

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:05-cv-06279-AKH**

In Re International Business Machines Corp. Securities
Litigation
Assigned to: Judge Alvin K. Hellerstein
Member case:

[1:05-cv-06729-AKH](#)

Related Case: [1:05-cv-06729-AKH](#)
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 07/08/2005
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Lead Plaintiff

Joseph and Nilda Anchinovski

represented by **Christopher J. Keller**
Labaton Sucharow, LLP
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ATTORNEY TO BE NOTICED

Plaintiff

Donald R. Lomax

represented by **Christopher J. Keller**

on behalf of itself and all others similarly situated

(See above for address)
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Jonathan M. Plasse
(See above for address)
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Plaintiff

Donald Rubenstein

represented by **Jonathan M. Plasse**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Consolidated Plaintiff

Fahed Al-Araj
Individually and on behalf of all others similarly situated
TERMINATED: 05/20/2006

represented by **Marc A. Topaz**
Schiffrin & Barroway, L.L.P.
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(610) 667-7706
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V.

Defendant

International Business Machines Corporation

represented by **Elizabeth L Grayer**
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Defendant

Mark Loughridge

represented by **Elizabeth L Grayer**
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V.

Consolidated Defendant

Samuel J. Palmisano









TERMINATED: 05/20/2006








Date Filed	#	clear	Docket Text
07/08/2005	1	<input type="checkbox"/> 0.657619 MB	COMPLAINT against International Business Machines Corporation, Mark Loughridge. (Filing Fee \$ 250.00, Receipt Number 548490)Document filed by Donald R. Lomax.(jeh,) Additional attachment(s) added on 7/19/2005 (jeh,). (Entered: 07/11/2005)
07/08/2005			SUMMONS ISSUED as to International Business Machines Corporation, Mark Loughridge. (jeh,) (Entered: 07/11/2005)
07/08/2005			Case Designated ECF. (jeh,) (Entered: 07/11/2005)
07/08/2005			Magistrate Judge Michael H. Dolinger is so designated. (jeh,) (Entered: 07/11/2005)
07/08/2005	2		RULE 7.1 DISCLOSURE STATEMENT. Document filed by Donald R. Lomax.(jeh,) (Entered: 07/11/2005)
07/19/2005			***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Christopher J. Keller to E-MAIL the PDF for Document 2 Rule 7.1 Disclosure Statement to: case_openings@nysd.uscourts.gov. (jeh,) (Entered: 07/19/2005)
09/06/2005	3	<input type="checkbox"/> 41.091 KB	MOTION to Consolidate Cases 1:05-cv-6279, 1:05-cv-6729. Document filed by Joseph and Nilda Anchinovski. (Keller, Christopher) (Entered: 09/06/2005)
09/06/2005	4	<input type="checkbox"/> 184.849 KB	MEMORANDUM OF LAW in Support re: 3 MOTION to Consolidate Cases 1:05-cv-6279, 1:05-cv-6729.. Document filed by Joseph and Nilda Anchinovski. (Keller, Christopher) (Entered: 09/06/2005)
09/06/2005	5	<input type="checkbox"/> 211.956 KB	DECLARATION of Christopher J. Keller in Support re: 3 MOTION to Consolidate Cases 1:05-cv-6279, 1:05-cv-6729.. Document filed by

