

**U.S. District Court  
Eastern District of Virginia (Norfolk)  
CIVIL DOCKET FOR CASE #: 2:05-cv-00578-HCM-FBS**

Nieves v. AMERIGROUP Corporation et al  
Assigned to: District Judge Henry C. Morgan, Jr  
Referred to: Magistrate Judge F. Bradford Stillman  
Lead case: [2:05-cv-00701-HCM-FBS](#)  
Member cases:

[2:05-cv-00578-HCM-FBS](#)  
[2:05-cv-00599-HCM-FBS](#)  
[2:05-cv-00600-HCM-FBS](#)  
[2:05-cv-00601-HCM-FBS](#)

Cause: 28:1331 Fed. Question: Securities Violation

Date Filed: 10/03/2005  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**Jose Nieves**  
*On Behalf of Himself and All Others*  
*Similarly Situated*

represented by **Michael Andrew Glasser**  
Glasser & Glasser PLC  
580 E Main St  
Suite 600  
Norfolk, VA 23510  
(757) 625-6787  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard Steven Glasser**  
Glasser & Glasser PLC  
580 E Main St  
Suite 600  
Norfolk, VA 23510  
(757) 625-6787  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**AMERIGROUP Corporation**

represented by **Hunter Wilmer Sims, Jr.**  
Kaufman & Canoles PC  
150 W Main St  
PO Box 3037  
Norfolk, VA 23510  
(757) 624-3000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Edward Noona**

Kaufman & Canoles PC  
150 W Main St  
PO Box 3037  
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(757) 624-3000  
*LEAD ATTORNEY*  
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**William Edgar Spivey**  
Kaufman & Canoles PC  
150 W Main St  
PO Box 3037  
Norfolk, VA 23510  
(757) 624-3000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Jeffrey L. McWaters**

represented by **Hunter Wilmer Sims, Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Edward Noona**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William Edgar Spivey**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**James G. Carlson**

represented by **Hunter Wilmer Sims, Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Edward Noona**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William Edgar Spivey**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Stanley F. Baldwin**

represented by **Hunter Wilmer Sims, Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Edward Noona**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William Edgar Spivey**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**E. Paul Dunn, Jr.**

represented by **Hunter Wilmer Sims, Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Edward Noona**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William Edgar Spivey**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Kathleen K. Toth**

represented by **Hunter Wilmer Sims, Jr.**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen Edward Noona**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William Edgar Spivey**  
(See above for address)  
*LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

**Movant**

**DeKalb County Pension Plan**  
*TERMINATED: 12/15/2005*

represented by **Mark Randolph Baumgartner**  
Pender & Coward PC  
222 Central Park Ave  
Virginia Beach, VA 23462-3027  
(757) 490-3000  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Baltimore County Employees'  
Retirement System**  
*TERMINATED: 12/19/2005*

represented by **Kenneth Reed Mayo**  
Reed Mayo Law Firm PC  
484 Viking Dr  
Suite 130  
Virginia Beach, VA 23452  
US  
(757) 648-1376  
Fax: (757) 648-1379  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Illinois State Board of Investment**  
*individually and on behalf of all others  
similarly situated*

represented by **Edward James Powers**  
Vandeventer Black LLP  
500 World Trade Ctr  
Norfolk, VA 23510  
(757) 446-8600  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
10/03/2005	1	COMPLAINT against all defendants Filing fee \$250, receipt number 49361., filed by Jose Nieves.(vwar, ) (Entered: 10/04/2005)
10/04/2005		Summons Issued as to Kathleen K. Toth, AMERIGROUP Corporation, Jeffrey L. McWaters, James G. Carlson, Stanley F. Baldwin, E. Paul Dunn, Jr., with Mag. Ntc. and judge's info and delivered to counsel. (vwar, ) (Entered: 10/04/2005)
11/07/2005	2	SUMMONS Returned Executed by Jose Nieves. Kathleen K. Toth served on 10/20/2005 (posted service), answer due 11/9/2005; AMERIGROUP Corporation served on 10/20/2005 (served Savas personally), answer due 11/9/2005; Jeffrey L. McWaters served on 10/20/2005 (posted service), answer due 11/9/2005; James G. Carlson served on 10/20/2005 (Wife served), answer due 11/9/2005; Stanley F.

