

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:05-cv-04617-RJH**

**Weiss v. Friedman, Billings, Ramsey Group, Inc. et al**

**Date Filed:** May 11, 2005  
**Status:** Closed  
**Nature of suit:** 850 Securities/Commodities  
**Assigned to:** Judge Richard J. Holwell  
**Cause:** 15:78m(a) Securities Exchange Act  
**Date terminated:** May 08, 2008  
**Jurisdiction:** Federal Question  
**Jury demand:** Plaintiff  
**Member cases:** [1:05-cv-04706-RJH](#) *Van Der Jagt Family Trust et al v. Friedman, Billings, Ramsey Group, Inc. et al*  
[1:05-cv-04771-RJH](#) *Graebner v. Friedman, Billings, Ramsey Group, Inc. et al*  
[1:05-cv-04795-RJH](#) *Posner v. Friedman, Billings, Ramsey Group, Inc. et al*  
[1:05-cv-04818-RJH](#) *Lemon Bay Partenrs, LLP v. Billings et al*  
[1:05-cv-04824-RJH](#) *Manewitz v. Friedman, Billings, Ramsey Group, Inc. et al*  
[1:05-cv-04851-RJH](#) *Weissman v. Friedman, Billings, Ramsey Group, Inc. et al*  
[1:05-cv-04889-RJH](#) *Davis v. Friedman, Billings, Ramsey Group, Inc. et al*  
[1:05-cv-05090-RJH](#) *Ettinger v. Friedman, Billings, Ramsey Group, Inc. et al*  
[1:05-cv-06219-RJH](#) *Showers v. Friedman, Billings, Ramsey Group, Inc. et al*  
[1:05-cv-04877-RJH](#) *Pfister et al v. Friedman, Billings, Ramsey Group, Inc. et al*

**Related cases:** 1:05-cv-04771-RJH  
1:05-cv-04824-RJH  
1:05-cv-04706-RJH  
1:05-cv-04877-RJH  
1:05-cv-09744-RJH  
1:05-cv-04818-RJH  
1:05-cv-04795-RJH  
1:05-cv-05090-RJH

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**Operating Engineers Trust**

TERMINATED: 04/03/2006

**Plaintiff**

**Brian T. Weiss**

on behalf of himself and all others similarly situated

TERMINATED: 04/03/2006

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TERMINATED: 04/03/2006

**Consolidated Plaintiff**

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TERMINATED: 04/03/2006

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**Defendant**

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**Defendant**

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**Defendant**

**FBR Group**

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**Movant**

**The Public Employees' Retirement System of Mississippi**  
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**Movant**

**The Saulsar Group**  
TERMINATED: 04/03/2006

**Movant**

**Koebel Group**  
TERMINATED: 04/03/2006

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**Docket Proceedings**[Reverse Proceedings](#)

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
<a href="#">1</a>	May 11, 2005	1	COMPLAINT against Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington. (Filing Fee \$ 250.00, Receipt Number 542969)Document filed by Brian T. Weiss.(jeh, ) Additional attachment(s) added on 5/16/2005 (jeh, ). (Entered: 05/12/2005)
<a href="#">2</a>	May 11, 2005		SUMMONS ISSUED as to Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington. (jeh, ) (Entered: 05/12/2005)
<a href="#">3</a>	May 11, 2005		Case Designated ECF. (jeh, ) (Entered: 05/12/2005)
<a href="#">4</a>	May 11, 2005		Magistrate Judge Douglas F. Eaton is so designated. (jeh, ) (Entered: 05/12/2005)
<a href="#">5</a>	Jun. 17, 2005	2	STIPULATION AND ORDER;.. If plaintiff is appointed lead plaintiff (or if Plaintiff's counsel is appointed lead plaintiffs' counsel), Plaintiff shall have sixty days from the order appointing Plaintiff's counsel as lead plaintiffs' counsel to file an amended consolidated complaint. If plaintiff is appointed lead plaintiff (or if plaintiff's counsel is appointed lead plaintiffs' counsel), Defendants shall have sixty days from Plaintiff's filing of an amended consolidated complaint to file a response to that complaint;....; (Signed by Judge Richard J. Holwell on 6/8/05) (djc, ) (Entered: 06/20/2005)
<a href="#">6</a>	Jul. 11, 2005	3	MOTION to Appoint Neal Schear, Steven Franklin, Mario Dubal, Barton Gauker, Robert Rosenberger, Tony Gregory and Steven Ettinger (collectively, the ?Schear Group?) to serve as lead plaintiff(s). Document filed by Steven A. Ettinger. (Attachments: # 1 Text of Proposed Order # 2 Affidavit of Service# 3 MEMORANDUM OF LAW IN SUPPORT OF MOTION OF THE SCHEAR GROUP FOR CONSOLIDATION AND APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF ITS SELECTION OF LEAD COUNSEL# 4 DECLARATION OF NANCY KABOOLIAN IN SUPPORT OF THE SCHEAR GROUP 'S MOTION FOR CONSOLIDATION, APPOINTMENT OF LEAD PLAINTIFF AND APPROVAL OF ITS SELECTION OF LEAD COUNSEL# 5 Exhibit Exhibit 1 to the Delaration of Nancy Kaboolian# 6 Exhibit Exhibit 2 to Declaration of Nancy Kaboolian# 7 Exhibit Exhibit 3 to Declaration of Nancy Kaboolian# 8 Exhibit Exhibit 4 for Declaration of Nancy Kaboolian# 9 Exhibit Exhibit 5 of Declaration of Nancy Kaboolian)(Kaboolian, Nancy) (Entered: 07/11/2005)
<a href="#">7</a>	Jul. 11, 2005	4	MEMORANDUM OF LAW in Support re: 3 MOTION to Appoint Neal Schear, Steven Franklin, Mario Dubal, Barton Gauker, Robert Rosenberger, Tony Gregory and Steven Ettinger (collectively, the ?Schear Group?) to serve as lead plaintiff(s). and for consolidation and approval of lead plaintiffs' selection of leac counsel. Document filed by Steven A. Ettinger. (Kaboolian, Nancy) (Entered: 07/11/2005)
<a href="#">8</a>	Jul. 11, 2005	5	DECLARATION of Nancy Kaboolian in Support re: 3 MOTION to Appoint Neal Schear, Steven Franklin, Mario Dubal, Barton Gauker, Robert Rosenberger, Tony Gregory and Steven Ettinger (collectively, the ?Schear Group?) to serve as lead plaintiff(s).. Document filed by Steven A. Ettinger. (Attachments: # 1 Exhibit One To The Declaration of Nancy Kaboolian# 2 Exhibit Two To The Declaration of Nancy Kaboolian# 3 Exhibit Three To The Declaration of Nancy Kaboolian# 4 Exhibit Four To