			Joseph and Nilda Anchinovski. (Attachments: # 1 Exhibit A - Certification and Loss Analysis# 2 Exhibit B - Notice of Filing# 3 Exhibit C - Firm Resume)(Keller, Christopher) (Entered: 09/06/2005)
09/29/2005	6	 29.408 KB	AFFIDAVIT OF SERVICE of Summons and Complaint. International Business Machines Corporation served on 9/16/2005, answer due 10/6/2005. Service was accepted by Louise Novack. Document filed by Joseph and Nilda Anchinovski. (Thompson, Shelley) (Entered: 09/29/2005)
09/29/2005	7	 32.918 KB	AFFIDAVIT OF SERVICE of Summons and Complaint. Mark Loughridge served on 9/16/2005, answer due 10/6/2005. Service was accepted by Louise Novack. Document filed by Joseph and Nilda Anchinovski. (Thompson, Shelley) (Entered: 09/29/2005)
10/06/2005	8	 75.098 KB	STIPULATION AND SCHEDULING ORDER that plntf shall file a consolidated amended class action complaint no later than 60 days after entry of an order appointing it lead plaintiff. Defts currently anticipate filing motions to dismiss the Consolidated Amended Complaint, as further set forth in this document. (Signed by Judge Alvin K. Hellerstein on 10/6/05) (cd,) (Entered: 10/07/2005)
02/14/2006	9	 79.502 KB	MOTION for Discovery <i>Stay Imposed Pursuant to the PSLRA to be Modified</i> . Document filed by Joseph and Nilda Anchinovski. (Plasse, Jonathan) (Entered: 02/14/2006)
02/14/2006	10	 143.005 KB	MEMORANDUM OF LAW in Support re: 9 MOTION for Discovery <i>Stay Imposed Pursuant to the PSLRA to be Modified</i> .. Document filed by Joseph and Nilda Anchinovski. (Plasse, Jonathan) (Entered: 02/14/2006)
02/16/2006	11	 63.624 KB	FILING ERROR - DEFICIENT DOCKET ENTRY (WRONG FILER SELECTED) - RULE 7.1 DISCLOSURE STATEMENT. Document filed by Donald R. Lomax, International Business Machines Corporation, Mark Loughridge.(Chesler, Evan) Modified on 2/16/2006 (kkc,). (Entered: 02/16/2006)
02/16/2006	12	 63.624 KB	RULE 7.1 DISCLOSURE STATEMENT. Document filed by International Business Machines Corporation, Mark Loughridge.(Chesler, Evan) (Entered: 02/16/2006)
02/16/2006	13	 35.528 KB	CERTIFICATE OF SERVICE of Rule 7.1 Statement served on Donald R. Lomax, et al. on 2/16/06. Service was made by Federal Express. Document filed by International Business Machines Corporation. (Chesler, Evan) (Entered: 02/16/2006)
02/17/2006			Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Status Conference held on 2/17/2006. (db,) (Entered: 02/23/2006)
03/03/2006	14	 1.246004 MB	MEMORANDUM OF LAW in Opposition re: 9 MOTION for Discovery <i>Stay Imposed Pursuant to the PSLRA to be Modified</i> .. Document filed by International Business Machines Corporation, Mark Loughridge. (Attachments: # 1 Exhibit 1 To Memorandum Of Law In Opposition To Proposed Lead Plaintiff's Motion To Modify The PSLRA Discovery









			Stay)(Chesler, Evan) (Entered: 03/03/2006)
03/29/2006	15	<input type="checkbox"/> 48.28 KB	ORDER ON CONSENT CONSOLIDATING THE RELATED ACTIONS, APPOINTING JOSEPH AND NILDA ANCHINOVSKI AS LEAD PLAINTIFF AND APPROVING LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL: granting 3 Motion to Consolidate Cases 1:05-cv-6279 (as Lead Case) with 1:05-cv-6729. Anchinovski is appointed to serve as Lead Plaintiff in this consolidated action. The law firm of Labaton Sucharow & Rudoff LLP is hereby approved as Lead Counsel for the Class. (Signed by Judge Alvin K. Hellerstein on 3/29/2006) (lb,) (Entered: 03/29/2006)
03/31/2006	16	<input type="checkbox"/> 22.218 KB	ORDER denying 9 Motion for Discovery. Plaintiffs' motion is denied. Dft IBM is ordered, however to copy and preserve all documents produced to the SEC and memorialize the source files or places from which the documents were gathered and the custodians of those files or sources. . (Signed by Judge Alvin K. Hellerstein on 3/31/06) (dle,) (Entered: 04/03/2006)
04/03/2006			Minute Entry for proceedings held before Judge Alvin K. Hellerstein :Status Conference held on 4/3/2006. ENDORSEMENT: Motions to be filed by 6/23/2006; response by 7/21/2006; reply by 8/2/2006. Consolidated Complaint is due 5/19/06. (lb,) Modified on 5/4/2006 (ae,). (Entered: 05/04/2006)
05/20/2006	17	<input type="checkbox"/> 1.538337 MB	CONSOLIDATED AMENDED COMPLAINT amending 1 Complaint against International Business Machines Corporation, Mark Loughridge.Document filed by Donald Rubenstein, Joseph and Nilda Anchinovski. Related document: 1 Complaint filed by Donald R. Lomax,.(sac,) Additional attachment(s) added on 5/24/2006 (sac,). (Entered: 05/24/2006)
06/23/2006	18	<input type="checkbox"/> 2.474542 MB	MOTION to Dismiss <i>Corrected Consolidated Amended Complaint</i> . Document filed by International Business Machines Corporation, Mark Loughridge. Responses due by 7/21/2006 (Attachments: # 1 Appendix Corrected Consolidated Amended Complaint)Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 06/23/2006)
06/23/2006	19	<input type="checkbox"/> 0.502058 MB	MEMORANDUM OF LAW in Support re: 18 MOTION to Dismiss <i>Corrected Consolidated Amended Complaint</i> .. Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 06/23/2006)
06/23/2006	20	<input type="checkbox"/> 1.428008 MB	DECLARATION of Elizabeth L. Grayer in Support re: 18 MOTION to Dismiss <i>Corrected Consolidated Amended Complaint</i> .. Document filed by International Business Machines Corporation, Mark Loughridge. (Attachments: # 1 Exhibit A to Grayer Declaration# 2 Exhibit B to Grayer Declaration)Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 06/23/2006)

