

**U.S. District Court  
Eastern District of Kentucky (Covington)  
CIVIL DOCKET FOR CASE #: 2:06-cv-00026-WOB**

Indiana State District Council of Laborers and Hod Carriers  
Pension and Welfare Fund v. Omnicare, Inc. et al  
Assigned to: Judge William O. Bertelsman  
Cause: 28:1331 Fed. Question: Securities Violation

Date Filed: 02/02/2006  
Date Terminated: 10/12/2007  
Jury Demand: Both  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**Indiana State District Council of  
Laborers and Hod Carriers Pension  
and Welfare Fund**

*On Behalf of Itself and All Others  
Similarly Situated*

represented by **Darren J. Robbins**  
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**Plaintiff**

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**Plaintiff**

**Cement Mason Local 526 Combined  
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V.

**Defendant**

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**Defendant**

**Joel F. Gemunder**

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**Defendant**

**David W. Froesel, Jr.**

represented by **Andrew Jonathon Schaeffer**  
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**Defendant**

**Cheryl D. Hodges**

represented by **William T. Robinson, III**  
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**Defendant**

**Edward L. Hutton**

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**Defendant**

**Sandra E. Laney**

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**Receiver**

**Laborers District Council Construction  
Industry Pension Fund**

represented by **Henry Rosen**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/02/2006	<a href="#">1</a>	COMPLAINT 3 summons(es)issued with copy ( Filing fee \$250; receipt number 122609), filed by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Attachments: # <a href="#">1</a> Certification of Plaintiff # <a href="#">2</a> Civil Cover Sheet, Case Assignment, Receipt # <a href="#">3</a> Summons)(JMM) (Entered: 02/03/2006)
02/03/2006	<a href="#">2</a>	NOTICE TO ATTORNEY William S. Lerach and Darren J. Robbins by Clerk re: L.R. 83- Attorney Admission procedure w/ a copy of L.R. 83 and Attorney Admission Application (JMM) (Entered: 02/03/2006)
03/02/2006	<a href="#">3</a>	MOTION for Richard W. Reinthaler, James P. Smith, III and John E. Schreiber to Appear Pro Hac Vice by Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr. (Attachments: # <a href="#">1</a> Affidavit of Richard W. Reinthaler, James P. Smith III and John E. Schreiber # <a href="#">2</a> Proposed Order)(JMM) (Entered: 03/02/2006)
03/02/2006	<a href="#">4</a>	PRO HAC VICE Filing fee received - Richard W. Reinthaler, James P. Smith, III and John E. Schreiber - \$ 195.00, receipt number 122685 (JMM) (Entered: 03/02/2006)
03/02/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">3</a> MOTION for Richard W. Reinthaler, James P. Smith, III and John E. Schreiber to Appear Pro Hac Vice by Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr (JMM) (Entered: 03/02/2006)
03/02/2006	<a href="#">5</a>	MOTION for Darren J. Robbins to Appear Pro Hac Vice by Indiana State District

		Council of Laborers and Hod Carriers Pension and Welfare Fund (Filing fee \$65.) (Attachments: # <a href="#">1</a> Affidavit Darren J. Robbins Affidavit# <a href="#">2</a> Proposed Order)(Hils, Lynda) (Entered: 03/02/2006)
03/03/2006	<a href="#">6</a>	ORDER granting <a href="#">3</a> Motion to Appear Pro Hac Vice for attorneys Richard W. Reinthaler, James P. Smith III, and John E. Schreiber. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 03/03/2006)
03/07/2006	<a href="#">7</a>	STIPULATION <i>and Order</i> by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr. (Attachments: # <a href="#">1</a> Exhibit A)(Robinson, William) (Entered: 03/07/2006)
03/08/2006		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">7</a> Stipulation (JMM) (Entered: 03/08/2006)
03/08/2006	<a href="#">8</a>	PRO HAC VICE Filing fee received - Darren J. Robbins - \$ 65.00, receipt number 122709 (JMM) (Entered: 03/08/2006)
03/08/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">5</a> MOTION for Darren J. Robbins to Appear Pro Hac Vice by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund (Filing fee \$65.) (JMM) (Entered: 03/08/2006)
03/09/2006	<a href="#">9</a>	ORDER granting <a href="#">5</a> Motion to Appear Pro Hac Vice for attorney Darren J. Robbins. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 03/09/2006)
03/10/2006	<a href="#">10</a>	STIPULATION AND ORDER between the parties and the Court that: 1) Within 45 days after the appointment of a lead plaintiff and plaintiffs' lead counsel pursuant to the PSLRA and the consolidation of the actions, Case No. 2-06-CV-31; plfs. in both Actions shall serve and file a consolidated class action complaint; 2) Defendants' time to answer or otherwise respond to the complaint is extended 45 days after service any consolidated class action complaint in the consolidated Actions; 3) To the extent Defendants file a motion to dismiss the consolidated class action complaint, plf. shall serve and file any opposition thereto within 45 days of the service and filing of such motion to dismiss; 4) Defendants shall serve and file their reply brief on any such motion to dismiss within 21 days of the service and filing of plaintiff's opposition. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 03/10/2006)
03/24/2006	<a href="#">11</a>	WAIVER OF SERVICE Returned Executed by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. David W. Froesel, Jr waiver sent on 2/21/2006, answer due 4/24/2006. (TED) (Entered: 03/24/2006)
03/24/2006	<a href="#">12</a>	WAIVER OF SERVICE Returned Executed by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. Joel F. Gemunder waiver sent on 2/21/2006, answer due 4/24/2006. (TED) (Entered: 03/24/2006)
03/24/2006	<a href="#">13</a>	WAIVER OF SERVICE Returned Executed by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. Omnicare, Inc. waiver sent on 2/21/2006, answer due 4/24/2006. (TED) (Entered: 03/24/2006)
03/28/2006	<a href="#">14</a>	ORDER: The corporation, defendant, Omnicare, Inc. shall file a disclosure

