12</a>	ORDER granting <a href="#">11</a> Motion to Continue only to the extent that the conference on May 6, 2005 will be a hearing on the Motion to Appoint Ronald J. Cater as Lead Plaintiff <a href="#">8</a> .( Signed by Judge Nancy F. Atlas ) Parties notified.(TDR) (Entered: 05/04/2005)
05/10/2005	<a href="#">13</a>	MINUTE ENTRY ORDER: Pretrial conference held held in abeyance <a href="#">8</a> Opposed MOTION to Appoint Plaintiff. Appearances: No appearance for Plaintiff, Arthur Shingler, III for Defendant. ERO: yes. Pretrial Conference set for 6/22/2005 at 01:00 PM in Courtroom 9F before Judge Nancy F. Atlas.( Signed by Judge Nancy F. Atlas ) Parties notified.(sashabranner, ) (Entered: 05/10/2005)
05/12/2005	<a href="#">14</a>	Joint MOTION to Consolidate Lead Case No. 4:05-cv-00108 and Member Case No.4:05-cv-00457 & 4:05-cv-00818 by Harold Read, filed. Motion Docket Date 6/1/2005. (Emerson, John) (Entered: 05/12/2005)
05/12/2005	<a href="#">15</a>	PROPOSED ORDER re: <a href="#">14</a> Joint MOTION to Consolidate Lead Case No. 4:05-cv-00108 and Member Case No.4:05-cv-00457 & 4:05-cv-00818, filed.(Emerson, John) (Entered: 05/12/2005)
05/13/2005	<a href="#">16</a>	ORDER granting <a href="#">14</a> Motion to Consolidate Cases Lead Case # the Joint Unopposed Motion for Consolidation [Doc. # 14] is GRANTED and these three civil cases are CONSOLIDATED with Harold Read v. Input/Output, Inc., et al., Civil Action No. H-05-0108 as the lead case in which all future filings must be made and Member Case #ORDERED that Civil Actions H-05-0457 and H-05-0818 are ADMINISTRATIVELY CLOSED as consolidated into Civil Action No. H-05-0108. .( Signed by Judge Nancy F. Atlas ) Parties notified.(sashabranner, ) (Entered: 05/13/2005)
05/19/2005	<a href="#">17</a>	TRANSCRIPT of Initial Conference held on 5/6/2005, before Judge Nancy F. Atlas. Court Reporter: ERO, filed. (dclark, ) Additional attachment(s) added on 8/15/2006 (tthompson, ). (Entered: 05/19/2005)
05/31/2005	<a href="#">18</a>	NOTICE AND ORDER TO SHOW CAUSE Show Cause Response due by 6/10/2005.( Signed by Judge Nancy F. Atlas ) Parties notified.(sashabranner, ) (Entered: 05/31/2005)
06/06/2005	<a href="#">19</a>	RESPONSE TO ORDER TO SHOW CAUSE, filed by Harold Read. (Emerson, John) (Entered: 06/06/2005)
06/06/2005	<a href="#">20</a>	DECLARATION In Support re: <a href="#">19</a> Response to Order to Show Cause by Harold Read, filed.(Emerson, John) (Entered: 06/06/2005)
06/06/2005	<a href="#">21</a>	CERTIFICATE OF SERVICE of <a href="#">19</a> Response to Order to Show Cause, <a href="#">20</a> Declaration by Harold Read, filed.(Emerson, John) (Entered: 06/06/2005)
06/06/2005	<a href="#">22</a>	SUMMONS Returned Executed. Defendants Input/Output Inc et al served on 5/12/2005, answer due 6/1/2005, filed.(Bilek, Thomas) Modified on 6/8/2005