06/23/2006	21	<input type="checkbox"/> 66.201 KB	CERTIFICATE OF SERVICE of Notice of Motion of Defendants International Business Machines Corp. and Mark Loughridge to Dismiss the [Corrected] Consolidated Amended Complaint, Memorandum of Law and Declaration of Elizabeth L. Grayer, with Exhibits served on Plaintiffs on 06/23/06. Service was made by MAIL. Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 06/23/2006)
07/21/2006	22	<input type="checkbox"/> 192.707 KB	MEMORANDUM OF LAW in Opposition re: 18 MOTION to Dismiss <i>Corrected Consolidated Amended Complaint. to Defendants IBM Corp and Mark Laughridge Motion to Dismiss The Consolidated Amended Complaint.</i> . Document filed by Joseph and Nilda Anchinovski. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Plasse, Jonathan) (Entered: 07/21/2006)
08/02/2006	23	<input type="checkbox"/> 92.905 KB	REPLY MEMORANDUM OF LAW in Support re: 18 MOTION to Dismiss <i>Corrected Consolidated Amended Complaint. Of Defendants International Business Machines Corp. And Mark Loughridge In Further Support Of Their Motion To Dismiss The [Corrected] Consolidated Amended Complaint.</i> Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Chesler, Evan) (Entered: 08/02/2006)
08/03/2006	24	<input type="checkbox"/> 51.789 KB	CERTIFICATE OF SERVICE of Reply Memorandum Of Defendants International Business Machines Corp. And Mark Loughridge In Further Support Of Their Motion To Dismiss The [Corrected] Consolidated Amended Complaint served on Fahed Al-Araj on 8/2/06. Service was made by Mail. Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Chesler, Evan) (Entered: 08/03/2006)
08/11/2006	25	<input type="checkbox"/> 32.162 KB	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jonathan Plasse dated 8/11/06 re: counsel for lead plaintiffs request that the argument be rescheduled for either 9/7/06 or 9/8/06. Oral argument will be held 9/20/06 at 4 pm.. (Signed by Judge Alvin K. Hellerstein on 8/11/06) (dle,) (Entered: 08/11/2006)
08/11/2006			Set/Reset Hearings: Oral Argument set for 9/20/2006 04:00 PM before Judge Alvin K. Hellerstein. (dle,) (Entered: 08/11/2006)
09/20/2006			Minute Entry for proceedings held before Judge Alvin K. Hellerstein : Oral Argument held on 9/20/2006 re: 26 Order on Motion to Dismiss. (jco,) (Entered: 09/27/2006)
09/21/2006	26	<input type="checkbox"/> 16.916 KB	ORDER: for the reasons stated on the record, I deny defendants motion to dismiss. The parties shall appear before me on October 23, 2006 at 4:30 p.m. to discuss discovery and class certification. A joint proposal, or joint statement of their differences, shall be telephoned to chambers by noon, the prior day. (Signed by Judge Alvin K. Hellerstein on 9/21/06) (js,) (Entered: 09/21/2006)