		statement by 4/7/2006, failing which its pleadings shall be subject to being stricken without further notice. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 03/28/2006)
04/03/2006	<a href="#">15</a>	FRCP 7.1 DISCLOSURE STATEMENT by Omnicare, Inc.. (Robinson, William) (Entered: 04/03/2006)
04/03/2006	<a href="#">16</a>	MOTION to Consolidate Cases by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund & <i>Appointment of Lead Plaintiff &amp; Approval of Its Selection of Lead Counsel</i> (Attachments: # <a href="#">1</a> Memorandum in Support # <a href="#">2</a> Declaration of Lynda M. Hils# <a href="#">3</a> Exhibit Exh 1 to Declaration - Laborers Pension Funds's Sworn Certification# <a href="#">4</a> Exhibit Exh 2 to Declaration - Notice of class action lawsuit# <a href="#">5</a> Exhibit Exh 3 to Declaration - Firm Resume of Lerach Coughlin# <a href="#">6</a> Proposed Order)(Hils, Lynda) (Entered: 04/03/2006)
04/20/2006	<a href="#">17</a>	RESPONSE to Motion re <a href="#">16</a> MOTION to Consolidate Cases by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund filed by Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr. (Robinson, William) (Entered: 04/20/2006)
04/21/2006	<a href="#">18</a>	NOTICE by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund re <a href="#">17</a> Response to Motion <i>Notice of Non-Opposition to Motion</i> (Hils, Lynda) (Entered: 04/21/2006)
04/21/2006	<a href="#">19</a>	MOTION for Henry Rosen to Appear Pro Hac Vice by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund (Filing fee \$65.) (Attachments: # <a href="#">1</a> Affidavit Henry Rosen# <a href="#">2</a> Proposed Order)(Hils, Lynda) (Entered: 04/21/2006)
04/26/2006	<a href="#">20</a>	PRO HAC VICE Filing fee received - Henry Rosen - \$ 65.00, receipt number 124243 (JMM) (Entered: 04/26/2006)
04/26/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">19</a> MOTION for Henry Rosen to Appear Pro Hac Vice by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund (Filing fee \$65.) (JMM) (Entered: 04/26/2006)
04/27/2006	<a href="#">21</a>	ORDER granting <a href="#">19</a> Motion to Appear Pro Hac Vice for attorney Henry Rosen. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 04/27/2006)
05/08/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">16</a> MOTION to Consolidate Cases by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund (JMM) (Entered: 05/08/2006)
05/22/2006	<a href="#">22</a>	ORDER granting <a href="#">16</a> Motion to Consolidate Related Case - Cov Civil Action No. 06-31 pursuant to Fed. R. Civ. P. 42(a) and appointing The Laborers District Council Construction Industry Pension Fund as Lead Plaintiff. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 05/22/2006)
06/21/2006	<a href="#">23</a>	STIPULATION <i>and Agreed Order Extending Time</i> by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Hils, Lynda) (Entered: 06/21/2006)

06/22/2006		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">23</a> Stipulation (LSG) (Entered: 06/22/2006)
06/26/2006	<a href="#">24</a>	AGREED ORDER AND STIPULATION EXTENDING TIME: By agreement of Plfs. and Defs., Plfs. shall file a consolidated class action complaint up to and including Thursday, 7/20/2006. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 06/26/2006)
07/03/2006	<a href="#">25</a>	NOTICE by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund <i>Of Change of Firm Name</i> (Murphy, Kevin) (Entered: 07/03/2006)
07/03/2006	<a href="#">26</a>	NOTICE by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund <i>Of Withdrawal of Counsel</i> (Hils, Lynda) (Entered: 07/03/2006)
07/20/2006	<a href="#">27</a>	AMENDED COMPLAINT <i>CONSOLIDATED AMENDED COMPLAINT FOR VIOLATION OF THE FEDERAL SECURITIES LAWS</i> against all defendants, filed by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund.(Murphy, Kevin) (Entered: 07/20/2006)
07/21/2006	<a href="#">28</a>	MOTION to Withdraw as Attorney with attached Memorandum by Linda Chi <i>Plaintiff in Consolidated Case 2-06-cv-26</i> (Attachments: # <a href="#">1</a> Proposed Order)(Parry, Ron) Modified on 7/24/2006 (To indicate that the Memorandum was included in the Main Document)(Maxie, Joyce). (Entered: 07/21/2006)
07/24/2006		NOTICE OF DOCKET MODIFICATION TO Ron Parry re <a href="#">28</a> MOTION to Withdraw as Attorney by Linda Chi; Error: the docket text did not reflect the memorandum being filed within the motion; Entry made by attorney; Correction: the Clerk has modified the docket text to state "with memo in support". When e-filing motions, if the memo is combined with the motion, the attorney should use the optional text box to state "with memo in support" within the docket text. cc: COR (JMM) (Entered: 07/24/2006)
07/26/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">28</a> MOTION to Withdraw as Attorney by Linda Chi (JMM) (Entered: 07/26/2006)
08/07/2006	<a href="#">29</a>	ORDER granting <a href="#">28</a> Motion to Withdraw as Attorney. Attorney Amy L. Hunt and Ron Parry are no longer counsel of record in this matter. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 08/07/2006)
08/31/2006	<a href="#">30</a>	JOINT MOTION for Extension of Time by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr <i>Setting Briefing Schedule for Responses to Consolidated Amended Complaint</i> (Attachments: # <a href="#">1</a> Proposed Order Setting Briefing Schedule)(Robinson, William) (Entered: 08/31/2006)
08/31/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">30</a> JOINT MOTION for Extension of Time by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr (JMM) (Entered: 08/31/2006)
09/01/2006	<a href="#">31</a>	AGREED ORDER and STIPULATION: Signed by Judge William O. Bertelsman; Defendants shall respond to Plaintiffs' Consolidated Amended Complaint by

