

**U.S. District Court**  
**Southern District of Indiana (Indianapolis)**  
CIVIL DOCKET FOR CASE #: 1:05-cv-00951-JDT-TAB

YEROUSHALMI v. GUIDANT CORPORATION et al  
Assigned to: Judge John Daniel Tinder  
Referred to: Magistrate Judge Tim A. Baker  
Related Case: [1:05-cv-01792-RLY-TAB](#)  
Cause: 28:1331 Fed. Question: Securities Violation

Date Filed: 06/24/2005  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**MOUSSA YEROUSHALMI**  
*on Behalf of Himself and All Others*  
*Similarly Situated*

represented by **Arthur L. Shingler, III**  
SCOTT + SCOTT LLC  
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V.

**Defendant**

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*ATTORNEY TO BE NOTICED*

**Defendant**

**RONALD W. DOLLENS**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Boris Feldman**  
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**James H. Ham, III**  
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*ATTORNEY TO BE NOTICED*

**Keith E. Eggleton**  
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**Meredith E. Kotler**  
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**Nina F. Locker**

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**Defendant**

**KEITH E. BRAUER**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Boris Feldman**  
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**James H. Ham, III**  
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**Keith E. Eggleton**  
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**Meredith E. Kotler**  
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*ATTORNEY TO BE NOTICED*

**Nina F. Locker**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**GUIDO J. NEELS**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Boris Feldman**  
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**James H. Ham, III**  
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**Keith E. Eggleton**  
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**Meredith E. Kotler**

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**Nina F. Locker**  
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**Defendant**

**BEVERLY H. LORELL**

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*LEAD ATTORNEY*  
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**Boris Feldman**  
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**James H. Ham, III**  
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**Keith E. Eggleton**  
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**Meredith E. Kotler**  
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**Nina F. Locker**  
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**Defendant**

**RONALD N. SPAULDING**

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Boris Feldman**  
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**James H. Ham, III**  
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**Keith E. Eggleton**

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**Meredith E. Kotler**  
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**Nina F. Locker**  
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**Defendant**

**WILLIAM F. MCCONNELL, JR.**

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*LEAD ATTORNEY*  
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**Boris Feldman**  
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**James H. Ham, III**  
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**Keith E. Eggleton**  
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**Meredith E. Kotler**  
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**Nina F. Locker**  
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*ATTORNEY TO BE NOTICED*

V.

**Consol Plaintiff**

**ELSA MURRAY**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/24/2005	<a href="#">1</a>	COMPLAINT against KEITH E. BRAUER, GUIDO J. NEELS, BEVERLY H. LORELL, RONALD N. SPAULDING, WILLIAM F. MCCONNELL, JR, GUIDANT CORPORATION, RONALD W. DOLLENS with JURY DEMAND, filed by Plaintiff, MOUSSA YEROUSHALMI. (Attachments: # <a href="#">1</a> Exhibit, redacted exhibit)(KLS, ) (Entered: 06/24/2005)
06/24/2005	<a href="#">2</a>	CIVIL COVER SHEET filed by Plaintiff, MOUSSA YEROUSHALMI. (DMW, ) (Entered: 06/27/2005)
06/24/2005	<a href="#">3</a>	RECEIPT #104 3298 in the amount of \$ 250.00 for the filing fee (DMW, ) (Entered: 06/27/2005)
06/24/2005	<a href="#">4</a>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued (DMW, ) (Entered: 06/27/2005)
07/18/2005	<a href="#">5</a>	NOTICE of Appearance by James H. Ham, III on behalf of all defendants (Ham, James) (Entered: 07/18/2005)
07/18/2005	<a href="#">6</a>	NOTICE of Appearance by John R. Schaibley, III on behalf of all defendants (Schaibley, John) (Entered: 07/18/2005)
07/18/2005	<a href="#">7</a>	MOTION to Appear pro hac vice of <i>Boris Feldman, Nina F. Locker, Keith E. Eggleton and Meredith E. Kotler</i> by all defendants. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Schaibley, John) (Entered: 07/18/2005)
07/18/2005	<a href="#">8</a>	RECEIPT #102-6705 in the amount of \$ 120.00 - PHV fees re: docket <a href="#">7</a> . (TMA, ) (Entered: 07/18/2005)
07/19/2005	<a href="#">9</a>	ORDER granting <a href="#">7</a> Motion to Appear pro hac vice. Attorney Boris Feldman, Nina F. Locker, Keith E. Eggleton and Meredith E. Kotler for BEVERLY H. LORELL; RONALD N. SPAULDING; WILLIAM F. MCCONNELL, JR; GUIDANT CORPORATION; RONALD W. DOLLENS; KEITH E. BRAUER and GUIDO J. NEELS added . Signed by Judge Tim A. Baker on 7/19/05. (SWM, ) (Entered: 07/21/2005)
08/03/2005	<a href="#">10</a>	Joint MOTION for Extension of Time to <i>Respond to Complaint and Stipulation</i> by all parties. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Schaibley, John) (Entered: 08/03/2005)
08/03/2005	<a href="#">11</a>	NOTICE of Appearance by Boris Feldman on behalf of all defendants (Feldman, Boris) (Entered: 08/03/2005)
08/03/2005	<a href="#">12</a>	NOTICE of Appearance by Nina F. Locker on behalf of all defendants (Locker, Nina) (Entered: 08/03/2005)
08/03/2005	<a href="#">13</a>	NOTICE of Appearance by Meredith E. Kotler on behalf of all defendants (Kotler, Meredith) (Entered: 08/03/2005)
08/03/2005	<a href="#">14</a>	NOTICE of Appearance by Keith E. Eggleton on behalf of all defendants (Eggleton, Keith) (Entered: 08/03/2005)
08/08/2005	<a href="#">15</a>	MOTION to Appear pro hac vice of <i>David R. Scott</i> by MOUSSA

