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**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:05-cv-02121**

Darquea v. Cyberonics Inc et al

Date Filed: Jun. 17, 2005
Status: Closed
Nature of suit: 850 Securities/Commodities
Assigned to: Judge Gray H. Miller
Related Case Case:
4:05-cv-02414
Cause: 15:78m(a) Securities Exchange Act
Date terminated: Oct. 04, 2007
Jurisdiction: Federal Question
Jury demand: Plaintiff

Parties and Attorneys

Plaintiff

Richard Darquea

On Behalf of Himself and All Others Similarly Situated

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Defendant

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Defendant

Alan Totah

Defendant

Pamela B Westbrook

Defendant

Michael A Cheney

Defendant

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Movant

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Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
1	Jun. 17, 2005	1	COMPLAINT against Cyberonics Inc, Robert P Cummins, Richard L Rudolph, Alan Totah, Pamela B Westbrook (Filing fee \$ 250) filed by Richard Darquea.(lfilmore,) Additional attachment(s) added on 6/20/2005 (lfilmore,). (Entered: 06/20/2005)
2	Jun. 20, 2005		Filing fee re: 1 Complaint: \$ 250.00, receipt number 558156 , filed. (agould,) (Entered: 06/20/2005)
3	Jun. 20, 2005	2	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 9/16/2005 at 03:00 PM in Courtroom 9B before Judge Sim Lake. Parties notified.(lfilmore,) (Entered: 06/20/2005)
4	Jun. 24, 2005	3	CERTIFICATE OF INTERESTED PARTIES by Richard Darquea, filed.(Emerson, John) (Entered: 06/24/2005)
5	Jul. 01, 2005	4	Letter from Susan Thompson re: CT Corporation System , filed. (rroberts,) (Entered: 07/01/2005)
6	Jul. 08, 2005	5	STIPULATION & AGREED MOTION for Extension of Time for Defts to Answer, Move or Otherwise Respond to Complaint by all parties, filed. Motion Docket Date 7/28/2005. (kmurphy,) (Entered: 07/11/2005)
7	Jul. 15, 2005	6	STIPULATION AND ORDER on 5 Agreed Motion to Extend Time for Defendants to Answer, Move or Otherwise Respond to the Complaint.(Signed by Judge Sim Lake) Parties notified.(hcarr,) (Entered: 07/15/2005)
8	Jul. 27, 2005	7	AGREED MOTION to Consolidate ACTIONS, Designate Caption for Consolidated Actions and ENTER Scheduling Order Lead Case No. 05-2121 and Member Case No.05-2414 by Richard Darquea, filed. Motion Docket Date 8/16/2005. (Attachments: # 1 Proposed Order)(svaught) (Entered: 07/28/2005)
9	Jul. 28, 2005	8	ORDER Consolidating 4:05cv2414 under 4:05cv2121 and Entering Scheduling Order; granting 7 Agreed MOTION to Consolidate Lead Case No. 05-2121 and Member Case No.05-2414. Lead plaintiff(s) shall file a consolidated class action complaint no later than 60 days after appointment. All defendants shall have sixty days thereafter to answer or otherwise respond. If defendants file and serve a motion to dismiss the consolidated complaint, plaintiffs shall have sixty days thereafter to file a response. Defendants shall have forty-five days thereafter to file a reply brief. (Signed by Judge Sim Lake) Parties notified.(Itien,) (Entered: 07/28/2005)
10	Aug. 16, 2005	9	MOTION to Appoint Lead Plaintiff, Lead Counsel, & Liaison Counsel by Richard Darquea, filed. Motion Docket Date 9/6/2005. (Attachments: # 1 # 2 # 3 # 4)(Emerson, John) (Entered: 08/16/2005)
11	Aug. 17, 2005	10	MOTION for Elizabeth A. Abbott to Appear Pro Hac Vice by Richard Darquea, filed. Motion Docket Date 9/6/2005. (Emerson, John) (Entered: 08/17/2005)

