

US District Court Civil Docket as of March 12, 2012
Retrieved from the court on April 4, 2012

**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: 02/13/2012
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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Receiver

**Laborers District Council Construction
Industry Pension Fund**

represented by **Henry Rosen**
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LEAD ATTORNEY
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Date Filed	#	Docket Text
02/02/2006	1	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: # 1 Certification of Plaintiff # 2 Civil Cover Sheet, Case Assignment, Receipt # 3 Summons)(JMM) (Entered: 02/03/2006)
02/03/2006	2	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	3	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: # 1 Affidavit of Richard W. Reinthaler, James P. Smith III and John E. Schreiber # 2 Proposed Order)(JMM) (Entered: 03/02/2006)
03/02/2006	4	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: 3 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	5	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: # 1 Affidavit Darren J. Robbins Affidavit# 2 Proposed Order)(Hils, Lynda) (Entered: 03/02/2006)
03/03/2006	6	ORDER granting 3 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	7	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: # 1 Exhibit A)(Robinson, William) (Entered: 03/07/2006)
03/08/2006		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 7 Stipulation (JMM) (Entered: 03/08/2006)

03/08/2006	8	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: 5 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	9	ORDER granting 5 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	10	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	11	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	12	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	13	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	14	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	15	FRCP 7.1 DISCLOSURE STATEMENT by Omnicare, Inc.. (Robinson, William) (Entered: 04/03/2006)
04/03/2006	16	MOTION to Consolidate Cases by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund & <i>Appointment of Lead Plaintiff & Approval of Its Selection of Lead Counsel</i> (Attachments: # 1 Memorandum in Support # 2 Declaration of Lynda M. Hils# 3 Exhibit Exh 1 to Declaration - Laborers Pension Funds's Sworn Certification# 4 Exhibit Exh 2 to Declaration - Notice of class action lawsuit# 5 Exhibit Exh 3 to Declaration - Firm Resume of Lerach Coughlin# 6 Proposed Order)(Hils, Lynda) (Entered: 04/03/2006)
04/20/2006	17	RESPONSE to Motion re 16 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	18	NOTICE by Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund re 17 Response to Motion <i>Notice of Non-Opposition to Motion</i> (Hils, Lynda) (Entered: 04/21/2006)
04/21/2006	19	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: # 1 Affidavit Henry Rosen# 2 Proposed Order)(Hils, Lynda) (Entered: 04/21/2006)
04/26/2006	20	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: 19 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	21	ORDER granting 19 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: 16 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	22	ORDER granting 16 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	23	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: 23 Stipulation (LSG) (Entered: 06/22/2006)
06/26/2006	24	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	25	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	26	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	27	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	28	MOTION to Withdraw as Attorney with attached Memorandum by Linda Chi <i>Plaintiff in Consolidated Case 2-06-cv-26</i> (Attachments: # 1 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 28 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: 28 MOTION to Withdraw as Attorney by Linda Chi (JMM) (Entered: 07/26/2006)
08/07/2006	29	ORDER granting 28 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	30	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: # 1 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: 30 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	31	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	32	STIPULATION re 31 Scheduling Order,, 27 Amended Complaint <i>re Response to 1st Amended Complaint & 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: 32 Stipulation, (LSG) (Entered: 10/16/2006)
10/17/2006	33	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	34	NOTICE of Change of Address by Kevin L. Murphy (Murphy, Kevin) (Entered: 10/31/2006)
10/31/2006	35	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: # 1 Memorandum in Support MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF LEAD PLAINTIFF'S MOTION FOR LEAVE TO FILE A FIRST AMENDED CONSOLIDATED COMPLAINT# 2 Proposed Order [PROPOSED] ORDER GRANTING LEAD PLAINTIFF'S MOTION FOR LEAVE TO FILE A FIRST AMENDED CONSOLIDATED COMPLAINT# 3 Exhibit FIRST AMENDED CONSOLIDATED COMPLAINT FOR VIOLATION OF FEDERAL SECURITIES LAWS# 4 Exhibit CERTIFICATION OF CEMENT MASIONS LOCAL 526 COMBINED FUNDS)(Rosen, Henry) (Entered: 10/31/2006)
11/09/2006	36	MOTION for Harvey Kurzweil to Appear Pro Hac Vice by Joel F. Gemunder, David W. Froesel, Jr (Filing fee \$65; receipt number 848713) (Attachments: # 1 Exhibit A - Affidavit of Harvey Kurzweil# 2 Proposed Order Proposed Order)(Robinson, William) (Entered: 11/09/2006)
11/09/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 36 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	37	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: # 1 Exhibit A - Affidavit of William T. Conway III# 2 Proposed Order Proposed Order)(Robinson, William) (Entered: 11/09/2006)
11/09/2006	38	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: # 1 Exhibit A - Affidavit of Mindy S. Dolgoff# 2 Proposed Order Proposed Order)(Robinson, William) (Entered: 11/09/2006)
11/13/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 38 MOTION for Mindy S. Dolgoff to Appear Pro Hac Vice by Joel F. Gemunder, David W. Froesel, Jr (Filing fee \$65; receipt number 848781), 37 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	39	ORDER granting 36 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	40	ORDER granting 37 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	41	ORDER granting 38 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	42	RESPONSE in Opposition re 35 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: # 1 Affidavit Declaration of John Schreiber# 2 Exhibit Schreiber Declaration Ex 1 Part A# 3 Exhibit Schreiber Declaration Ex 1 Part B# 4 Exhibit Schreiber Declaration Ex 1 Part C# 5 Exhibit Schreiber Declaration Ex 2# 6 Exhibit Schreiber Declaration Ex 3# 7 Exhibit Schreiber Declaration Ex 4 Part A# 8 Exhibit Schreiber Declaration Ex 4 Part B# 9 Exhibit Schreiber Declaration Ex 4 Part C# 10 Exhibit Schreiber Declaration Ex 4 Part D# 11 Exhibit Schreiber Declaration Ex 4 Part E# 12 Exhibit Schreiber Declaration Ex 4 Part F# 13 Exhibit Schreiber Declaration Ex 4 Part G# 14 Exhibit Schreiber Declaration Ex 5# 15 Exhibit Schreiber Declaratin Ex 6 Part A# 16 Exhibit Schreiber Declaration Ex 6 Part B# 17 Exhibit Schreiber Declaration Ex 6 Part C# 18 Exhibit Schreiber Declaration Ex 6 Part D# 19 Exhibit Schreiber Declaration Ex 6 Part E# 20 Exhibit Schreiber Declaration Ex 6 Part F# 21 Exhibit Schreiber Declaration Ex 6 Part G# 22 Exhibit Schreiber Declaration Ex 6 Part H# 23 Exhibit Schreiber Declaration Ex 6 Part I# 24 Exhibit Schreiber Declaration Ex 6 Part J# 25 Exhibit Schreiber Declaration Ex 7# 26 Exhibit Schreiber Declaration Ex 8# 27 Proposed Order Proposed Order)(Robinson, William) (Entered: 11/20/2006)
12/01/2006	43	REPLY BRIEF to 35 <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: # 1 Exhibit A# 2 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 43 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: 35 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	44	MOTION for Hearing re 35 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: # 1 Proposed Order Granting Motion for Hearing)(Robinson, William) (Entered: 12/04/2006)
12/11/2006	45	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: # 1 Affidavit of Greer Spatz# 2 Proposed Order)(Murphy, Kevin) (Entered: 12/11/2006)
12/12/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 45 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	46	ORDER granting 45 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	47	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: # 1 Affidavit # 2 Proposed Order)(Murphy, Kevin) (Entered: 12/19/2006)
12/20/2006		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 47 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	48	ORDER granting 47 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: 44 MOTION for Hearing re 35 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	49	ORDER: Granting 44 Motion for a Hearing; Setting Hearing on Motion 35 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	50	ORDER: Counsel for plaintiffs having a conflict with regard to the oral argument now set for 1/30/07; Setting Hearing on Motion 35 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	51	ORDER FOR TELEPHONE CONFERENCE held on 1/26/07 before Judge William O. Bertelsman: 1) Granting 35 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	52	FIRST AMENDED COMPLAINT against Cheryl D. Hodges, Edward L. Hutton and Sandra E. Laney, filed by Cement Mason Local 526 Combined Funds. (Attachments: # 1 Certificate of Cement Mason Local 526 Combined Funds)(JMM) (Entered: 01/29/2007)
03/09/2007	53	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	54	NOTICE OF APPEARANCE by Omnicare, Inc..(Gracey, Stephen) (Entered: 03/09/2007)
03/09/2007	55	NOTICE of Change of Address by William T. Robinson, III (Robinson, William)

