

U.S. District Court
Western District of Virginia (Harrisonburg)
CIVIL DOCKET FOR CASE #: 5:05-cv-00047-gec-bwc

Mehigan, et al v. Trex Company, Inc. et al
Assigned to: District Judge Glen E. Conrad
Referred to: Magistrate Judge B. Waugh Crigler
Cause: 15:78m(a) Securities Exchange Act

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

Plaintiff

John Mehigan
Individually and On Behalf of All Others
Similarly Situated

represented by **Garrett M. Smith**
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TERMINATED: 01/26/2006
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Plaintiff

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William E. Shmidheiser, III
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Plaintiff

Helen M. Hammond

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William E. Shmidheiser, III
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Plaintiff

Robert Gavazzi

represented by **Robert Gavazzi**
PRO SE

Plaintiff

Richard O'Sullivan

represented by **Richard O'Sullivan**
PRO SE

Plaintiff

George Sikora

represented by **George Sikora**

PRO SE

Plaintiff

Helen Sikora

represented by **Helen Sikora**
PRO SE

V.

Consol Plaintiff

Emile J. Bouchard

represented by **Garrett M. Smith**
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TERMINATED: 01/26/2006
LEAD ATTORNEY

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Stuart L. Berman
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Consol Plaintiff

William I Nichols

represented by **Garrett M. Smith**
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Stuart L. Berman

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Consol Plaintiff

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Consol Plaintiff

Bob Wren

represented by **Eric Lechtzin**
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Consol Plaintiff

James K. Pike

*Trustee of the James K. Pike and Floy P.
Pike Revocable Trust*

represented by **Garrett M. Smith**
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TERMINATED: 01/26/2006
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V.

Defendant

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Marc J. Sonnenfeld
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Defendant

Paul D. Fletcher

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Date Filed	#	Docket Text
07/08/2005	1	COMPLAINT against Trex Company, Inc., Robert G. Matheny, Paul D. Fletcher (Filing fee \$ 250.) , filed by John Mehigan. 100 Day Notice due by 10/17/2005 120 Day Service due by 11/7/2005 (Attachments: # 1 Civil Cover Sheet)(krb,)
09/06/2005	2	MOTION to Consolidate Cases <i>and Notice of Motion</i> by John Mehigan. (Shmidheiser, William)
09/06/2005	5	MOTION to Consolidate Cases <i>Appoint Lead Plaintiffs, and For Approval of Lead Plaintiffs' Selection of Lead & Liason Counsel</i> by Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet. (Attachments: # 1 Text of Proposed Order Exhibit A)(Smith, Garrett) Additional attachment(s) added on 9/7/2005 (jat,).
09/07/2005	8	Brief / Memorandum in Support re 5 MOTION to Consolidate Cases <i>Appoint Lead Plaintiffs, and For Approval of Lead Plaintiffs' Selection of Lead & Liason Counsel</i> filed by Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet. (Smith, Garrett) Additional attachment(s) added on 9/7/2005 (jat,).
09/07/2005	9	AFFIDAVIT re 5 MOTION to Consolidate Cases <i>Appoint Lead Plaintiffs, and For Approval of Lead Plaintiffs' Selection of Lead & Liason Counsel</i> by Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet. (Attachments: # 1 Exhibit A (Certificates), B & C (Documents)# 2 Exhibit D (Firm Profile Lead Counsel)# 3 Exhibit E (Firm Profile Liason Counsel)# (4) Certificate of Service)(Smith, Garrett) Additional attachment(s) added on 9/7/2005 (jat,).
09/07/2005	10	CERTIFICATE of Counsel re 8 Brief / Memorandum in Support,, 5 MOTION to Consolidate Cases <i>Appoint Lead Plaintiffs, and For Approval of Lead Plaintiffs' Selection of Lead & Liason Counsel</i> by Garrett M. Smith on behalf of Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet (Smith, Garrett) Additional attachment(s) added on 9/7/2005 (jat,). Modified on 9/7/2005 (jat,).
09/07/2005	11	Brief / Memorandum in Support re 2 MOTION to Consolidate Cases <i>and Notice of Motion</i> filed by John Mehigan. (Attachments: # 1 Text of Proposed Order)(Shmidheiser, William)
09/07/2005	12	AFFIDAVIT in Support re 2 MOTION to Consolidate Cases <i>and Notice of Motion</i> filed by John Mehigan. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D)(Shmidheiser, William)
09/07/2005	13	Notice of Correction - Incorrect event selected - docket entry #3 & 4 deleted; event refiled by attorney at entry #11 & 12. (krb,)
09/07/2005	14	Notice of Correction re 8 Brief / Memorandum in Support,, 9 Affidavit,, 10 Certificate of Counsel,, 5 MOTION to Consolidate Cases <i>Appoint Lead Plaintiffs, and For Approval of Lead Plaintiffs' Selection of Lead & Liason Counsel</i> - Incorrect event selected: deleted documents #6 & #7, refiled as documents #8 & #9. Attached motion with electronic signature to document #5, attached certificates with electronic signatures to #9 & #10. (Attachments: # 1 Memo in Support# 2