10/04/2006	27	 30.396 KB	STIPULATION AND ORDER that defts' time to answer the Amended Complaint is extended from 10/4/06 until and including 10/13/03. (Signed by Judge Alvin K. Hellerstein on 10/4/06) (cd,) (Entered: 10/05/2006)
10/04/2006			Set Answer Due Date purs. to 27 Stipulation and Order as to International Business Machines Corporation answer due on 10/13/2006; Mark Loughridge answer due on 10/13/2006. (cd,) (Entered: 10/05/2006)
10/13/2006	28	 390.143 KB	ANSWER to Amended Complaint. Document filed by International Business Machines Corporation, Mark Loughridge. Related document: 17 Amended Complaint, filed by Joseph and Nilda Anchinovski,, Donald Rubenstein,,(Grayer, Elizabeth) (Entered: 10/13/2006)
10/13/2006	29	 43.903 KB	CERTIFICATE OF SERVICE of International Business Machines Corporation's and Mark Loughridge's Answer to Plaintiffs' Corrected Consolidated Amended Complaint served on Marc A. Topaz, Counsel for Plaintiff Fahed Al-Araj on 10/13/06. Service was made by MAIL. Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 10/13/2006)
10/17/2006	30		TRANSCRIPT of proceedings held on 09/20/06 before Judge Alvin K. Hellerstein. (es,) (Entered: 10/17/2006)
10/24/2006	31	 18.959 KB	LETTER addressed to Counsel from Brigitte Jones, Courtroom Deputy dated 10/24/06 re: notification of a case management conference on 12/7/2006 at 4:00 p.m. in Courtroom 14D.(kco,) (Entered: 10/25/2006)
11/03/2006	32	 83.568 KB	CASE MANAGEMENT PLAN: Motions due by 11/6/2006. Responses due by 11/16/2000 Replies due by 11/22/2006. Case Management Conference set for 12/7/2006 04:00 PM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 11/2/2006) (jmi,) (Entered: 11/03/2006)
11/06/2006	33	 86.208 KB	MOTION to Compel <i>Plaintiffs to Provide Answers to Defendants' First Set of Interrogatories</i> . Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 11/06/2006)
11/06/2006	34	 25.092 KB	MEMORANDUM OF LAW in Support re: 33 MOTION to Compel <i>Plaintiffs to Provide Answers to Defendants' First Set of Interrogatories..</i> Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 11/06/2006)
11/06/2006	35	 3.471446 MB	DECLARATION of Elizabeth L. Grayer in Support re: 33 MOTION to Compel <i>Plaintiffs to Provide Answers to Defendants' First Set of Interrogatories..</i> Document filed by International Business Machines Corporation, Mark Loughridge. (Attachments: # 1 Exhibit A to Declaration of Elizabeth L. Grayer# 2 Exhibit B to Declaration of Elizabeth L. Grayer# 3 Exhibit C to Declaration of Elizabeth L. Grayer# 4 Exhibit D to Declaration of Elizabeth L. Grayer# 5 Exhibit E to