Req #	Filed	#	Docket Text
			08/17/2005)
<u>12</u>	Aug. 17, 2005	11	MOTION for Scott E. Poynter to Appear Pro Hac Vice by Richard Darquea, filed. Motion Docket Date 9/6/2005. (Emerson, John) (Entered: 08/17/2005)
<u>13</u>	Aug. 18, 2005	12	ORDER granting 10 Motion to Appear Pro Hac Vice. Elizabeth A. Abbott added for Plaintiff Richard Darquea .(Signed by Judge Sim Lake) Parties notified.(hcarr,) (Entered: 08/18/2005)
<u>14</u>	Aug. 18, 2005	13	ORDER granting 11 Motion to Appear Pro Hac Vice. Scott E. Poynter added for Plaintiff Richard Darquea .(Signed by Judge Sim Lake) Parties notified.(hcarr,) (Entered: 08/18/2005)
<u>15</u>	Aug. 18, 2005	14	CERTIFICATE OF INTERESTED PARTIES by all defendants, filed.(rkonieczny,) (Entered: 08/19/2005)
<u>16</u>	Aug. 19, 2005	15	SUMMONS Returned Executed. Cyberonics Inc served on 7/25/2005, answer due 8/15/2005, filed.(Federman, William) (Entered: 08/19/2005)
<u>17</u>	Sep. 02, 2005	16	MOTION for Mark L. Knutson to Appear Pro Hac Vice by Richard Darquea, filed. Motion Docket Date 9/22/2005. (Emerson, John) (Entered: 09/02/2005)
<u>18</u>	Sep. 02, 2005	17	MOTION for Jeffrey R. Krinsk to Appear Pro Hac Vice by Richard Darquea, filed. Motion Docket Date 9/22/2005. (Emerson, John) (Entered: 09/02/2005)
<u>19</u>	Sep. 02, 2005	18	Agreed MOTION To Postpone Initial Scheduling Conference by Richard Darquea, filed. Motion Docket Date 9/22/2005. (Attachments: # 1 Proposed Order)(ypippin,) (Entered: 09/06/2005)
<u>20</u>	Sep. 06, 2005	19	ORDER Granting 18 MOTION Postpone Initial Scheduling Conference. 9/16/2005 Conference canceled. Conference will be reset after Defendants file an answer to the consolidated amended complaint and or the Court rules on motions to dismiss.(Signed by Judge Sim Lake) Parties notified.(hcarr,) (Entered: 09/06/2005)
<u>21</u>	Sep. 08, 2005	20	ORDER granting Pltfs 17 Motion for Jeffrey Krinsk to Appear Pro Hac Vice .(Signed by Judge Sim Lake) Parties notified.(psmith,) (Entered: 09/09/2005)
<u>22</u>	Sep. 08, 2005	21	ORDER granting Pltfs 16 Motion for Mark L Knutson to Appear Pro Hac Vice .(Signed by Judge Sim Lake) Parties notified.(psmith,) (Entered: 09/09/2005)
<u>23</u>	Sep. 15, 2005	22	MOTION for Mark A. Golovach to Appear Pro Hac Vice by Richard Darquea, filed. Motion Docket Date 10/5/2005. (Emerson, John) (Entered: 09/15/2005)
<u>24</u>	Sep. 16, 2005	23	ORDER granting 22 Motion to Appear Pro Hac Vice. Mark A. Golovach added for Plaintiff Richard Darquea .(Signed by Judge Sim Lake) Parties notified.(hcarr,) (Entered: 09/16/2005)
<u>25</u>	Sep. 27, 2005	24	Unopposed RESPONSE to 9 MOTION to Appoint Lead Plaintiff, Lead Counsel, & Liaison Counsel, filed by Richard Darquea. (Emerson, John) (Entered: 09/27/2005)
<u>26</u>	Sep. 28, 2005	25	ORDER granting the 9 Motion to Appoint the Cyberonics Investor Group as Lead Pltf and to Approve Lead Pltfs Choice of Lead Counsel. John E & Cecilia Catogas, Blanca Rodriguez and Mohamed Bakry are appointed Lead Pltf; and Scott & Scott and Finkelstein & Krinsk are appointed Lead Counsel. Emerson Poynter LLP is appointed Liaison Counsel.(Signed by Judge Sim Lake) Parties notified.(psmith,) (Entered: 09/29/2005)