		10/16/06. In the event defendants file a Motion to Dismiss Plaintiffs' Consolidated Amended Complaint, Plfs shall file a Response by 12/15/06 and Defs shall file any Replies by 1/15/07.(JMM)cc: COR (Entered: 09/05/2006)
10/13/2006	<a href="#">32</a>	STIPULATION re <a href="#">31</a> Scheduling Order,, <a href="#">27</a> Amended Complaint <i>re Response to 1st Amended Complaint &amp; Proposed 2nd Amended Complaint</i> by Donna Chi, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr. (Robinson, William) (Entered: 10/13/2006)
10/16/2006		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">32</a> Stipulation, (LSG) (Entered: 10/16/2006)
10/17/2006	<a href="#">33</a>	STIPULATION AND ORDER: Upon agreement of the parties; 1) Def's response to the First Consolidated Amended Complaint is adjourned pending a determination on plf's motion for leave to file a Second Consolidated Amended Complaint; 2) Within thirty (30) days after the Court's determination on plfs' motion for leave to amend, defs. shall move, answer or otherwise respond to the operative complaint; 3) To the extent defs. file a motion to dismiss the operative complaint, plfs shall serve and file any opposition thereto within sixty (60) days of the service and filing of such motion to dismiss; 4) Defs shall serve and file their reply brief on any such motion to dismiss within thirty (30) days of the service of filing of plfs' opposition. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 10/17/2006)
10/31/2006	<a href="#">34</a>	NOTICE of Change of Address by Kevin L. Murphy (Murphy, Kevin) (Entered: 10/31/2006)
10/31/2006	<a href="#">35</a>	MOTION for Leave to File by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund <i>MOTION FOR LEAVE TO FILE A FIRST AMENDED CONSOLIDATED COMPLAINT</i> (Attachments: # <a href="#">1</a> Memorandum in Support MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF LEAD PLAINTIFF'S MOTION FOR LEAVE TO FILE A FIRST AMENDED CONSOLIDATED COMPLAINT# <a href="#">2</a> Proposed Order [PROPOSED] ORDER GRANTING LEAD PLAINTIFF'S MOTION FOR LEAVE TO FILE A FIRST AMENDED CONSOLIDATED COMPLAINT# <a href="#">3</a> Exhibit FIRST AMENDED CONSOLIDATED COMPLAINT FOR VIOLATION OF FEDERAL SECURITIES LAWS# <a href="#">4</a> Exhibit CERTIFICATION OF CEMENT MASIONS LOCAL 526 COMBINED FUNDS)(Rosen, Henry) (Entered: 10/31/2006)
11/09/2006	<a href="#">36</a>	MOTION for Harvey Kurzweil to Appear Pro Hac Vice by Joel F. Gemunder, David W. Froesel, Jr ( Filing fee \$65; receipt number 848713) (Attachments: # <a href="#">1</a> Exhibit A - Affidavit of Harvey Kurzweil# <a href="#">2</a> Proposed Order Proposed Order)(Robinson, William) (Entered: 11/09/2006)
11/09/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">36</a> MOTION for Harvey Kurzweil to Appear Pro Hac Vice by Joel F. Gemunder, David W. Froesel, Jr ( Filing fee \$65; receipt number 848713) (JMM) (Entered: 11/09/2006)
11/09/2006	<a href="#">37</a>	MOTION for William T. Conway III to Appear Pro Hac Vice by Joel F. Gemunder, David W. Froesel, Jr ( Filing fee \$65; receipt number 848775) (Attachments: # <a href="#">1</a> Exhibit A - Affidavit of William T. Conway III# <a href="#">2</a> Proposed

		Order Proposed Order)(Robinson, William) (Entered: 11/09/2006)
11/09/2006	<a href="#">38</a>	MOTION for Mindy S. Dolgoff to Appear Pro Hac Vice by Joel F. Gemunder, David W. Froesel, Jr ( Filing fee \$65; receipt number 848781) (Attachments: # <a href="#">1</a> Exhibit A - Affidavit of Mindy S. Dolgoff# <a href="#">2</a> Proposed Order Proposed Order)(Robinson, William) (Entered: 11/09/2006)
11/13/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">38</a> MOTION for Mindy S. Dolgoff to Appear Pro Hac Vice by Joel F. Gemunder, David W. Froesel, Jr ( Filing fee \$65; receipt number 848781), <a href="#">37</a> MOTION for William T. Conway III to Appear Pro Hac Vice by Joel F. Gemunder, David W. Froesel, Jr ( Filing fee \$65; receipt number 848775) (JMM) (Entered: 11/13/2006)
11/13/2006	<a href="#">39</a>	ORDER granting <a href="#">36</a> Motion to Appear Pro Hac Vice for Attorney Harvey Kurzweil. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 11/13/2006)
11/13/2006	<a href="#">40</a>	ORDER granting <a href="#">37</a> Motion to Appear Pro Hac Vice for attorney William T. Conway, III. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 11/13/2006)
11/13/2006	<a href="#">41</a>	ORDER granting <a href="#">38</a> Motion to Appear Pro Hac Vice for Attorney Mindy S. Dolgoff. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 11/13/2006)
11/20/2006	<a href="#">42</a>	RESPONSE in Opposition re <a href="#">35</a> MOTION for Leave to File by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund filed by Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr. (Attachments: # <a href="#">1</a> Affidavit Declaration of John Schreiber# <a href="#">2</a> Exhibit Schreiber Declaration Ex 1 Part A# <a href="#">3</a> Exhibit Schreiber Declaration Ex 1 Part B# <a href="#">4</a> Exhibit Schreiber Declaration Ex 1 Part C# <a href="#">5</a> Exhibit Schreiber Declaration Ex 2# <a href="#">6</a> Exhibit Schreiber Declaration Ex 3# <a href="#">7</a> Exhibit Schreiber Declaration Ex 4 Part A# <a href="#">8</a> Exhibit Schreiber Declaration Ex 4 Part B# <a href="#">9</a> Exhibit Schreiber Declaration Ex 4 Part C# <a href="#">10</a> Exhibit Schreiber Declaration Ex 4 Part D# <a href="#">11</a> Exhibit Schreiber Declaration Ex 4 Part E# <a href="#">12</a> Exhibit Schreiber Declaration Ex 4 Part F# <a href="#">13</a> Exhibit Schreiber Declaration Ex 4 Part G# <a href="#">14</a> Exhibit Schreiber Declaration Ex 5# <a href="#">15</a> Exhibit Schreiber Declaratin Ex 6 Part A# <a href="#">16</a> Exhibit Schreiber Declaration Ex 6 Part B# <a href="#">17</a> Exhibit Schreiber Declaration Ex 6 Part C# <a href="#">18</a> Exhibit Schreiber Declaration Ex 6 Part D# <a href="#">19</a> Exhibit Schreiber Declaration Ex 6 Part E# <a href="#">20</a> Exhibit Schreiber Declaration Ex 6 Part F# <a href="#">21</a> Exhibit Schreiber Declaration Ex 6 Part G# <a href="#">22</a> Exhibit Schreiber Declaration Ex 6 Part H# <a href="#">23</a> Exhibit Schreiber Declaration Ex 6 Part I# <a href="#">24</a> Exhibit Schreiber Declaration Ex 6 Part J# <a href="#">25</a> Exhibit Schreiber Declaration Ex 7# <a href="#">26</a> Exhibit Schreiber Declaration Ex 8# <a href="#">27</a> Proposed Order Proposed Order)(Robinson, William) (Entered: 11/20/2006)
12/01/2006	<a href="#">43</a>	REPLY BRIEF to <a href="#">35</a> <i>Def's' Mem in Opp to Lead Pltf's Mot to File First Amend Consol Cpt</i> filed by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B)(Rosen, Henry) Modified on 12/4/2006 (to describe Exhibits)(Maxie, Joyce). (Entered: 12/01/2006)
12/04/2006		NOTICE OF DOCKET MODIFICATION TO Henry Rosen re <a href="#">43</a> REPLY