		Baldwin served on 10/20/2005 (personal service), answer due 11/9/2005; E. Paul Dunn, Jr served on 10/20/2005 (wife served), answer due 11/9/2005. (vwar, ) (Entered: 11/07/2005)
11/09/2005	3	JOINT STIPULATION AND MOTION Regarding Defendants' Time to Answer or Otherwise Respond by Kathleen K. Toth, AMERIGROUP Corporation, Jeffrey L. McWaters, James G. Carlson, Stanley F. Baldwin, E. Paul Dunn, Jr., received. (vwar, ) (Entered: 11/09/2005)
11/09/2005	4	Financial Interest Disclosure Statement (Local Rule 7.1) by Kathleen K. Toth, AMERIGROUP Corporation, Jeffrey L. McWaters, James G. Carlson, Stanley F. Baldwin, E. Paul Dunn, Jr. (vwar, ) (Entered: 11/09/2005)
11/17/2005		So Ordered re [3] JOINT STIPULATION and MOTION Regarding Defendants' Time to Answer or Otherwise Respond filed by Jeffrey L. McWaters,, AMERIGROUP Corporation,, James G. Carlson,, Stanley F. Baldwin,, E. Paul Dunn, Jr., Kathleen K. Toth. Filed and signed by Judge Henry C. Morgan Jr. on 11/17/05, Copies Mailed: 11/18/05. (vwar, ) (Entered: 11/18/2005)
11/17/2005	5	ORDER granting re [3] JOINT STIPULATION and MOTION Regarding Defendants' Time to Answer or Otherwise Respond filed by Jeffrey L. McWaters, AMERIGROUP Corporation, James G. Carlson, Stanley F. Baldwin, E. Paul Dunn, Jr., Kathleen K. Toth, advising that plaintiff shall file a consolidated amended complaint within 30 days; defendants shall file a motion to dismiss or answer within 30 days from service of the consolidated complaint; plaintiff will have 30 days from service to file an opposition to a motion to dismiss, if one if filed; and defendants shall have 15 days to file a reply to support their motion. Filed and signed by Judge Henry C. Morgan Jr. on 11/17/05, Copies Mailed: 11/18/05. (vwar, ) (Entered: 11/18/2005)
12/02/2005	6	MOTION to Consolidate related Actions, for Appointment as Lead Plaintiff and for Approval of Lead Plaintiff's Selection of Lead and Liaison Counsel (with proposed Order attached) by DeKalb County Pension Plan. (vwar, ) Modified on 12/5/2005 to add "Counsel" to the title of the Motion (vwar, ). (Entered: 12/05/2005)
12/02/2005	7	Brief in support to [6] MOTION to Consolidate Related Actions, for Appointment as Lead Plaintiff and for Approval of Lead Plaintiff's Selection of Lead and Liaison Counsel filed by DeKalb County Pension Plan, received. (vwar, ) Modified on 12/5/2005 to change title of brief (vwar, ). (Entered: 12/05/2005)
12/02/2005	8	MOTION for Consolidation of Related Actions, Appointment as Lead Plaintiff and Approval of Proposed Lead Plaintiff's Selection of Lead Counsel by Baltimore County Employees' Retirement System. (vwar, ) (Entered: 12/05/2005)
12/02/2005	9	Memorandum in Support re [8] MOTION for Consolidation of the Related Actions, Appointment as Lead Plaintiff and Approval of Proposed Lead Plaintiff's Selection of Lead Counsel filed by Baltimore County Employees' Retirement System, received. (vwar, ) (Entered: 12/05/2005)
12/02/2005		Set/Reset Deadlines as to [6] MOTION to Consolidate Cases, [8] MOTION to Consolidate Cases. Responses due by 12/16/2005 (vwar, ) (Entered: 12/05/2005)
12/07/2005	10	MOTION for Order Requiring Related Entities to Preserve Documents and Other

