

US District Court for the  
District of Arizona

2:04cv886

Sved v. Matrixx Initiatives, et al

Date Filed: 04/27/2004	Class Code: LEAD
Assigned To: Judge Mary H Murguia	Closed: No
Referred To:	Statute: 15:78m(a)
Nature of suit: Securities (850)	Jury Demand:
Cause: Securities Exchange Act	Demand Amount: \$0
Lead Docket: None	
Other Docket: None	
Jurisdiction: Federal Question	

Litigants

Attorneys

Stanley Sved, on Behalf of Himself and All Others  
Similarly Situated  
PLA

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Date	#	Proceeding Text
4/27/2004	1	COMPLAINT FILED (lsb) [Entry date 04/29/04] [2:04cv886]
6/10/2004	2	ORDERED that pla Stanley Sved show cause for failure to comply with Local Rule 1.2(e) ; show cause hearing set for 1:30 7/12/04 for Stanley Sved before Judge Stephen M. McNamee (cc: all counsel/AL) (map) [Entry date 06/10/04] [2:04cv886]
6/15/2004	3	Party elects assignment of case to district judge ; mag election form ddl satisfied 6/15/04 ; show cause hearing ddl satisfied 6/15/04 (map) [Entry date 06/16/04] [2:04cv886]
6/16/2004	4	MINUTE ORDER that pursuant to Local Rule 1.2(e), a request has been received for a random reassignment of this case to a District Judge FURTHER ORDERED Case reassigned by random draw to Judge Mary H. Murguia All further papers/pleadings should now list the following COMPLETE case number: CIV-04-886-PHX-MHM FURTHER ORDERED that the Order to Show Cause hearing scheduled for 7/12/04 is hereby vacated (cc: all counsel/DKD/MHM) [4-2] (map) [Entry date 06/16/04] [2:04cv886]
6/28/2004	5	STIPULATION to extend time for Dfts to answer complaint [1-1] by pla, dfts [5-1] (map) [Entry date 06/29/04] [2:04cv886]
7/2/2004	6	NOTICE OF ATTORNEY APPEARANCE/ASSOCIATION for pla Stanley Sved by attorney(s) Steven G Schulman, Peter E Seidman, Andrei V Rado, Marc S Henzel, Christopher A Seeger, and David R Buchanan (kg) [Entry date 07/08/04] [2:04cv886]