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			The Declaration of Nancy Kaboolian# 5 Exhibit Five To The Declaration of Nancy Kaboolian)(Kaboolian, Nancy) (Entered: 07/11/2005)
<a href="#">9</a>	Jul. 11, 2005	6	MOTION to Appoint Roy Stewart, Steve Alger and Louis Adorian to serve as lead plaintiff(s). Document filed by Roy Stewart. (Attachments: # 1 Proposed Order# 2 Memorandum in Support# 3 Declaration in Support# 4 Exhibit A# 5 Exhibit B# 6 Exhibit C# 7 Exhibit D# 8 Exhibit E# 9 Certificate of Service)(Belfi, Eric) (Entered: 07/11/2005)
<a href="#">10</a>	Jul. 11, 2005	7	MOTION to Appoint The Public Employees' Retirement System of Mississippi to serve as lead plaintiff(s). Document filed by The Public Employees' Retirement System of Mississippi. (Karalian, Renee) (Entered: 07/11/2005)
<a href="#">11</a>	Jul. 11, 2005	8	MEMORANDUM OF LAW in Support re: 7 MOTION to Appoint The Public Employees' Retirement System of Mississippi to serve as lead plaintiff(s).. Document filed by The Public Employees' Retirement System of Mississippi. (Karalian, Renee) (Entered: 07/11/2005)
<a href="#">12</a>	Jul. 11, 2005	9	DECLARATION of Michael A. Schwartz in Support re: 7 MOTION to Appoint The Public Employees' Retirement System of Mississippi to serve as lead plaintiff(s).. Document filed by The Public Employees' Retirement System of Mississippi. (Karalian, Renee) (Entered: 07/11/2005)
<a href="#">13</a>	Jul. 11, 2005	10	MOTION to Appoint Central Laborers' Pension Fund, International Union of Operating Engineers Local 825 Pension Fund, New Jersey Carpenters Pension and Annuity Funds, and Ronald E. Cuneo to serve as lead plaintiff(s). Document filed by FBR Group. (Lee, Sharon) (Entered: 07/11/2005)
<a href="#">14</a>	Jul. 11, 2005	11	MEMORANDUM OF LAW in Support re: 10 MOTION to Appoint Central Laborers' Pension Fund, International Union of Operating Engineers Local 825 Pension Fund, New Jersey Carpenters Pension and Annuity Funds, and Ronald E. Cuneo to serve as lead plaintiff(s).. Document filed by FBR Group. (Attachments: # 1 Text of Proposed Order)(Lee, Sharon) (Entered: 07/11/2005)
<a href="#">15</a>	Jul. 11, 2005	12	DECLARATION of Peter E. Seidman in Support re: 10 MOTION to Appoint Central Laborers' Pension Fund, International Union of Operating Engineers Local 825 Pension Fund, New Jersey Carpenters Pension and Annuity Funds, and Ronald E. Cuneo to serve as lead plaintiff(s).. Document filed by FBR Group. (Attachments: # 1 Exhibit A - Complaint part 1 of 2# 2 Exhibit A - Complaint - Part 2 of 2# 3 Exhibit B - 1st Notice# 4 Exhibit C - Certifications# 5 Exhibit D - Loss Chart# 6 Exhibit E - MW Firm Resume)(Lee, Sharon) (Entered: 07/11/2005)
<a href="#">16</a>	Jul. 11, 2005	13	MOTION to Appoint The Saulsar Group to serve as lead plaintiff(s). Document filed by The Saulsar Group. (Brody, Aaron) (Entered: 07/11/2005)
<a href="#">17</a>	Jul. 11, 2005	14	MEMORANDUM OF LAW in Support re: 13 MOTION to Appoint The Saulsar Group to serve as lead plaintiff(s).. Document filed by The Saulsar Group. (Brody, Aaron) (Entered: 07/11/2005)
<a href="#">18</a>	Jul. 11, 2005	15	DECLARATION of Michael J. Klein in Support re: 13 MOTION to Appoint The Saulsar Group to serve as lead plaintiff(s).. Document filed by The Saulsar Group. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D)(Brody, Aaron) (Entered: 07/11/2005)
<a href="#">19</a>	Jul. 11, 2005	16	MOTION to Appoint Locals 302 and 612 of the International Union of

