

**U.S. District Court
Southern District of Florida (Ft. Lauderdale)
CIVIL DOCKET FOR CASE #: 0:06-cv-60149-WPD**

Schultz v. Applica Incorporated, et al

Date Filed: Feb. 03, 2006
Status: Closed
Nature of suit: 850 Securities/Commodities
Demand: \$0
Assigned to: Judge William P. Dimitrouleas
Cause: 15:0078 Securities Exchange Act
Date terminated: Jan. 15, 2008
Jurisdiction: Federal Question
Jury demand: Both
Referred to: Magistrate Judge Robin S. Rosenbaum

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Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
1	Feb. 03, 2006	1	COMPLAINT filed; FILING FEE \$250.00 RECEIPT # 536276; Magistrate Judge Edwin G. Torres (ss, Deputy Clerk) (Entered: 02/06/2006)
2	Feb. 03, 2006	2	SUMMONS(ES) issued for Applica Incorporated (ss, Deputy Clerk) (Entered: 02/06/2006)
3	Feb. 03, 2006	3	SUMMONS(ES) issued for Harry D. Schulman (ss, Deputy Clerk) (Entered: 02/06/2006)
4	Feb. 03, 2006	4	SUMMONS(ES) issued for Terry L. Polistina (ss, Deputy Clerk) (Entered: 02/06/2006)
5	Feb. 07, 2006	5	ORDER requiring counsel to meet, file joint scheduling report and joint discovery report (Signed by Judge William P. Dimitrouleas on 2/7/06) [EOD Date: 2/8/06] (ss, Deputy Clerk) (Entered: 02/08/2006)
6	Feb. 13, 2006	6	RETURN OF SERVICE executed for Applica Incorporated by serving Lisa Carstarphen, Reg. Agent on 2/7/06 Answer due on 2/27/06 for

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			Applica Incorporated (ss, Deputy Clerk) (Entered: 02/14/2006)
<u>7</u>	Feb. 13, 2006	7	RETURN OF SERVICE executed for Harry D. Schulman on 2/7/06 Answer due on 2/27/06 for Harry D. Schulman (ss, Deputy Clerk) (Entered: 02/14/2006)
<u>8</u>	Feb. 13, 2006	8	RETURN OF SERVICE executed for Terry L. Polistina on 2/7/06 Answer due on 2/27/06 for Terry L. Polistina (ss, Deputy Clerk) (Entered: 02/14/2006)
<u>9</u>	Feb. 14, 2006	9	UNOPPOSED MOTION by Applica Incorporated, Harry D. Schulman, Terry L. Polistina for enlargement of time to respond to the complaint and for initial scheduling order (ss, Deputy Clerk) (Entered: 02/15/2006)
<u>10</u>	Feb. 17, 2006	10	INITIAL SCHEDULING ORDER Granting [9-1] motion for enlargement of time to respond to the complaint and for initial scheduling order (Signed by Judge William P. Dimitrouleas on 2/17/06) [EOD Date: 2/21/06] (ss, Deputy Clerk) (Entered: 02/21/2006)
<u>11</u>	Mar. 06, 2006	11	NOTICE of Pendency of Related Case. by Applica Incorporated, Harry D. Schulman, Terry L. Polistina (ss, Deputy Clerk) (Entered: 03/06/2006)
<u>12</u>	May 08, 2006	12	ORDER TO SHOW CAUSE why the stay entered by the Court's 2/17/06 Scheduling Order should not be lifted. Response to Order to Show Cause due 5/22/06 (Signed by Judge William P. Dimitrouleas on 5/8/06) [EOD Date: 5/9/06] (ss, Deputy Clerk) (Entered: 05/09/2006)
<u>13</u>	May 08, 2006	13	AGREED MOTION by Terry L. Polistina, Harry D. Schulman, Applica Incorporated (Attorney) to consolidate cases , and for scheduling order (ct, Deputy Clerk) (Entered: 05/09/2006)
<u>14</u>	May 10, 2006	14	ORDER Granting [13-1] motion to consolidate cases, Granting [13-2] motion for scheduling order, Consolidating case with 06-60230-CIV-WPD , Modifying initial scheduling order (Signed by Judge William P. Dimitrouleas on 5/10/06) [EOD Date: 5/11/06] (ss, Deputy Clerk) (Entered: 05/11/2006)
<u>15</u>	May 10, 2006		DOCKET pleadings in LEAD case only (ss, Deputy Clerk) (Entered: 05/11/2006)
<u>16</u>	May 11, 2006	15	RESPONSE to [12-1] Order to Show Cause and requiring status report by Applica Incorporated, Harry D. Schulman, Terry L. Polistina (ss, Deputy Clerk) (Entered: 05/11/2006)
<u>17</u>	Jun. 23, 2006	16	MOTION by Scott Schultz to extend time to file amended consolidated complaint (kw, Deputy Clerk) (Entered: 06/26/2006)
<u>18</u>	Jun. 26, 2006	17	OPPOSITION by Applica Incorporated, Harry D. Schulman, Terry L. Polistina to [16-1] motion for extension of time to file amended consolidated complaint (ss, Deputy Clerk) (Entered: 06/28/2006)
<u>19</u>	Jun. 26, 2006	18	CONSOLIDATED CLASS ACTION COMPLAINT by Scott Schultz, Joseph Rothman, (Answer due 7/6/06 for Applica Incorporated, for Harry D. Schulman, for Terry L. Polistina) amending [1-1] complaint (ss, Deputy Clerk) (Entered: 06/28/2006)
<u>20</u>	Jun. 27, 2006	19	ORDER Granting [16-1] motion for extension of time to file amended consolidated complaint [Plaintiffs have until 7/10/06] (Signed by Judge William P. Dimitrouleas on 6/27/06) [EOD Date: 6/28/06] (ss, Deputy Clerk) (Entered: 06/28/2006)
<u>21</u>	Jul. 10, 2006	20	CONSOLIDATED CLASS ACTION COMPLAINT by Scott Schultz, Joseph Rothman , (Answer due 7/20/06 for Applica Incorporated, for Harry D. Schulman, for Terry L. Polistina) amending [18-1] amended