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27	Nov. 15, 2005	26	NOTICE of Change of Address by Arthur L Shingler III, counsel for Richard Darquea, Stanley Sved, John E Catogas, Cecilia Catogas, Blanca Rodriguez, Mohamed Bakry, filed. (kmurphy,) (Entered: 11/16/2005)
28	Nov. 30, 2005	27	Consolidated COMPLAINT against all defendants filed by Richard Darquea.(Emerson, John) Modified on 11/30/2005 (kmurphy,). (Entered: 11/30/2005)
29	Jan. 13, 2006	28	Agreed MOTION for Leave to File Excess Pages by Michael A Cheney, W Steven Jennings, Cyberonics Inc, Robert P Cummins, Richard L Rudolph, Alan Totah, Pamela B Westbrook, John E Catogas, Cecilia Catogas, Blanca Rodriguez, Mohamed Bakry, filed. Motion Docket Date 2/2/2006. (Attachments: # 1 Proposed Order Proposed Order)(Fletcher, N) (Entered: 01/13/2006)
30	Jan. 17, 2006	29	ORDER granting 28 Motion for Leave to File Excess Pages .(Signed by Judge Sim Lake) Parties notified.(hcarr,) (Entered: 01/17/2006)
31	Jan. 24, 2006	30	MOTION for Arthur L. Shingler, III to Appear Pro Hac Vice by Richard Darquea, filed. Motion Docket Date 2/13/2006. (Emerson, John) (Entered: 01/24/2006)
32	Jan. 24, 2006	31	MOTION for David R. Scott to Appear Pro Hac Vice by Richard Darquea, filed. Motion Docket Date 2/13/2006. (Emerson, John) (Entered: 01/24/2006)
33	Jan. 24, 2006	32	MOTION for Geoff Johnson to Appear Pro Hac Vice by Richard Darquea, filed. Motion Docket Date 2/13/2006. (Emerson, John) (Entered: 01/24/2006)
34	Jan. 25, 2006	33	ORDER granting 30 Motion to Appear Pro Hac Vice. Arthur Shingler added for Plaintiffs .(Signed by Judge Sim Lake) Parties notified.(hcarr,) (Entered: 01/25/2006)
35	Jan. 25, 2006	34	ORDER granting 32 Motion to Appear Pro Hac Vice. Geoff Johnson added for Plaintiffs .(Signed by Judge Sim Lake) Parties notified.(hcarr,) (Entered: 01/25/2006)
36	Jan. 25, 2006	35	ORDER granting 31 Motion to Appear Pro Hac Vice .(Signed by Judge Sim Lake) Parties notified.(dhansen,) (Entered: 01/25/2006)
37	Jan. 30, 2006	36	MOTION to Dismiss by all defendants, filed. Motion Docket Date 2/21/2006. (Attachments: # 1 Proposed Order)(ypippin,) (Entered: 01/31/2006)
38	Jan. 30, 2006	37	AFFIDAVIT of Jeffrey S. Johnston in Support re: 36 MOTION to Dismiss , filed.(jbradford,) (Entered: 01/31/2006)
39	Jan. 30, 2006	38	MEMORANDUM In Support re: 36 MOTION to Dismiss by all defendants, filed. (Attachments: # 1 Continuation # 2 Continuation # 3 Continuation)(ypippin,) (Entered: 01/31/2006)
40	Jan. 30, 2006	39	APPENDIX re: 36 MOTION to Dismiss Plaintiffs' Consolidated Complaint by all defendants, filed.(mewilliams,) Additional attachment(s) added on 1/31/2006 (mewilliams,). Additional attachment(s) added on 1/31/2006 (mewilliams,). Additional attachment(s) added on 1/31/2006 (mewilliams,). Additional attachment(s) added on 1/31/2006 (mewilliams,). Additional attachment(s) added on 2/1/2006 (ncavazos,). Additional attachment(s) added on 2/1/2006 (ncavazos,). Additional attachment(s) added on 2/1/2006 (ncavazos,). Additional attachment(s) added on 2/1/2006 (ncavazos,). Additional attachment(s) added on 2/1/2006 (ncavazos,).