		YEROUSHALMI. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Shevitz, Richard) (Entered: 08/08/2005)
08/08/2005	<a href="#">16</a>	MOTION to Appear pro hac vice of <i>Arthur L. Shingler, III</i> by MOUSSA YEROUSHALMI. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Shevitz, Richard) (Entered: 08/08/2005)
08/08/2005	<a href="#">17</a>	RECEIPT #102 6783 in the amount of \$ 30.00 for pro hac vice fee. (EAH, ) (Entered: 08/09/2005)
08/08/2005	<a href="#">18</a>	RECEIPT #102 6780 in the amount of \$ 30.00 for pro hac vice fee. (EAH, ) (Entered: 08/09/2005)
08/09/2005	<a href="#">19</a>	ORDER granting <a href="#">15</a> Motion to Appear pro hac vice. Attorney David R. Scott for MOUSSA YEROUSHALMI added . Signed by Judge Tim A. Baker on 8/9/05. (SWM, ) (Entered: 08/10/2005)
08/09/2005	<a href="#">20</a>	ORDER granting <a href="#">16</a> Motion to Appear pro hac vice. Attorney Arthur L. Shingler, III for MOUSSA YEROUSHALMI added . Signed by Judge Tim A. Baker on 8/9/05. (SWM, ) (Entered: 08/10/2005)
09/20/2005	<a href="#">21</a>	NOTICE of Appearance by Scott D. Gilchrist on behalf of MOUSSA YEROUSHALMI (Gilchrist, Scott) (Entered: 09/20/2005)
09/20/2005	<a href="#">22</a>	MOTION to Consolidate Cases , <i>for Appointment as Lead Plaintiff, and for Approval of Lead Counsel</i> by MOUSSA YEROUSHALMI. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Gilchrist, Scott) (Entered: 09/20/2005)
09/20/2005	<a href="#">23</a>	BRIEF/MEMORANDUM in Support re <a href="#">22</a> MOTION to Consolidate Cases , <i>for Appointment as Lead Plaintiff, and for Approval of Lead Counsel</i> filed by MOUSSA YEROUSHALMI. (Gilchrist, Scott) (Entered: 09/20/2005)
09/20/2005	<a href="#">24</a>	DECLARATION of Arthur L Shingler, III <i>in Support of Motion of Moussa Yeroushalmi for Consolidation of Related Cases, for Appointment as Lead Plaintiff and for Approval of Lead Counsel</i> by MOUSSA YEROUSHALMI. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C)(Gilchrist, Scott) (Entered: 09/20/2005)
09/21/2005	<a href="#">25</a>	RESPONSE in Opposition re <a href="#">22</a> MOTION to Consolidate Cases , <i>for Appointment as Lead Plaintiff, and for Approval of Lead Counsel</i> filed by KEITH E. BRAUER, GUIDO J. NEELS, BEVERLY H. LORELL, RONALD N. SPAULDING, WILLIAM F. MCCONNELL, JR, GUIDANT CORPORATION, RONALD W. DOLLENS. (Attachments: # <a href="#">1</a> Exhibit A)(Schaibley, John) (Entered: 09/21/2005)
09/27/2005	<a href="#">26</a>	REPLY in support of Motion re <a href="#">22</a> MOTION to Consolidate Cases , <i>for Appointment as Lead Plaintiff, and for Approval of Lead Counsel (Reply in Support of Motion for Consolidation and Withdrawal of Motion of Moussa Yourashalmi for Appointment as Lead Plaintiff)</i> filed by MOUSSA YEROUSHALMI. (Gilchrist, Scott) (Entered: 09/27/2005)
09/27/2005	<a href="#">27</a>	MOTION <i>for Appointment as Lead Plaintiff and for Approval of Selection of Co-Lead Counsel</i> by ELSA MURRAY. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Gilchrist, Scott) (Entered: 09/27/2005)
09/27/2005	<a href="#">28</a>	BRIEF/MEMORANDUM in Support re <a href="#">27</a> MOTION <i>for Appointment as Lead</i>

