

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-03791-MBM

In Re Collins & Aikman Corporation Securities Litigation

Assigned to: Judge Michael B. Mukasey

Lead case: [1:05-cv-03791-MBM](#)

Member cases:

[2:05-cv-04950-MBM](#)

[2:05-cv-05098-MBM](#)

[2:05-cv-05251-MBM](#)

Cause: 15:78m(a) Securities Exchange Act

Date Filed: 04/13/2005

Jury Demand: Plaintiff

Nature of Suit: 850

Securities/Commodities

Jurisdiction: Federal Question

Lead Plaintiff

K. J. Egleston

represented by **Thomas H. Burt**

Wolf, Haldenstein, Adler, Freeman &
Herz, L.L.P.

270 Madison Avenue

New York, NY 10016

(212) 545-4600

Fax: (212) 545-4653

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Gustavo Fabian Bruckner

Wolf Haldenstein Adler Freeman & Herz
LLP

270 Madison Avenue

New York, NY 10016

212.545.4600

Fax: 212.545.4653

Email: Bruckner@whafh.com

ATTORNEY TO BE NOTICED

Plaintiff

Hanna Kleinpeter-Fleck

individually

represented by **David Avi Rosenfeld**

Lerach, Coughlin, Stoia, Geller, Rudman
& Robbins, LLP(LIs)

58 South Service Road

Suite 200

Melville, NY 11747

631-367-7100

Fax: 631-367-1173

Email: drosenfeld@lerachlaw.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Mario Alba, Jr

Lerach, Coughlin, Stoia, Geller, Rudman
& Robbins, LLP(LIs)
58 South Service Road
Suite 200
Melville, NY 11747
631-367-7100
Fax: 631-367-1173
Email: malba@lerachlaw.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Samuel Howard Rudman

Lerach, Coughlin, Stoia, Geller, Rudman
& Robbins, LLP(LIs)
58 South Service Road
Suite 200
Melville, NY 11747
631-367-7100
Fax: 631-367-1173
Email: srudman@lerachlaw.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Hanna Kleinpeter-Fleck

*An On Behalf of All Others Similarly
Situated*

represented by **David Avi Rosenfeld**

(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Mario Alba, Jr

(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Samuel Howard Rudman

(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Consolidated Plaintiff

Morris Akerman

on behalf of himself and a class of persons

similarly situated.

Consolidated Plaintiff

Massimo Gariddi

V.

Defendant

Collins & Aikman Corporation

represented by **Jennifer M. Hooper (Selendy)**
Kirkland & Ellis LLP (NYC)
153 East 53rd Street
New York, NY 10022
(212)-446-4800
Fax: (212)-446-4900
Email: jselendy@kirkland.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Victoria Reznik
Kirkland & Ellis LLP (NYC)
153 East 53rd Street
New York, NY 10022
212-446-4695
Fax: 212-446-4900
Email: vreznik@kirkland.com
ATTORNEY TO BE NOTICED

Defendant

David A. Stockman

represented by **Lori Ann Martin**
Wilmer, Cutler & Pickering (NYC)
399 Park Avenue
New York, NY 10022
(212)-295-6412
Fax: (212)-230-8888
Email: lori.martin@wilmwrhale.com
ATTORNEY TO BE NOTICED

Defendant

J. Michael Stepp

represented by **Gandolfo Vincent DiBlasi**
Sullivan and Cromwell, LLP(NYC)
125 Broad Street
NY, NY 10004
(212)558-3836
Fax: (212)-558-3588
Email: diblasig@sullcrom.com

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

David Edward Swarts
Sullivan and Cromwell, LLP(NYC)
125 Broad Street
NY, NY 10004
(212) 558-7446
Fax: (212)-558-3588
Email: swartsd@sullcrom.com
ATTORNEY TO BE NOTICED