			Declaration of Elizabeth L. Grayer)Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 11/06/2006)
11/06/2006	36	 56.551 KB	CERTIFICATE OF SERVICE of NOTICE OF MOTION TO COMPEL (DOCUMENT 33); MEMORANDUM IN SUPPORT (DOCUMENT 34); DECLARATION OF ELIZABETH L. GRAYER (DOCUMENT 35) served on MARC A. TOPAZ on 11/06/2006. Service was made by MAIL. Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 11/06/2006)
11/16/2006	37	 1.220343 MB	MOTION for Protective Order. Document filed by Joseph and Nilda Anchinovski. (Attachments: # 1 Tabs 1 - 13)Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Plasse, Jonathan) (Entered: 11/16/2006)
11/16/2006	38	 211.322 KB	MEMORANDUM OF LAW in Opposition re: 33 MOTION to Compel <i>Plaintiffs to Provide Answers to Defendants' First Set of Interrogatories..</i> Document filed by Joseph and Nilda Anchinovski. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Plasse, Jonathan) (Entered: 11/16/2006)
11/16/2006	39	 16 KB	CERTIFICATE OF SERVICE of Motion for Protective Order served on Richard A. Maniskas, Esq. on 11/16/2006. Document filed by Joseph and Nilda Anchinovski. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Plasse, Jonathan) (Entered: 11/16/2006)
11/20/2006	40	 67.042 KB	ENDORSED LETTER addressed to JudgeAlvin Hellerstein from Elizabeth L. Grayer dated 11/20/2006 re: to plaintiffs have requested that if the Court permits defendants to file its Joint Submissionby November 27,2006, the reply on the protective order motion be due by December 1, 2006. Replies due by 12/1/2006. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 11/20/2006) (jmi,) (Entered: 11/21/2006)
11/27/2006	41	 79.1 KB	REPLY MEMORANDUM OF LAW in Support re: 33 MOTION to Compel <i>Plaintiffs to Provide Answers to Defendants' First Set of Interrogatories. ("International Business Machines Corporation's And Mark Loughridge's Reply Memorandum Of Law In Support Of Their Motion To Compel Plaintiffs To Provide Answers To Defendants' First Set Of Interrogatories And In Opposition To Plaintiffs' Motion For A Protective Order")</i> . Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 11/27/2006)
12/01/2006	42	 51.358 KB	CERTIFICATE OF SERVICE of INTERNATIONAL BUSINESS MACHINES CORPORATION'S AND MARK LOUGHRIDGE'S REPLY MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO COMPEL PLAINTIFFS TO PROVIDE ANSWERS TO DEFENDANTS' FIRST SET OF INTERROGATORIES AND IN

			OPPOSITION TO PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER served on Marc A. Topaz, Esq. on 11/28/06. Service was made by MAIL. Document filed by International Business Machines Corporation, Mark Loughridge. Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Grayer, Elizabeth) (Entered: 12/01/2006)
12/01/2006	43	<input type="checkbox"/> 213.591 KB	REPLY MEMORANDUM OF LAW in Support re: 37 MOTION for Protective Order.. Document filed by Joseph and Nilda Anchinovski. (Attachments: # 1 Certificate of Service)Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(Plasse, Jonathan) (Entered: 12/01/2006)
12/05/2006	44	<input type="checkbox"/> 89.489 KB	ENDORSED LETTER addressed to Judge Hellerstein from Elizabeth Grayer dated 12/1/06 re request to proceed with the depo of Mrs. Anchinovski on 12/8/06: granted. Re request for additional discovery: leave to move, if consent not obtained, is granted. (Signed by Judge Alvin K. Hellerstein on 12/5/06) (cd,) (Entered: 12/05/2006)
12/07/2006	45	<input type="checkbox"/> 56.327 KB	NOTICE OF APPEARANCE by Jeffrey Alan Klafter on behalf of Joseph and Nilda Anchinovski (Klafter, Jeffrey) (Entered: 12/07/2006)
12/08/2006	46	<input type="checkbox"/> 18.566 KB	SUMMARY ORDER: for reasons further set forth in said Order, both the 37 MOTION for Protective Order and 33 MOTION to Compel are DENIED without prejudice. (Signed by Judge Alvin K. Hellerstein on 12/8/06) (db,) (Entered: 12/11/2006)
12/13/2006	47		TRANSCRIPT of proceedings held on 12/7/2006 before Judge Alvin K. Hellerstein. (jp,) (Entered: 12/13/2006)
12/14/2006	48		TRANSCRIPT of proceedings held on 10/23/06 before Judge Alvin K. Hellerstein. (jbe,) (Entered: 12/14/2006)
12/28/2006	49	<input type="checkbox"/> 37.913 KB	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jonathan M. Plasse dated 12/18/2006 re: to all parties in the action to advise the Court that the parties have reached the following stipulation and agreement with respect to any submissions to the Court containing or referring to documents produce by IBM and presently being treated as "attorneys-eyes" only pursuant to the Court's Order dated November 2, 2006....and respectfully request that the Court enter an Order approving this agreement. ENDORSEMENT SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 12/28/2006) Filed In Associated Cases: 1:05-cv-06279-AKH,1:05-cv-06729-AKH(jmi,) (Entered: 12/29/2006)
12/28/2006	50	<input type="checkbox"/> 41.804 KB	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jonathan M. Plasse dated 12/21/2006 re: to we accordingly request an amendment of the November 2 Order as requested. The parties have made no other requests for an adjournment or extension with respect to the class certification briefing schedule. The amendment will affect no othe dates. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 12/28/2006) (jmi,) (Entered: 12/29/2006)
01/11/2007	51	<input type="checkbox"/>	ENDORSED LETTER addressed to Judge Hellerstein from Elizabeth