		(Entered: 03/09/2007)
03/09/2007	56	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: # 1 Proposed Order)(Robinson, William) (Entered: 03/09/2007)
03/12/2007		Clerk's Note: re 53 MOTION to Substitute Attorney; Per Chambers, D. E. 53 has been terminated and said attorneys have been substituted as counsel. (JMM) (Entered: 03/12/2007)
03/12/2007	57	ORDER: Granting 56 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	58	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: # 1 Motion to Dismiss and Memorandum in Support - part 2# 2 Proposed Order# 3 Wm T. Robinson Declaration# 4 Dec Exh A# 5 Dec Exh B# 6 Dec Exh C# 7 D# 8 Dec Exh E# 9 Dec Exh F# 10 Dec Exh G# 11 Dec Exh H# 12 Dec Exh I# 13 Dec Exh J# 14 Dec Exh K# 15 Dec Exh L# 16 Dec Exh M# 17 Dec Exh N# 18 Dec Exh O# 19 Dec Exh P# 20 Dec Exh Q# 21 Dec Exh R# 22 Dec Exh S# 23 Dec Exh T# 24 Dec Exh U# 25 Dec Exh V# 26 Dec Exh W# 27 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 58 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	59	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: # 1 Memorandum in Support# 2 Proposed Order# 3 Declaration of Wm T. Robinson# 4 Dec Exh A# 5 Dec Exh B# 6 Dec Exh C# 7 Dec Exh D# 8 Dec Exh E# 9 Dec Exh F# 10 Dec Exh G# 11 Dec Exh H# 12 Dec Exh I# 13 Dec Exh J# 14 Dec Exh K# 15 Dec Exh L# 16 Dec Exh M# 17 Dec Exh N# 18 Dec Exh O# 19 Dec Exh P# 20 Dec Exh Q# 21 Dec Exh R# 22 Dec Exh S# 23 Dec Exh T# 24 Dec Exh U# 25 Dec Exh V# 26 Dec Exh W# 27 Dec Exh X)(Robinson, William) (Entered: 03/13/2007)
03/15/2007	60	ORDER: It is ordered that the original motion 58 Motion to Dismiss be and hereby is DENIED AS MOOT, with the corrected motion to dismiss 59 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	62	RESPONSE in Opposition re 59 MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel,