Req #	Filed	#	Docket Text
			(Entered: 01/31/2006)
41	Mar. 31, 2006	40	MOTION Judicial Notice by all plaintiffs, filed. Motion Docket Date 4/20/2006. (Emerson, John) (Entered: 03/31/2006)
42	Mar. 31, 2006	41	BRIEF in Support re: 40 MOTION Judicial Notice by all plaintiffs, filed.(Emerson, John) (Entered: 03/31/2006)
43	Mar. 31, 2006	42	DECLARATION of John G. Emerson in Support re: 40 MOTION Judicial Notice, filed. (Attachments: # 1 Exhibit A - Part 1 of 9# 2 Exhibit A Part 2 of 9# 3 Exhibit Part 3 of 9# 4 Exhibit Part 4 of 9# 5 Exhibit Part 5 of 9# 6 Exhibit Part 6 of 9# 7 Exhibit Part 7 of 9# 8 Exhibit Part 8 of 9# 9 Exhibit Part 9 of 9)(Emerson, John) (Entered: 03/31/2006)
44	Mar. 31, 2006	43	MEMORANDUM of Law in Opposition re: 36 MOTION to Dismiss Plaintiffs' Consolidated Complaint by all plaintiffs, filed.(Emerson, John) Modified on 4/14/2006 - linked to #36 (Itien,). (Entered: 03/31/2006)
45	Apr. 17, 2006	44	RESPONSE in Opposition to 40 MOTION to take Judicial Notice and 41 Brief in Support, filed by all defendants. (ddarneille,) (Entered: 04/18/2006)
46	Apr. 27, 2006	45	REPLY to Response in Opposition to 40 Motion To Take Judicial Notice of Certain Facts, filed by Richard Darquea. (Emerson, John) Modified on 5/11/2006 - linked to #40 (Itien,). (Entered: 04/27/2006)
47	May 15, 2006	48	REPLY in Support of their 36 MOTION to Dismiss Pltfs Consolidated Complaint, filed by Cyberonics Inc. (Attachments: # 1 Affidavit # 2 Appendix)(psmith,) Additional attachment(s) added on 5/19/2006 (psmith,). Additional attachment(s) added on 5/19/2006 (psmith,). Additional attachment(s) added on 5/19/2006 (psmith,). (Entered: 05/19/2006)
48	May 16, 2006	46	NOTICE of Reassignment. Pursuant to Special Order No. H-2006-1, this case is reassigned to Judge Gray H Miller. Deadlines in scheduling orders remain in effect. All court settings are vacated. Parties notified. (kmurphy,) (Entered: 05/16/2006)
49	May 18, 2006	47	ORDER for joint status report. The parties are ordered to file this joint status report within 14 days of this order. (Signed by Judge Gray H Miller) Parties notified.(rkonieczny) (Entered: 05/18/2006)
50	May 30, 2006	49	STATUS REPORT by all parties, filed.(Shingler, Arthur) (Entered: 05/30/2006)
51	Jun. 20, 2006	50	NOTICE of Change of Address by Scott E. Poynter, EMERSON POYNTER LLP, counsel for all plaintiffs, filed. (Emerson, John) (Entered: 06/20/2006)
52	Jul. 20, 2006	51	MEMORANDUM AND ORDER Granting 36 Defendants' MOTION to Dismiss Plaintiffs' Consolidated Complaint; and Granting in part and Denying in part 40 Plaintiffs' MOTION to take Judicial Notice. Plaintiffs shall have 30 days within which to file an amended complaint. Miscellaneous Review due by 8/21/2006.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 07/20/2006)
53	Aug. 08, 2006	52	MOTION for William B. Federman to Withdraw as Attorney by Stanley Sved, filed. Motion Docket Date 8/28/2006. (Attachments: # 1 Exhibit 1 - Proposed Order)(Federman, William) (Entered: 08/08/2006)
54	Aug. 11, 2006	53	ORDER granting 52 Motion to Withdraw as Attorney. Attorney William B Federman terminated.(Signed by Judge Gray H. Miller) Parties