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			complaint (kw, Deputy Clerk) (Entered: 07/11/2006)
22	Jul. 26, 2006	21	ORDER of certification of transfer and transferring case to Magistrate Judge Barry S. Seltzer (Signed by Judge Edwin G. Torres and William P. Dimitrouleas on 7/26/06) [EOD Date: 7/27/06] (ss, Deputy Clerk) (Entered: 07/27/2006)
23	Jul. 26, 2006		Magistrate identification: Magistrate Judge Barry S. Seltzer (ss, Deputy Clerk) (Entered: 07/27/2006)
24	Aug. 09, 2006	22	MOTION by Harry D. Schulman, Applica Incorporated (Attorney) to dismiss (cj, Deputy Clerk) (Entered: 08/09/2006)
25	Aug. 09, 2006	23	APPENDIX of exhibits in support of: [22-1] motion to dismiss consolidated class action complaint by Applica Incorporated, Harry D. Schulman, Terry L. Polistina, Michael Michienzi (ss, Deputy Clerk) (Entered: 08/10/2006)
26	Sep. 25, 2006	24	MEMORANDUM by Scott Schultz, Joseph Rothman in opposition to [22-1] motion to dismiss (ss, Deputy Clerk) (Entered: 09/27/2006)
27	Oct. 10, 2006	26	NOTICE of Change of Address by David J. George (bs) (Entered: 10/17/2006)
28	Oct. 12, 2006	25	REPLY to Response to Motion re 22 Motion to Dismiss filed by Applica Incorporated, Harry D. Schulman, Terry L. Polistina, Michael Michienzi. (Pedrosa, Eliot) (Entered: 10/12/2006)
29	Oct. 24, 2006	27	Notice of Supplemental Authority by Applica Incorporated, Harry D. Schulman, Terry L. Polistina, Michael Michienzi (Coulson, David) (Entered: 10/24/2006)
30	Jan. 17, 2007	28	ORDER granting in part 22 Motion to Dismiss Consolidated Amended Class Action Complaint; Granting plaintiffs leave to file an amended complaint by 2/1/2007.Signed by Judge William P. Dimitrouleas on 1/17/2007. (ls) (Entered: 01/17/2007)
31	Feb. 05, 2007	29	Plaintiff's MOTION for Extension of Time to Amend 28 Order on Motion to Dismiss (Extension of February 1, 2007 Deadline) by Scott Schultz, Joseph Rothman. Responses due by 2/20/2007 (Attachments: # 1 Text of Proposed Order on Lead Plaintiffs' Motion for Extension of February 1, 2007)(George, David) (Entered: 02/05/2007)
32	Feb. 06, 2007	30	ORDER granting 29 Motion for Extension of Time to Amend 28 Order on Motion to Dismiss; Lead plaintiffs have until 2/15/2007 to consider the order and take whatever action they deem appropriate. Signed by Judge William P. Dimitrouleas on 2/6/2007 (ls) (Entered: 02/06/2007)
33	Feb. 08, 2007	31	MOTION to Appear Pro Hac Vice for Attorney Samuel H. Rudman, Filing Fee \$75, Receipt #539353. (cw) (Entered: 02/12/2007)
34	Feb. 08, 2007	32	MOTION to Appear Pro Hac Vice for Attorney David A. Rosenfeld, Filing Fee \$75, Receipt #539354. (cw) (Entered: 02/12/2007)
35	Feb. 12, 2007	33	ORDER granting 31 Motion to Appear Pro Hac Vice Name of Attorney Samuel H. Rudman for Scott Schultz and Joseph Rothman, granting 32 Motion to Appear Pro Hac Vice Name of Attorney David A. Rosenfeld for Scott Schultz and Joseph Rothman. Signed by Judge William P. Dimitrouleas on 2/12/2007 (ls) (Entered: 02/13/2007)
36	Feb. 20, 2007	34	ORDER dismissing with prejudice portions re 1 Complaint, Applica Incorporated answer due 3/7/2007; Harry D. Schulman answer due 3/7/2007; Terry L. Polistina answer due 3/7/2007; Michael Michienzi answer due 3/7/2007 re 20 Consolidated Class Action Complaint. Signed