		Certificate for Declaration# 3 Certificate of Filing Motion and Memorandum) (jat,)
09/14/2005	15	MOTION to Appear Pro Hac Vice of <i>Sean M. Handler with Application and Proposed Order</i> by Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet, John Mehigan. (Smith, Garrett)
09/14/2005	16	MOTION to Appear Pro Hac Vice of <i>Stuart L. Berman with Application and Proposed Order</i> by Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet, John Mehigan. (Smith, Garrett)
09/14/2005	17	MOTION to Appear Pro Hac Vice of <i>Robin Winchester with Application and Proposed Order</i> by Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet, John Mehigan. (Smith, Garrett)
09/16/2005	18	ORDER granting 16 MOTION for Stuart L. Berman to Appear Pro Hac Vice . Signed by Judge Glen E. Conrad on 9/15/05. (kld,)
09/16/2005	19	ORDER granting 15 MOTION for Sean M.Handler to Appear Pro Hac Vice . Signed by Judge Glen E. Conrad on 9/15/05. (kld,)
09/16/2005	20	ORDER granting 17 MOTION for Robin Winchester to Appear Pro Hac Vice . Signed by Judge Glen E. Conrad on 9/15/05. (kld,)
09/20/2005	21	RESPONSE to Motion re 5 MOTION to Consolidate Cases <i>Appoint Lead Plaintiffs, and For Approval of Lead Plaintiffs' Selection of Lead & Liason Counsel</i> filed by Trex Company, Inc.. (Rakes, William)
09/22/2005	22	MOTION to Appear Pro Hac Vice by Trex Company, Inc.. (Attachments: # 1 Text of Proposed Order Order for Admission Pro Hac Vice)(Rakes, William)
09/22/2005	23	ORDER granting 22 Order on MOTION to Appear Pro Hac Vice . Signed by Judge Glen E. Conrad on 9/22/05. (ssm,) (Entered: 09/23/2005)
10/05/2005	24	Deleted Stipulation doc [24], needs to be emailed to the judge for his signature. (kld,)
10/14/2005	25	Brief / Memorandum in Support re 5 MOTION to Consolidate Cases <i>Appoint Lead Plaintiffs, and For Approval of Lead Plaintiffs' Selection of Lead & Liason Counsel and in Opposition to Competing Motion</i> filed by Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet. (Smith, Garrett)
10/14/2005	26	AFFIDAVIT in Support re 5 MOTION to Consolidate Cases <i>Appoint Lead Plaintiffs, and For Approval of Lead Plaintiffs' Selection of Lead & Liason Counsel and in Opposition to Competing Motion</i> filed by Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet. (Attachments: # 1 Affidavit Ex. A. Joint Declaration of Pike Group# 2 Supplement Ex. B. Meyer v. Paradigm Med. Indus. opinion)(Smith, Garrett)
10/14/2005	27	CERTIFICATE of Counsel re 25 Brief / Memorandum in Support, <i>re Service</i> by Garrett M. Smith on behalf of Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet (Smith, Garrett)
10/17/2005	28	100 Day Notice Letter sent to Consol Plaintiffs Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet, Plaintiff John Mehigan. (krb,)

