

**U.S. District Court
Eastern District of Michigan (Detroit)
CIVIL DOCKET FOR CASE #: 2:06-cv-10201-NGE-WC**

J and R Marketing , SEP v. General Motors Corporation et al

Date Filed: Jan. 13, 2006
Status: Closed
Nature of suit: 850 Securities/Commodities
Assigned to: District Judge Nancy G Edmunds
Honorable Wallace Capel
Case in other court: U.S. Court of Appeals - Sixth Circuit, 07-01411
Wayne County Circuit Court, 05-536665 CZ
Cause: No cause code entered
Date terminated: Feb. 27, 2007
Jurisdiction: Federal Question
Jury demand: Plaintiff

Parties and Attorneys

Plaintiff

J and R Marketing , SEP

Attorneys and Firms

Jacob A. Goldberg
Faruqi and Faruqi
369 Lexington Avenue
10th Floor
New York, NY 10017
(215) 914-2460
Fax: (215) 914-2462
jgoldberg@faruqilaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen F. Wasinger
Stephen F. Wasinger
100 Beacon Centre
26862 Woodward Avenue
Royal Oak, MI 48067
(248) 544-1500
Fax: (248) 544-1501
sfw@sfwlaw.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Consol Plaintiff

Alex Mager

Consolidated case 06-10727

Attorneys and Firms

Deborah R. Gross

1515 Locust Street

2nd Floor

Philadelphia, PA 19102

(215) 561-3600

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Stephen F. Wasinger

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jacob A. Goldberg

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

General Motors Corporation

Attorneys and Firms

Dennis M. Barnes

Barris, Sott,

211 W. Fort Street

Suite 1500

Detroit, MI 48226-3281

(313) 965-9725

dbarnes@bsdd.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert J. Kopecky

Kirkland & Ellis

200 E. Randolph Drive

Chicago, IL 60601

(312) 861-2000

Fax: (312) 861-2084

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Timothy A. Duffy

Kirkland & Ellis

200 E. Randolph Drive

Chicago, IL 60601

(312) 861-2000

tduffy@kirkland.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Matthew R. Millikin

Barris, Sott,

211 W. Fort Street

Suite 1500

Detroit, MI 48226-3281
(313) 965-9725
mmillikin@bsdd.com
ATTORNEY TO BE NOTICED

Defendant

General Motors Acceptance Corporation

Attorneys and Firms

Dennis M. Barnes

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Kopecky

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy A. Duffy

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew R. Millikin

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

ABN Amro Financial Services, Incorporated

TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo

Simpson, Thacher,
425 Lexington Avenue
New York, NY 10017
(212) 455-2000
bangiolillo@stblaw.com
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.

Miller, Canfield,
150 W. Jefferson Avenue
Suite 2500
Detroit, MI 48226-4415
(313) 963-6420
Fax: (313) 496-7500
pozza@millercanfield.com
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Elbaum

Sinutko & Sinutko
25805 Harper Avenue
St. Clair Shores, MI 48081-2263
(212) 455-2861

delbaum@stblaw.com
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elisa M. Angeli

Miller, Canfield, (Detroit)
150 W. Jefferson Avenue
Suite 2500
Detroit, MI 48226-4415
(313) 963-6420

angeli@millercanfield.com
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jill M. Wheaton

Dykema Gossett
2723 S. State Street
Suite 400
Ann Arbor, MI 48104-6188
(734) 214-7660

jwheaton@dykema.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael P. Coakley

Miller, Canfield,
150 W. Jefferson Avenue
Suite 2500
Detroit, MI 48226-4415
(313) 496-7531

Fax: (313) 496-8454
coakley@millercanfield.com
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas C. Rice

Simpson, Thacher,
425 Lexington Avenue
New York, NY 10017
(212) 455-3040

trice@stblaw.com
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas M. Schehr

Dykema Gossett
400 Renaissance Center
Detroit, MI 48243
(313) 568-6800
Fax: (313) 568-6659
tschehr@dykema.com

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

A G Edwards and Sons, Incorporated

TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

David Elbaum

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Elisa M. Angeli

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jill M. Wheaton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael P. Coakley

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas C. Rice

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas M. Schehr

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Charles Schwab and Company, Incorporated

TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

David Elbaum

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Elisa M. Angeli

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jill M. Wheaton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael P. Coakley