		<i>Plaintiff and for Approval of Selection of Co-Lead Counsel</i> filed by ELSA MURRAY. (Gilchrist, Scott) (Entered: 09/27/2005)
09/27/2005	<a href="#">29</a>	DECLARATION of Arthur L. Shingler III <i>in Support of Motion of Elsa Murray for Appointment as Lead Plaintiff and for Approval of Her Selection of Co-Lead Counsel</i> by ELSA MURRAY. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Exhibit D)(Gilchrist, Scott) (Entered: 09/27/2005)
09/30/2005	<a href="#">30</a>	MOTION to Strike <a href="#">22</a> MOTION to Consolidate Cases , <i>for Appointment as Lead Plaintiff, and for Approval of Lead Counsel or Stay Yeroushalmi's Motion to Consolidate</i> by all defendants. (Attachments: # <a href="#">1</a> Text of Proposed Order)(Schaibley, John) (Entered: 09/30/2005)
09/30/2005	<a href="#">31</a>	BRIEF/MEMORANDUM in Support re <a href="#">30</a> MOTION to Strike <a href="#">22</a> MOTION to Consolidate Cases , <i>for Appointment as Lead Plaintiff, and for Approval of Lead Counsel or Stay Yeroushalmi's Motion to Consolidate</i> filed by KEITH E. BRAUER, GUIDO J. NEELS, BEVERLY H. LORELL, RONALD N. SPAULDING, WILLIAM F. MCCONNELL, JR, GUIDANT CORPORATION, RONALD W. DOLLENS. (Schaibley, John) (Entered: 09/30/2005)
09/30/2005	<a href="#">32</a>	RESPONSE in Opposition re <a href="#">27</a> MOTION <i>for Appointment as Lead Plaintiff and for Approval of Selection of Co-Lead Counsel</i> filed by KEITH E. BRAUER, GUIDO J. NEELS, BEVERLY H. LORELL, RONALD N. SPAULDING, WILLIAM F. MCCONNELL, JR, GUIDANT CORPORATION, RONALD W. DOLLENS. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Exhibit D# <a href="#">5</a> Exhibit E# <a href="#">6</a> Exhibit F (part1)# <a href="#">7</a> Exhibit F (part 2)# <a href="#">8</a> Exhibit G)(Schaibley, John) (Entered: 09/30/2005)
09/30/2005	<a href="#">33</a>	Submission of corrected Exhibit F (part 2) to Defendants' Opposition to the Motion of Elsa Murray for Appointment as Lead plaintiff and for Approval of Her Selection of Co-Lead Counsel by KEITH E. BRAUER, GUIDO J. NEELS, BEVERLY H. LORELL, RONALD N. SPAULDING, WILLIAM F. MCCONNELL, JR, GUIDANT CORPORATION, RONALD W. DOLLENS. (Schaibley, John) (Entered: 09/30/2005)
10/20/2005	<a href="#">34</a>	SCHEDULING ORDER: Oral Argument set for 11/17/2005 01:30 PM in room #307 before Judge John Daniel Tinder. Signed by Judge John Daniel Tinder on 10/20/05 -cm. (EAH, ) (Entered: 10/20/2005)
10/24/2005	<a href="#">35</a>	NOTICE of Voluntary Dismissal by MOUSSA YEROUSHALMI (Attachments: # <a href="#">1</a> Text of Proposed Order)(Gilchrist, Scott) (Entered: 10/24/2005)
10/24/2005	<a href="#">36</a>	CLOSED DISMISSED without prejudice. Signed by Judge John Daniel Tinder on 10/24/05 -cm. (EAH, ) (Entered: 10/24/2005)
10/26/2005	<a href="#">37</a>	ENTRY VACATING Oral Argument. Signed by Judge John Daniel Tinder on 10/26/05 -cm. (EAH, ) (Entered: 10/26/2005)
11/14/2005	<a href="#">38</a>	Mail Returned as Undeliverable. Mail sent to Lewis Kahn. (EAH, ) (Entered: 11/16/2005)

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