Defendant

Bryce M. Koth

Defendant

Heartland LP

represented by **Jonathan J. Lerner**
Skadden, Arps, Slate, Meagher & Flom
LLP (NYC)
Four Times Square
New York, NY 10036
(212)-735-2550
Fax: (917)-777-2550
Email: jlerner@skadden.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jeffrey S. Geier
Skadden, Arps, Slate, Meagher & Flom
LLP (NYC)
Four Times Square
New York, NY 10036
(212)-735-3806
Fax: (917)-777-3806
Email: jgeier@skadden.com
ATTORNEY TO BE NOTICED

Lea Haber Kuck
Skadden, Arps, Slate, Meagher & Flom,
LLP (4 Times Sq, Rm 44)
Four Times Square, 40th Floor
New York, NY 10036
(212) 735-2978
Fax: (917) 777-2978
Email: lkuck@skadden.com
ATTORNEY TO BE NOTICED

Defendant**Jerry L. Mosingo**

Date Filed	#	Docket Text
04/13/2005	1	COMPLAINT against Collins & Aikman Corporation, David A. Stockman, J. Michael Stepp, Bryce M. Koth. (Filing Fee \$ 250.00, Receipt Number 540701)Document filed by Hanna Kleinpeter-Fleck(individually), Hanna Kleinpeter-Fleck(An On Behalf of All Others Similarly Situated).(es,) Additional attachment(s) added on 4/21/2005 (gf,). (Entered: 04/18/2005)
04/13/2005		SUMMONS ISSUED as to Collins & Aikman Corporation, David A. Stockman, J. Michael Stepp, Bryce M. Koth. (es,) (Entered: 04/18/2005)
04/13/2005		Magistrate Judge Frank Maas is so designated. (es,) (Entered: 04/18/2005)
04/13/2005		Case Designated ECF. (es,) (Entered: 04/18/2005)
05/26/2005	2	SUGGESTION OF BANKRUPTCY Upon the Record as to Collins & Aikman Corporation. Document filed by Collins & Aikman Corporation(Januszewski, David) (Entered: 05/26/2005)
06/06/2005	3	MOTION to Appoint K. J. Egleston to serve as lead plaintiff(s). Document filed by K. J. Egleston. (Attachments: # 1 Exhibit)(Bruckner, Gustavo) (Entered: 06/06/2005)
06/06/2005	4	MEMORANDUM OF LAW in Support re: 3 MOTION to Appoint K. J. Egleston to serve as lead plaintiff(s).. Document filed by K. J. Egleston. (Bruckner, Gustavo) (Entered: 06/06/2005)
06/06/2005	5	DECLARATION of Gustavo Bruckner in Support re: 3 MOTION to Appoint K. J. Egleston to serve as lead plaintiff(s).. Document filed by K. J. Egleston. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Bruckner, Gustavo) (Entered: 06/06/2005)
07/07/2005	6	NOTICE OF CASE REASSIGNMENT to Judge Michael B. Mukasey. Judge Miriam Goldman Cedarbaum no longer assigned to the case. (jeh,) (Entered: 07/08/2005)
10/18/2005	7	ORDER PLACING CASE ON SUSPENSE; this action is placed on the suspense docket pending further order of the Court. Plaintiffs are to advise the Court, in writing, by 9/30/05 as to the status of these actions: 05civ3791; 05civ4950; 05civ5098 and 05civ5251, including but not limited to what steps, if any, they have taken to lift the automatic stay, whether they intend to file a claim in the bankruptcy proceeding, and how they intend to prosecute these actions. (Signed by Judge Michael B. Mukasey on 8/15/05) Document forwarded and scanned by Chambers on 10/18/05.(sac,) (Entered: 10/18/2005)
10/24/2005	8	ORDER PLACING CASE ON SUSPENSE; this action is placed on the suspense docket pending further order of the Court. Plaintiffs are to advise the Court, in writing, by 11/18/05 as to the status of these actions: 05civ3791; 05civ4950;