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas C. Rice

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas M. Schehr

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Eric Feldstein

Attorneys and Firms

Dennis M. Barnes

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Robert J. Kopecky

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Timothy A. Duffy

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Matthew R. Millikin

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

William F. Muir

Attorneys and Firms

Dennis M. Barnes

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Kopecky

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy A. Duffy

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew R. Millikin

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Linda K. Zukauckas

Attorneys and Firms

Dennis M. Barnes

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Kopecky

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy A. Duffy

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew R. Millikin

(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Richard J.S. Clout

Attorneys and Firms

Dennis M. Barnes

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Kopecky

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy A. Duffy

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Matthew R. Millikin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
John E. Gibson

Attorneys and Firms
Dennis M. Barnes
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Robert J. Kopecky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Timothy A. Duffy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Matthew R. Millikin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
W. Allen Reed

Attorneys and Firms
Dennis M. Barnes
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Robert J. Kopecky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Timothy A. Duffy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Matthew R. Millikin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Walter G. Borst

Attorneys and Firms
Dennis M. Barnes
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Robert J. Kopecky

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy A. Duffy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew R. Millikin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
John M. Devine

Attorneys and Firms
Dennis M. Barnes
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Kopecky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy A. Duffy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew R. Millikin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Gary L. Cowger

Attorneys and Firms
Dennis M. Barnes
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Kopecky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy A. Duffy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew R. Millikin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
G. Richard Wagoner, Jr.

Attorneys and Firms
Dennis M. Barnes

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert J. Kopecky
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Timothy A. Duffy
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew R. Millikin
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Citigroup Global Markets, Incorporated
TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Elbaum
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elisa M. Angeli
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jill M. Wheaton
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael P. Coakley
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas C. Rice
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY

ATTORNEY TO BE NOTICED
Thomas M. Schehr
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Edward D. Jones and Company, L. P.
TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Elbaum
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elisa M. Angeli
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jill M. Wheaton
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael P. Coakley
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas C. Rice
(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas M. Schehr
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Fidelity Capital Markets

Attorneys and Firms

Bruce D. Angiolillo

A Division of National Financial Services, L. L. C.
TERMINATED: 08/28/2006

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Elbaum

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elisa M. Angeli

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jill M. Wheaton

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael P. Coakley

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas C. Rice

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas M. Schehr

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Merrill Lynch, Pierce, Fenner and Smith, Incorporated
TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Elbaum

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elisa M. Angeli

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jill M. Wheaton

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael P. Coakley

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas C. Rice

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas M. Schehr

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Morgan Stanley and Company, Incorporated
TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Elbaum

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elisa M. Angeli

(See above for address)
TERMINATED: 06/21/2006
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jill M. Wheaton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael P. Coakley

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas C. Rice

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas M. Schehr

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

UBS Financial Services, Incorporated

TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

David Elbaum

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Elisa M. Angeli

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jill M. Wheaton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael P. Coakley

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas C. Rice

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas M. Schehr

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Wachovia Securities, Limited

TERMINATED: 08/28/2006

Attorneys and Firms

Bruce D. Angiolillo

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Clarence L. Pozza, Jr.

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

David Elbaum

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Elisa M. Angeli

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jill M. Wheaton

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Michael P. Coakley

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas C. Rice

(See above for address)

TERMINATED: 06/21/2006

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Thomas M. Schehr

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Movant
Milton Brafman

Attorneys and Firms
Jacob A. Goldberg
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Stephen F. Wasinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant
Michael A. Ramsay

Attorneys and Firms
Jacob A. Goldberg
(See above for address)
LEAD ATTORNEY
Stephen F. Wasinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant
Zielezienski

Attorneys and Firms
Stephen F. Wasinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Jacob A. Goldberg
(See above for address)
ATTORNEY TO BE NOTICED

Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
<u>1</u>	Jan. 13, 2006	1	NOTICE OF REMOVAL by ABN Amro Financial Services, Incorporated, A. G. Edwards and Sons, Incorporated, Charles Schwab and Company, Incorporated, Eric Feldstein, William F. Muir, Linda K. Zukauckas, John E. Gibson, W. Allen Reed, Walter G. Borst, John M. Devine, Gary L. Cowger, G. Richard Wagoner, Jr, Citigroup Global Markets, Incorporated, Edward D. Jones and Company, L. P., General Motors Corporation, Fidelity Capital Markets, Merrill Lynch, Pierce, Fenner and Smith, Incorporated, Morgan Stanley and Company, Incorporated, UBS Financial Services, Incorporated, Wachovia Securities, Limited, and General Motors Acceptance Corporation from Wayne County Circuit Court, case number 05-536665 CZ; Receipt No: 536862 - Fee: \$ 250 (Attachments: # 1)(JJoh,) (Entered: 01/17/2006)
<u>2</u>	Jan. 13, 2006	2	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by Morgan Stanley and Company, Incorporated.(DPer,) (Entered: 01/17/2006)

Req #	Filed	#	Docket Text
<u>3</u>	Jan. 13, 2006	3	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by Merrill Lynch, Pierce, Fenner and Smith, Incorporated.(DPer,) (Entered: 01/17/2006)
<u>4</u>	Jan. 13, 2006	4	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by Fidelity Capital Markets.(DPer,) (Entered: 01/17/2006)
<u>5</u>	Jan. 13, 2006	5	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by Citigroup Global Markets, Incorporated.(DPer,) (Entered: 01/17/2006)
<u>6</u>	Jan. 13, 2006	6	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by Charles Schwab and Company, Incorporated.(DPer,) (Entered: 01/17/2006)
<u>7</u>	Jan. 13, 2006	7	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by A. G. Edwards and Sons, Incorporated.(DPer,) (Entered: 01/17/2006)
<u>8</u>	Jan. 13, 2006	8	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by ABN Amro Financial Services, Incorporated.(DPer,) (Entered: 01/17/2006)
<u>9</u>	Jan. 13, 2006	9	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by Wachovia Securities, Limited.(DPer,) (Entered: 01/17/2006)
<u>10</u>	Jan. 13, 2006	10	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by UBS Financial Services, Incorporated.(DPer,) (Entered: 01/17/2006)
<u>11</u>	Jan. 13, 2006	11	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by General Motors Acceptance Corporation.(DPer,) (Entered: 01/17/2006)
<u>12</u>	Jan. 13, 2006	12	STATEMENT OF DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST by General Motors Corporation.(DPer,) (Entered: 01/17/2006)
<u>13</u>	Jan. 19, 2006	13	ORDER of DISQUALIFICATION and REASSIGNING CASE from Judge Avern Cohn to Judge George Caram Steeh. Signed by Honorable Avern Cohn. (SSchoe,) (Entered: 01/19/2006)
<u>14</u>	Jan. 27, 2006	14	ORDER of DISQUALIFICATION and REASSIGNING CASE from Judge George Caram Steeh to Judge Nancy G Edmunds. Signed by Honorable George Caram Steeh. (SSchoe,) (Entered: 01/27/2006)
<u>15</u>	Feb. 02, 2006	15	NOTICE of Appearance by Matthew R. Millikin on behalf of Eric Feldstein, William F. Muir, Linda K. Zukauckas, Richard J.S. Clout, John E. Gibson, W. Allen Reed, Walter G. Borst, John M. Devine, Gary L. Cowger, G. Richard Wagoner, Jr, General Motors Corporation, General Motors Acceptance Corporation. (Millikin, Matthew) (Entered: 02/02/2006)
<u>16</u>	Feb. 10, 2006	16	NOTICE of Appearance by Timothy A. Duffy on behalf of Eric Feldstein, William F. Muir, Linda K. Zukauckas, Richard J.S. Clout, John E. Gibson, W. Allen Reed, Walter G. Borst, John M. Devine, Gary L. Cowger, G. Richard Wagoner, Jr, General Motors Corporation, General Motors Acceptance Corporation. (Duffy, Timothy) (Entered: 02/10/2006)