Req #	Filed	#	Docket Text
			notified.(rkniecny) (Entered: 08/11/2006)
55	Aug. 17, 2006	54	First AMENDED Complaint with Demand for Jury Trial against all defendants filed by John E Catogas, Cecilia Catogas, Blanca Rodriguez, Mohamed Bakry.(Shingler, Arthur) (Entered: 08/17/2006)
56	Aug. 28, 2006	55	Agreed MOTION for Extension of Deadline for Filing Defendants' Response, MOTION for Entry of Scheduling Order by Michael A Cheney, W Steven Jennings, Cyberonics Investor Group, Cyberonics Inc, Robert P Cummins, Richard L Rudolph, Alan Totah, Pamela B Westbrook, filed. Motion Docket Date 9/18/2006. (Attachments: # 1 Proposed Order)(cpeebles) (Entered: 08/29/2006)
57	Aug. 29, 2006	56	ORDER Granting 55 MOTION for Extension of Time, MOTION for Entry of Order: Deadlines terminated; Answer and/or Dispositive Motion Filing due by 10/2/2006 Responses due by 10/23/2006 Replies due by 11/6/2006.(Signed by Judge Gray H. Miller) Parties notified.(rkniecny) (Entered: 08/29/2006)
58	Sep. 27, 2006	57	Agreed MOTION for Leave to File Excess Pages by Michael A Cheney, W Steven Jennings, Cyberonics Inc, Robert P Cummins, Richard L Rudolph, Alan Totah, Pamela B Westbrook, filed. Motion Docket Date 10/17/2006. (Attachments: # 1 Proposed Order Proposed Order to Stipulation and Agreed Motion for Leave to Exceed Page Limits Applicable to Briefs on First Amended Complaint)(Fletcher, N) (Entered: 09/27/2006)
59	Sep. 27, 2006	58	STIPULATION re: Agreed Motion for Leave to Exceed Page Limits Applicable to Briefs on First Amended Complaint by Michael A Cheney, W Steven Jennings, Cyberonics Inc, Robert P Cummins, Richard L Rudolph, Alan Totah, Pamela B Westbrook, filed. (Attachments: # 1 Proposed Order Proposed Order to Stipulation and Agreed Motion for Leave to Exceed Page Limits Applicable to Briefs on Amended Complaint)(Fletcher, N) (Entered: 09/27/2006)
60	Sep. 27, 2006	59	Mail Returned Undeliverable as to attorney Elizabeth A Abbott re: 56 Order, Set/Reset Deadlines, Terminate Deadlines,, , filed. (mmar,) (Entered: 09/27/2006)
61	Sep. 28, 2006	60	ORDER granting 57 Motion for Leave to File Excess Pages . Defendants are granted leave of Court to file a memorandum of support, and Lead Plaintiffs are granted leave of Court to file a response in opposition to Defendant's motion, not to exceed 40 pages in length, exclusive of the table of contents and index of authorities.(Signed by Judge Gray H. Miller) Parties notified.(espencer,) (Entered: 09/29/2006)
62	Oct. 02, 2006	61	MOTION to Dismiss Pltfs 54 First Amended Complaint, by Cyberonics Inc, Robert P Cummins, Richard L Rudolph, filed. Motion Docket Date 10/23/2006. (Attachments: # 1 Proposed Order)(psmith,) (Entered: 10/04/2006)
63	Oct. 02, 2006	62	MEMORANDUM In Support of Their 61 MOTION to Dismiss Pltfs 54 First Amended Complaint, by Cyberonics Inc, Richard L Rudolph, filed. (Attachments: # 1 Exhibit)(psmith,) (Entered: 10/04/2006)
64	Oct. 02, 2006	63	APPENDIX to Defts 62 Memorandum in Support of their 61 MOTION to Dismiss Pltfs 54 First Amended Complaint, by Cyberonics Inc, Richard L Rudolph, filed. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit)(psmith,) (Entered: 10/05/2006)

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65	Oct. 02, 2006	64	EXHIBITS by Cyberonics Inc, Richard L Rudolph to the 61 MOTION to Dismiss Pltfs 54 First Amended Complaint, filed. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit)(psmith,) Additional attachment(s) added on 10/5/2006 (psmith,). Additional attachment(s) added on 10/5/2006 (psmith,). Additional attachment(s) added on 10/5/2006 (psmith,). (Entered: 10/05/2006)
66	Oct. 23, 2006	65	RESPONSE in Opposition to 61 MOTION to Dismiss 54 Amended Complaint/Counterclaim/Crossclaim etc., filed by Cyberonics Investor Group. (Attachments: # 1 Affidavit Declaration of Arthur L. Shingler III in Support of Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint (Part 1)# 2 Affidavit Declaration of Arthur L. Shingler III in Support of Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint (Part 2)# 3 Affidavit Declaration of Arthur L. Shingler III in Support of Memorandum of Law in Opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint (Part 3))(Shingler, Arthur) (Entered: 10/23/2006)
67	Oct. 31, 2006	66	MOTION Motion of Los Angeles County Employees Retirement Association to Intervene, to Compel the Cyberonics Investor Group to Publish Notice and to Stay Proceedings with Incorporated Memorandum of Law by Los Angeles County Employees Retirement Association, filed. Motion Docket Date 11/20/2006. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G)(Greenberg, Roger) (Entered: 10/31/2006)
68	Oct. 31, 2006	67	PROPOSED ORDER re: 66 MOTION Motion of Los Angeles County Employees Retirement Association to Intervene, to Compel the Cyberonics Investor Group to Publish Notice and to Stay Proceedings with Incorporated Memorandum of Law, filed.(Greenberg, Roger) (Entered: 10/31/2006)
69	Nov. 06, 2006	68	REPLY in Support of 61 MOTION to Dismiss 54 Amended Complaint/Counterclaim/Crossclaim etc., filed by all defendants. (Attachments: # 1 Continuation)(hler,) (Entered: 11/07/2006)
70	Nov. 06, 2006	69	EXHIBITS by all defendants Related document: 68 Reply in Support of Motion, filed. (Attachments: # 1 Continuation # 2 Continuation # 3 Continuation # 4 Continuation)(hler,) (Entered: 11/07/2006)
71	Nov. 06, 2006	70	APPENDIX re: 68 Reply in Support of Motion by all defendants, filed. (Attachments: # 1 Continuation # 2 Continuation # 3 Continuation # 4 Continuation # 5 Continuation)(hler,) Additional attachment(s) added on 11/7/2006 (hler,). Additional attachment(s) added on 11/7/2006 (hler,). (Entered: 11/07/2006)
72	Nov. 07, 2006	71	Mail Returned Undeliverable as to attorney Elizabeth A Abbott re: 60 Order on Motion for Leave to File Excess Pages, , filed. (hler,) (Entered: 11/13/2006)
73	Nov. 14, 2006	72	MOTION for Michael J. Pucillo to Appear Pro Hac Vice by Los Angeles County Employees Retirement Association, filed. Motion Docket Date 12/4/2006. (Greenberg, Roger) (Entered: 11/14/2006)
74	Nov. 15, 2006	73	NOTICE Request for Oral Argument and/or Conference Re Pending Motions by Cyberonics Investor Group, filed. (Shingler, Arthur) (Entered: 11/15/2006)