		BRIEF; Error: attachments were insufficiently described as "Exhibit A," "Exhibit B."; Entry made by attorney; Correction: the Clerk has renamed the attachments. It is necessary that all attachments are adequately described. ex: Exhibit A (incorrect); Exhibit A - ND of California Notice & Motion (correct); No further action required by attorney. cc: COR (JMM) (Entered: 12/04/2006)
12/04/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">35</a> MOTION for Leave to File by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund (JMM) (Entered: 12/04/2006)
12/04/2006	<a href="#">44</a>	MOTION for Hearing re <a href="#">35</a> MOTION for Leave to File by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund by Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr (Attachments: # <a href="#">1</a> Proposed Order Granting Motion for Hearing)(Robinson, William) (Entered: 12/04/2006)
12/11/2006	<a href="#">45</a>	MOTION for Greer Spatz to Appear Pro Hac Vice by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund ( Filing fee \$65; receipt number 867087) (Attachments: # <a href="#">1</a> Affidavit of Greer Spatz# <a href="#">2</a> Proposed Order)(Murphy, Kevin) (Entered: 12/11/2006)
12/12/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">45</a> MOTION for Greer Spatz to Appear Pro Hac Vice by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund ( Filing fee \$65; receipt number 867087) (JMM) (Entered: 12/12/2006)
12/12/2006	<a href="#">46</a>	ORDER granting <a href="#">45</a> Motion to Appear Pro Hac Vice for attorney Greer Spatz. Signed by Judge William O. Bertelsman. (JMM) cc: COR/Registration Form (Entered: 12/12/2006)
12/19/2006	<a href="#">47</a>	MOTION for Shirley Huang to Appear Pro Hac Vice by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund ( Filing fee \$65; receipt number 872587) (Attachments: # <a href="#">1</a> Affidavit # <a href="#">2</a> Proposed Order)(Murphy, Kevin) (Entered: 12/19/2006)
12/20/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">47</a> MOTION for Shirley Huang to Appear Pro Hac Vice by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund ( Filing fee \$65; receipt number 872587) (JMM) (Entered: 12/20/2006)
12/20/2006	<a href="#">48</a>	ORDER granting <a href="#">47</a> Motion to Appear Pro Hac Vice for attorney Shirley Huang. Signed by Judge William O. Bertelsman. (JMM)cc: COR/with copy of Registration Form (Entered: 12/20/2006)
12/22/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">44</a> MOTION for Hearing re <a href="#">35</a> MOTION for Leave to File by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund by Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr (JMM) (Entered: 12/22/2006)
01/18/2007	<a href="#">49</a>	ORDER: Granting <a href="#">44</a> Motion for a Hearing; Setting Hearing on Motion <a href="#">35</a> MOTION for Leave to File Amended Complaint; Motion Hearing is set for 1/30/2007 01:00 PM in Covington before Judge William O. Bertelsman. Signed