10/17/2005	29	CERTIFICATE of Counsel re 25 Brief / Memorandum in Support,, 26 Affidavit in Support of Motion,, 27 Certificate of Counsel <i>re correction of Certificate of Service of Memorandum (25) and Declaration (26)</i> by Garrett M. Smith on behalf of Emile J. Bouchard, James K. James K. Pike, William I Nichols, George Yarbenet, John Mehigan (Smith, Garrett)
10/19/2005	30	ORDER granting 2 Motion to Consolidate Cases, granting 5 Motion to Consolidate Cases, Pretrial Order and Setting Briefing Schedule for Motions for Appointment of Lead Plaintiff and Lead Counsel. Signed by Judge Glen E. Conrad on 10/19/05. (jat,)
10/25/2005	31	Notice of Correction - Incorrect event selected - docket entry #31 deleted; Proposed Order e-mailed to the Judge.(krb,)
10/26/2005	32	LEAD PLAINTIFF'S JOINT STIPULATION AND ORDER TO APPOINT LEAD PLAINTIFF AND APPROVE LEAD PLAINTIFF'S SELECTION OF CO-LEAD COUNSEL. . Signed by Judge Glen E. Conrad on 10/26/05. (jat,) (Entered: 10/28/2005)
12/07/2005	33	MOTION to Appear Pro Hac Vice of <i>Eric Lechtzin</i> by Bob Wren. (Attachments: # 1 Text of Proposed Order)(Shmidheiser, William)
12/07/2005	34	MOTION to Appear Pro Hac Vice of <i>Heather Tashman</i> by Bob Wren. (Attachments: # 1 Text of Proposed Order)(Shmidheiser, William)
12/07/2005	35	ORDER granting 33 MOTION for Eric Lechtzin to Appear Pro Hac Vice . Signed by Judge Glen E. Conrad on 12/7/05. (jat,)
12/07/2005	36	ORDER granting 34 MOTION for Heather Tashman to Appear Pro Hac Vice . Signed by Judge Glen E. Conrad on 12/7/05. (jat,)
12/27/2005	37	AMENDED COMPLAINT against all defendants, filed by Bob Wren. (Attachments: # 1 Pages 1-39# 2 Pages 40-82# 3 Exhibit Exhibit A)(Shmidheiser, William)
01/26/2006	38	MOTION to Withdraw as Attorney of <i>Garrett M. Smith, Esq.</i> by James K. Pike, Emile J. Bouchard, William I Nichols, George Yarbenet, John Mehigan. (Attachments: # 1 Text of Proposed Order # 2 Certificate of Service)(Smith, Garrett)
01/26/2006	39	STIPULATION <i>and Order Amending Scheduling Order Entered Herein On October 19, 2005</i> by Bob Wren, Robert W. Hammond, Helen M. Hammond, James K. Pike, Emile J. Bouchard, William I Nichols, George Yarbenet, John Mehigan, Trex Company, Inc., Robert G. Matheny, Paul D. Fletcher. (Rakes, William)
01/26/2006	40	ORDER granting 38 Motion to Withdraw as Attorney. Attorney Garrett M. Smith terminated . Signed by Judge Glen E. Conrad on 1/26/06. (krb,)
01/26/2006	41	STIPULATION AND ORDER - Amending Scheduling Order. Signed by Judge Glen E. Conrad on 1/26/06. (krb,)
02/23/2006	42	Magistrate's Notice to counsel. (krb,)
02/23/2006	43	Corporate Disclosure Letter sent to Trex Company, Inc., et al. (Attachments: # 1 Corp. Disclosure Form)(krb,)