		05civ5098 and 05civ5251, including but not limited to what steps, if any, they have taken to lift the automatic stay, whether they intend to file a claim in the bankruptcy proceeding, and how they intend to prosecute these actions. (Signed by Judge Michael B. Mukasey on 10/24/05) (db,) (Entered: 10/25/2005)
11/02/2005	9	REPLY re: 8 Order,, <i>Letter to Judge Mukasey</i> . Document filed by K. J. Egleston. (Bruckner, Gustavo) (Entered: 11/02/2005)
11/28/2005	10	MOTION to Appoint K. J. Egleston to serve as lead plaintiff(s) <i>Proposed Order</i> . Document filed by K. J. Egleston. (Bruckner, Gustavo) (Entered: 11/28/2005)
11/28/2005	11	NOTICE of Appearance by Vickie Reznik on behalf of Collins & Aikman Corporation (Reznik, Vickie) (Entered: 11/28/2005)
11/28/2005	12	NOTICE of Appearance by Jennifer M. Hooper (Selendy) on behalf of Collins & Aikman Corporation (Hooper (Selendy), Jennifer) (Entered: 11/28/2005)
12/14/2005	13	NOTICE OF CHANGE OF ADDRESS by David Avi Rosenfeld on behalf of Hanna Kleinpeter-Fleck(individually). New Address: Lerach Coughlin Stoia Geller Rudman & Robbins LLP, 58 South Service Road, Suite 200, Melville, NY, United States 11747, 631-367-7100. (Rosenfeld, David) (Entered: 12/14/2005)
01/10/2006	14	LETTER addressed to Judge Michael B. Mukasey from Vickie Reznick dated 12/20/05 re: counsel for Collins & Aikman requests that this court maintain the cases on suspense. Document filed by Collins & Aikman Corporation.(dle,) (Entered: 01/11/2006)
01/19/2006	15	CONSOLIDATED CLASS ACTION COMPLAINT against Heartland LP, Jerry L. Mosingo, Collins & Aikman Corporation, David A. Stockman, J. Michael Stepp, Bryce M. Koth. Document filed by K. J. Egleston.(sac,) Additional attachment(s) added on 1/20/2006 (mbe,). (Entered: 01/20/2006)
01/25/2006	16	AFFIDAVIT OF SERVICE. Heartland LP served on 1/24/2006, answer due 2/13/2006. Service was accepted by Marita Castelino, receptionist. Document filed by K. J. Egleston. (Bruckner, Gustavo) (Entered: 01/25/2006)
02/01/2006	17	AFFIDAVIT OF SERVICE. Jerry L. Mosingo served on 1/27/2006, answer due 2/16/2006. Service was accepted by George Doe. Document filed by K. J. Egleston. (Bruckner, Gustavo) (Entered: 02/01/2006)
03/02/2006	18	NOTICE OF APPEARANCE by Lori Ann Martin on behalf of David A. Stockman (Martin, Lori) (Entered: 03/02/2006)
03/02/2006	19	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Transfer Case <i>and for an Extension of Time</i> . Document filed by Collins & Aikman Corporation. (Attachments: # 1 Exhibit (Proposed) Order)(Martin, Lori) Modified on 3/3/2006 (ae,). (Entered: 03/02/2006)
03/02/2006	20	MOTION to Transfer Case <i>and for an Extension of Time</i> . Document filed by David A. Stockman. (Attachments: # 1 Exhibit (Proposed) Order)(Martin, Lori) (Entered: 03/02/2006)
03/02/2006	21	MEMORANDUM OF LAW in Support re: 20 MOTION to Transfer Case <i>and for an Extension of Time</i> .. Document filed by David A. Stockman. (Martin, Lori)