		Evidence by Illinois State Board of Investment. (vwar, ) (Entered: 12/09/2005)
12/07/2005	11	Memorandum in Support re [10] MOTION for Order Requiring Related Entities to Preserve Documents and Other Evidence filed by Illinois State Board of Investment, received. (vwar, ) (Entered: 12/09/2005)
12/07/2005	12	MOTION for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel by Illinois State Board of Investment. (vwar, ) (Entered: 12/09/2005)
12/07/2005	13	Memorandum in Support re [12] MOTION for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel, with original declarations of Andrew J. Entwistle and Emily A. Reid filed by Illinois State Board of Investment, received. (vwar, ) (Entered: 12/09/2005)
12/07/2005		Set/Reset Deadlines as to [12] MOTION for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel, [10] MOTION for Order Requiring Related Entities to Preserve Documents and Other Evidence. Responses due by 12/19/2005 (vwar, ) (Entered: 12/09/2005)
12/15/2005	14	Withdraw of Motion [6] to Consolidate Related Actions, for Appointment as Lead Plaintiff and for Approval of Lead Plaintiff's Selection of Lead and Liaison Counsel by DeKalb County Pension Plan (vwar, ) (Entered: 12/19/2005)
12/15/2005	15	Financial Interest Disclosure Statement (Local Rule 7.1) by DeKalb County Pension Plan. (vwar, ) (Entered: 12/19/2005)
12/16/2005	16	RESPONSE to Motion re [8] MOTION to Consolidate Cases, [12] MOTION for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel, [6] MOTION to Consolidate Cases, with original declaration of W. Edgar Spivey, filed by Kathleen K. Toth, AMERIGROUP Corporation, Jeffrey L. McWaters, James G. Carlson, Stanley F. Baldwin, E. Paul Dunn, Jr., received. (vwar, ) Modified on 12/19/2005 to add declaration(vwar, ). (Entered: 12/19/2005)
12/16/2005	17	Reply to [12] MOTION for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel filed by Illinois State Board of Investment, received. (vwar, ) (Entered: 12/19/2005)
12/19/2005	18	Withdraw of Motion [8]for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel by Baltimore County Employees' Retirement System (vwar, ) (Entered: 12/20/2005)
01/10/2006	19	ORDER consolidating 2:05-cv-00701-HCM-FBS,2:05-cv-00578-HCM-FBS,2:05-cv-00599-HCM-FBS,2:05-cv-00600-HCM-FBS,2:05-cv-00601-HCM-FBS with 2:05cv701 as lead case for purposes of trial and all pretrial proceedings; scheduling order entered in 2:05cv578 will apply to this case; lead plaintiff will file a Consolidated Amended Complaint within 45 days; appointing Illinois State Board of Investment as Lead Plaintiff pursuant to 15 USC Sec. (D)(a)(3)(B); affirming Entwistle & Cappucci LLP as Lead Counsel (see order for specifics). Filed and signed by Judge Henry C. Morgan Jr. on 1/10/06, Copies Mailed: 1/11/06. Associated Cases: 2:05-cv-00701-HCM-FBS,2:05-cv-00578-HCM-FBS,2:05-cv-00599-HCM-FBS,2:05-cv-00600-HCM-FBS,2:05-cv-00601-HCM-FBS(vwar, ) (Entered: 01/12/2006)
07/14/2006	20	Minute Entry for proceedings held before Judge F. Bradford Stillman : Telephone