		by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 01/18/2007)
01/25/2007	<a href="#">50</a>	ORDER: Counsel for plaintiffs having a conflict with regard to the oral argument now set for 1/30/07; Setting Hearing on Motion <a href="#">35</a> MOTION for Leave to File by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund: Motion Hearing is reset for 1/26/2007 10:00 AM in Covington before Judge William O. Bertelsman via telephone conference call. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 01/25/2007)
01/26/2007	<a href="#">51</a>	ORDER FOR TELEPHONE CONFERENCE held on 1/26/07 before Judge William O. Bertelsman: 1) Granting <a href="#">35</a> MOTION for Leave to File amended consolidated complaint; 2) Defendants shall file their Motion to Dismiss the CAC on or before 3/12/2007; Plaintiffs shall file their Response thereto within thirty (30) days; and defendants shall file any Replies thereto within fifteen (15) days. (COURT REPORTER: JOAN AVERDICK) (JMM)cc: COR (Entered: 01/26/2007)
01/26/2007	<a href="#">52</a>	FIRST AMENDED COMPLAINT against Cheryl D. Hodges, Edward L. Hutton and Sandra E. Laney, filed by Cement Mason Local 526 Combined Funds. (Attachments: # <a href="#">1</a> Certificate of Cement Mason Local 526 Combined Funds)(JMM) (Entered: 01/29/2007)
03/09/2007	<a href="#">53</a>	MOTION to Substitute Attorney by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr <i>Notice of Substitution of Counsel</i> (Shufflebarger, Carrie) (Entered: 03/09/2007)
03/09/2007	<a href="#">54</a>	NOTICE OF APPEARANCE by Omnicare, Inc..(Gracey, Stephen) (Entered: 03/09/2007)
03/09/2007	<a href="#">55</a>	NOTICE of Change of Address by William T. Robinson, III (Robinson, William) (Entered: 03/09/2007)
03/09/2007	<a href="#">56</a>	MOTION for Leave by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr <i>To Exceed LR 7.1 Page Limit</i> (Attachments: # <a href="#">1</a> Proposed Order)(Robinson, William) (Entered: 03/09/2007)
03/12/2007		Clerk's Note: re <a href="#">53</a> MOTION to Substitute Attorney; Per Chambers, D. E. <a href="#">53</a> has been terminated and said attorneys have been substituted as counsel. (JMM) (Entered: 03/12/2007)
03/12/2007	<a href="#">57</a>	ORDER: Granting <a href="#">56</a> Motion for Leave to Exceed LR 7.1 Page Limit; Defendants' Memorandum Of Points And Authorities In Support of Defendants' Motion To Dismiss The Second Amended Complaint is hereby accepted for filing. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 03/12/2007)
03/12/2007	<a href="#">58</a>	MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr <i>and Memorandum in Support</i> (Attachments: # <a href="#">1</a> Motion to Dismiss and Memorandum in Support - part 2# <a href="#">2</a> Proposed Order# <a href="#">3</a> Wm T. Robinson Declaration# <a href="#">4</a> Dec Exh A# <a href="#">5</a> Dec Exh B# <a href="#">6</a> Dec Exh C# <a href="#">7</a> D# <a href="#">8</a> Dec Exh E# <a href="#">9</a> Dec Exh F# <a href="#">10</a> Dec Exh G# <a href="#">11</a> Dec Exh H# <a href="#">12</a> Dec Exh I# <a href="#">13</a> Dec Exh J# <a href="#">14</a> Dec Exh K# <a href="#">15</a> Dec Exh L# <a href="#">16</a> Dec Exh M# <a href="#">17</a> Dec Exh N# <a href="#">18</a> Dec Exh O# <a href="#">19</a> Dec Exh P# <a href="#">20</a> Dec Exh Q# <a href="#">21</a> Dec Exh R# <a href="#">22</a>

		Dec Exh S# <a href="#">23</a> Dec Exh T# <a href="#">24</a> Dec Exh U# <a href="#">25</a> Dec Exh V# <a href="#">26</a> Dec Exh W# <a href="#">27</a> Dec Exh X)(Robinson, William) Modified on 3/13/2007 (to describe attachment #7)(Maxie, Joyce). (Entered: 03/12/2007)
03/13/2007		NOTICE OF DOCKET MODIFICATION TO William Robinson re <a href="#">58</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr ; Error: attachment # 7 was insufficiently described as "Exh D"; Entry made by attorney; Correction: the Clerk has renamed the attachment. It is necessary that all attachments are adequately described. Ex: "D" (incorrect); Exhibit D - Order dated 1/28/07 (correct); No further action required by attorney. cc: COR (JMM) (Entered: 03/13/2007)
03/13/2007	<a href="#">59</a>	MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr <i>CORRECTED</i> (Attachments: # <a href="#">1</a> Memorandum in Support# <a href="#">2</a> Proposed Order# <a href="#">3</a> Declaration of Wm T. Robinson# <a href="#">4</a> Dec Exh A# <a href="#">5</a> Dec Exh B# <a href="#">6</a> Dec Exh C# <a href="#">7</a> Dec Exh D# <a href="#">8</a> Dec Exh E# <a href="#">9</a> Dec Exh F# <a href="#">10</a> Dec Exh G# <a href="#">11</a> Dec Exh H# <a href="#">12</a> Dec Exh I# <a href="#">13</a> Dec Exh J# <a href="#">14</a> Dec Exh K# <a href="#">15</a> Dec Exh L# <a href="#">16</a> Dec Exh M# <a href="#">17</a> Dec Exh N# <a href="#">18</a> Dec Exh O# <a href="#">19</a> Dec Exh P# <a href="#">20</a> Dec Exh Q# <a href="#">21</a> Dec Exh R# <a href="#">22</a> Dec Exh S# <a href="#">23</a> Dec Exh T# <a href="#">24</a> Dec Exh U# <a href="#">25</a> Dec Exh V# <a href="#">26</a> Dec Exh W# <a href="#">27</a> Dec Exh X)(Robinson, William) (Entered: 03/13/2007)
03/15/2007	<a href="#">60</a>	ORDER: It is ordered that the original motion <a href="#">58</a> Motion to Dismiss be and hereby is DENIED AS MOOT, with the corrected motion to dismiss <a href="#">59</a> to remain pending. Signed by Judge William O. Bertelsman. (TED)cc: COR (Entered: 03/15/2007)
04/04/2007	61	TRANSCRIPT of Official Proceedings: Telephone Conference held on 1/26/2007 before Judge William O. Bertelsman. Court Reporter: Joan Averdick. (JMM) (Entered: 04/05/2007)
04/11/2007	<a href="#">62</a>	RESPONSE in Opposition re <a href="#">59</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr <i>PLTFFS? MEM OF LAW IN OPP TO DEFENDANTS' MOTION TO DISMISS</i> filed by Cement Mason Local 526 Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Attachments: # <a href="#">1</a> Affidavit Declaration of Henry Rosen# <a href="#">2</a> Exhibit A# <a href="#">3</a> Exhibit B# <a href="#">4</a> Exhibit C# <a href="#">5</a> Exhibit D# <a href="#">6</a> Exhibit E# <a href="#">7</a> Exhibit F# <a href="#">8</a> Exhibit G# <a href="#">9</a> Proposed Order)(Rosen, Henry) Modified on 4/12/2007 (to described Exhibits)(Maxie, Joyce). (Entered: 04/11/2007)
04/12/2007		NOTICE OF DOCKET MODIFICATION TO Henry Rosen re <a href="#">62</a> Response in Opposition to Motion; Error: attachments were insufficiently described as "Exhibit A," "Exhibit B."; Entry made by attorney; Correction: the Clerk has renamed the attachments. It is necessary that all attachments are adequately described. ex: Exhibit A (incorrect); Exhibit A - Letter dated 11/14/06 (correct); No further action required by attorney. cc: COR (JMM) (Entered: 04/12/2007)
04/12/2007	<a href="#">63</a>	RESPONSE in Opposition re <a href="#">59</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr <i>CORRECTED PLTFFS' MEM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS</i> filed by Cement Mason Local 526

		Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Attachments: # <a href="#">1</a> Affidavit Declaration of Henry Rosen# <a href="#">2</a> Exhibit A - US DOJ Press Release# <a href="#">3</a> Exhibit B - TheStreet.com Article# <a href="#">4</a> Exhibit C - Omnicare 11/7/05 Statement# <a href="#">5</a> Exhibit D - Mich. AG Press Release# <a href="#">6</a> Exhibit E - Omnicare 11/14/06 Press Release# <a href="#">7</a> Exhibit F - Omnicare 10/31/06 Press Release# <a href="#">8</a> Exhibit G - Slip Op.# <a href="#">9</a> Proposed Order Proposed Order)(Rosen, Henry) (Entered: 04/12/2007)
04/24/2007	<a href="#">64</a>	Tendered Agreed Order to File Response/Reply as to <a href="#">59</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr by Omnicare, Inc. <i>Tendered Agreed Order Granting Def. Addt'l Time to File Reply Memo</i> (Robinson, William) Modified text to add Tendered Agreed Order on 4/25/2007 (Greiwe, Linda). (Entered: 04/24/2007)
04/25/2007		NOTICE OF DOCKET MODIFICATION TO William Robinson re <a href="#">64</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">59</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr by Omnicare, Inc. ; Error: Attorney incorrectly filed the Proposed Agreed Order using the event "motion"; Entry made by attorney; Correction: Clerk has modified the docket to state "Proposed Order" and terminated the motion.; In the future, the attorney is advised to contact the ECF help desk if assistance is needed in choosing the correct event for filing. No further action required by counsel. cc: COR (LSG) (Entered: 04/25/2007)
04/25/2007	<a href="#">65</a>	MOTION for Leave to File by Omnicare, Inc. <i>Motion for Leave to Exceed LR 7.1 Page Limit</i> (Attachments: # <a href="#">1</a> Proposed Order)(Gracey, Stephen) (Entered: 04/25/2007)
04/25/2007	<a href="#">66</a>	AGREED ORDER; Defendants to file Reply Memorandum by 5/1/2007 to <a href="#">59</a> Motion to Dismiss. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 04/25/2007)
04/25/2007		NOTICE OF DEFICIENCY TO Stephen Gracey re <a href="#">65</a> MOTION for Leave to File by Omnicare, Inc.; Signature on document and filer do not match; error by attorney; the name of the Filing User under whose login and password the document is submitted must be typed in the space where the signature would otherwise appear. NOTICE OF DOCKET MODIFICATION TO Stephen Gracey re <a href="#">65</a> Motion for Leave to File by Omnicare, Inc.; the main document was scanned instead of converted into PDF format directly from the native word application. All pleadings created with a word application shall be converted to PDF format using PDF conversion software rather than being scanned. No further action required by counsel. cc: COR (LSG) (Entered: 04/25/2007)
04/26/2007	<a href="#">67</a>	ORDER granting Def's <a href="#">65</a> Motion for Leave to File up to and including 30 pages for their Reply Memorandum in Further Support of <a href="#">59</a> Motion to Dismiss the Second Amended Complaint. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 04/26/2007)
05/01/2007	<a href="#">68</a>	REPLY BRIEF to <a href="#">62</a> in <i>Further Support of Defendant's Motion to Dismiss</i> filed by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr. (Attachments: # <a href="#">1</a> Supplemental Declaration of

		Wm Robinson# <a href="#">2</a> Declaration Exhibit A# <a href="#">3</a> Declaration Exhibit B# <a href="#">4</a> Declaration Exhibit C)(Robinson, William) (Entered: 05/01/2007)
05/02/2007		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">59</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr (JMM) (Entered: 05/02/2007)
06/13/2007	<a href="#">69</a>	MOTION for Hearing re <a href="#">59</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr by Omnicare, Inc. <i>Joint Motion for Hearing on Motion to Dismiss</i> (Gracey, Stephen) (Entered: 06/13/2007)
06/14/2007		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">69</a> MOTION for Hearing re <a href="#">59</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr by Omnicare, Inc. (JMM) (Entered: 06/14/2007)
06/22/2007	<a href="#">70</a>	NOTICE by Omnicare, Inc. <i>Notice of Additional Authority</i> (Attachments: # <a href="#">1</a> Exhibit)(Gracey, Stephen) Modified on 6/25/2007 (to describe attachment) (Maxie, Joyce). (Entered: 06/22/2007)
06/25/2007		NOTICE OF DOCKET MODIFICATION TO Stephen Gracey re <a href="#">70</a> Notice; Error: attachment was insufficiently described as "Exhibit"; Entry by attorney; Correction: the Clerk has renamed the attachment. It is necessary that all attachments are adequately described. ex: Exhibit (incorrect); Exhibit - Case Law - Tellabs Inc. v. Makor Issues & Rights Ltd. (correct); No further action required by counsel. cc: COR (JMM) (Entered: 06/25/2007)
06/27/2007	<a href="#">71</a>	ORDER: Granting <a href="#">69</a> MOTION for Hearing re <a href="#">59</a> MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr by Omnicare, Inc. Oral Argument Hearing on Motion to Dismiss is set for 8/1/2007 01:00 PM in Covington before Judge William O. Bertelsman. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 06/27/2007)
07/06/2007	<a href="#">72</a>	ORDER: Counsel for the parties, having a conflict with regard to the date set for oral argument of August 1, 2007; the Oral Argument Hearing is reset for 8/2/2007 02:00 PM in Covington before Judge William O. Bertelsman. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 07/06/2007)
07/23/2007	<a href="#">73</a>	MOTION for Jennifer L. Gmitro to Appear Pro Hac Vice by Donna Chi, Cement Mason Local 526 Combined Funds ( Filing fee \$65; receipt number 1000866) (Attachments: # <a href="#">1</a> Affidavit # <a href="#">2</a> Proposed Order)(Murphy, Kevin) Additional attachment(s) added on 7/24/2007 (Maxie, Joyce). Modified on 7/24/2007 (to attach signed Affidavit) (Maxie, Joyce). (Entered: 07/23/2007)
07/24/2007		NOTICE OF DEFICIENCY TO Kevin Murphy re <a href="#">73</a> MOTION for Jennifer L. Gmitro to Appear Pro Hac Vice by Donna Chi, Cement Mason Local 526 Combined Funds ( Filing fee \$65; receipt number 1000866); re: <a href="#">1</a> Affidavit attached to Motion to Appear Pro Hac Vice; attorney has failed to submit a scanned copy of the original signature for the affiant and the notary. Error made by the attorney; Attorney shall file a scanned copy of the Affidavit with the