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
			Operating Engineers ? Employers Construction Industry Retirement Trust to serve as lead plaintiff(s). Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Attachments: # 1 Memorandum in Support Thereof)(Alba, Mario) (Entered: 07/11/2005)
<a href="#"><u>20</u></a>	Jul. 11, 2005	17	DECLARATION of Mario Alba, Jr. in Support re: 16 MOTION to Appoint Locals 302 and 612 of the International Union of Operating Engineers ? Employers Construction Industry Retirement Trust to serve as lead plaintiff(s).. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Attachments: # 1 # 2 # 3)(Alba, Mario) (Entered: 07/11/2005)
<a href="#"><u>21</u></a>	Jul. 11, 2005	18	MOTION to Consolidate Cases 05-4617, 05-4706, 05-4771, 05-4795, 05-4824, 05-4851, 05-4877, 05-4889, 05-5090, 05-6219 and for Appointment of Lead Plaintiff and Lead Counsel. Document filed by Koebel Group. (Attachments: # 1 Memorandum of Law in Support of Motion to consolidate and Appointment of Lead Plaintiff and Lead Counsel# 2 Declaration of Evan J. Smith, Esquire in Support of Motion to Consolidate and Appoint Lead Plaintiff and Lead Counsel# 3 Exhibits A-C to Declaration of Evan J. Smith, Esquire in Support of Motion to Consolidate and Appoint Lead Plaintiff and Lead Counsel# 4 Exhibit E to Declaration of Evan J. Smith, Esquire in Support of Motion for Consolidation and Appointment of Lead Plaintiff and Lead Counsel)(Smith, Evan) (Entered: 07/11/2005)
<a href="#"><u>22</u></a>	Jul. 11, 2005	19	NOTICE of Filing of Proposed Order and Certificate of Service as part of Motion for Consolidation and Appointment of Lead Plaintiff re: 18 MOTION to Consolidate Cases 05-4617, 05-4706, 05-4771, 05-4795, 05-4824, 05-4851, 05-4877, 05-4889, 05-5090, 05-6219 and for Appointment of Lead Plaintiff and Lead Counsel.. Document filed by Koebel Group. (Attachments: # 1)(Smith, Evan) (Entered: 07/11/2005)
<a href="#"><u>23</u></a>	Jul. 12, 2005	20	NOTICE of Filing of Exhibit D (Schiffirin & Barroway firm Profile) to Declaration of Evan J. Smith, Esquire in Support of Motion for Consolidation and APpointment of Lead Plaintiff Due to Computer Problems with ECF on July 11, 2005) re: 18 MOTION to Consolidate Cases 05-4617, 05-4706, 05-4771, 05-4795, 05-4824, 05-4851, 05-4877, 05-4889, 05-5090, 05-6219 and for Appointment of Lead Plaintiff and Lead Counsel., 19 Notice (Other), Notice (Other). Document filed by Koebel Group. (Attachments: # 1)(Smith, Evan) (Entered: 07/12/2005)
<a href="#"><u>24</u></a>	Jul. 12, 2005	21	AFFIDAVIT OF SERVICE of Summons and Complaint,. Kurt R. Harrington served on 5/27/2005, answer due 6/16/2005. Service was accepted by Carolyn Harrington, Wife. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Alba, Mario) (Entered: 07/12/2005)
<a href="#"><u>25</u></a>	Jul. 12, 2005	22	AFFIDAVIT OF SERVICE of Summons and Complaint,. Emanuel J. Friedman served on 6/6/2005, answer due 6/27/2005. Service was accepted by W. Royston Schwartz, Brother-in-Law. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Alba, Mario) (Entered: 07/12/2005)