Req #	Filed	#	Docket Text
17	Feb. 21, 2006	17	Joint MOTION for Extension of Time to File Answer Joint Motion and Brief in Support of Joint Motion for Extension of Time by General Motors Corporation. (Barnes, Dennis) (Entered: 02/21/2006)
18	Feb. 23, 2006	18	ORDER granting 17 Motion for Extension of Time to Answer (see order) - Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 02/23/2006)
19	Feb. 24, 2006	19	MOTION to consolidate cases, appoint lead plaintiffs, and appoint lead and liason counsel by all plaintiffs. (Attachments: # 1 Index of Exhibits # 2 Exhibit 1: Declaration of Jacob Goldberg)(Wasinger, Stephen) (Entered: 02/24/2006)
20	Mar. 08, 2006	20	ORDER granting 19 Motion Consolidating Cases- Signed by Honorable Nancy G Edmunds. Associated Cases: 2:06-cv-10201-NGE-WC,2:06-cv-10727-NGE-WC(DWor,) (Entered: 03/09/2006)
21	Mar. 14, 2006	21	NOTICE of Change of Attorney Information by Alex Mager, J and R Marketing, SEP. (Wasinger, Stephen) (Entered: 03/14/2006)
22	Apr. 05, 2006	22	NOTICE TO APPEAR: Pretrial/Status Conference set for 4/13/2006 11:00 AM before Honorable Nancy G Edmunds. (CHem,) (Entered: 04/05/2006)
23	Apr. 20, 2006	23	ATTORNEY APPEARANCE: Bruce D. Angiolillo appearing on behalf of ABN Amro Financial Services, Incorporated, A. G. Edwards and Sons, Incorporated, Charles Schwab and Company, Incorporated, Citigroup Global Markets, Incorporated, Edward D. Jones and Company, L. P., Fidelity Capital Markets, Merrill Lynch, Pierce, Fenner and Smith, Incorporated, Morgan Stanley and Company, Incorporated, UBS Financial Services, Incorporated, Wachovia Securities, Limited.(Angiolillo, Bruce) (Entered: 04/20/2006)
24	Apr. 20, 2006	24	ATTORNEY APPEARANCE: Thomas C. Rice appearing on behalf of ABN Amro Financial Services, Incorporated, A. G. Edwards and Sons, Incorporated, Charles Schwab and Company, Incorporated, Citigroup Global Markets, Incorporated, Edward D. Jones and Company, L. P., Fidelity Capital Markets, Merrill Lynch, Pierce, Fenner and Smith, Incorporated, Morgan Stanley and Company, Incorporated, UBS Financial Services, Incorporated, Wachovia Securities, Limited.(Rice, Thomas) (Entered: 04/20/2006)
25	Apr. 20, 2006	25	ATTORNEY APPEARANCE: David Elbaum appearing on behalf of ABN Amro Financial Services, Incorporated, A. G. Edwards and Sons, Incorporated, Charles Schwab and Company, Incorporated, Citigroup Global Markets, Incorporated, Edward D. Jones and Company, L. P., Fidelity Capital Markets, Merrill Lynch, Pierce, Fenner and Smith, Incorporated, Morgan Stanley and Company, Incorporated, UBS Financial Services, Incorporated, Wachovia Securities, Limited.(Elbaum, David) (Entered: 04/20/2006)
26	Apr. 20, 2006	26	ATTORNEY SUBSTITUTION for ABN Amro Financial Services, Incorporated, A. G. Edwards and Sons, Incorporated, Charles Schwab and Company, Incorporated, Citigroup Global Markets, Incorporated, Edward D. Jones and Company, L. P., Fidelity Capital Markets, Merrill Lynch, Pierce, Fenner and Smith, Incorporated, Morgan Stanley and Company, Incorporated, UBS Financial Services, Incorporated, Wachovia Securities, Limited: Bruce D. Angiolillo added. Simpson