		original signature of the affiant and notary as an attachment to a Notice of Filing within 3 business days. cc: COR (JMM) (Entered: 07/24/2007)
07/24/2007	<a href="#">74</a>	NOTICE OF FILING by Donna Chi, Cement Mason Local 526 Combined Funds re <a href="#">73</a> MOTION for Jennifer L. Gmitro to Appear Pro Hac Vice by Donna Chi, Cement Mason Local 526 Combined Funds ( Filing fee \$65; receipt number 1000866) (Murphy, Kevin) (Entered: 07/24/2007)
07/24/2007		***Attorney Jennifer L. Gmitro for Donna Chi and Cement Mason Local 526 Combined Funds added. (JMM) (Entered: 07/24/2007)
07/24/2007		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">73</a> MOTION for Jennifer L. Gmitro to Appear Pro Hac Vice by Donna Chi, Cement Mason Local 526 Combined Funds ( Filing fee \$65; receipt number 1000866) (JMM) (Entered: 07/24/2007)
07/26/2007	<a href="#">75</a>	NOTICE by Laborers District Council Construction Industry Pension Fund <i>Withdrawal of Counsel, Greer Spatz</i> (Rosen, Henry) (Entered: 07/26/2007)
07/27/2007		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">75</a> Notice (LSG) (Entered: 07/27/2007)
07/27/2007	<a href="#">76</a>	MOTION TO ADD, OR IN THE ALTERNATIVE, TO INTERVENE AN ADDITIONAL NAMED PLAINTIFF ALASKA ELECTRICAL PENSION FUND by Laborers District Council Construction Industry Pension Fund (Attachments: # <a href="#">1</a> Proposed Order)(Rosen, Henry) (Entered: 07/27/2007)
07/27/2007	<a href="#">77</a>	AFFIDAVIT in Support re <a href="#">76</a> MOTION TO ADD, OR IN THE ALTERNATIVE, TO INTERVENE AN ADDITIONAL NAMED PLAINTIFF ALASKA ELECTRICAL PENSION FUND by Laborers District Council Construction Industry Pension Fund <i>OF HENRY ROSEN</i> filed by Laborers District Council Construction Industry Pension Fund. (Attachments: # <a href="#">1</a> Exhibit A Certification)(Rosen, Henry) (Entered: 07/27/2007)
07/27/2007	<a href="#">78</a>	MOTION TO POSTPONE DEFENDANTS' MOTION TO DISMISS HEARING by Laborers District Council Construction Industry Pension Fund (Attachments: # <a href="#">1</a> Proposed Order)(Rosen, Henry) (Entered: 07/27/2007)
07/27/2007	<a href="#">79</a>	AFFIDAVIT in Support re <a href="#">76</a> MOTION TO ADD, OR IN THE ALTERNATIVE, TO INTERVENE AN ADDITIONAL NAMED PLAINTIFF ALASKA ELECTRICAL PENSION FUND by Laborers District Council Construction Industry Pension Fund, <a href="#">78</a> MOTION TO POSTPONE DEFENDANTS' MOTION TO DISMISS HEARING by Laborers District Council Construction Industry Pension Fund <i>OF JENNIFER GMITRO</i> filed by Laborers District Council Construction Industry Pension Fund. (Rosen, Henry) (Entered: 07/27/2007)
07/30/2007	<a href="#">80</a>	ORDER denying <a href="#">78</a> Motion to postpone hearing. Hearing set for 8/2/2007 will proceed as scheduled. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 07/30/2007)
07/30/2007	<a href="#">81</a>	ORDER granting <a href="#">73</a> Motion to Appear Pro Hac Vice of Jennifer L. Gmitro to appear as counsel for plaintiffs. Signed by Judge William O. Bertelsman. (TED)cc: COR w/copy of Mandatory ECF General Order and ECF Registration form to Jennifer L. Gmitro (Entered: 07/30/2007)