- 7/12/2004 7 MOTION to consolidate cases with CV04-1012PHX-SMM by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-1], and appointment as lead plaintiff by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-2], and approval of selection of lead and liaison counsel by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-3] (lsb) [Entry date 07/15/04] [Edit date 07/15/04] [2:04cv886]
- 7/12/2004 8 MEMORANDUM IN SUPPORT by pla Stanley Sved of motion (of NECA-IBEW Fund) to consolidate cases with CV04-1012PHX-SMM by pla Stanley Sved [7-1], motion appointment as lead plaintiff by pla Stanley Sved [7-2], motion approval of selection of lead and liaison counsel by pla Stanley Sved [7-3] (lsb) [Entry date 07/15/04] [2:04cv886]
- 7/12/2004 9 DECLARATION of Andrew S. Friedman re motion (of NECA-IBEW Fund) to consolidate cases with CV04-1012PHX-SMM by pla Stanley Sved [7-1] re motion appointment as lead plaintiff by pla Stanley [7-2], re motion approval of selection of lead and liaison counsel by pla Stanley Sved [7-3] by pla Stanley Sved (lsb) [Entry date 07/15/04] [2:04cv886]
- 7/12/2004 10 MOTION of Jeffrey E. Kuhler, Stanley Sved, W.K. Hughey and Alex Costanzo to consolidate cases, CV 04-1212-PHX-SMM by pla Stanley Sved [10-1], and to be appointed lead Plaintiff by pla Stanley Sved [10-2], and for approval of their selection of lead and liaison counsel by pla Sved [10-3] (lsb) [Entry date 07/15/04] [Edit date 07/15/04] [2:04cv886]
- 7/12/2004 11 MEMORANDUM of Law IN SUPPORT by pla Stanley Sved of motion of Jeffrey E. Kuhler, Stanley Sved, W.K. Hughey and Alex Costanzo to consolidate cases, CV 04-1212-PHX-SMM by pla Stanley Sved [10-1] [10-1], motion to be appointed lead Plaintiff by pla Stanley Sved [10-2], motion for approval of their selection of lead and liaison counsel by pla Sved [10-3] (lsb) [Entry date 07/15/04] [Edit date 07/15/04] [2:04cv886]
- 7/12/2004 12 DECLARATION of Andrew S. Friedman in support motion of Jeffrey E. Kuhler, Stanley Sved, W.K. Hughey and Alex Costanzo to consolidate cases, CV 04-1212-PHX-SMM by pla Stanley Sved [10-1], re motion to be appointed lead Plaintiff by pla Stanley Sved [10-2], re motion for approval of their selection of lead and liaison counsel by pla Sved [10-3] by pla Stanley Sved (lsb) [Entry date 07/15/04] [Edit date 07/15/04] [2:04cv886]
- 7/20/2004 13 MOTION for admission pro hac vice as to Steven Schulman, atty for pla Stanley Sved [13-1] (dmt) [Entry date 07/21/04] [2:04cv886]
- 7/21/2004 14 ORDER by Judge Mary H. Murguia granting stipulation to extend time for Dfts to answer complaint [1] by pla, dfts [5] FURTHER ORDERED Dfts shall have 45 days from the filing of Pla's first amended complaint to file a responsive pleading; Pla shall have 45 days from the filing of any responsive pleading to oppose such pleading; and Dft shall have 30 days from the filing of any opposition to their responsive pleading to file their reply (cc: all counsel) (map) [Entry date 07/21/04] [2:04cv886]
- 7/23/2004 -- Pro Hac Vice \$25 Fee Paid as to Steven G Schulman (bas) [Entry date 07/23/04] [2:04cv886]
- 7/26/2004 16 RESPONSE (OPPOSITION) by dfts to motions for approval of their selection of lead and liaison counsel by pla Sved [10-3], motion approval of selection of lead and liaison counsel by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-3] (map) [Entry date 07/27/04] [2:04cv886]
- 7/26/2004 18 MOTION for admission pro hac vice as to Marc S. Henzel, atty for pla Stanley Sved [18-1] (lsb) [Entry date 07/28/04] [2:04cv886]
- 7/27/2004 -- Pro Hac Vice \$25 Fee Paid as to Marc S Henzel (bas) [Entry date 07/27/04] [2:04cv886]