		JrPLTFFS? MEM OF LAW IN OPP TO DEFENDANTS' MOTION TO DISMISS filed by Cement Mason Local 526 Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Attachments: # 1 Affidavit Declaration of Henry Rosen# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 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 62 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	63	RESPONSE in Opposition re 59 MOTION to Dismiss by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, JrCORRECTED PLTFFS' MEM OF LAW IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS filed by Cement Mason Local 526 Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Attachments: # 1 Affidavit Declaration of Henry Rosen# 2 Exhibit A - US DOJ Press Release# 3 Exhibit B - TheStreet.com Article# 4 Exhibit C - Omnicare 11/7/05 Statement# 5 Exhibit D - Mich. AG Press Release# 6 Exhibit E - Omnicare 11/14/06 Press Release# 7 Exhibit F - Omnicare 10/31/06 Press Release# 8 Exhibit G - Slip Op.# 9 Proposed Order Proposed Order)(Rosen, Henry) (Entered: 04/12/2007)
04/24/2007	64	Tendered Agreed Order to File Response/Reply as to 59 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. Add'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 64 MOTION for Extension of Time to File Response/Reply as to 59 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	65	MOTION for Leave to File by Omnicare, Inc. <i>Motion for Leave to Exceed LR 7.1 Page Limit</i> (Attachments: # 1 Proposed Order)(Gracey, Stephen) (Entered: 04/25/2007)
04/25/2007	66	AGREED ORDER; Defendants to file Reply Memorandum by 5/1/2007 to 59 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 65 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 65 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	67	ORDER granting Def's 65 Motion for Leave to File up to and including 30 pages for their Reply Memorandum in Further Support of 59 Motion to Dismiss the Second Amended Complaint. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 04/26/2007)
05/01/2007	68	REPLY BRIEF to 62 in Further Support of Defendant's Motion to Dismiss filed by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr. (Attachments: # 1 Supplemental Declaration of Wm Robinson# 2 Declaration Exhibit A# 3 Declaration Exhibit B# 4 Declaration Exhibit C)(Robinson, William) (Entered: 05/01/2007)
05/02/2007		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 59 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	69	MOTION for Hearing re 59 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: 69 MOTION for Hearing re 59 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	70	NOTICE by Omnicare, Inc. <i>Notice of Additional Authority</i> (Attachments: # 1 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 70 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	71	ORDER: Granting 69 MOTION for Hearing re 59 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	72	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	73	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: # 1 Affidavit # 2 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 73 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: 1 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	74	NOTICE OF FILING by Donna Chi, Cement Mason Local 526 Combined Funds re 73 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: 73 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	75	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: 75 Notice (LSG) (Entered: 07/27/2007)
07/27/2007	76	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: # 1 Proposed Order)(Rosen, Henry) (Entered: 07/27/2007)
07/27/2007	77	AFFIDAVIT in Support re 76 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: # 1 Exhibit A Certification)(Rosen, Henry) (Entered: 07/27/2007)
07/27/2007	78	MOTION TO POSTPONE DEFENDANTS' MOTION TO DISMISS HEARING by Laborers District Council Construction Industry Pension Fund (Attachments: # 1 Proposed Order)(Rosen, Henry) (Entered: 07/27/2007)
07/27/2007	79	AFFIDAVIT in Support re 76 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, 78 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	80	ORDER denying 78 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	81	ORDER granting 73 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	82	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 82 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	83	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	84	ORDER; 1)Def's 59 Motion to Dismiss is Taken Under submission. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 08/03/2007)
08/13/2007	85	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	86	RESPONSE in Opposition re 76 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: # 1 Declaration of Wm T. Robinson III# 2 Exhibit A to Declaration# 3 Exhibit B to Declaration# 4 Exhibit C to Declaration# 5 Proposed Order)(Robinson, William) (Entered: 08/14/2007)
08/16/2007		Clerk's Note: re 75 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	87	REPLY to 76 <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	88	AFFIDAVIT re 87 <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: # 1 Exhibit A# 2 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 88 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: 76 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	89	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: # 1 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 89 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	90	NOTICE OF FILING by Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr re 89 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: # 1 Proposed Order)(Robinson, William) (Entered: 09/04/2007)
09/11/2007	91	RESPONSE in Opposition re 89 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	92	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: 89 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	93	MEMORANDUM OPINION & ORDER: 1) Defendants' Motion to dismiss 59 be, and is hereby, GRANTED ; 2) Plaintiffs' motion to add an additional named plaintiff 76 be, and is hereby, DENIED ; and defendants' motion for leave to file a surreply 89 be, and is hereby, DENIED AS MOOT . A seaprate judgment shall enter concurrently herewith. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 10/12/2007)
10/12/2007	94	JUDGMENT: Pursuant to the Memorandum Opinion and Order entered concurrently herewith, It is Ordered and Adjudged that judgment be, and is hereby, ENTERED 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	95	NOTICE OF APPEAL as to 93 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)
10/21/2009	96	USCA JUDGMENT as to 95 Notice of Appeal filed by Laborers District Council Construction Industry Pension Fund, Cement Mason Local 526 Combined Funds. Judgment of the District Court is AFFIRMED IN PART, REVERSED IN PART, and the case is REMANDED for further proceedings consistent with the opinion of this court. District Court's dismissal of the §10(b), §20(a) and Rule 10b-5 claims as well as the denial of Alaska Electrical's motion to intervene are AFFIRMED. REVERSED on the dismissal of the §11 claim and REMAND the case to the District Court for further proceedings. (Attachments: # 1 Opinion, # 2 Cover letter)(TED) (Entered: 10/22/2009)
01/13/2010	97	MANDATE of USCA as to 95 Notice of Appeal filed by Laborers District Council Construction Industry Pension Fund, Cement Mason Local 526 Combined Funds (LST) (Entered: 01/13/2010)
01/20/2010	98	NOTICE by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund <i>Plaintiffs' Unopposed Request for Status Conference</i> (Rosen, Henry) (Entered: 01/20/2010)
01/21/2010		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 98 Notice (LST) (Entered: 01/21/2010)
01/22/2010	99	ORDER; 1) <u>STATUS CONFERENCE</u> set for 3/4/2010 at 01:00 PM in COVINGTON before Judge William O. Bertelsman. Signed by Judge William O. Bertelsman on 1/22/2010.(LST)cc: COR (Entered: 01/25/2010)
03/04/2010	100	ORDER FOR STATUS CONFERENCE held on 03/04/2010 before Judge William O. Bertlesman; 1)Matter is stayed pending pla's petition for certiorari to the U.S. Supreme Court; 2)Plas to file Status Reports every 90 days advising the court of the status of their petition. (Court Reporter JOAN AVERDICK.). Signed by Judge William O. Bertelsman on 03/04/2010. (LST)cc: COR (Entered: 03/04/2010)
03/10/2010	101	LETTER from Supreme Court of the United States: 1)Application for an extension of time to file a petition for a writ of certiorari has been presented to Justice Stevens, who on 3/8/2010 extended the time to and including 5/14/2010; 2)this letter has been sent to those designated on the attached notification list (LST) (Entered: 03/10/2010)
03/23/2010	102	NOTICE by Indiana State District Council of Laborers and Hod Carriers Pension and