07/30/2007	<a href="#">82</a>	NOTICE by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund <i>NOTICE OF ADDITIONAL AUTHORITIES</i> (Huang, Shirley) Additional attachment(s) added on 7/31/2007 (Greiwe, Linda). (Entered: 07/30/2007)
07/31/2007		NOTICE OF DEFICIENCY TO Shirley Huang re <a href="#">82</a> Notice; Error: Exhibits were filed together with the notice instead of as separate attachments. Entry by attorney; Clerk has added the exhibits as separate attachments. In future e-filings, the attorney shall file each exhibit separately from one another and separate from the main document; No further action required by counsel. cc: COR (LSG) (Entered: 07/31/2007)
08/01/2007	<a href="#">83</a>	NOTICE by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund <i>LETTER REGARDING NOTICE OF RECENT AUTHORITY</i> (Huang, Shirley) (Entered: 08/01/2007)
08/03/2007	<a href="#">84</a>	ORDER; 1)Def's <a href="#">59</a> Motion to Dismiss is Taken Under submission. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 08/03/2007)
08/13/2007	<a href="#">85</a>	TRANSCRIPT of Official Proceedings: Oral Argument held on August 2, 2007 before Judge William O. Bertelsman. Court Reporter: Lisa Wiesman. (JMM) (Entered: 08/13/2007)
08/14/2007	<a href="#">86</a>	RESPONSE in Opposition re <a href="#">76</a> MOTION TO ADD, OR IN THE ALTERNATIVE, TO INTERVENE AN ADDITIONAL NAMED PLAINTIFF ALASKA ELECTRICAL PENSION FUND by Laborers District Council Construction Industry Pension Fund filed by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr. (Attachments: # <a href="#">1</a> Declaration of Wm T. Robinson III# <a href="#">2</a> Exhibit A to Declaration# <a href="#">3</a> Exhibit B to Declaration# <a href="#">4</a> Exhibit C to Declaration# <a href="#">5</a> Proposed Order)(Robinson, William) (Entered: 08/14/2007)
08/16/2007		Clerk's Note: re <a href="#">75</a> Notice. Per Judge Bertelsman's Law Clerk, Dawn Rogers, ok to terminate Greer Spatz as counsel for plas (LSG) (Entered: 08/16/2007)
08/28/2007	<a href="#">87</a>	REPLY to <a href="#">76</a> <i>PLAINTIFFS' REPLY IN FURTHER SUPPORT OF MOTION</i> filed by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund. (Huang, Shirley) (Entered: 08/28/2007)
08/28/2007	<a href="#">88</a>	AFFIDAVIT re <a href="#">87</a> <i>REPLY DECLARATION OF SHIRLEY H. HUANG IN SUPPORT OF PLAINTIFFS' REPLY</i> by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B)(Huang, Shirley) Modified on 8/29/2007 (to describe Exhibits)(Maxie, Joyce). (Entered: 08/28/2007)
08/29/2007		NOTICE OF DOCKET MODIFICATION TO Shirley Huang re <a href="#">88</a> Affidavit; Error: attachments were insufficiently described as "Exhibit A," "Exhibit B."; Entry by attorney; Correction: the Clerk has renamed the attachments. It is necessary that all attachments are adequately described. ex: Exhibit A (incorrect); Exhibit A - Conference Call Transcript (correct). No further action required by counsel. cc: COR (JMM) (Entered: 08/29/2007)
08/29/2007		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman

		for review: <a href="#">76</a> MOTION TO ADD, OR IN THE ALTERNATIVE, TO INTERVENE AN ADDITIONAL NAMED PLAINTIFF ALASKA ELECTRICAL PENSION FUND by Laborers District Council Construction Industry Pension Fund (JMM) (Entered: 08/29/2007)
08/31/2007	<a href="#">89</a>	MOTION for Leave to File by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr (Attachments: # <a href="#">1</a> Defendants' Response To Assertions First Raised In Plaintiffs' Reply Brief On Their Motion To Add, Or In The Alternative, To Intervene An Additional Named Plaintiff)(Robinson, William) Additional attachment(s) added on 9/5/2007 (Maxie, Joyce). Modified on 9/5/2007 (to attach Proposed Order)(Maxie, Joyce). (Entered: 08/31/2007)
09/04/2007		NOTICE OF DEFICIENCY TO William Robinson re <a href="#">89</a> MOTION for Leave to File by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr; attorney has failed to submit a proposed order as an electronic attachment to the motion. Entry by attorney; Attorney shall file document entitled a Notice of Filing with a certificate of service as the main pleading with the proposed order as an attachment to the Notice of Filing within 3 business days. cc: COR (JMM) (Entered: 09/04/2007)
09/04/2007	<a href="#">90</a>	NOTICE OF FILING by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr re <a href="#">89</a> MOTION for Leave to File by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr (Attachments: # <a href="#">1</a> Proposed Order)(Robinson, William) (Entered: 09/04/2007)
09/11/2007	<a href="#">91</a>	RESPONSE in Opposition re <a href="#">89</a> MOTION for Leave to File by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr filed by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund. (Huang, Shirley) (Entered: 09/11/2007)
09/13/2007	<a href="#">92</a>	NOTICE by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund <i>Notice of Firm Name Change</i> (Rosen, Henry) (Entered: 09/13/2007)
09/28/2007		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: <a href="#">89</a> MOTION for Leave to File by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr (JMM) (Entered: 09/28/2007)
10/12/2007	<a href="#">93</a>	MEMORANDUM OPINION & ORDER: 1) Defendants' Motion to dismiss <a href="#">59</a> be, and is hereby, <b>GRANTED</b> ; 2) Plaintiffs' motion to add an additional named plaintiff <a href="#">76</a> be, and is hereby, <b>DENIED</b> ; and defendants' motion for leave to file a surreply <a href="#">89</a> be, and is hereby, <b>DENIED AS MOOT</b> . A seaprate judgment shall enter concurrently herewith. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 10/12/2007)
10/12/2007	<a href="#">94</a>	JUDGMENT: Pursuant to the Memorandum Opinion and Order entered concurrently herewith, It is Ordered and Adjudged that judgment be, and is hereby, <b>ENTERED</b> in favor of defendants, and the complaint is hereby dismissed. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 10/12/2007)

11/09/2007	<a href="#">95</a>	NOTICE OF APPEAL as to <a href="#">93</a> Memorandum Opinion & Order, Terminate Motions,, by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund. Filing fee \$ 455, receipt number 1066438. (Rosen, Henry) (Entered: 11/09/2007)
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