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			Thacher & Bartlett LLP hereby substituted for Holland & Knight LLP as counsel to Underwriter Defendants.(Angiolillo, Bruce) (Entered: 04/20/2006)
27	Apr. 26, 2006	27	NOTICE TO APPEAR: Status Conference set for 5/25/2006 10:00 AM before Honorable Nancy G Edmunds. (CHem,) (Entered: 04/26/2006)
28	May 11, 2006	28	NOTICE of Joinder/Concurrence in 19 MOTION to consolidate cases, appoint lead plaintiffs, and appoint lead and liason counsel filed by J and R Marketing, SEP, by Zielezienski (Wasinger, Stephen) (Entered: 05/11/2006)
29	May 25, 2006	29	ORDER consolidating J&R Marketing and Zieliznski cases, granting motion for appointment of lead plaintiffs and for approval of lead plaintiffs' selection of lead counsel and liaison counsel, case 06-711784 is closed for administrative purposes, and all subsequent pleading shall be entered under the lower case number of 06-10201. Signed by Honorable Nancy G Edmunds. (DHame,) (Entered: 05/25/2006)
30	May 25, 2006		Minute Entry -Status Conference Not Held before Honorable Nancy G Edmunds. Disposition: conference to be re set after parties meet and confer (CHem,) (Entered: 05/25/2006)
31	Jun. 21, 2006	30	ATTORNEY SUBSTITUTION for ABN Amro Financial Services, Incorporated, A. G. Edwards and Sons, Incorporated, Charles Schwab and Company, Incorporated, Citigroup Global Markets, Incorporated, Edward D. Jones and Company, L. P., Fidelity Capital Markets, Merrill Lynch, Pierce, Fenner and Smith, Incorporated, Morgan Stanley and Company, Incorporated, UBS Financial Services, Incorporated, Wachovia Securities, Limited: Jill M. Wheaton added. Attorney Michael P. Coakley; David Elbaum; Clarence L. Pozza, Jr; Thomas C. Rice; Elisa M. Angeli and Bruce D. Angiolillo terminated. NOTICE OF APPEARANCE.(Wheaton, Jill) (Entered: 06/21/2006)
32	Jun. 21, 2006	31	ATTORNEY APPEARANCE: Jacob A. Goldberg appearing on behalf of J and R Marketing, SEP.(Goldberg, Jacob) (Entered: 06/21/2006)
33	Jun. 21, 2006	32	ATTORNEY APPEARANCE: Jacob A. Goldberg appearing on behalf of Milton Brafman.(Goldberg, Jacob) (Entered: 06/21/2006)
34	Jun. 21, 2006	33	ATTORNEY APPEARANCE: Jacob A. Goldberg appearing on behalf of Michael A. Ramsay.(Goldberg, Jacob) (Entered: 06/21/2006)
35	Jun. 23, 2006	34	STIPULATION AND SCHEDULING ORDER extending date for filing Consolidated Amended Complaint to 7/10/2006. (see order for further dates) Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 06/23/2006)
36	Jun. 30, 2006	35	NOTICE of Appearance by Thomas M. Schehr on behalf of ABN Amro Financial Services, Incorporated, A. G. Edwards and Sons, Incorporated, Charles Schwab and Company, Incorporated, Citigroup Global Markets, Incorporated, Edward D. Jones and Company, L. P., Fidelity Capital Markets, Merrill Lynch, Pierce, Fenner and Smith, Incorporated, Morgan Stanley and Company, Incorporated, UBS Financial Services, Incorporated, Wachovia Securities, Limited. (Schehr, Thomas) (Entered: 06/30/2006)
37	Jul. 26, 2006	36	STIPULATION AND SCHEDULING ORDER extending filing consolidated amended complaint to 7/28/2006, see order for additional dates. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 07/26/2006)