- 7/27/2004 15 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Steven Schulman, atty for pla Stanley Sved [13-1] (cc: all counsel) re: order filed [15-1] (dmt) [Entry date 07/27/04] [2:04cv886]
- 7/27/2004 17 MOTION for Oral Argument re Motion for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Lead and Liaison Counsel by pla Stanley Sved [17-1] (map) [Entry date 07/28/04] [2:04cv886]
- 7/29/2004 19 MEMORANDUM (response) IN FURTHER SUPPORT by pla of motion of Jeffrey E. Kuhler, Stanley Sved, W.K. Hughey and Alex Costanzo to consolidate cases, CV 04-1212-PHX-SMM by pla Stanley Sved [10-1] motion to be appointed lead Plaintiff by pla Stanley Sved [10-2] [10-2], motion for approval of their selection of lead and liaison counsel by pla Sved [10-3] [10-3] (dmt) [Entry date 08/02/04] [Edit date 08/02/04] [2:04cv886]
- 7/29/2004 20 MEMORANDUM IN FURTHER SUPPORT by pla of motion to consolidate cases with CV04-1012PHX-SMM by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-1] [7-1], motion appointment as lead plaintiff by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-2] [7-2], motion approval of selection of lead and liaison counsel by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-3] [7-3] (dmt) [Entry date 08/02/04] [2:04cv886]
- 7/30/2004 21 MOTION to substitute attorney D Rosenbaum and M Beyers replacing J Condo, by dft Matrixx Initiatives, dft Carl J Johnson, dft William J Hemelt [21-1] (dmt) [Entry date 08/02/04] [2:04cv886]
- 8/2/2004 22 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Marc S. Henzel, atty for pla Stanley Sved [18-1] (cc: all counsel) (dmt) [Entry date 08/02/04] [2:04cv886]
- 8/5/2004 23 ORDER by Judge Mary H. Murguia granting motion to substitute attorney D Rosenbaum and M Beyers replacing J Condo, by dft Matrixx Initiatives, dft Carl J Johnson, dft William J Hemelt [21-1]; terminating attorney James R Condo for William Hemelt, attorney James R Condo for Carl J Johnson, attorney James R Condo for Matrixx Initiatives and substituting attorneys David B Rosenbaum and Maureen Beyers ; Michael G Yoder and Amy J Longo of the firm O'Melveny & Meyers LLP remain as co-counsel for dfts (cc: all counsel) (ld) [Entry date 08/05/04] [2:04cv886]
- 8/5/2004 24 MEMORANDUM IN FURTHER SUPPORT by pla Stanley Sved of motion to consolidate cases with CV04-1012PHX-SMM by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-1] [7-1], motion appointment as lead plaintiff by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-2] [7-2], motion approval of selection of lead and liaison counsel by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-3] [7-3] (jrh) [Entry date 08/09/04] [2:04cv886]
- 8/9/2004 -- Pro Hac Vice \$25 Fee Paid as to Andrei V Rado (bas) [Entry date 08/09/04] [2:04cv886]
- 8/9/2004 25 MEMORANDUM IN SUPPORT by pla Stanley Sved of motion approval of selection of lead and liaison counsel by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-3], motion appointment as lead plaintiff by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-2], motion to consolidate cases with CV04-1012PHX-SMM by pla Stanley Sved (of NECA-IBEW Pension Fund) [7-1] (lsb) [Entry date 08/11/04] [2:04cv886]
- 8/9/2004 26 MOTION for admission pro hac vice as to Andrei V. Rado, atty for pla Stanley Sved [26-1] (lsb) [Entry date 08/11/04] [2:04cv886]

8/9/2004 27 REPLY by pla Stanley Sved to response to motion for approval of their selection of lead and liaison counsel by pla Sved [10-3], motion to be appointed lead Plaintiff by pla Stanley Sved [10-2], motion of Jeffrey E. Kuhler, Stanley Sved, W.K. Hughey and Alex Costanzo to consolidate cases, CV 04-1212-PHX-SMM by pla Stanley Sved [10-1] (lsb) [Entry date 08/11/04] [2:04cv886]

8/11/2004 28 NOTICE by pla Stanley Sved of Change of Atty Firm Name to Lerach Coughlin Stoia Geller Rudman & Robbins (map) [Entry date 08/13/04] [2:04cv886]

8/13/2004 30 MOTION for admission pro hac vice as to Christopher A. Seeger, atty for pla Stanley Sved [30-1] (lsb) [Entry date 08/16/04] [2:04cv886]

8/13/2004 31 MOTION for admission pro hac vice as to David R. Buchanan, atty for pla Stanley Sved [31-1] (lsb) [Entry date 08/16/04] [2:04cv886]

8/16/2004 29 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Andrei V. Rado, atty for pla Stanley Sved [26-1] (cc: all counsel) (ld) [Entry date 08/16/04] [2:04cv886]

8/17/2004 -- Pro Hac Vice \$25 Fee Paid as to Christopher A Seeger (bas) [Entry date 08/17/04] [2:04cv886]

8/17/2004 -- Pro Hac Vice \$25 Fee Paid as to David R Buchanan (bas) [Entry date 08/17/04] [2:04cv886]