		(Entered: 03/02/2006)
03/02/2006	22	DECLARATION of Lori A. Martin in Support re: 20 MOTION to Transfer Case <i>and for an Extension of Time..</i> Document filed by David A. Stockman. (Attachments: # 1 Exhibit 1# 2 Exhibit 2a# 3 Exhibit 2b# 4 Exhibit 3a# 5 Exhibit 3b# 6 Exhibit 3c# 7 Exhibit 3d# 8 Exhibit 3e# 9 Exhibit 4# 10 Exhibit 5a# 11 Exhibit 5b# 12 Exhibit 6)(Martin, Lori) (Entered: 03/02/2006)
03/02/2006	23	DECLARATION of David A. Stockman in Support re: 20 MOTION to Transfer Case <i>and for an Extension of Time..</i> Document filed by David A. Stockman. (Martin, Lori) (Entered: 03/02/2006)
03/03/2006	24	NOTICE OF APPEARANCE by David Edward Swarts on behalf of J. Michael Stepp (Swarts, David) (Entered: 03/03/2006)
03/03/2006	25	NOTICE OF APPEARANCE by Gandolfo Vincent DiBlasi on behalf of J. Michael Stepp (DiBlasi, Gandolfo) (Entered: 03/03/2006)
03/07/2006	26	NOTICE OF APPEARANCE by Lea Haber Kuck on behalf of Heartland LP (Kuck, Lea) (Entered: 03/07/2006)
03/07/2006	27	NOTICE OF APPEARANCE by Jeffrey S. Geier on behalf of Heartland LP (Geier, Jeffrey) (Entered: 03/07/2006)
03/17/2006	28	ORDER granting 20 Motion to extend time to answer until 3/18/06 and denying the motion in all other aspects. (Signed by Judge Michael B. Mukasey on 3/16/06) (db,) (Entered: 03/17/2006)
03/17/2006		Set Answer Due Date purs. to 28 Order on Motion to Transfer Case as to David A. Stockman answer due on 3/18/2006; J. Michael Stepp answer due on 3/18/2006; Bryce M. Koth answer due on 3/18/2006. (db,) (Entered: 03/17/2006)
03/17/2006	29	MEMORANDUM OF LAW in Opposition re: 20 MOTION to Transfer Case <i>and for an Extension of Time..</i> Document filed by K. J. Egleston. (Attachments: # 1 Certificate of Service)(Isquith, Frederick) (Entered: 03/17/2006)
03/17/2006	30	AFFIDAVIT of Thomas H. Burt in Opposition re: 20 MOTION to Transfer Case <i>and for an Extension of Time..</i> Document filed by K. J. Egleston. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C - Part 1# 4 Exhibit C - Part 2# 5 Exhibit C - Part 3# 6 Exhibit D)(Isquith, Frederick) (Entered: 03/17/2006)
03/17/2006	31	MOTION to Dismiss. Document filed by Bryce M. Koth. (Cogan, Harris) (Entered: 03/17/2006)
03/17/2006	32	MOTION to Dismiss <i>Memorandum of Law in Support of Motion to Dismiss.</i> Document filed by Bryce M. Koth. (Cogan, Harris) (Entered: 03/17/2006)
03/17/2006	33	MOTION to Dismiss. Document filed by J. Michael Stepp. (DiBlasi, Gandolfo) (Entered: 03/17/2006)
03/17/2006	34	MOTION to Dismiss <i>Memorandum of Law.</i> Document filed by J. Michael Stepp. (DiBlasi, Gandolfo) (Entered: 03/17/2006)
03/17/2006	35	MOTION to Dismiss <i>Declaration of Gandolfo V. DiBlasi.</i> Document filed by J. Michael Stepp. (Attachments: # 1 Exhibit A, Part I# 2 Exhibit A, Part II# 3 Exhibit