		53.082 KB	Grayer dated 1/11/07 re request re class certification briefing schedule: opposition to be due 1/23/07; reply to be due 2/15/07: so ordered. (Signed by Judge Alvin K. Hellerstein on 1/11/07) (cd,) (Entered: 01/11/2007)
01/11/2007			Set/Reset Deadlines as to class certification briefing schedule: Responses due by 1/23/2007 Replies due by 2/15/2007. (cd,) (Entered: 01/11/2007)
01/16/2007	52	 79.027 KB	NOTICE of / Plaintiffs' Application for Temporary Seal. Document filed by Joseph and Nilda Anchinovski, Donald Rubenstein. (Attachments: # 1 Exhibit A)(Plasse, Jonathan) (Entered: 01/16/2007)
01/16/2007	53	 28.489 KB	MOTION to Certify Class. Document filed by Joseph and Nilda Anchinovski, Donald Rubenstein.(Plasse, Jonathan) (Entered: 01/16/2007)
01/16/2007	54	 7.98407 MB	MEMORANDUM OF LAW in Support re: 53 MOTION to Certify Class.. Document filed by Joseph and Nilda Anchinovski, Donald Rubenstein. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J# 11 Exhibit K# 12 Exhibit L# 13 Certificate of Service)(Plasse, Jonathan) (Entered: 01/16/2007)
01/23/2007	56	 94.934 KB	MEMORANDUM OF LAW in Opposition re: 53 MOTION to Certify Class.. Document filed by International Business Machines Corporation, Mark Loughridge. (Grayer, Elizabeth) (Entered: 01/23/2007)
01/23/2007	57	 10.784673 MB	DECLARATION of Elizabeth L. Grayer in Opposition re: 53 MOTION to Certify Class.. Document filed by International Business Machines Corporation, Mark Loughridge. (Attachments: # 1 Exhibit A# 2 Exhibit B (Part 1 of 2)# 3 Exhibit B (Part 2 of 2)# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 Exhibit H)(Grayer, Elizabeth) (Entered: 01/23/2007)
01/30/2007	58	 13.604 KB	MOTION to Seal. Document filed by International Business Machines Corporation, Mark Loughridge.(Grayer, Elizabeth) (Entered: 01/30/2007)
01/30/2007	59	 1.495466 MB	DECLARATION of Elizabeth L. Grayer in Support re: 58 MOTION to Seal.. Document filed by International Business Machines Corporation, Mark Loughridge. (Attachments: # 1 Exhibit A# 2 Exhibit B)(Grayer, Elizabeth) (Entered: 01/30/2007)
02/08/2007	61	 41.678 KB	STIPULATION AND [PROPOSED] ORDER the un-redacted version of Plaintiffs' Memorandum of Law in Support of Motion for Class Certification with Exhibits A-L, filed under seal on January 16, 2007 ("Plaintiffs' Sealed Memorandum"), is hereby withdrawn, and upon approval by the Court of this Stipulation the Clerk of this Court shall return Plaintiffs' Sealed Memorandum to plaintiffs... Defendants' motion to permanently seal Exhibits E,F,and G to Plaintiffs' Memorandum of Law in Support of Motion for Class Certification and Related Memorandum Text. filed January 30, 2007 (docket number 58 and 59) and the Memorandum of Law in Support of Defendants' Motion to Seal, filed under seal on January 30, 2007 ("Defendants' Sealed Memorandum"), are hereby withdrawn as moot, and upon approval by the Court of this Stipulation the Clerk of this Court shall return Defendants'