		(Itien, ). (Entered: 06/06/2005)
06/06/2005	<a href="#">23</a>	SUMMONS Returned Executed., filed.(Bilek, Thomas) (Entered: 06/06/2005)
06/14/2005	<a href="#">24</a>	RESPONSE to <a href="#">8</a> Opposed MOTION to Appoint Plaintiff, filed by all defendants. (Attachments: # <a href="#">1</a> Exhibit A - Transcript# <a href="#">2</a> Exhibit B - affidavit)(Pecht, Gerard) (Entered: 06/14/2005)
06/22/2005	<a href="#">25</a>	ORDER DENYING APPOINTMENT OF LEAD PLAINTIFF AND LEAD COUNSEL .Plaintiff Ronald J. Cater's Motion is DENIED without prejudice. It is further ORDERED that Plaintiff Harold Read shall PROVIDE PROMPTLY NEW PUBLIC NOTICE as required by 15 U.S.C. 78u-4(a)(3)(A)(i) to determine if any other potential class members, with counsel, seek designation as lead plaintiff. The notice shall give class members 30 days to file a motion for appointment as lead plaintiff and lead counsel.( Signed by Judge Nancy F. Atlas ) Parties notified.(sashabranner, ) (Entered: 06/22/2005)
06/22/2005	<a href="#">26</a>	MINUTE ENTRY ORDER:. Appearances: Kelly Bilek/John Emerson for Plaintiff, Gerard Pecht/Daniel Pirolo for Defendants, Arthur Shingler, III for Movant. ERO: S. Vaught..Pretrial conference held. Court issued separate order denying Cater?'s Motion to be Appointed Lead Counsel.Another pretrial conference will be set after the Court receives the new Motion for Lead Plaintiff/Counsel. ( Signed by Judge Nancy F. Atlas ) Parties notified.(sashabranner, ) (Entered: 06/23/2005)
06/28/2005	<a href="#">27</a>	NOTICE of <i>Second Publication</i> by Harold Read, filed. (Bilek, Thomas) (Entered: 06/28/2005)
07/29/2005	<a href="#">28</a>	Unopposed MOTION for Arthur L. Shingler, III to Withdraw as Attorney by Giovanni Arca, filed. Motion Docket Date 8/18/2005. (Emerson, John) (Entered: 07/29/2005)
07/29/2005	<a href="#">29</a>	PROPOSED ORDER re: <a href="#">28</a> Unopposed MOTION for Arthur L. Shingler, III to Withdraw as Attorney, filed.(Emerson, John) (Entered: 07/29/2005)
07/29/2005	<a href="#">30</a>	ORDER granting <a href="#">28</a> Motion to Withdraw as Attorney. Attorney Arthur L Shingler, III terminated .( Signed by Judge Nancy F. Atlas ) Parties notified.(sashabranner, ) (Entered: 07/29/2005)
07/29/2005	<a href="#">31</a>	MOTION to Strike by all defendants, filed. Motion Docket Date 8/18/2005. (Attachments: # <a href="#">1</a> Appendix A# <a href="#">2</a> Proposed Order)(Pecht, Gerard) (Entered: 07/29/2005)
08/01/2005	<a href="#">32</a>	TRANSCRIPT of Pretrial Conference held on 6/22/05 before Judge Nancy F. Atlas. Court Reporter: Recorded, filed. (espencer) Additional attachment(s) added on 8/15/2006 (tthompson, ). (Entered: 08/01/2005)
08/29/2005	<a href="#">33</a>	MEMORANDUM AND ORDER CONCLUSION?Since no plaintiff in this case appears willing to serve as lead plaintiff, it is inappropriate to maintain this lawsuit as a class action. Defendants? Motion is granted and Plaintiffs? class action allegations are stricken. ?The Court needs confirmation that the named Plaintiffs pursue their individual claims in this lawsuit. Plaintiffs shall file a statement of intention to proceed with this litigation on or before September 9, 2005. If they intend to proceed, the parties shall appear at a pretrial conference on September 23, 2005 at 2:00 p.m. to set a docket control order. It is therefore?ORDERED that

		Defendants? Motion to Strike Class Allegations is GRANTED. It is further ?ORDERED that Plaintiffs? class action allegations in their Complaints in Read v. Input/Output, Inc., et al., Civ. Action No. H-05-0108, Arca v. Input/Output, Inc., et al., Civ. Action No. H-05-0457, and Grossberger v. Input/Output, Inc., et al., Civ. Action No. H-05-0818, are STRICKEN. It is further ?ORDERED that, if Plaintiffs file a statement of intention to proceed with this case, the parties must file a Joint Case Management Plan by September 19, 2005, in conformity with Rule 26(f) of the Federal Rules of Civil Procedure. GRANTING <a href="#">31</a> MOTION to Strike Joint Discovery/Case Management Plan due by 9/19/2005 Notice of Compliance due by 9/9/2005 Pretrial Conference set for 9/23/2005 at 02:00 PM in Courtroom 9F before Judge Nancy F. Atlas.( Signed by Judge Nancy F. Atlas ) Parties notified.(sashabranner, ) (Entered: 08/29/2005)
09/01/2005	<a href="#">34</a>	NOTICE of Dismissal as to All Defendants by Harold Read, filed. (Bilek, Thomas) (Entered: 09/01/2005)
09/01/2005	<a href="#">35</a>	Unopposed MOTION to Dismiss <i>without prejudice</i> by Giovanni Arca, filed. Motion Docket Date 9/21/2005. (Attachments: # <a href="#">1</a> )(Emerson, John) (Entered: 09/01/2005)
09/02/2005	<a href="#">36</a>	ORDER OF DISMISSAL GRANTING <a href="#">35</a> Unopposed MOTION to Dismiss without prejudice .this consolidated case and its member cases (05-0487 and 05-0818) are DISMISSED WITHOUT PREJUDICE.( Signed by Judge Nancy F. Atlas ) Parties notified.(sashabranner, ) (Entered: 09/02/2005)

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