		A, Part III# 4 Exhibit A, Part IV# 5 Exhibit A, Part V# 6 Exhibit B# 7 Exhibit C# 8 Exhibit D# 9 Exhibit E# 10 Exhibit F)(DiBlasi, Gandolfo) (Entered: 03/17/2006)
03/18/2006	36	MOTION to Dismiss. Document filed by David A. Stockman. (Attachments: # 1 Exhibit (Proposed) Order)(Martin, Lori) (Entered: 03/18/2006)
03/18/2006	37	MEMORANDUM OF LAW in Support re: 36 MOTION to Dismiss.. Document filed by David A. Stockman. (Martin, Lori) (Entered: 03/18/2006)
03/18/2006	38	DECLARATION of Lori A. Martin in Support re: 36 MOTION to Dismiss.. Document filed by David A. Stockman. (Attachments: # 1 Exhibit 1# 2 Exhibit 1a# 3 Exhibit 2# 4 Exhibit 2a# 5 Exhibit 2b# 6 Exhibit 2c# 7 Exhibit 2d# 8 Exhibit 2e# 9 Exhibit 3# 10 Exhibit 4# 11 Exhibit 5# 12 Exhibit 6# 13 Exhibit 7# 14 Exhibit 7a# 15 Exhibit 8# 16 Exhibit 8a)(Martin, Lori) (Entered: 03/18/2006)
03/22/2006	39	NOTICE OF APPEARANCE by Jonathan J. Lerner on behalf of Heartland LP (Lerner, Jonathan) (Entered: 03/22/2006)
03/24/2006	40	REPLY MEMORANDUM OF LAW in Support re: 20 MOTION to Transfer Case <i>and for an Extension of Time</i> .. Document filed by David A. Stockman. (Attachments: # 1 Exhibit 1)(Martin, Lori) (Entered: 03/24/2006)
03/31/2006	41	MOTION to Dismiss. Document filed by Heartland LP. (Lerner, Jonathan) (Entered: 03/31/2006)
03/31/2006	42	DECLARATION of Jonathan J. Lerner in Support re: 41 MOTION to Dismiss.. Document filed by Heartland LP. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Lerner, Jonathan) (Entered: 03/31/2006)
03/31/2006	43	MEMORANDUM OF LAW in Support re: 41 MOTION to Dismiss.. Document filed by Heartland LP. (Lerner, Jonathan) (Entered: 03/31/2006)
04/03/2006	44	MOTION to Dismiss (<i>Corrected</i>). Document filed by Heartland LP. (Lerner, Jonathan) (Entered: 04/03/2006)
04/21/2006	45	RESPONSE in Opposition re: 31 MOTION to Dismiss., 36 MOTION to Dismiss., 33 MOTION to Dismiss.. Document filed by K. J. Egleston. (Attachments: # 1 Certificate of Service)(Burt, Thomas) (Entered: 04/21/2006)
04/25/2006	46	ENDORSED LETTER addressed to Judge Michael B. Mukasey from Thomas H. Burt dated 4/14/06 re: granting plaintiff permission to respond to the 3/18/06 Motion to dismiss. (Signed by Judge Michael B. Mukasey on 4/20/06) (sac,) (Entered: 04/25/2006)
05/05/2006	47	REPLY MEMORANDUM OF LAW in Support re: 33 MOTION to Dismiss.. Document filed by J. Michael Stepp. (Attachments: # 1 Certificate of Service)(DiBlasi, Gandolfo) (Entered: 05/05/2006)
05/05/2006	48	REPLY MEMORANDUM OF LAW in Support re: 36 MOTION to Dismiss.. Document filed by David A. Stockman. (Attachments: # 1 Exhibit 1a# 2 Exhibit 1b# 3 Exhibit 2)(Martin, Lori) (Entered: 05/05/2006)
05/05/2006	49	DECLARATION of David E. Swarts in Support re: 33 MOTION to Dismiss.. Document filed by J. Michael Stepp. (Attachments: # 1 Exhibit A)(DiBlasi, Gandolfo) (Entered: 05/05/2006)