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
			07/12/2005)
<a href="#">26</a>	Jul. 12, 2005	23	AFFIDAVIT OF SERVICE of Summons and Complaint,. Eric F. Billings served on 6/29/2005, answer due 7/19/2005. Service was made by Mail. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Alba, Mario) (Entered: 07/12/2005)
<a href="#">27</a>	Jul. 12, 2005	24	AFFIDAVIT OF SERVICE of Summons and Complaint,. Friedman, Billings, Ramsey Group, Inc. served on 5/16/2005, answer due 6/6/2005. Service was accepted by Rina Persico, Facility Manager. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Alba, Mario) (Entered: 07/12/2005)
<a href="#">28</a>	Jul. 25, 2005	25	MEMORANDUM OF LAW in Opposition re: 7 MOTION to Appoint The Public Employees' Retirement System of Mississippi to serve as lead plaintiff(s). The Public Employees' Retirement System's Opposition to the Competing Motions for Appointment of Lead Plaintiff and in Further Support of its Motion for Appointment of Lead Plaintiff and for Approval of Selection of Lead Counsel. Document filed by The Public Employees' Retirement System of Mississippi. (Karalian, Renee) (Entered: 07/25/2005)
<a href="#">29</a>	Jul. 25, 2005	26	CERTIFICATE OF SERVICE. Document filed by The Public Employees' Retirement System of Mississippi. (Karalian, Renee) (Entered: 07/25/2005)
<a href="#">30</a>	Jul. 28, 2005	27	MEMORANDUM OF LAW in Opposition re: 10 MOTION to Appoint Central Laborers' Pension Fund, International Union of Operating Engineers Local 825 Pension Fund, New Jersey Carpenters Pension and Annuity Funds, and Ronald E. Cuneo to serve as lead plaintiff(s)., 6 MOTION to Appoint Roy Stewart, Steve Alger and Louis Adorian to serve as lead plaintiff(s)., 18 MOTION to Consolidate Cases 05-4617, 05-4706, 05-4771, 05-4795, 05-4824, 05-4851, 05-4877, 05-4889, 05-5090, 05-6219 and for Appointment of Lead Plaintiff and Lead Counsel., 7 MOTION to Appoint The Public Employees' Retirement System of Mississippi to serve as lead plaintiff(s)., 13 MOTION to Appoint The Saulsar Group to serve as lead plaintiff(s)., 3 MOTION to Appoint Neal Schear, Steven Franklin, Mario Dubal, Barton Gauker, Robert Rosenberger, Tony Gregory and Steven Ettinger (collectively, the ?Schear Group?) to serve as lead plaintiff(s). Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust's Memorandum of Law in Further Support of Its Motion for Appointment as Lead Plaintiff and in Opposition to Competing Motions. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Alba, Mario) (Entered: 07/28/2005)
<a href="#">31</a>	Jul. 28, 2005	28	DECLARATION of Mario Alba, Jr. in Opposition re: 10 MOTION to Appoint Central Laborers' Pension Fund, International Union of Operating Engineers Local 825 Pension Fund, New Jersey Carpenters Pension and Annuity Funds, and Ronald E. Cuneo to serve as lead plaintiff(s)., 13 MOTION to Appoint The Saulsar Group to serve as lead plaintiff(s)., 3 MOTION to Appoint Neal Schear, Steven Franklin, Mario Dubal, Barton Gauker, Robert Rosenberger, Tony Gregory and Steven Ettinger (collectively, the ?Schear Group?) to serve as lead plaintiff(s)., 6 MOTION