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75	Nov. 16, 2006	74	ORDER Setting Hearing on 66 Motion of Los Angeles County Employees Retirement Association to Intervene, to Compel the Cyberonics Investor Group to Publish Notice and to Stay Proceedings with Incorporated Memorandum of Law: Motion Hearing set for 11/30/2006 at 01:00 PM in Courtroom 8B before Judge Gray H. Miller.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 11/16/2006)
76	Nov. 17, 2006	75	MOTION for Denise Zamore to Appear Pro Hac Vice by all plaintiffs, filed. Motion Docket Date 12/7/2006. (sbyrum,) (Entered: 11/17/2006)
77	Nov. 20, 2006	76	RESPONSE to 66 MOTION Motion of Los Angeles County Employees Retirement Association to Intervene, to Compel the Cyberonics Investor Group to Publish Notice and to Stay Proceedings with Incorporated Memorandum of Law, filed by all defendants. (Johnston, Jeffrey) (Entered: 11/20/2006)
78	Nov. 20, 2006	77	RESPONSE in Opposition to 66 MOTION Motion of Los Angeles County Employees Retirement Association to Intervene, to Compel the Cyberonics Investor Group to Publish Notice and to Stay Proceedings with Incorporated Memorandum of Law, filed by Cyberonics Investor Group. (Attachments: # 1 Affidavit Declaration of Arthur L. Shingler III in Support of Response to Motion of Los Angeles County Employees Retirement Association to Intervene, to Compel the Cyberonics Investor Group to Publish Notice and to Stay Proceedings)(Shingler, Arthur) (Entered: 11/20/2006)
79	Nov. 21, 2006	78	PROPOSED ORDER re: 77 Response in Opposition to Motion,,, filed.(Shingler, Arthur) (Entered: 11/21/2006)
80	Nov. 24, 2006	79	MOTION for Beth A. Kaswan to Appear Pro Hac Vice by Cyberonics Inc, filed. Motion Docket Date 12/14/2006. (bjam,) (Entered: 11/24/2006)
81	Nov. 27, 2006	80	ORDER granting 79 Motion for Beth A Kaswan to Appear Pro Hac Vice for Plaintiffs.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 11/28/2006)
82	Nov. 27, 2006	81	ORDER granting 75 Motion for Denise V Zamore to Appear Pro Hac Vice for Plaintiffs.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 11/28/2006)
83	Nov. 28, 2006	82	REPLY in Support of 66 MOTION Motion of Los Angeles County Employees Retirement Association to Intervene, to Compel the Cyberonics Investor Group to Publish Notice and to Stay Proceedings with Incorporated Memorandum of Law, filed by Los Angeles County Employees Retirement Association. (Greenberg, Roger) (Entered: 11/28/2006)
84	Nov. 28, 2006	83	ORDER GRANTING in part, DENYING in part 66 Motion to Intervene, to Compel the Cyberonics Investor Group to Publish Notice and to Stay Proceedings. LACERA's motions to compel publication of notice and to stay these proceedings is GRANTED. LACERA's motion to intervene is DENIED with leave to reurge after the renoticing. Plaintiffs shall publish notice within 20 days of this order.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 11/28/2006)
85	Nov. 28, 2006	84	ORDER granting 72 Motion for Michael J Pucillo to Appear Pro Hac Vice on behalf of Los Angeles County Employees Retirement