		Welfare Fund, Laborers District Council Construction Industry Pension Fund of <i>Firm Name Change</i> (Rosen, Henry) (Entered: 03/23/2010)
03/25/2010	103	NOTICE by David W. Froesel, Jr, Joel F. Gemunder, Omnicare, Inc. <i>Notice of Withdrawal of Appearance of Mindy S. Dolgoff</i> . (Attachments: # 1 Affidavit in Support, # 2 Certificate of Service)(Kurzweil, Harvey) (Entered: 03/25/2010)
03/25/2010	104	NOTICE by David W. Froesel, Jr, Joel F. Gemunder, Omnicare, Inc. <i>Notice of Withdrawal of Appearance of William T. Conway, III</i> . (Attachments: # 1 Affidavit in Support, # 2 Certificate of Service)(Kurzweil, Harvey) (Entered: 03/25/2010)
03/25/2010		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 104 Notice, 103 Notice (LST) (Entered: 03/25/2010)
05/21/2010	105	Letter from US Supreme Court; 1)Petition for Writ of certiorari was filed on 5/14/2010 and placed on the docket May 18, 2010 as No. 09-1400 re 95 Notice of Appeal (LST) (Entered: 05/21/2010)
06/02/2010	106	STATUS REPORT <i>regarding plaintiffs' petition for certiorari filed with the United States Supreme Court</i> by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund. (Rosen, Henry) (Entered: 06/02/2010)
06/02/2010		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 106 Status Report (LST) (Entered: 06/02/2010)
08/19/2010	107	NOTICE by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. <i>Notice of Withdrawal of Appearance</i> (Attachments: # 1 Affidavit)(Robinson, William) Modified to describe attachment on 8/20/2010 (LST). (Entered: 08/19/2010)
08/20/2010		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 107 Notice of Withdrawal of Appearance (LST) (Entered: 08/20/2010)
08/20/2010		NOTICE OF DOCKET MODIFICATION TO William Robinson re 107 Notice; attachment was insufficiently described as "Affidavit"; Entry by attorney; Correction: the Clerk renamed the attachment. Attachments must be adequately described. Example: Exhibit A (incorrect); Exhibit A Affidavit of John Doe (correct.); No further action required by counsel cc: COR (LST) (Entered: 08/20/2010)
08/23/2010	108	NOTICE of Change of Address by Henry Rosen (Rosen, Henry) (Entered: 08/23/2010)
08/25/2010	109	NOTICE of Change of Address by Henry Rosen (Rosen, Henry) (Entered: 08/25/2010)
09/01/2010	110	STATUS REPORT <i>to advise the Court of the status of their petition for certiorari</i> by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund. (Rosen, Henry) (Entered: 09/01/2010)
09/02/2010		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 110 Status Report (LST) (Entered: 09/02/2010)
09/17/2010	111	NOTICE by Cement Mason Local 526 Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund <i>NOTICE OF</i>

		<i>WITHDRAWAL OF APPEARANCE</i> (Huang, Shirley) (Entered: 09/17/2010)
09/20/2010		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 111 Notice of Withdrawal of Appearance (LST) (Entered: 09/20/2010)
11/08/2010	112	CERTIFIED COPIES OF STIPULATION TO DISMISS THE PETITION FOR WRIT OF CERTIORARI and ORDER OF DISMISSAL pursuant to Rule 46.1 of the Rules of the Supreme Court of the United States (LST) (Entered: 11/08/2010)
11/10/2010	113	STATUS REPORT <i>Request for Status Conference</i> by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc.. (Robinson, William) (Entered: 11/10/2010)
11/10/2010	114	ORDER re 112 Pliffs file a Status Report no later than 11/20/2010, advising the court if this matter is resolved in its entirety or if there is a matter in the within action that needs to proceed. Signed by Judge William O. Bertelsman on 11/10/2010.(LMB)cc: COR (Entered: 11/10/2010)
11/17/2010	115	ORDER re 113 Status Report (<u>A STATUS CONFERENCE</u> is set for 1/4/2011 at 01:00 PM in COVINGTON before Judge William O. Bertelsman.). Signed by Judge William O. Bertelsman on 11/17/2010.(LMB)cc: COR (Entered: 11/17/2010)
11/19/2010	116	AMENDED ORDER re 115 Order; 1)A Status Conference is set for 1/3/2011 at 1:00PM in Covington before Judge William O. Bertelsman; 2)In light of the status report filed by defs, this Court's order requiring plas to file a status report by 11/20/2010 is vacated . Signed by Judge William O. Bertelsman on 11/19/2010.(LST)cc: COR (Entered: 11/19/2010)
11/24/2010	117	ORDER; 1)Above-named counsel are stricken as counsel for the indicated parties. Signed by Judge William O. Bertelsman on 11/24/2010.(LST)cc: COR (Entered: 11/24/2010)
12/30/2010	118	MOTION for Leave by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund <i>to File the [Proposed] Second Amended Consolidated Complaint for Violations of Section 11 of the Securities Act of 1933</i> (Attachments: # 1 Memorandum in Support, # 2 Exhibit [Proposed] Second Amended Consolidated Complaint for Violations of Section 11 of the Securities Act of 1933, # 3 Exhibit Complaint, Kammerer v. Omnicare, Inc., # 4 Exhibit Complaint, Maguire v. Omnicare, Inc., # 5 Exhibit Complaint, Lisitza v. Omnicare, Inc., # 6 Exhibit Attorney General Tony Wests Remarks, # 7 Exhibit November 3, 2009 DOJ Press Release, # 8 Exhibit Complaint, United States v. Johnson & Johnson, # 9 Exhibit September 25, 2001 Omnicare - Current Analysis & Recommendations, # 10 Exhibit April 1997 Supply Agreement, # 11 Exhibit June 12, 1997 Memorandum, # 12 Exhibit April 1999 Supply Agreement, # 13 Exhibit July 19, 1999 Omnicare Memorandum, # 14 Exhibit Complaint, United States v. Omnicare, Inc., # 15 Exhibit Part One - Complaint, United States v. Omnicare, Inc., # 16 Exhibit Part two - Complaint, United States v. Omnicare, Inc., # 17 Exhibit August 12, 2003 E-mails, # 18 Exhibit November 11 & 25, 2003 E-mails, # 19 Exhibit Letter from Charles G. Atkins of Strauss & Troy, # 20 Exhibit March 10, 2003 Omnicare Memorandum, # 21 Exhibit June 1, 2000 Omnicare Physician Authorization Letter Template, # 22 Exhibit Settlement Agreement between the State of Michigan and Omnicare, Inc. (2006), # 23 Exhibit Settlement Agreement between DOJ and Omnicare, Inc. (2006), # 24 Exhibit E-mails from Bruce Cummins re Omnicare Rebate Dilemma, # 25 Exhibit February 1, 1999 Amendment to Supply