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			to Appoint Roy Stewart, Steve Alger and Louis Adorian to serve as lead plaintiff(s).. 18 MOTION to Consolidate Cases 05-4617, 05-4706, 05-4771, 05-4795, 05-4824, 05-4851, 05-4877, 05-4889, 05-5090, 05-6219 and for Appointment of Lead Plaintiff and Lead Counsel., 7 MOTION to Appoint The Public Employees' Retirement System of Mississippi to serve as lead plaintiff(s).. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Attachments: # 1 Exhibit A)(Alba, Mario) (Entered: 07/28/2005)
<a href="#">32</a>	Aug. 04, 2005	29	REPLY MEMORANDUM OF LAW in Support re: 16 MOTION to Appoint Locals 302 and 612 of the International Union of Operating Engineers ? Employers Construction Industry Retirement Trust to serve as lead plaintiff(s).. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Alba, Mario) (Entered: 08/04/2005)
<a href="#">33</a>	Aug. 08, 2005	30	REPLY MEMORANDUM OF LAW in Support re: 7 MOTION to Appoint The Public Employees' Retirement System of Mississippi to serve as lead plaintiff(s).. Document filed by The Public Employees' Retirement System of Mississippi. (Karalian, Renee) (Entered: 08/08/2005)
<a href="#">34</a>	Dec. 16, 2005	31	ORDER; the Court directs Locals 302 and 612 of the Int'l Union of Operating Engineers-Employers Construction Industry Retirement Trust and The Public Employees' Retirement System of Mississippi to each file a supplemental submission to their motions for appointment as lead plaintiff. In their submissions, to be filed no later than 12/30/05, futher relief is as set forth in this Order. (Signed by Judge Richard J. Holwell on 12/16/05) (pl, ) (Entered: 12/19/2005)
<a href="#">35</a>	Dec. 30, 2005	32	RESPONSE in Support re: 7 MOTION to Appoint The Public Employees' Retirement System of Mississippi to serve as lead plaintiff(s). Supplemental Submission of Mississippi PERS in Further Support of its Motion for Appointment of Lead Plaintiff and for Approval of Selection of Lead Counsel. Document filed by The Public Employees' Retirement System of Mississippi. (Karalian, Renee) (Entered: 12/30/2005)
<a href="#">36</a>	Jan. 02, 2006	33	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: 16 MOTION to Appoint Locals 302 and 612 of the International Union of Operating Engineers ? Employers Construction Industry Retirement Trust to serve as lead plaintiff(s).. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F)(Alba, Mario) (Entered: 01/02/2006)
<a href="#">37</a>	Jan. 25, 2006	34	MEMORANDUM AND OPINION:92656 For the foregoing reasons, the Court consolidates the captioned actions, appoints the Operating Engineers Trust as lead plaintiff, and designates Lerach Coughlin Stoia Geller Rudman & Robbins LLP lead counsel. Plaintiff shall file a consolidated class action complaint within 30 days of this order. Defendants shall file their answer or move within the 30 days after the consolidated complaint is filed. The Clerk of the Court is directed to close the motions for appointment as lead plaintiff [docket #'s 3,6,7,10,13,16]. (Signed by Judge Richard J. Holwell on 1/24/2006) Filed In Associated Cases: 1:05-cv-

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			04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(lb, ) Modified on 1/31/2006 (ns, ). (Entered: 01/25/2006)
<a href="#">38</a>	Feb. 02, 2006	35	NOTICE OF APPEARANCE by Seymour Glanzer on behalf of Kurt R. Harrington (Glanzer, Seymour) (Entered: 02/02/2006)
<a href="#">39</a>	Feb. 23, 2006	36	ORDER that a conference for all FBR related matters shall be held on 3/2/06 at 2:30 p.m. in the courtroom of the Honorable richard J. Holwell, Courtroom 17B, 500 Pearl Street; the clerk of the court shall file a copy of this order in the separate file for 05cv4617 and 05cv9744 and any other related individual action hereafter filed in or hereafter transferred to this court; the court requests the assistance of counsel in calling to the attention of the clerk of the court the filing or transfer of any individual action that might be related to these matters. (Signed by Judge Richard J. Holwell on 2/23/06) (dle, ) (Entered: 02/24/2006)
<a href="#">40</a>	Feb. 27, 2006	37	NOTICE OF APPEARANCE by Peter Kristian Vigeland on behalf of Emanuel J. Friedman (Vigeland, Peter) (Entered: 02/27/2006)
<a href="#">41</a>	Mar. 03, 2006	38	ORDER; Amended Pleadings due by 3/27/2006. Dfts. motion to dismiss the CAC, as further amended due by 5/26/2006. Responses due by 7/7/2006 Replies due by 7/28/2006. Additional relief as set forth in this order. (Signed by Judge Richard J. Holwell on 3/2/06) (pl, ) (Entered: 03/06/2006)
<a href="#">42</a>	Mar. 27, 2006	39	ENDORSED LETTER addressed to Judge Richard J. Holwell from David A. Rosenfeld dated 3/22/06 re: In the absence of a clear indication as to when regulatory investigations will be resolved, the Court declines to intend the pursuant scheduling other than to restore the filing of the CAC to 4/3/06.. (Signed by Judge Richard J. Holwell on 3/27/06) (sac, ) (Entered: 03/27/2006)
<a href="#">43</a>	Apr. 03, 2006	40	CONSOLIDATED AMENDED COMPLAINT amending 1 Complaint, against Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington, FBR Group.Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. Related document: 1 Complaint, filed by Brian T. Weiss. (Attachments: # 1)... (received in the night deposit box on 4/3/06 at 10:51 p.m.)(sac, ) (Entered: 04/04/2006)
<a href="#">44</a>	Apr. 07, 2006	41	ORDER: Telephone Conference set for 4/11/2006 at 03:30 PM before Judge Richard J. Holwell. Counsel for Lemon Bay shall initiate the call to the Chambers of Judge Richard J. Holwell. (Signed by Judge Richard J. Holwell on 4/7/2006) (Entered: 04/07/2006)
<a href="#">45</a>	Apr. 10, 2006	42	ORDER; dfts deadline to submit their pre-mtion letter is extended to 4/21/06; dfts Motion to dismiss the CAC due by 6/2/2006. Responses due by 7/14/2006 Replies due by 8/4/2006. Additional relief as set forth in this Order. (Signed by Judge Richard J. Holwell on 4/8/06) (pl, ) (Entered: 04/10/2006)
<a href="#">46</a>	Apr. 13, 2006	43	ORDER; the Court consolidates actions 05cv9744 and 05cv4818 for pretrial purposes only under docket number 05cv4617; the Court revises its order of 1/25/2006 that consolidated Lemon Bay Partners, 05cv4818, for all purposes with the securities litigation. The Clerk of the Court shall file a copy of this order in the separate file for each of the above captioned