Req #	Filed	#	Docket Text
			Association.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 11/29/2006)
86	Feb. 21, 2007	85	Letter from N Scott Fletcher re: publishing notice concerning filing of amended complaint, filed. (rkonieczny) (Entered: 02/21/2007)
87	Feb. 21, 2007	86	ORDER Reaffirming appointment of Cyberonics Investment Group as Lead plaintiff and appointment of Scott & Scott LLP and Finkelstein & Krinsk LLP as lead counsel with Emerson Poynter LLP as liason counsel. The court lifts the stay it imposed during republication.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 02/21/2007)
88	Feb. 23, 2007	87	Letter from Lead Plaintiffs in response to Defendants' 2/21/2007 letter to the Court by Cyberonics Investor Group, filed.(Shingler, Arthur) (Entered: 02/23/2007)
89	Mar. 09, 2007	88	MOTION for Leave to File Second Amended Consolidated Class Action Complaint by Cyberonics Investor Group, filed. Motion Docket Date 3/29/2007. (Attachments: # 1 Lead Plaintiffs' Memorandum of Law in Support of Their Motion for Leave to File a Second Amended Complaint ([Proposed] Second Amended Consolidated Class Action Complaint attached as Exh. A)# 2 Proposed Order Granting Lead Plaintiffs Leave to File a Second Amended Complaint)(Shingler, Arthur) (Entered: 03/09/2007)
90	Mar. 29, 2007	89	RESPONSE in Opposition to 88 MOTION for Leave to File Second Amended Consolidated Class Action Complaint, filed by all defendants. (Nguyen, Ba) (Entered: 03/29/2007)
91	Apr. 11, 2007	90	PLAINTIFFS' MEMORANDUM IN REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFFS' 88 MOTION FOR LEAVE TO AMEND, filed by Cyberonics Investor Group. (Shingler, Arthur) Modified on 4/18/2007 - linked to #88 (Itien,). (Entered: 04/11/2007)
92	Apr. 19, 2007	91	ORDER that this case is STAYED pending a decision by the United States Supreme Court; Plaintiffs' motion for leave to file a second amended consolidated class action complaint is DISMISSED without prejudice with leave to re-urge at a later date, Case stayed.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 04/19/2007)
93	Apr. 25, 2007	92	NOTICE of Designation of Liaison Counsel by all plaintiffs, filed. (Bilek, Thomas) (Entered: 04/25/2007)
94	May 25, 2007	93	CLERKS NOTICE re: change of courtroom/chambers for Judge Gray Miller. Parties notified. (rkonieczny) (Entered: 05/29/2007)
95	Jun. 18, 2007	94	Mail Returned Undeliverable as to attorney Elizabeth A Abbott re: 93 Clerks Notice, filed. (blacy,) (Entered: 06/18/2007)
96	Jun. 25, 2007	95	ORDER LIFTING STAY, STAYED flag cleared. Plaintiffs may supplement first amended petition on or before 7/16/2007. Defendants may supplement motion to dismiss on or before 8/6/2007.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 06/25/2007)
97	Jul. 16, 2007	96	NOTICE of Firm Name Change by all plaintiffs, filed. (Bilek, Thomas) (Entered: 07/16/2007)
98	Jul. 16, 2007	97	Supplemental AMENDED Supplemental Complaint with Jury Demand against all defendants filed by Cyberonics Investor Group.(Shingler, Arthur) (Entered: 07/16/2007)