05/05/2006	50	REPLY MEMORANDUM OF LAW in Support re: 31 MOTION to Dismiss. of <i>Defendant Bryce Koth</i> . Document filed by Bryce M. Koth. (Cogan, Harris) (Entered: 05/05/2006)
05/05/2006	51	MEMORANDUM OF LAW in Opposition re: 41 MOTION to Dismiss., 44 MOTION to Dismiss (<i>Corrected</i>).. Document filed by K. J. Egleston. (Attachments: # 1 Exhibit A# 2 Certificate of Service)(Burt, Thomas) (Entered: 05/05/2006)
05/19/2006	52	REPLY MEMORANDUM OF LAW in Support re: 41 MOTION to Dismiss., 44 MOTION to Dismiss (<i>Corrected</i>).. Document filed by Heartland LP. (Lerner, Jonathan) (Entered: 05/19/2006)
05/19/2006	53	DECLARATION of Lea Haber Kuck in Support re: 41 MOTION to Dismiss., 44 MOTION to Dismiss (<i>Corrected</i>).. Document filed by Heartland LP. (Lerner, Jonathan) (Entered: 05/19/2006)
06/12/2006	54	MOTION for Andrew B. Weissman to Appear Pro Hac Vice. Document filed by David A. Stockman. (db,) (Entered: 06/12/2006)
06/19/2006	55	MEMO ENDORSEMENT on re: Granting 54 MOTION for Andrew B. Weissman to Appear Pro Hac Vice. filed by David A. Stockman, (Signed by Judge Michael B. Mukasey on 6/13/06) (djc,) (Entered: 06/19/2006)
06/20/2006		ORDER granting re: 54 MOTION for Andrew B. Weissman to Appear Pro Hac Vice. filed by David A. Stockman, (Signed by Judge Michael B. Mukasey on 6/13/2006) (jmi,) (Entered: 06/20/2006)
07/06/2006		CASHIERS OFFICE REMARK on Order in the amount of \$25.00, paid on 06/21/2006, Receipt Number 583041. (jd,) (Entered: 07/06/2006)
07/10/2006	56	PROPOSED ORDER FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL:The following actions: 05-cv-3791, 05-cv-4950, 05-cv-5098 and 05-cv-5251 are hereby consolidated into one action for all purposes, pursuant to Federal Rules of Civil procedure 42. This order shall apply as specified to the consolidated action and to each case that relates to the same subject matter that is subsequently filed in this Court and is consolidated with the consolidated action. The following plaintiff and class member, K.J. Egleston, is appointed lead plaintiff pursuant to 15 U.S.C. 78u-4(a)(3)(B). The law firm of Wolf Adler Freeman & Herz LLP is hereby appointed lead counsel. (Signed by Judge Michael B. Mukasey on 7/10/06) Filed In Associated Cases: 2:05-cv-03791-MBM,2:05-cv-04950-MBM,2:05-cv-05098-MBM,2:05-cv-05251-MBM(js,) (Entered: 07/11/2006)
07/12/2006	57	OPINION AND ORDER # 93348: for the reasons set forth above, defendants' motion to transfer venue pursuant to 28 U.S.C. 1404(a) is granted. The Clerk will transfer the case to the Eastern District of Michigan. (Signed by Judge Michael B. Mukasey on 7/11/06) (kco,) Additional attachment(s) added on 7/12/2006 (kco,). Modified on 7/17/2006 (rw,). (Entered: 07/12/2006)
07/12/2006		CASE TRANSFERRED OUT from the U.S.D.C. Southern District of New York to the United States District Court - Eastern District of Michigan. Sent original file along with documents numbered 1-57, certified copy of docket entries and transfer

		order. Mailed via Federal Express AIRBILL # 8557 6945 0510 on 8/3/06. (kco,) (Entered: 08/03/2006)
08/15/2006		Received a letter from the United States District Court - Eastern District of Michigan acknowledging receipt of the entire file and assigned Case Number: 2:06cv13555(Cox, SF). (rdz,) (Entered: 08/15/2006)

Note: Links in this docket are stored in the PACER system (**P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords). PACER is a service of United States Judiciary. To view and retrieve the linked documents from PACER you must be a registered user. To register, fill out one of the [registration forms](#) available on the PACER site. The United States Congress has given the Judicial Conference of the United States, the judicial governing body of the U.S. Federal Courts, authority to impose user fees for electronic access to case information. For more information visit the PACER site at <http://pacer.psc.uscourts.gov/pacerdesc.html>