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			actions and any other related individual action hereafter filed in, or transferred, to this court. (Signed by Judge Richard J. Holwell on 4/13/06) (kco, ) (Entered: 04/14/2006)
<a href="#">47</a>	Apr. 17, 2006	44	STIPULATION AND ORDER; if defendants move to dismiss the consolidated class action complaint, defendants shall answer or otherwise respond to the complaint in the derivative action within 45 days after the court rules on that motion to dismiss. (Signed by Judge Richard J. Holwell on 4/12/06) Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04818-RJH(kco, ) (Entered: 04/18/2006)
<a href="#">48</a>	May 24, 2006	45	NOTICE OF CHANGE OF ADDRESS by Theresa Titolo on behalf of Emanuel J. Friedman. New Address: Wilmer Cutler Pickering Hale & Dorr, LLP, 1875 Pennsylvania Ave. N.W., Washington, DC, 20006, Tel. 202-663-6000, Fax. 202-663-6363, e-mail: theresa.titolo@wilmerhale.com. (Titolo, Theresa) (Entered: 05/24/2006)
<a href="#">49</a>	Jun. 01, 2006	46	ENDORSED LETTER addressed to Richard J. Holwell from George A. Borden dated 5/30/06 re: granting permission for an enlargement from its usual maximum 25 pages. (Signed by Judge Richard J. Holwell on 6/1/06) (pl, ) (Entered: 06/01/2006)
<a href="#">50</a>	Jun. 02, 2006	47	MOTION to Dismiss. Document filed by Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington. Responses due by 7/7/2006 Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Borden, George) (Entered: 06/02/2006)
<a href="#">51</a>	Jun. 02, 2006	48	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - MOTION to Dismiss Defendant's Memorandum of Law. Document filed by Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington. Responses due by 7/7/2006 (Attachments: # 1 Exhibit 1)Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Borden, George) Modified on 6/6/2006 (kg, ). (Entered: 06/02/2006)
<a href="#">52</a>	Jun. 06, 2006		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney George Borden to RE-FILE Document 48 MOTION to Dismiss Defendant's Memorandum of Law.. Use the document type Memorandum of Law in support of motion found under the document list Responses and Replies. (kg, ) (Entered: 06/06/2006)
<a href="#">53</a>	Jun. 06, 2006	49	MEMORANDUM OF LAW in Support re: 47 MOTION to Dismiss.. Document filed by Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington. (Attachments: # 1 Exhibit 1)Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Borden, George) (Entered: 06/06/2006)
<a href="#">54</a>	Jun. 12, 2006	50	MOTION for Andrew Weissman to Appear Pro Hac Vice. Document filed by Emanuel J. Friedman. Proposed Order attached. (db, ) (Entered: 06/12/2006)