		Agreement, # 26 Exhibit August 25, 1998 Memorandum, # 27 Exhibit Consulting and Services Agreement Payment Schedule, 3Q00-1Q04, # 28 Exhibit Consulting Services Agreement, # 29 Exhibit Omnicare Profile for 2Q 2000, # 30 Exhibit October 1, 2000 Amendment to Supply Agreement, # 31 Exhibit July 8, 19 & 22, 2002 E-mails, # 32 Exhibit June 15, 1999 Letter, # 33 Exhibit January 2002 Long-Term Care Group Monthly Report, # 34 Exhibit April 16, 2003 Letter, # 35 Exhibit November 23, 2001 Memorandum, # 36 Exhibit July 2001 Long-Term Care Group Monthly Report, # 37 Exhibit June 19, 21 & 28, 2002 E-mails, # 38 Exhibit 1998/1999 Rebate Omnicare, # 39 Exhibit PowerPoint Presentation re Omnicare 2000 Business Plan, # 40 Exhibit Omnicare Company Profile, # 41 Exhibit June 19 & 21, 2002 E-mails, # 42 Exhibit December 15, 1999, Long-Term Care Group Update, # 43 Exhibit February 7 & 9, 2003 E-mails, # 44 Exhibit Complaint, United States v. Omnicare, Inc. and Ivax Pharms., Inc., # 45 Exhibit Financial Results Summary Schedule, # 46 Proposed Order)(Rosen, Henry) (Entered: 12/30/2010)
01/04/2011	119	MINUTE ENTRY ORDER FOR STATUS CONFERENCE held on 1/3/2011 before Judge William O. Bertelsman: Dfts. file resp. to plfs' motion for leave to amend 118 , as well as any motion they deem appropriate on or before 2/4/2011 ; Plfs. file reply in support of motion for leave to amend, as well as responses to any motions by dfts., on or before 3/4/11 . Dfts file reply in support of any motins on or before 3/25/11 . (Court Reporter JOAN AVERDICK.). Signed by Judge William O. Bertelsman on 1/4/2011. (KRS)cc: COR (Entered: 01/04/2011)
02/04/2011	120	NOTICE OF FILING by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. <i>Notice of Filing Renewed Motion to Dismiss Plaintiffs' Claim for Violation of Section 11 of the Securities Act of 1933 and Opposition to Plaintiffs' Motion for Leave to File a Third Amended Complaint</i> (Robinson, William) (Entered: 02/04/2011)
02/04/2011	121	RESPONSE in Opposition re 118 MOTION for Leave by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund to <i>File the [Proposed] Second Amended Consolidated Complaint for Violations of Section 11 of the Securities Act of 1933 and Memorandum of Points and Authorities in Support of Defendants' Renewed Motion to Dismiss Plaintiffs' Claim for Violation of Section 11 of the Securities Act of 1933</i> filed by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc.. (Attachments: # 1 Declaration of Wm. T. Robinson III, # 2 Exhibit A -- Indiana State Dist. Council of Laborers & Hod Carriers Pension & Welfare Fund v. Omnicare, Inc., 583 F. 3d 935 (6th Cir. 2009), # 3 Exhibit B -- Plaintiffs Second Amended Complaint, # 4 Exhibit C -- January 26, 2007 Order granting plaintiffs Motion to File a Second Amended Complaint, # 5 Exhibit D -- Schedule A to Certificate of Laborers District Council, filed on or about April 3, 2006, # 6 Exhibit E -- Schedule A to the Certificate of Cement Masons, filed on or about January 26, 2007, # 7 Exhibit F -- Plaintiffs Reply in Support of Motion to file Second Amended Complaint, # 8 Exhibit G -- Omnicares Form 8-K filed on January 13, 2006, # 9 Exhibit H -- Cincinnati Enquirer article published on January 13, 2006 entitled Omnicare Site Searched, # 10 Exhibit I - - Cincinnati Enquirer article published on January 27, 2006 entitled Omnicare Offices in Michigan Raided, # 11 Exhibit J -- Indiana State Dist. Council of Laborers & Hod Carriers Pension & Welfare Fund v. Omnicare, Inc., 527 F. Supp. 2d 698 (E.D. Ky. 2007), # 12 Exhibit K -- 2005 Form 10-K filed on March 16, 2006, # 13 Exhibit L -- 2009 Form 10-K filed on February 25, 2010, # 14 Exhibit M -- 3Q 2005 10-Q/A filed

		on November 23, 2005, # 15 Exhibit N -- 2Q 2005 10-Q filed on August 9, 2005, # 16 Exhibit O -- 1Q 2006 10-Q filed on May 10, 2006, # 17 Exhibit P -- press release dated November 3, 2009 and entitled Omnicare Completes Voluntary Settlement, # 18 Proposed Order)(Robinson, William) Modified to clean up docket text on 2/7/2011 (LST). (Entered: 02/04/2011)
02/04/2011	125	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT'S RENEWED MOTION to Dismiss Plaintiff's Claim for Violations of 11 of The Securities Act of 1933 by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. <u>filed Pursuant to QC re 121</u> (Attachments: # 1 Declaration of Wm. T. Robinson III, # 2 Exhibit A - Indiana State Dist. Counsel of Laborers & Hod Carriers Pension, # 3 Exhibit B - Plaintiffs Second Amended Complaint, # 4 Exhibit C - January 26, 2007 Order granting Plaintiffs Motion to file, # 5 Exhibit D - Schedule A to Certificate of Laborers District Counsel, # 6 Exhibit E - Schedule A to the Certificate of Cement Masons, # 7 Exhibit F - Plaintiffs Reply in Support of Motion to file, # 8 Exhibit G - Omnicares Form 8-K filed on 1/13/2006, # 9 Exhibit H - Cincinnati Enquirer article published on 1/13/2006, # 10 Exhibit I - Cincinnati Enquirer article published on 1/27/2006, # 11 Exhibit J - Indiana State Dist. Council of Laborers 7 Hod Carriers Pension, # 12 Exhibit K - 2005 Form 10-K filed on 3/16/2006, # 13 Exhibit L - 2009 Form 10-K filed on 2/25/2010, # 14 Exhibit M - 3Q 2005 10-Q/A filed on 11/23/2005, # 15 Exhibit N - 2Q 2005 10-Q filed on 8/9/2005, # 16 Exhibit O - 1Q 2006 10-Q filed on 5/10/2006, # 17 Exhibit P - press release dated 11/3/2009, # 18 Proposed Order)(LST) (Entered: 03/08/2011)
02/11/2011	122	MOTION to Withdraw as Attorney by Donna Chi (Topaz, Marc) (Additional attachment(s) added on 2/14/2011: # 1 Proposed Order) (LST). (Entered: 02/11/2011)
02/14/2011		NOTICE OF DOCKET MODIFICATION TO Marc Topaz re 122 MOTION to Withdraw as Attorney by Donna Chi; Error: The proposed order was filed together with the motion instead of as a separate attachment; Entry by attorney; Correction: Clerk added the proposed order as a separate attachment. In the future, file each exhibit separately from one another and separate from the main document; No further action required by counsel. cc: COR (LST) (Entered: 02/14/2011)
03/04/2011	123	REPLY to Response to Motion re 118 MOTION for Leave by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund <i>to File the [Proposed] Second Amended Consolidated Complaint for Violations of Section 11 of the Securities Act of 1933</i> filed by Cement Mason Local 526 Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Attachments: # 1 Exhibit A - Corporate Integrity Agreement, # 2 Exhibit B (part 1 of 2) - 2010 Form 10-K, # 3 Exhibit B (part 2 of 2) - 2010 Form 10-K)(Rosen, Henry) Modified to clean up docket text on 3/9/2011 (LST). (Entered: 03/04/2011)
03/04/2011	124	MOTION for Hearing re 118 MOTION for Leave by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund <i>to File the [Proposed] Second Amended Consolidated Complaint for Violations of Section 11 of the Securities Act of 1933</i> 120 Notice of Filing, 123 Reply to Response to Motion, 121 Response in Opposition to Motion by Cement Mason Local 526 Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund (Attachments: # 1 Proposed Order)(Rosen, Henry) Modified to clean up text on 3/9/2011 (LST). (Entered: 03/04/2011)