8/23/2004 32 MOTION for hearing on competing motions by dft Matrixx Initiatives, dft Carl J Johnson, dft William J Hemelt [32-1] (ld) [Entry date 08/24/04] [2:04cv886]

8/25/2004 33 MOTION for admission pro hac vice as to Michael G Yoder, atty for dfts [33-1] (dmt) [Entry date 08/30/04] [Edit date 08/30/04] [2:04cv886]

8/25/2004 34 MOTION for admission pro hac vice as to Molly J Magnuson, atty for dfts [34-1] (dmt) [Entry date 08/30/04] [2:04cv886]

8/25/2004 35 MOTION for admission pro hac vice as to Amy J Longo, atty for dfts [35-1] (dmt) [Entry date 08/30/04] [2:04cv886]

8/30/2004 36 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Amy J Longo, atty for dfts [35-1] (cc: all counsel) (jrh) [Entry date 08/30/04] [2:04cv886]

8/30/2004 37 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Molly J Magnuson, atty for dfts [34-1] (cc: all counsel) (jrh) [Entry date 08/30/04] [2:04cv886]

8/30/2004 38 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Michael G Yoder, atty for dfts [33-1] (cc: all counsel) (jrh) [Entry date 08/30/04] [2:04cv886]

8/30/2004 39 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to David R. Buchanan, atty for pla Stanley Sved [31-1] (cc: all counsel) (jrh) [Entry date 08/30/04] [2:04cv886]

8/30/2004 40 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Christopher A. Seeger, atty for pla Stanley Sved [30-1] (cc: all counsel) (jrh) [Entry date 08/30/04] [2:04cv886]

8/31/2004 -- Pro Hac Vice \$25 Fee Paid as to Amy J Longo (bas) [Entry date 08/31/04] [2:04cv886]

8/31/2004 -- Pro Hac Vice \$25 Fee Paid as to Molly J Magnuson (bas) [Entry date 08/31/04] [2:04cv886]

8/31/2004 -- Pro Hac Vice \$25 Fee Paid as to Michael G Yoder (bas) [Entry date 08/31/04] [2:04cv886]