		<p>Conference held on 7/14/2006 regarding issue of the scheduling and taking of depositions set for the week of July 17, 2006. Present by telephone were Andrew J. Entwistle, Esq., Kim Miller, Esq., and Edward J. Powers, Esq. counsel for the plaintiffs, Jay B. Kasner, Esq., Stephen E. Noona, Esq. and Edward Spivey, Esq. counsel for the defendants. Attorney Stephen E. Noona indicates to Judge Stillman the defendants' position with regard to the scheduling of the depositions after direction by Judge Morgan at the July 10, 2006 hearing. Attorney Andrew Entwistle speaks on behalf of the plaintiffs. The judge directs counsel to observe and abide by the local civil rules regarding reasonable notice of depositions and the practice of trying to work out any differences prior to involving the Court in the matters. The Court indicates that after conferring with Judge Morgan regarding his direction at the July 10, 2006 hearing, he understands that Judge Morgan wants the plaintiffs to file a more particularized statement before any discovery proceeds. The Court orders that depositions scheduled prior to July 21, 2006 (the date set for the more particularized statement to be filed) shall NOT be held. No depositions are to be held until after the particularized statement has been filed. Court to enter order. Court adjourned. (Court Reporter Paul McManus, OCR.) Associated Cases: 2:05-cv-00701-HCM-FBS,2:05-cv-00578-HCM-FBS,2:05-cv-00599-HCM-FBS,2:05-cv-00600-HCM-FBS,2:05-cv-00601-HCM-FBS(cdod) (Entered: 07/14/2006)</p>
08/29/2006	21	<p>Minute Entry for proceedings held before Judge F. Bradford Stillman : Motion Hearing held on 8/29/2006 re [47] MOTION for Protective Order filed by Jeffrey L. McWaters, AMERIGROUP Corporation, James G. Carlson, E. Paul Dunn, Jr., Kathleen K. Toth,[55] MOTION to Compel filed by AMERIGROUP Corporation, James G. Carlson, E. Paul Dunn, Jr., Kathleen K. Toth,[51] MOTION to Compel filed by Illinois State Board of Investment.(Court Reporter Paul McManus, OCR.)Present were Andrew J. Entwistle, Esq., Edward J. Powers, Esq. Haewon H. Chung, Esq. on behalf of the plaintiffs. Stephen E. Noona, Esq., Susan Saltzstein, Esq. and Jennifer L. Spaziano, Esq. present on behalf of the defendants. Court addresses each of the pending motions. Stephen Noona, Esq. argues the motion on behalf of the defendant. Andrew Entwistle, Esq. responds for the defendants. Andrew J. Entwistle, Esq. argues the motions filed on behalf of the plaintiffs and Stephen Noona, Esq. responds for the defendants. Court makes rulings on the record regarding some of the motions. Parties to meet and confer today and come to agreements on as many of the issues as possible. They are directed to put into writing any issues that are agreed upon and submit them to the Court upon their return. Parties are directed to reconvene on Thursday, August 31, 2006 at 11:30 am. Court adjourned. Associated Cases: 2:05-cv-00701-HCM-FBS,2:05-cv-00578-HCM-FBS,2:05-cv-00599-HCM-FBS,2:05-cv-00600-HCM-FBS,2:05-cv-00601-HCM-FBS(cdod) (Entered: 08/31/2006)</p>
08/31/2006	22	<p>Minute Entry for proceedings held before Judge F. Bradford Stillman : Motion Hearing held on 8/31/2006 re [47] MOTION for Protective Order filed by Jeffrey L. McWaters, AMERIGROUP Corporation, James G. Carlson, E. Paul Dunn, Jr., Kathleen K. Toth,[55] MOTION to Compel filed by AMERIGROUP Corporation, James G. Carlson, E. Paul Dunn, Jr., Kathleen K. Toth, [51] MOTION to Compel filed by Illinois State Board of Investment.(Court Reporter Paul McManus, OCR.)Matter came on for continuation of hearing from 08/29/06 on pending motions. Present were Richard Ottinger, Esq. and Edward J. Powers, Esq. on behalf of the plaintiffs and Stephen E. Noona, Esq., Jennifer L. Spaziano, Esq., Beth McMahon, Esq. and Richard L. Brusca, Esq. on behalf of the defendants. The</p>

	<p>parties indicate that they have come to agreements on most of the issues remaining from the previous hearing and present to the Court a Joint Statement Regarding Discovery to be entered and a Proposed Briefing Schedule Order. The Court hears from Stephen E. Noona, Esq. for the defendants regarding the status of the remaining issues and from Richard Ottinger on behalf of the plaintiffs. Both sides withdraw their motions for sanctions without prejudice to their right to renew them at a later date. The Court will take under advisement the issue regarding the distribution of costs of production of electronic discovery. Court to enter order regarding previous rulings made on the record. Court adjourned. Associated Cases: 2:05-cv-00701-HCM-FBS,2:05-cv-00578-HCM-FBS,2:05-cv-00599-HCM-FBS,2:05-cv-00600-HCM-FBS,2:05-cv-00601-HCM-FBS(cdod) (Entered: 08/31/2006)</p>
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