03/07/2011		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: re 118 MOTION for Leave by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund <i>to File the [Proposed] Second Amended Consolidated Complaint for Violations of Section 11 of the Securities Act of 1933</i> (LST) Modified to clean up text on 3/9/2011 (LST). (Entered: 03/07/2011)
03/08/2011		NOTICE OF DOCKET MODIFICATION TO William Robinson re 121 Response in Opposition to Motion; Error: This is a Response AND a Renewed Motion to Dismiss. The pleading was filed only as a Response when the document should be filed as two separate entries.; Entry by attorney; Correction: Clerk re-filed the pleading as a Renewed Motion 125 to Dismiss. In the future, when filing multiple pleadings within one filing, please refer to the ECF User Manual 'Filing Other Types of Documents' for the correct procedure.; No further steps required by counsel cc: COR (LST) (Entered: 03/08/2011)
03/08/2011	126	ORDER; 1)For clarification purposes, Clerk of court will docket defs' Renewed Motion to Dismiss as being filed on 2/4/2011; 2)Plas to file any further response thereto by 3/18/2011 ; 3)Any reply thereto shall be filed by 3/25/2011 . Signed by Judge William O. Bertelsman on 03/08/2011.(LST)cc: COR (Entered: 03/08/2011)
03/16/2011		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: re 122 MOTION to Withdraw as Attorney by Donna Chi (LST) (Entered: 03/16/2011)
03/18/2011	127	RESPONSE to Motion re 125 MOTION to Dismiss by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. filed by Cement Mason Local 526 Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. (Rosen, Henry) (Entered: 03/18/2011)
03/18/2011	128	ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL 122 : Attorney Richard A. Maniskas be permitted to w/draw as counsel for plf. Donna Chi. Signed by Judge William O. Bertelsman on 3/18/2011. (KRS)cc: COR (Entered: 03/21/2011)
03/25/2011	129	REPLY to Response to Motion re 125 MOTION to Dismiss by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. filed by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc.. (Robinson, William) (Entered: 03/25/2011)
03/28/2011		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: re 125 MOTION to Dismiss by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. (LST) (Entered: 03/28/2011)
03/29/2011		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: re 124 MOTION for Hearing re re 118 MOTION for Leave by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund <i>to File the [Proposed] Second Amended Consolidated Complaint for Violations of Section 11 of the Sec</i> (LST) (Entered: 03/29/2011)
05/02/2011	130	ORDER; 1)The 124 MOTION for oral argument is GRANTED ; 2) <u>ORAL ARGUMENT HEARING</u> re Plaintiff's 118 Motion to file Second Amended

		Complaint and Defendants' 125 Renewed motion to dismiss is set for 5/23/2011 at 01:00 PM in COVINGTON before Judge William O. Bertelsman.. Signed by Judge William O. Bertelsman on 05/02/2011.(LST)cc: COR (Entered: 05/02/2011)
05/03/2011	131	NOTICE of Appearance by Michael E. Nitardy on behalf of All Defendants (Nitardy, Michael) (Entered: 05/03/2011)
05/11/2011	132	ORDER: Oral Argument re: plfs' motion to file Second Amended Complaint 118 and dfts' renewed motion to dismiss 125 set for 5/23/2011, by agreement of counsel, is continued to WEDNESDAY, 7/13/2011 01:00 PM in COVINGTON before Judge William O. Bertelsman. Signed by Judge William O. Bertelsman on 5/11/2011.(KRS)cc: COR Modified to correct file date on 5/12/2011 (KRS). (Entered: 05/12/2011)
07/14/2011	133	MEMORANDUM OPINION AND ORDER; 1)Def's 125 Renewed Motion to Dismiss is GRANTED ; 2)Pla's 118 Motion to file a second amended complaint is GRANTED ; 3)Tendered Second Amended complaint is DEEMED FILED CONCURRENTLY . Signed by Judge William O. Bertelsman on 07/14/2011. (LST)cc: COR (Entered: 07/14/2011)
07/14/2011	134	SECOND AMENDED COMPLAINT CONSOLIDATED COMPLAINT FOR VIOLATIONS OF THE SECURITIES ACT OF 1933 against David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, filed by Cement Mason Local 526 Combined Funds, Donna Chi, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund. Filed Pursuant to 133 Order (Attachments: # 1 Exhibit 1 - Kammerer v. Omnicare, Inc. Complaint, # 2 Exhibit 2 - Maguire v. Omnicare, Inc. Complaint, # 3 Exhibit 3 - Lisitza v. Omnicare, Inc., # 4 Exhibit 4 - General Tony Wests Remarks, # 5 Exhibit 5 - November 3, 2009 DOJ Press Release, # 6 Exhibit 6 - United States v. Johnson and Johnson, # 7 Exhibit 7 - Omnicare - Current Analysis and Recommendations, # 8 Exhibit 8 - April 1997 Supply Agreement, # 9 Exhibit 9 - July 19, 1999 Omnicare Memorandum, # 10 Exhibit 10 - April 1999 Supply Agreement, # 11 Exhibit 11 - July 19, 1999 Omnicare Memorandum, # 12 Exhibit 12 - United States v. Omnicare, Inc., # 13 Exhibit 13 - Part One - United States v. Omnicare, Inc. Complaint, # 14 Exhibit 13 - Part Two - United States v. Omnicare, Inc. Complaint, # 15 Exhibit 14 - August 12, 2003 E-mails, # 16 Exhibit 15 - November 11 and 25, 2003 E-mails, # 17 Exhibit 16 - Letter from Charles G. Atkins of Strauss & Troy, # 18 Exhibit 17 - March 10, 2003 Omnicare Memorandum, # 19 Exhibit 18 - June 1, 2000 Omnicare Physician Authorization letter Template, # 20 Exhibit 19 - Settlement Agreement between the State of Michigan and Omnicare, Inc., # 21 Exhibit 20 - Settlement Agreement between DOJ and Omnicare, Inc., # 22 Exhibit 21 - E-mails from Bruce Bruce Cummins re Omnicare Rebate Dilemma, # 23 Exhibit 22 - February 1, 1999 Amendment to Supply Agreement, # 24 Exhibit 23 - August 25, 1998 Memorandum, # 25 Exhibit 24 - Consulting and Services Agreement Payment Schedule, 3Q00-1Q04, # 26 Exhibit 25 - Consulting Services Agreement, # 27 Exhibit 26 - Omnicare Profile for 2Q 2000, # 28 Exhibit 27 - October 1, 2000 Amendment to Supply Agreement, # 29 Exhibit 28 - July 8, 19 and 22, 2002 E-mails, # 30 Exhibit 29 - June 15, 1999 Letter, # 31 Exhibit 30 - January 2002 Long-Term Care Group Monthly Report, # 32 Exhibit 31 - April 16, 2003 Letter, # 33 Exhibit 32 - November 23, 2001 Memorandum, # 34 Exhibit 33 - July 2001 Long-Term Care Group Monthly Report, # 35 Exhibit 34 - June 19, 21 and 28, 2002 E-Mails, # 36 Exhibit 35 - Exhibit 1998/1999 Rebate Omnicare, # 37 Exhibit 36 - Power