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<a href="#">55</a>	Jun. 21, 2006	51	MOTION for Andrew N. Vollmer to Withdraw as Attorney. Document filed by Emanuel J. Friedman. Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Titolo, Theresa) (Entered: 06/21/2006)
<a href="#">56</a>	Jul. 12, 2006	52	ORDER: It is hereby ordered that Andrew N. Vollmer is granted leave to withdraw as counsel for defendant Emanuel J. Friedman in this action. . (Signed by Judge Richard J. Holwell on 7/11/06) (js, ) (Entered: 07/12/2006)
<a href="#">57</a>	Jul. 12, 2006	53	ORDER granting 50 Motion for Andrew Weissman to Appear Pro Hac Vice . (Signed by Judge Richard J. Holwell on 7/11/06) (js, ) (Entered: 07/12/2006)
<a href="#">58</a>	Jul. 24, 2006	54	NOTICE OF APPEARANCE by Andrew B. Weissman on behalf of Emanuel J. Friedman (Weissman, Andrew) (Entered: 07/24/2006)
<a href="#">59</a>	Jul. 24, 2006		CASHIERS OFFICE REMARK on 53 Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 07/17/2006, Receipt Number 584856. (jd, ) (Entered: 07/24/2006)
<a href="#">60</a>	Jul. 28, 2006	55	MEMORANDUM OF LAW in Opposition re: 47 MOTION to Dismiss.. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Russello, Joseph) (Entered: 07/28/2006)
<a href="#">61</a>	Aug. 02, 2006	56	MOTION to Withdraw as Attorney of Record. Document filed by L. Norman Showers. Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Torell, Catherine) (Entered: 08/02/2006)
<a href="#">62</a>	Aug. 02, 2006	57	CERTIFICATE OF SERVICE. Service was made by Via Electronic Transmission. Document filed by L. Norman Showers. Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Torell, Catherine) (Entered: 08/02/2006)
<a href="#">63</a>	Aug. 03, 2006	58	STIPULATION AND ORDER; that Lead Plaintiff's time to file and serve its Opposition Brief is extended to 7/28/06; dfts' time to file their Reply Brief is extended to 9/1/06. (Signed by Judge Richard J. Holwell on 8/2/06) (pl, ) (Entered: 08/04/2006)
<a href="#">64</a>	Aug. 23, 2006	59	ORDER granting 56 Motion to Withdraw by Cohen Milstein et al as counsel to L. Norman Showers. (Signed by Judge Richard J. Holwell on 8/22/06) (cd, ) (Entered: 08/23/2006) (Signed by Judge Richard J. Holwell on 8/22/06) Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH, 1:05-cv-4877-RJH,1:05-cv-9744-RJH,(rag, ) (Entered: 08/24/2006) (Entered: 08/24/2006) (Entered: 08/23/2006)
<a href="#">65</a>	Aug. 23, 2006	60	Endorsed Letter from Andrew B. Weissmen to Judge Holwell dated

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
			8/14/06 re: Mr. Wollmer's Motion to Withdraw as of Counsel in the Master File ENDORSEMENT: The Clerk of the Court is directed to close out the nine motions appearing in the above chart. They are satisfied by the 7/11/06 order docketed at 51 in the Master File. (Entered: 08/24/2006)
<a href="#">66</a>	Sep. 01, 2006	61	REPLY MEMORANDUM OF LAW in Support re: 47 MOTION to Dismiss.. Document filed by Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington. Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Borden, George) (Entered: 09/01/2006)
<a href="#">67</a>	Sep. 07, 2006	62	REPLY MEMORANDUM OF LAW in Support re: 47 MOTION to Dismiss. Correcting Defendants' Reply Memorandum filed on September 1, 2006. Document filed by Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington. Filed In Associated Cases: 1:05-cv-04617-RJH,1:05-cv-04706-RJH,1:05-cv-04771-RJH,1:05-cv-04795-RJH,1:05-cv-04818-RJH, 1:05-cv-04824-RJH,1:05-cv-04851-RJH,1:05-cv-04889-RJH,1:05-cv-05090-RJH,1:05-cv-06219-RJH(Borden, George) (Entered: 09/07/2006)
<a href="#">68</a>	Sep. 07, 2007	63	NOTICE of Change of Firm Name. Document filed by Locals 302 and 612 of the International Union of Operating Engineers - Employers Construction Industry Retirement Trust. Filed In Associated Cases: 1:05-cv-04617-RJH et al.(Rudman, Samuel) (Entered: 09/07/2007)
<a href="#">69</a>	Feb. 26, 2008	64	ORDER the parties are directed appear for argument on defendants' motion to dismiss on March 17,2008, at 11:00 a.m. in the courtroom of the Honorable Richard J. Holwell, Courtroom 17B, 500 Pearl Street, New York, New York 10007. SO ORDERED. (Signed by Judge Richard J. Holwell on 2/21/2008) (jmi) (Entered: 02/26/2008)
<a href="#">70</a>	Mar. 11, 2008	65	ORDER: The argument scheduled for 3/17/08 is hereby adjourned. The parties are directed to appear for Oral Argument on defendants' motions to dismiss set for 3/14/2008 at 03:00 PM in Courtroom 17B, 500 Pearl Street, New York, NY 10007 before Judge Richard J. Holwell. (Signed by Judge Richard J. Holwell on 3/3/08) (tro) (Entered: 03/11/2008)
<a href="#">71</a>	Mar. 14, 2008		Minute Entry for proceedings held before Judge Richard J. Holwell: Oral Argument held on 3/14/2008 re: 47 MOTION to Dismiss, filed by Kurt R. Harrington, Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman. The Court held oral argument on dft's motion to dismiss. The Court reserved decision and will enter its decision shortly. (ja) (Entered: 03/26/2008)
<a href="#">72</a>	Mar. 28, 2008	66	TRANSCRIPT of proceedings held on 3/14/08 before Judge Richard J. Holwell. (pr) (Entered: 03/28/2008)
<a href="#">73</a>	Mar. 31, 2008	67	MEMORANDUM OPINION AND ORDER #95906, re: granting 47 MOTION to Dismiss. filed by Kurt R. Harrington, Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman. Plaintiffs have 30 days from the date of this Memorandum Opinion and Order to move for leave to file an amended complaint. (Signed by Judge Richard J. Holwell on 3/31/08) (pl) Modified on 4/1/2008 (pl). Modified on 4/1/2008 (pl). (Entered: 03/31/2008)
<a href="#">74</a>	May 05, 2008	68	MOTION for Judgment. Document filed by Friedman, Billings, Ramsey