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			by Judge William P. Dimitrouleas on 2/20/2007 (ls) (Entered: 02/21/2007)
37	Mar. 06, 2007	35	ANSWER to Amended Complaint and Affirmative Defenses by Applica Incorporated, Harry D. Schulman.(Coulson, David) (Entered: 03/06/2007)
38	Mar. 06, 2007	36	AMENDED ANSWER to 20 Amended Complaint by Applica Incorporated, Harry D. Schulman. (Coulson, David) (Entered: 03/06/2007)
39	Apr. 02, 2007	37	REPORT REGARDING Joint Scheduling Report by Applica Incorporated. (Attachments: # 1 Exhibit A - Joint Proposed Scheduling Order)(Coulson, David) (Entered: 04/02/2007)
40	Apr. 03, 2007	38	SCHEDULING ORDER., ORDER REFERRING CASE to Mediation. 15 days to appoint mediator., ORDER REFERRING CASE to Magistrate Judge Barry S. Seltzer for Discovery, Jury Trial set for 6/23/2008 in Fort Lauderdale Division before Judge William P. Dimitrouleas. Calendar Call set for 6/20/2008 10:00 AM in Fort Lauderdale Division before Judge William P. Dimitrouleas. Amended Pleadings due by 12/28/2007. Discovery due by 3/28/2008. Joinder of Parties due by 12/28/2007. Motions due by 4/11/2008. Pretrial Stipulation due by 6/6/2008.Signed by Judge William P. Dimitrouleas on 4/3/2007.(ls) (Entered: 04/03/2007)
41	May 02, 2007	39	NOTICE by Scott Schultz, Joseph Rothman Rule 26 Initial Disclosures (George, David) (Entered: 05/02/2007)
42	May 15, 2007	40	NOTICE of Mediator Selection: Hon. Layn R. Phillips selected. (Attachments: # 1 Text of Proposed Order Scheduling Mediation)(Coulson, David) (Entered: 05/15/2007)
43	May 15, 2007	41	ORDER Scheduling Mediation Hearing set for 5/22/2007 before Hon. Layn R. Phillips,Signed by Judge William P. Dimitrouleas on 5/15/07.(lk) (Entered: 05/15/2007)
44	May 16, 2007	42	Notice of Instruction to Filer re 40 Notice of Mediator Selection filed by Harry D. Schulman. Your document contained two events (notice and motion), however,you only selected on event and filed one document. In the future, please file two seperate documents. Your cooperation in this matter is greatly appreciated. (gw) (Entered: 05/16/2007)
45	Sep. 07, 2007	43	Order directing Clerk to transfer case; pursuant to Administrative Order No. 2007-42, the Magistrate Judge assigned shall be Magistrate Judge Robin S. Rosenbaum. Case reassigned to Judge Robin S. Rosenbaum for all further proceedings. Signed by Judge William P. Dimitrouleas on 09/07/2007.(bs) (Entered: 09/07/2007)
46	Nov. 06, 2007	44	Joint MOTION for Settlement Preliminary Approval by Scott Schultz, Joseph Rothman. Responses due by 11/21/2007 (Attachments: # 1 Stipulation# 2 Stipulation Exh A - Proposed Order# 3 Stipulation Exh A-1 Notice of Pendency# 4 Stipulation Exh A-2 Proof of Claim & Release# 5 Stipulation Exh A-3 Summary Notice# 6 Stipulation Exh B Final Judgment & Order of Dismissal)(Reise, Jack) (Entered: 11/06/2007)
47	Nov. 06, 2007	45	ORDER PRELIMINARILY APPROVING SETTLEMENT AND PROVIDING FOR NOTICE re 44 Joint MOTION for Settlement Preliminary Approval filed by Scott Schultz,, Joseph Rothman.,*** Settlement Conference set for 1/11/2008 01:00 PM in Fort Lauderdale Division before Judge William P. Dimitrouleas.Signed by Judge William P. Dimitrouleas on 11/6/07.(lh) (Entered: 11/07/2007)