		Point Presentation re Omnicare 2000 Business Plan, # 38 Exhibit 37 - Omnicare Company Profile, # 39 Exhibit 38 - June 19 and 21, 2002 E-mails, # 40 Exhibit 39 - December 15, 1999, Long-Germ Care Group Update, # 41 Exhibit 40 - February 7 & 9, 2003 E-mails, # 42 Exhibit 41 - U.S. v. Omnicare, Inc. and Ivax Pharms, Inc. Complaint, # 43 Exhibit 42 - Financial Results Summary Schedule)(LST) (Entered: 07/14/2011)
07/15/2011	135	TRANSCRIPT of Proceedings: ORAL ARGUMENT held on 7/13/11 before Judge William O. Bertelsman. Court Reporter: Joan Averdick, Telephone number (859) 291-9666. Transcript ordered by: Defendants. <u>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS</u> : In order to remove personal identifier data from the transcript, a party must follow the Court's policy regarding the Redaction Responsibility of Counsel and Parties. The policy governing the redaction of personal information is located on the court website at www.kyed.uscourts.gov . Read this policy carefully . Sample forms, i.e., a Notice of Intent to Redact, may be found on the court website by clicking on Local Forms . If there are no redactions requested, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available via PACER 90 days from today's date. The Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. Redaction Request due 8/8/2011. Redacted Transcript Deadline set for 8/18/2011. Release of Transcript Restriction set for 10/17/2011. (Entered: 07/15/2011)
07/27/2011	136	Proposed Agreed Order/Stipulation <i>Setting Briefing Schedule</i> by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc.. (Robinson, William) (Entered: 07/27/2011)
07/27/2011		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 136 Proposed Agreed Order/Stipulation (LST) (Entered: 07/27/2011)
07/28/2011	137	AGREED BRIEFING SCHEDULE; 1)Defs have up to/including 8/19/11 to move, answer or otherwise plead to Pla's Second Amended Complaint; 2)Plas to have up to/including 9/23/11 to file a memorandum in opposition to any motion to dismiss filed by defs; 3)Defs to have up to/including 10/7/11 to file a reply brief in response to any memorandum in opposition filed by plas.. Signed by Judge William O. Bertelsman on 07/28/2011.(LST)cc: COR (Entered: 07/28/2011)
08/19/2011	138	MOTION to Dismiss by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. (Attachments: # 1 Memorandum of Points and Authorities in Support of Motion to Dismiss Plaintiffs' Third Amended Consolidated Complaint, # 2 Declaration of Wm. T. Robinson III, # 3 Ex A - Third Amended Consolidated Complaint (Doc #: 134), # 4 Ex B - December 2005 Registration Statement, # 5 Ex C - July 14, 2011 Order granting plaintiffs Motion to File a Second Amended Complaint and defendants Renewed Motion to Dismiss (Doc #: 133), # 6 Ex D - Press release dated November 3, 2009 and entitled Omnicare Completes Voluntary Settlement, # 7 Ex E - Schedule A to the Certificate of Laborers District Council, filed on or about April 3, 2006, # 8 Ex F - Schedule A to the Certificate of Cement Masons, filed on or about January 26, 2007, # 9 Ex G - Plaintiffs Reply in Support of Motion for Leave to File First Amended Consolidated Complaint (Doc #: 43), # 10 Ex H - Omnicares stock closing prices from January 1, 2006 December 31, 2009, available from Nasdaq.com, # 11 Ex I - October 12, 2007 Order granting defendants Motion to Dismiss (Doc #: 93), # 12 Ex J - Sixth Circuits opinion