02/28/2006	44	MOTION to Dismiss by Trex Company, Inc.. (Rakes, William)
02/28/2006	47	Positive Corporate Disclosure Statement by Trex Company, Inc.. (Rakes, William)
02/28/2006	48	Brief / Memorandum in Support re 44 MOTION to Dismiss filed by Trex Company, Inc.. (Attachments: # 1 Memorandum in Support (Cont'd.)# 2 Exhibit 1# 3 Exhibit 2# 4 Exhibit 3# 5 Exhibit 4# 6 Exhibit 5# 7 Exhibit 6# 8 Exhibit 7# 9 Exhibit 8# 10 Exhibit 9# 11 Exhibit 10# 12 Exhibit 11# 13 Exhibit 12# 14 Exhibit 13# 15 Exhibit 14# 16 Exhibit 15# 17 Exhibit 16# 18 Exhibit 17# 19 Appendix 1# 20 Appendix 1 (Cont'd.)# 21 Appendix 1 (Cont'd.)# 22 Appendix 1 (Cont'd.)# 23 Appendix 1 (Cont'd.)# 24 Appendix 2# 25 Appendix 3(a)# 26 Appendix 3(b)# 27 Appendix 3(c)# 28 Appendix 4)(Rakes, William)
03/01/2006	49	Notice of Correction - docket entry [45] & [46] deleted, filed incorrectly; re-filed at docket entry 47 & 48 . (krb,)
03/08/2006	50	ORDER REFERRING CASE to Magistrate Judge B. Waugh Crigler. Signed by Judge Glen E. Conrad on 3/8/06. (krb,)
04/13/2006	51	STIPULATION re 30 Order on Motion to Consolidate Cases, by Trex Company, Inc.. (Rakes, William)
04/19/2006	52	STIPULATION AND ORDER Amending Scheduling Order. Signed by Judge Glen E. Conrad on 4/19/06. (krb,)
05/15/2006	53	Brief / Memorandum in Opposition re 44 MOTION to Dismiss filed by James K. Pike. (Shmidheiser, William) Additional attachment(s) added on 5/16/2006 (jat,).
05/16/2006	54	Notice of Correction re 53 Brief / Memorandum in Opposition - Attached memordaum with certificate of service (jat,)
06/07/2006		NOTICE from Deputy Clerk requesting parties advise if matter is ripe to be set for hearing on motions at this point, and also to schedule for trial. Jan 30, 2007 - Feb 24, 2007 calendar is wide open and available for trial. Please advise as to availability by end of week by email to susanm@vawd.uscourts.gov (ssm)
06/15/2006	55	Brief / Memorandum in Support re 44 MOTION to Dismiss filed by Trex Company, Inc.. (Rakes, William)
06/15/2006	56	NOTICE of Hearing on Motions - 44 MOTION to Dismiss: 8/25/2006 at 09:30 AM Roanoke for 44 , before District Judge Glen E. Conrad (ssm)
07/20/2006	57	NOTICE of Withdraw of Appearance of Heather Tashman for Robert W. Hammond, Helen M. Hammond, James K. Pike (jat,) (Entered: 07/24/2006)
08/25/2006	58	Minute Entry for proceedings held before Judge Glen E. Conrad : Motion Hearing held on 8/25/2006 re 44 MOTION to Dismiss filed by Trex Company, Inc. (Court Reporter Webb) (ssm)
10/06/2006	59	MEMORANDUM OPINION. Signed by Judge Glen E. Conrad on 10/06/06. (Attachments: # 1)(ssm)
10/06/2006	60	ORDER granting 44 Motion to Dismiss . Signed by Judge Glen E. Conrad on 10/06/06. (ssm)

10/13/2006	61	TRANSCRIPT of Motion to Dismiss held on 8/25/06 before Judge Conrad. Court Reporter: Judy Webb. (Webb, Judy)
10/20/2006	62	Notice of Correction : Corrected Memorandum Opinion -Name Correction Page One to reflect Paul D. Fletcher (Attachments: # 1) (ssm)
11/02/2006	63	NOTICE OF APPEAL as to 59 Memorandum Opinion, 60 Order on Motion to Dismiss by Robert Gavazzi, Richard O'Sullivan, George Sikora, Helen Sikora, Robert W. Hammond, Helen M. Hammond, James K. Pike, George Yarbenet. Filing fee \$ 455. (Shmidheiser, William)
11/02/2006	64	Transmittal of Notice of Appeal to 4CCA re 63 Notice of Appeal, NOTE: The Docketing Statement and Transcript Order forms are available on the 4th Circuit Court of Appeals website at www.ca4.uscourts.gov . If applicable, the original CJA24(s) will be mailed directly to you by the District Court. (krb,) (Entered: 11/03/2006)
11/14/2006		USCA Case Number 06-2197 for 63 Notice of Appeal, filed by George Yarbenet,, James K. Pike,, Robert W. Hammond,, Helen M. Hammond,, George Sikora,, Helen Sikora,, Richard O'Sullivan,, Robert Gavazzi,. Case Manager: Jackie J. Brown (krb,)
11/14/2006	65	Letter from Fourth Circuit requesting the Certificate. (krb,)
11/14/2006	66	Certificate of Clerk to 4CCA - Record is Complete (krb,)
01/04/2007	67	ORDER of USCA as to 63 Notice of Appeal, filed by George Yarbenet,, James K. Pike,, Robert W. Hammond,, Helen M. Hammond,, George Sikora,, Helen Sikora,, Richard O'Sullivan,, Robert Gavazzi, (krb,)
01/04/2007	68	STIPULATION of Dismissal by Bob Wren, Robert W. Hammond, Helen M. Hammond, James K. Pike, Emile J. Bouchard, William I Nichols, Robert Gavazzi, Richard O'Sullivan, George Sikora, Helen Sikora, George Yarbenet, John Mehigan, Trex Company, Inc., Robert G. Matheny, Paul D. Fletcher. (Rakes, William)
01/08/2007	69	MANDATE of USCA - Dismissing The Appeal - as to 63 Notice of Appeal, filed by George Yarbenet,, James K. Pike,, Robert W. Hammond,, Helen M. Hammond,, George Sikora,, Helen Sikora,, Richard O'Sullivan,, Robert Gavazzi, (Attachments: # 1 USCA Order Dismissing Appeal)(krb,)

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