Req #	Filed	#	Docket Text
			07/26/2006)
38	Jul. 28, 2006	37	AMENDED COMPLAINT for Violations of The Securities Act of 1933 filed by all plaintiffs against all defendants.(Wasinger, Stephen) (Entered: 07/28/2006)
39	Aug. 28, 2006	38	NOTICE of Voluntary Dismissal by Alex Mager, J and R Marketing, SEP as to Charles Schwab and Company, Incorporated; Citigroup Global Markets, Incorporated; Edward D. Jones and Company, L. P.; Fidelity Capital Markets; Merrill Lynch, Pierce, Fenner and Smith, Incorporated; Morgan Stanley and Company, Incorporated; UBS Financial Services, Incorporated; Wachovia Securities, Limited; A. G. Edwards and Sons, Incorporated and ABN Amro Financial Services, Incorporated Without Prejudice (Attachments: # 1 Index of Exhibits # 2 Exhibit A - Tolling Agreement)(Wasinger, Stephen) (Entered: 08/28/2006)
40	Sep. 25, 2006	39	Ex Parte MOTION for Leave to File Excess Pages by Eric Feldstein, William F. Muir, Linda K. Zukauckas, John E. Gibson, W. Allen Reed, Walter G. Borst, John M. Devine, Gary L. Cowger, G. Richard Wagoner, Jr, General Motors Corporation, General Motors Acceptance Corporation. (Duffy, Timothy) (Entered: 09/25/2006)
41	Sep. 25, 2006	40	MOTION to Dismiss Plaintiffs' Consolidated Amended Complaint by Eric Feldstein, William F. Muir, Linda K. Zukauckas, John E. Gibson, W. Allen Reed, Walter G. Borst, John M. Devine, Gary L. Cowger, G. Richard Wagoner, Jr, General Motors Corporation, General Motors Acceptance Corporation. (Attachments: # 1 Index of Exhibits # 2 Exhibit A - Second SmartNotes Registration Statement and Prospectus# 3 Exhibit B - Second SmartNotes Pricing Supplement# 4 Exhibit C - Letter from Jacob Goldberg# 5 Exhibit D - Media Reports re Delphi Benefits Liability# 6 Exhibit E - Accounting Principles Board Opinion No. 20# 7 Exhibit F - Financial Accounting Standards Board Statement No. 154)(Duffy, Timothy) (Entered: 09/25/2006)
42	Sep. 26, 2006		TEXT ONLY ORDER granting 39 Motion for Leave to File Excess Pages- Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 09/26/2006)
43	Sep. 26, 2006	41	Amended MOTION to Dismiss Correcting Docket Entry #40 (Exhibits Attached to Docket Entry #40) by Eric Feldstein, William F. Muir, Linda K. Zukauckas, John E. Gibson, W. Allen Reed, Walter G. Borst, John M. Devine, Gary L. Cowger, G. Richard Wagoner, Jr, General Motors Corporation, General Motors Acceptance Corporation. (Duffy, Timothy) (Entered: 09/26/2006)
44	Nov. 13, 2006	42	STIPULATION and ORDER Extending Briefing Time as to 41 Amended MOTION to Dismiss : Responses due by 11/14/2006. Replies due by 12/15/2006. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 11/13/2006)
45	Nov. 14, 2006	43	Ex Parte MOTION for Leave to File Excess Pages by all plaintiffs. (Goldberg, Jacob) (Entered: 11/14/2006)
46	Nov. 14, 2006	44	STRICKEN- Response to 41 Amended MOTION to Dismiss Correcting Docket Entry #40 (Exhibits Attached to Docket Entry #40) filed by all plaintiffs. (Attachments: # 1 Index of Exhibits # 2 Exhibit A - Selling Agent Agreement# 3 Exhibit B - Complaint of J&R Marketing, SEP against General Motors Corp., et al.)(Goldberg, Jacob) Modified on