- 9/8/2004 41 MINUTE ORDER: The Court ORDERS granting defendant's motion for hearing on competing motions [32-1] and plaintiff's motion for oral argument re Motion for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Lead and Liaison Counsel pla Stanley Sved [17-1]. IT IS THEREFORE ORDERED setting counsel's competing motions for oral argument on Monday, October 18, 2004 at 4:00 p.m. before the Honorable Mary H. Murguia. (cc: MHM, all counsel) [41-1] (kbet) [Entry date 09/08/04] [2:04cv886]
- 10/4/2004 42 MOTION for admission pro hac vice as to Lori G Feldman, atty for pla Stanley Sved [42-1] (map) [Entry date 10/06/04] [2:04cv886]
- 10/7/2004 -- Pro Hac Vice \$25 Fee Paid as to Lori G Feldman (bas) [Entry date 10/07/04] [2:04cv886]
- 10/8/2004 43 MINUTE ORDER: Due to a conflict on the Court's calendar, the Court ORDERS that the Motion Hearing regarding counsel's competing motions [docs 7 and 10] currently set on October 18, 2004 be RESET to October 22, 2004 at 3:00 p.m. before the Honorable Mary H. Murguia. (cc: MHM, all counsel) [43-1] (kbet) [Entry date 10/08/04] [2:04cv886]
- 10/12/2004 44 MINUTE ORDER: Due to a conflict on the Court's calendar, the Court ORDERS that the Motion Hearing regarding the competing motions [docs 7 and 10] currently set on October 22, 2004 be RESET to October 27, 2004 at 2:30 p.m. before the Honorable Mary H. Murguia. (cc: MHM, all counsel) [44-1] (kbet) [Entry date 10/12/04] [2:04cv886]
- 10/12/2004 45 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Lori G Feldman, atty for pla Stanley Sved [42-1] (cc: all counsel) (map) [Entry date 10/12/04] [2:04cv886]
- 10/20/2004 46 MOTION for admission pro hac vice as to Eric T. Chaffin, atty for pla Stanley Sved [46-1] (map) [Entry date 10/21/04] [2:04cv886]
- 10/22/2004 -- Pro Hac Vice \$25 Fee Paid as to Eric T Chaffin (bas) [Entry date 10/22/04] [2:04cv886]
- 10/26/2004 47 ORDER by Judge Mary H. Murguia granting motion for admission pro hac vice as to Eric T. Chaffin, atty for pla Stanley Sved [46-1] (cc: all counsel) (dmt) [Entry date 10/26/04] [2:04cv886]
- 10/26/2004 48 MOTION (Application) of Attorney for Admission to Practice Pro Hac Vice Pursuant to Local Rule 1.5(b)(3) as to Ramzi Abadou, atty for movant NECA-IBEW [48-1] (sat) [Entry date 10/26/04] [2:04cv886]
- 10/26/2004 -- Pro Hac Vice \$25 Fee Paid as to Ramzi Abadou (bas) [Entry date 10/26/04] [2:04cv886]
- 10/27/2004 49 MINUTE ENTRY before Judge Mary H. Murguia. Crt Rptr: Merylyn Sanchez. Appearances: Ramzi Abadou, Stephen Weiss, Lori Feldman, Christopher Seeger, David Buchanan, and Francis Balint for the plaintiffs. David Rosenbaum, Amy Longo, and Maureen Beyers for the defendants. Also present is defendant, William Hemelt. Motions Hearing held. There being no objection, IT IS ORDERED granting the Motion to Consolidate CV 04-1012-PHX-SMM with this case [10, 7-1]. Oral argument held. IT IS FURTHER ORDERED taking under advisement the Motion to Appoint Lead Plaintiff [10,7-2] and for Approval of Their Selection of Lead Liaison Counsel [10,7-3]. The Court DIRECTS counsel to provide briefing on the conflict issue, if necessary, by November 10, 2004. [cc: MHM, docket clerk] [49-1] (kbet) [Entry date 10/28/04] [Edit date 10/28/04] [2:04cv886]
- 10/29/2004 50 ORDER by Judge Mary H. Murguia granting motion (Application) of Attorney for Admission to Practice Pro Hac Vice Pursuant to Local Rule 1.5(b)(3) as to Ramzi Abadou, atty for movant NECA-IBEW [48-1] (cc: all counsel) (kg) [Entry date 10/29/04] [2:04cv886]
- 11/1/2004 51 Transcript Designation and Ordering Form by dfts re Pretrial Proceedings of 10/27/04 (map) [Entry date 11/05/04] [2:04cv886]

11/4/2004 52 Transcript Designation and Ordering Form by movant NECA-IBEW re Pretrial Proceedings of 10/27/04 (map) [Entry date 11/05/04] [2:04cv886]

11/9/2004 53 STIPULATION re Dfts' Opposition to Motions for Lead Pla and Lead Counsel by pla, dfts (map) [Entry date 11/17/04] [2:04cv886]

11/10/2004 54 POST -Hearing Submission by Kuhler Movants re conflict of interest (map) [Entry date 11/17/04] [2:04cv886]

11/24/2004 55 TRANSCRIPT of motions hearing by Court Reporter: Merilyn Sanchez for the following date(s): 10/27/04 (srb) [Entry date 11/29/04] [2:04cv886]

12/9/2004 56 RETURN OF SERVICE EXECUTED summons/complaint (personal) upon dft William J Hemelt on 5/21/04 (map) [Entry date 12/13/04] [2:04cv886]

12/9/2004 57 RETURN OF SERVICE EXECUTED summons/complaint upon William J Hemelt for dft Carl Johnson on 5/21/04 (map) [Entry date 12/13/04] [2:04cv886]

12/9/2004 58 RETURN OF SERVICE EXECUTED summons/complaint upon William J Hemelt for dft Matrixx Initiatives on 5/21/04 (map) [Entry date 12/13/04] [2:04cv886]