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48	Jan. 02, 2008	46	Unopposed MOTION for Leave to File Excess Pages by Scott Schultz. (Attachments: # 1 Exhibit A - Order)(Reise, Jack) (Entered: 01/02/2008)
49	Jan. 03, 2008	47	ORDER granting 46 Motion for Leave to File Excess Pages ;Signed by Judge William P. Dimitrouleas on 01/03/2008. (bs) (Entered: 01/03/2008)
50	Jan. 04, 2008	48	MOTION for Settlement PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, PLAN OF ALLOCATION, AWARD OF ATTORNEYS' FEES AND EXPENSES AND INCORPORATED MEMORANDUM OF LAW IN SUPPORT THEREOF by Scott Schultz. Responses due by 1/18/2008 (Attachments: # 1 Exhibit Composite Exhibit A# 2 Exhibit Exhibit B# 3 Affidavit Declaration of Jack G. Fruchter# 4 Affidavit Declaration of Jack Reise# 5 Affidavit Declaration of Samuel H. Rudman# 6 Affidavit Declaration of Carole K. Sylvester# 7 Text of Proposed Order Proposed Allocation Order# 8 Text of Proposed Order Proposed Fee Order# 9 Text of Proposed Order Proposed Final Judgment)(Reise, Jack) (Entered: 01/04/2008)
51	Jan. 11, 2008	49	Minute Entry for proceedings held before Judge William P. Dimitrouleas : Miscellaneous Hearing held on 1/11/2008. Class action Final Settlement approval hearing. Court Reporter: Bob Ryckoff - phone number 954-769-5657 (kc) (Entered: 01/11/2008)
52	Jan. 15, 2008	50	ORDER APPROVING PLAN OF ALLOCATION and granting 48 Motion for Settlement. Signed by Judge William P. Dimitrouleas on 1/14/08. (lk) (Entered: 01/15/2008)
53	Jan. 15, 2008	51	ORDER AWARDING ATTORNEYS' FEES AND EXPENSES; re 48 MOTION for Settlement PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT, PLAN OF ALLOCATION, AWARD OF ATTORNEYS' FEES AND EXPENSES AND INCORPORATED MEMORANDUM OF LAW IN SUPPORT THEREOF filed by Scott Schultz, Signed by Judge William P. Dimitrouleas on 1/14/08.(lk) (Entered: 01/15/2008)
54	Jan. 15, 2008	52	FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE. The settlement in the stipulation is hereby APPROVED. All pending motions are DENIED AS MOOT.Signed by Judge William P. Dimitrouleas on 1/14/08.(lk) (Entered: 01/15/2008)