		in this case, Indiana State Dist. Council of Laborers & Hod Carriers Pension & Welfare Fund v. Omnicare, Inc., 583 F. 3d 935 (6th Cir. 2009) (Doc: #96), # 13 Ex K - 2005 Form 10-K, # 14 Ex L - 2006 Form 10-K, # 15 Ex M - 2007 Form 10-K, # 16 Ex N - 2008 Form 10-K, # 17 Ex O - 2009/2010 Form 10-K, # 18 Ex P - 2010 Form 10-K, # 19 Ex Q - Omnicare's Form 8-K filed on January 13, 2006, # 20 Ex R - Reuters News article published on January 13, 2006 entitled Omnicare Says Gets Subpoena From U.S. Attorney, # 21 Ex S - Business First article published on January 16, 2006 entitled Omnicare Subpoenaed in Generic Drug Probe, # 22 Ex T - TheStreet.com article published on January 17, 2006 entitled Probe News Punishes Omnicare Shares, # 23 Ex U - Cincinnati Enquirer article published on January 19, 2006 entitled Omnicare, Inc. Site Searched, # 24 Ex V - Cincinnati Enquirer article published on January 27, 2006 entitled Omnicare Offices in Mich. Raided, # 25 Proposed Order)(Robinson, William) (Entered: 08/19/2011)
09/23/2011	139	RESPONSE in Opposition re 138 MOTION to Dismiss by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. filed by Cement Mason Local 526 Combined Funds, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund, Laborers District Council Construction Industry Pension Fund. (Attachments: # 1 Exhibit A, Form 10-K for fiscal year ended Dec. 31, 2004, # 2 Exhibit B, Omnicare, Inc. Code of Business Conduct and Ethics, # 3 Proposed Order Denying Defendants' Motion to Dismiss)(Rosen, Henry) (Entered: 09/23/2011)
09/30/2011	140	Proposed Agreed Order/Stipulation <i>to extend time to file a reply brief in response to the Response in Opposition filed by Plaintiffs on September 23, 2011 at DE# 139</i> by Cement Mason Local 526 Combined Funds, Donna Chi, David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Indiana State District Council of Laborers and Hod Carriers Pension and Welfare Fund, Laborers District Council Construction Industry Pension Fund, Sandra E. Laney, Omnicare, Inc.. (Robinson, William) (Entered: 09/30/2011)
10/03/2011		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 140 Proposed Agreed Order/Stipulation,, (LST) (Entered: 10/03/2011)
10/03/2011	141	AGREED ORDER EXTENDING TIME; 1)Defs to have up to and including 10/21/11 to file a Reply Brief to 139 Response in Opposition to Motion. Signed by Judge William O. Bertelsman on 10/3/11.(LST)cc: COR (Entered: 10/03/2011)
10/21/2011	142	REPLY to 138 MOTION to Dismiss filed by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc.. (Attachments: # 1 Exhibit Nitardy Reply Declaration, # 2 Exhibit Exhibit to Nitardy Reply Declaration)(Robinson, William) Modified to better describe on 10/24/2011 (LST). (Entered: 10/21/2011)
10/24/2011		NOTICE RE: DOCUMENT CONVERSION REQUIREMENT TO William Robinson re 142 REPLY, ; Error: the pleading was scanned instead of converted into PDF format directly from the native word application. Use a scanner ONLY if you cannot electronically prepare your documents with a word processing software package and convert them to PDF format. No further action required by counsel. cc: COR (LST) (Entered: 10/24/2011)
10/24/2011		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for

		review: re 138 MOTION to Dismiss by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. (LST) (Entered: 10/24/2011)
10/27/2011	143	MOTION for Hearing re 138 MOTION to Dismiss by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. by David W. Froesel, Jr, Joel F. Gemunder, Cheryl D. Hodges, Edward L. Hutton, Sandra E. Laney, Omnicare, Inc. (Attachments: # 1 Proposed Order)(Robinson, William) (Entered: 10/27/2011)
12/09/2011		***MOTION SUBMITTED TO CHAMBERS of Judge William O. Bertlesman for review: re 143 MOTION for Hearing re 138 MOTION to Dismiss (LST) (Entered: 12/09/2011)
12/19/2011	144	ORDER; 1)Def's 143 MOTION to set oral argument is granted; 2)Oral Argument re 138 MOTION to Dismiss is set for 1/26/2012 at 11:00 AM in COVINGTON before Judge William O. Bertelsman. Signed by Judge William O. Bertelsman on 12/19/2011.(LST)cc: COR (Entered: 12/20/2011)
01/23/2012	145	NOTICE of Appearance by Gerald L. Baldwin on behalf of All Defendants (Baldwin, Gerald) (Entered: 01/23/2012)
01/27/2012	146	MINUTE ENTRY ORDER FOR MOTION HEARING held on 1/27/2012 before Judge William O. Bertelsman: 1) Said MOTION 138 is TAKEN UNDER SUBMISSION . (Court Reporter JOAN AVERDICK.) Signed by Judge William O. Bertelsman on 1/27/2012. Signed by William O. Bertelsman. (ECO)cc: COR (Entered: 01/27/2012)
02/09/2012	147	TRANSCRIPT of Proceedings: ORAL ARGUMENT held on 1/26/12 before Judge William O. Bertelsman. Court Reporter: Joan Averdick, Telephone number (859) 291-9666. Transcript ordered by: Kevin Murphy, Esq.. <u>IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS</u> : In order to remove personal identifier data from the transcript, a party must follow the Court's policy regarding the Redaction Responsibility of Counsel and Parties. The policy governing the redaction of personal information is located on the court website at www.kyed.uscourts.gov . Read this policy carefully . Sample forms, i.e., a Notice of Intent to Redact, may be found on the court website by clicking on Local Forms . If there are no redactions requested, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available via PACER 90 days from today's date. The Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. Redaction Request due 3/5/2012. Redacted Transcript Deadline set for 3/15/2012. Release of Transcript Restriction set for 5/14/2012. (Entered: 02/09/2012)
02/13/2012	148	MEMORANDUM, OPINION AND ORDER; 1)Def's 138 Motion to Dismiss Pla's Third amended complaint is GRANTED ; 2)A separate Judgment to enter concurrently. Signed by Judge William O. Bertelsman on 2/13/2012. (LST)cc: COR (Entered: 02/13/2012)
02/13/2012	149	JUDGMENT; 1)Entered in favor of defendants; 2)Complaint is dismissed ; 3)Matter is stricken from the docket of this Court. Signed by Judge William O. Bertelsman on 2/13/2012.(LST)cc: COR (Entered: 02/13/2012)

03/12/2012	150	NOTICE OF APPEAL as to 149 Judgment by Cement Mason Local 526 Combined Funds, Laborers District Council Construction Industry Pension Fund. Filing fee \$ 455, receipt number 0643-2291611. (Rosen, Henry) (Entered: 03/12/2012)
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