			Seal Memorandum to defendants. (Signed by Judge Alvin K. Hellerstein on 2/8/2007) (jmi) (Entered: 02/09/2007)
02/09/2007	62		SEALED MATERIALS RETRIEVED: Document(s) 60 were retrieved. Law Firm retrieving records: Cravath, Swaine & Moore LLP. Person retrieving records: Betsy Schulman on 2/9/2007.(kj) (Entered: 02/09/2007)
02/13/2007	63		SEALED MATERIALS RETRIEVED: Document(s) 55 were retrieved. Law Firm retrieving records: Labaton, Sucharon & Rudoff LLP. Person retrieving records: James Isabel on 2/13/2007.(kj) (Entered: 02/13/2007)
02/15/2007	64	<input type="checkbox"/> 28.437 KB	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jonathan M. Plasse dated 2/15/07 re: Application GRANTED. reply brief for class certification due 2/20/07. (Signed by Judge Alvin K. Hellerstein on 2/15/07) (db) (Entered: 02/16/2007)
02/20/2007	65	<input type="checkbox"/> 83.534 KB	REPLY MEMORANDUM OF LAW in Support re: 53 MOTION to Certify Class.. Document filed by Joseph and Nilda Anchinovski, Donald Rubenstein. (Plasse, Jonathan) (Entered: 02/20/2007)
02/20/2007	66	<input type="checkbox"/> 39.927 KB	CERTIFICATE OF SERVICE. Document filed by Joseph and Nilda Anchinovski, Donald Rubenstein. (Plasse, Jonathan) (Entered: 02/20/2007)
02/21/2007	67	<input type="checkbox"/> 56.47 KB	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Evan R. Chesler dated 2/21/2007 re: to I respectfully request that the oral argument be rescheduled for any time during the week of March 12, or at some other date convenient for the Court. Plaintiffs have consented to this request. Oral Argument set for 3/12/2007 at 04:00 PM before Judge Alvin K. Hellerstein. ENDORSEMENT: adjourned to March 12, 2007, 4:00 pm. (Signed by Judge Alvin K. Hellerstein on 2/21/2007) (jmi) (Entered: 02/22/2007)
03/14/2007	68	<input type="checkbox"/> 23.279 KB	ORDER CERTIFYING CLASS ACTION: The parties appeared before me on March 12, 2007 for oral argument on Lead Plaintiffs' Motion for Class Certification pursuant to Rule 23 of the Federal Rules of Civil Procedure. For the reasons stated on the record, Lead Plaintiffs motion is GRANTED. The class is defined as set forth in this order. (Signed by Judge Alvin K. Hellerstein on 3/14/07) (js) (Entered: 03/15/2007)
03/23/2007	69		TRANSCRIPT of proceedings held on 3/12/07 before Judge Alvin K. Hellerstein. (jbe) (Entered: 03/23/2007)
04/09/2007	70		TRANSCRIPT of proceedings held on 3/26/2007 before Judge Alvin K. Hellerstein. (jmi) (Entered: 04/09/2007)
04/20/2007	71	<input type="checkbox"/> 25.255 KB	ENDORSED LETTER addressed to Judge Hellerstein from Jonathan Plasse dated 4/18/07 re the parties' status with respect to the scheduling of depositions, class notice and other matters, and as further set forth in this document: the parties will submit their proposed Stip and Protective Order no later than next Tues 4/24/07, so ordered. (Signed by Judge Alvin K. Hellerstein on 4/19/07) (cd) (Entered: 04/23/2007)