Req #	Filed	#	Docket Text
			Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington, FBR Group.Filed In Associated Cases: 1:05-cv-04617-RJH et al.(Borden, George) (Entered: 05/05/2008)
<a href="#">75</a>	May 08, 2008	69	CLERK'S JUDGMENT That for the reasons stated in the Court's Memorandum Opinion and Order dated March 31, 2008, defendants motion to dismiss is granted. (Signed by J. Michael McMahon, clerk on 5/8/08) (Attachments: # 1 notice of right to appeal)Filed In Associated Cases: 1:05-cv-04617-RJH et al.(ml) (Entered: 05/08/2008)
<a href="#">76</a>	May 09, 2008	70	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - JOINT MOTION for Extension of Time to File Answer or Otherwise Respond to Derivative Complaints(STIPULATION AND [PROPOSED]ORDER). Document filed by Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington, Lemon Bay Partenrs, LLP, FBR Group.Filed In Associated Cases: 1:05-cv-04617-RJH, 1:05-cv-04818-RJH(Borden, George) Modified on 5/12/2008 (KA). (Entered: 05/09/2008)
<a href="#">77</a>	May 12, 2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney George Anthony Borden to E-MAIL pdf copy to orders_and_judgments@nysd.uscourts.gov Document No. 70 Stipulation and [Proposed] Order. This document is not filed via ECF. (KA) (Entered: 05/12/2008)
<a href="#">78</a>	May 13, 2008	71	STIPULATION AND ORDER: It is hereby stipulated and agreed by and among plaintiff Lemon Bay Partners, LLP. Plaintiff Walter Boyle and defendants that the deadline for the defendants (and nominal defendant) to answer or otherwise respond to the complaints in these actions is hereby changed from May 15, 2008 to June 30, 2008. So Ordered. (Signed by Judge Richard J. Holwell on 5/13/08) Filed In Associated Cases: 1:05-cv-04617-RJH, 1:05-cv-04818-RJH(js) (Entered: 05/13/2008)
<a href="#">79</a>	Jun. 30, 2008	72	MOTION to Dismiss. Document filed by Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington, FBR Group.Filed In Associated Cases: 1:05-cv-04617-RJH, 1:05-cv-04818-RJH(Borden, George) (Entered: 06/30/2008)
<a href="#">80</a>	Jun. 30, 2008	73	MEMORANDUM OF LAW in Support re: (29 in 1:05-cv-04818-RJH, 72 in 1:05-cv-04617-RJH) MOTION to Dismiss.. Document filed by Friedman, Billings, Ramsey Group, Inc., Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington, FBR Group. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D)Filed In Associated Cases: 1:05-cv-04617-RJH, 1:05-cv-04818-RJH(Borden, George) (Entered: 06/30/2008)
<a href="#">81</a>	Jul. 08, 2008	74	ORDER OF DISMISSAL For the reason provided in the motion to dismiss (the Motion), and memorandum in support, of nominal defendant Friedman, Billings, Ramsey Group, Inc. and individual defendants Eric F. Billings, Emanuel J. Friedman, Kurt R. Harrington, W. Russell Ramsey, Daniel J. Altobello, Peter Gallagher, Stephen D. Harlan, Russell C. Lindner, Wallace Timmeny, and John T. Wall (collectively, Defendants), the motion is hereby granted and the two remaining actions consolidated under this master docket (the above captioned Lemon Bay, 05-CV-4818, and Boyle, 05-CV-9744, actions) are dismissed with prejudice. (Signed by Judge Richard J. Holwell on 7/7/08) (mme) (Entered: 07/30/2008)

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
<a href="#">82</a>	Sep. 03, 2008	75	JUDGMENT, Defendants having moved pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the remaining complaints in the above captioned actions, and the matter having come before the Honorable Richard J. Howell, United States District Judge, and the Court on July 7, 2008 having rendered its Order of Dismissal granting defendants' motion to dismiss, it is ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Order of Dismissal dated July 7, 2008, defendants' motion to dismiss is granted. (Signed by Judge Richard J. Holwell on 08/26/08) (Attachments: # 1 Notice of Right to Appeal)(dt) (Entered: 09/03/2008)