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99	Jul. 16, 2007		***Party EFCAT Inc rep by Arthur L Shingler, III added. (Itien,) (Entered: 07/19/2007)
100	Jul. 19, 2007	98	Mail Returned Undeliverable as to attorney Elizabeth A Abbott re: 95 Order Lifting Stay, Set/Clear Flags, filed. (kosborne,) (Entered: 07/19/2007)
101	Aug. 06, 2007	99	SUPPLEMENT to 61 MOTION to Dismiss 54 Amended Complaint/Counterclaim/Crossclaim etc. by all defendants, filed. (Attachments: # 1 Affidavit Affidavit of Jeffrey S. Johnston and Exhibit List# 2 Exhibit Exhibit A# 3 Exhibit Exhibit B# 4 Exhibit Exhibit C# 5 Exhibit Exhibit D# 6 Exhibit Exhibit E# 7 Exhibit Exhibit F# 8 Exhibit Exhibit G# 9 Exhibit Exhibit H# 10 Exhibit Exhibit I# 11 Exhibit Exhibit J# 12 Exhibit Exhibit K# 13 Exhibit Exhibit L)(Fletcher, N) (Entered: 08/06/2007)
102	Aug. 27, 2007	100	MEMORANDUM in Opposition to Defendants' 99 Supplement to Their 61 MOTION to Dismiss First Amended Complaint, by Cyberonics Investor Group, filed. (Attachments: # 1 Affidavit DECLARATION OF ARTHUR L. SHINGLER III IN SUPPORT OF PLAINTIFFS MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS SUPPLEMENT TO THEIR MOTION TO DISMISS PLAINTIFFS FIRST AMENDED COMPLAINT)(Shingler, Arthur) Linked to #99 and #61 on 9/6/2007 (Itien,). (Entered: 08/27/2007)
103	Sep. 17, 2007	101	REPLY in Support of 61 MOTION to Dismiss 54 Amended Complaint/Counterclaim/Crossclaim etc., filed by all defendants. (Attachments: # 1 Affidavit of Elizabeth A. Pannill# 2 Exhibit A-1# 3 Exhibit A-2# 4 Exhibit A-3# 5 Exhibit A-4)(Pannill, Elizabeth) (Entered: 09/17/2007)
104	Sep. 28, 2007	102	ORDER GRANTING 61 MOTION to Dismiss 54 Supplemented first Amended Complaint/Counterclaim/Crossclaim etc.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny,) (Entered: 09/28/2007)
105	Oct. 03, 2007	103	Mail Returned Undeliverable as to attorney Elizabeth A Abbott re: 102 Order, filed. (tcampbell,) (Entered: 10/03/2007)
106	Oct. 04, 2007	104	MEMORANDUM AND OPINION GRANTING 61 Defendants' motion to dismiss plaintiffs' supplemented first amended complaint. Plaintiffs' claims are hereby DISMISSED with prejudice.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 10/04/2007)
107	Oct. 04, 2007	105	FINAL JUDGMENT. Case terminated on 10/4/2007.(Signed by Judge Gray H. Miller) Parties notified.(rkonieczny) (Entered: 10/04/2007)
108	Oct. 12, 2007	106	Mail Returned Undeliverable as to attorney Elizabeth A Abbott as to Mohamed Bakry re: 104 Memorandum & Opinion,, filed. (mmapps,) (Entered: 10/15/2007)
109	Oct. 18, 2007	107	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit by Cyberonics Investor Group (Filing fee \$ 455, receipt number 3136465), filed.(Shingler, Arthur) (Entered: 10/18/2007)
110	Oct. 19, 2007	108	Mail Returned Undeliverable as to attorney Elizabeth A Abbott re: 105 Final Judgment, filed. (sbyrum,) (Entered: 10/19/2007)
111	Oct. 19, 2007	109	Notice of the Filing of an Appeal. DKT13 transcript order form WAS NOT mailed to appellant. Fee status: PAID. The following Notice of Appeal and related motions are pending in the District Court: 107 Notice of Appeal, filed.(hler,) (Entered: 10/19/2007)

Req #	Filed	#	Docket Text
112	Oct. 22, 2007		Electronic record on appeal certified to the Fifth Circuit Court of Appeals re: 107 Notice of Appeal, filed.(hler,) (Entered: 10/22/2007)
113	Oct. 25, 2007	110	Transmittal Letter on Appeal Certified re: 107 Notice of Appeal. CDs containing the electronic record are being sent to Mr.Shingler and Mr. Fletcher, filed.(hler,) (Entered: 10/25/2007)
114	Oct. 25, 2007	111	Transmittal Letter on Appeal Certified re: 107 Notice of Appeal. A paper copy of the electronic record is being transmitted to the Fifth Circuit Court of Appeals, filed.(hler,) (Entered: 10/25/2007)
115	Oct. 26, 2007	112	Notice of Assignment of USCA No. 07-20787 re: 107 Notice of Appeal, filed.(jdav,) (Entered: 10/26/2007)
116	Nov. 08, 2007	113	NOTICE of Receipt of Record on Appeal from US Court of Appeals for the Fifth Circuit re: 107 Notice of Appeal (USCA No. 7-20787). Record received by USCA on 10/30/2007, filed.(mmapps,) (Entered: 11/09/2007)
117	Jan. 11, 2008	114	NOTICE of Change of Address by The Bilek Law Firm, LLP, counsel for Plaintiffs, filed. (Bilek, Thomas) (Entered: 01/11/2008)