04/20/2007	72	<input type="checkbox"/> 88.822 KB	ORDER ON CLASS NOTICE, that class counsel will advance the costs of distributing class notice.....all requests for exclusion form class members must be mailed to AB Data, and postmarked on or before 7/16/07 (60 days from mailing), as stayed in the class notice, and as further set forth in this document. (Signed by Judge Alvin K. Hellerstein on 4/19/07) (cd) (Entered: 04/23/2007)
04/25/2007	73	<input type="checkbox"/> 106.122 KB	STIPULATED PROTECTIVE ORDER: regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Judge Alvin K. Hellerstein on 4/25/07) (db) (Entered: 04/25/2007)
05/03/2007	74	<input type="checkbox"/> 37.242 KB	ENDORSED LETTER addressed to Judge Hellerstein from Jonathan Plasse dated 5/3/07 re joint request that the Case Management Conf set for 5/4/07 be cancelled: the 5/4/07 conf is adjourned to 9/19/07, 4:00 pm. (Signed by Judge Alvin K. Hellerstein on 5/3/07) (cd) (Entered: 05/04/2007)
05/03/2007			Set/Reset Scheduling Order Deadlines: Case Management Conference set for 9/19/2007 04:00 PM before Judge Alvin K. Hellerstein. (cd) (Entered: 05/04/2007)
05/14/2007	75	<input type="checkbox"/> 94.915 KB	REVISED ORDER ON CLASS NOTICE that class counsel will advance the costs of distributing class notice.....all requests for exclusion form class members must be mailed to AB Data, and postmarked on or before 7/30/07 (61 days from mailing), as stayed in the class notice, and as further set forth in this document. So Ordered. (Signed by Judge Alvin K. Hellerstein on 5/13/2007) (jmi) (Entered: 05/14/2007)
09/20/2007	76	<input type="checkbox"/> 8.483 KB	NOTICE of Change of Firm Name and Address. Document filed by Joseph and Nilda Anchinovski, Donald Rubenstein. (Plasse, Jonathan) (Entered: 09/20/2007)
10/25/2007	77	<input type="checkbox"/> 41.619 KB	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Elizabeth Grayer dated 10/24/07 re: Request that the conference set for 10/25/07 be adjourned until 12/19/07 at 11:00 am. ENDORSEMENT: So ordered. Conference reset for 12/19/2007 at 11:00 AM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 10/25/07) (cd) (Entered: 10/25/2007)
11/06/2007	78		TRANSCRIPT of proceedings held on 9/19/07 before Judge Alvin K. Hellerstein. (tro) (Entered: 11/06/2007)
12/12/2007	79	<input type="checkbox"/> 26.03 KB	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Jonathan M. Plasse dated 12/11/07 re: Request that the case management conference set for 12/19/07 be rescheduled for a date in 2/08. ENDORSEMENT: The conf. is adjourned to 2/29/08, 9:30 am. (Case Management Conference reset for 2/29/2008 at 09:30 AM before Judge Alvin K. Hellerstein.) (Signed by Judge Alvin K. Hellerstein on 12/12/07) (cd) (Entered: 12/13/2007)
02/28/2008	80	<input type="checkbox"/> 49.509 KB	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Elizabeth Grayer dated 2/27/08 re: counsel for defendants request that the conference with the Court currently scheduled for 2/29/08 be adjourned

			until 3/14/08. ENDORSEMENT: So Ordered. (Signed by Judge Alvin K. Hellerstein on 2/28/08) (dle) (Entered: 02/28/2008)
03/14/2008			Minute Entry for proceedings held before Judge Alvin K. Hellerstein: Status Conference held on 3/14/2008. (ja) (Entered: 03/26/2008)
05/30/2008	81	 79.065 KB	ORDER PRELIMINARILY APPROVING SETTLEMENT AND PROVIDING FOR NOTICE TO THE CLASS: Now therefore, It is hereby ordered 1. The Court, for purposes of this Preliminary Approval Order, adopts all defined terms as set forth in the Stipulation. Any inconsistencies between the Stipulation and the Notice will be controlled by the language of the Stipulation. 2. The Court preliminary approves the proposed Settlement of this consolidated class action on the terms set forth in the Stipulation as being fair, reasonable and adequate, subject to further consideration at a hearing to be held before this Court on September 9, 2008 at 3:00 p.m. in the Daniel Patrick Moynihan United States Courthouse, Courtroom 14D, 500 Pearl Street, New York, New York 10007. All other provisions as set forth in this order. So Ordered (Signed by Judge Alvin K. Hellerstein on 5/29/08) (js) (Additional attachment(s) added on 6/3/2008: # 1 Stipulation and Agreement of Settlement, # 2 Exhibit A-1 -- Notice, # 3 Exhibit A-2 -- Proof of Claim, # 4 Exhibit A-3 - - Summary Notice, # 5 Exhibit B -- Proposed Judgment, # 6 Exhibit C -- Press Release) (sn). (Entered: 05/30/2008)

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