Req #	Filed	#	Docket Text
			11/16/2006 (CHem,). (Entered: 11/14/2006)
47	Nov. 16, 2006	45	ORDER granting in part and denying in part 43 Motion for Leave to File Excess Pages and Striking Document 44 - Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 11/16/2006)
48	Nov. 17, 2006	46	NOTICE of hearing on 40 MOTION to Dismiss Plaintiffs' Consolidated Amended Complaint, 41 Amended MOTION to Dismiss Correcting Docket Entry #40 (Exhibits Attached to Docket Entry #40). Motion Hearing set for 2/14/2007 02:00 PM before Honorable Nancy G Edmunds. (CHem,) (Entered: 11/17/2006)
49	Nov. 27, 2006	47	RESPONSE to 41 Amended MOTION to Dismiss Correcting Docket Entry #40 (Exhibits Attached to Docket Entry #40) filed by all plaintiffs. (Attachments: # 1 Index of Exhibits # 2 Exhibit A - Selling Agent Agreement# 3 Exhibit B - Complaint of J&R Marketing, SEP, against General Motors Corp., et al.)(Goldberg, Jacob) (Entered: 11/27/2006)
50	Dec. 07, 2006	48	STIPULATION and [Proposed] Order Extending Time for Filing Defendants' Reply Brief in Support of Their Motion to Dismiss by General Motors Corporation.(Barnes, Dennis) (Entered: 12/07/2006)
51	Dec. 11, 2006	49	STIPULATION AND ORDER Extending Deadline as to reply to 40 MOTION to Dismiss Plaintiffs' Consolidated Amended Complaint: Reply due by 1/12/2007. Signed by Honorable Nancy G Edmunds. (CHem,) (Entered: 12/11/2006)
52	Jan. 11, 2007	50	MOTION for Leave to File Excess Pages Unopposed Motion for Leave to File a 16-Page Reply Brief by General Motors Corporation. (Barnes, Dennis) (Entered: 01/11/2007)
53	Jan. 12, 2007		TEXT ONLY ORDER granting 50 Motion for Leave to File Excess Pages- Entered by Honorable Nancy G Edmunds. (CHem,) (Entered: 01/12/2007)
54	Jan. 12, 2007	51	REPLY to Response re 41 Amended MOTION to Dismiss Correcting Docket Entry #40 (Exhibits Attached to Docket Entry #40) filed by Eric Feldstein, William F. Muir, Linda K. Zukauckas, John E. Gibson, W. Allen Reed, Walter G. Borst, John M. Devine, Gary L. Cowger, G. Richard Wagoner, Jr, General Motors Corporation, General Motors Acceptance Corporation. (Duffy, Timothy) (Entered: 01/12/2007)
55	Feb. 14, 2007		Reset Deadlines as to 40 MOTION to Dismiss Plaintiffs' Consolidated Amended Complaint, 41 Amended MOTION to Dismiss Correcting Docket Entry #40 (Exhibits Attached to Docket Entry #40). Motion Hearing re-set for 2/21/2007 02:00 PM before Honorable Nancy G Edmunds. (CHem,) (Entered: 02/14/2007)
56	Feb. 21, 2007		Minute Entry -Motion Hearing held on 2/21/2007 re 40 MOTION to Dismiss Plaintiffs' Consolidated Amended Complaint filed by William F. Muir, General Motors Acceptance Corporation, W. Allen Reed, Linda K. Zukauckas, John E. Gibson, General Motors Corporation, Walter G. Borst, Eric Feldstein, Gary L. Cowger, G. Richard Wagoner, Jr., John M. Devine, 41 Amended MOTION to Dismiss Correcting Docket Entry #40 (Exhibits Attached to Docket Entry #40)Amended MOTION to Dismiss Correcting Docket Entry #40 (Exhibits Attached to Docket Entry #40) filed by William F. Muir, General Motors Acceptance Corporation, W. Allen Reed, Linda K. Zukauckas, John E. Gibson, General Motors Corporation, Walter G. Borst, Eric Feldstein, Gary L. Cowger, G.

Req #	Filed	#	Docket Text
			Richard Wagoner, Jr., John M. Devine before Honorable Nancy G Edmunds. (Court Reporter Suzanne Jacques) (CHem) Modified on 2/22/2007 (Hemeyer, C.). (Entered: 02/22/2007)
<u>57</u>	Feb. 27, 2007	52	ORDER granting 40 41 Motion to Dismiss. Signed by Honorable Nancy G Edmunds. (CHem) (Entered: 02/27/2007)
<u>58</u>	Feb. 27, 2007	53	JUDGMENT Signed by Honorable Nancy G Edmunds. (CHem) (Entered: 02/27/2007)
<u>59</u>	Mar. 27, 2007	54	NOTICE OF APPEAL by Milton Brafman, Michael A. Ramsay, Alex Mager, Zielezienski, J and R Marketing, SEP re 53 Judgment, 52 Order on Motion to Dismiss,. Receipt No: 1100210 - Fee: \$ 455 - Fee Status: Fee Paid. (Goldberg, Jacob) (Entered: 03/27/2007)
<u>60</u>	Mar. 28, 2007	55	Certificate of Service re 54 Notice of Appeal. (BSoc) (Entered: 03/28/2007)
<u>61</u>	Apr. 17, 2007	56	NOTICE by Milton Brafman, Michael A. Ramsay, Alex Mager, Zielezienski, J and R Marketing, SEP of Change of Address (Goldberg, Jacob) (Entered: 04/17/2007)
<u>62</u>	May 16, 2007	57	TRANSCRIPT of Motion to Dismiss held on 2/21/07. (Court Reporter: Suzanne Jacques) (Number of Pages: 33). (CGre) (Entered: 05/17/2007)
<u>63</u>	Jun. 26, 2008	58	APPEAL AMENDED JUDGMENT from U.S. Court of Appeals - Sixth Circuit as to 54 Notice of Appeal filed by Michael A. Ramsay, Milton Brafman, J and R Marketing, SEP, Zielezienski, Alex Mager. [Appeal Case Number 07-1411]. (CGre) (Entered: 10/20/2008)
<u>64</u>	Oct. 17, 2008	59	MANDATE from U.S. Court of Appeals - Sixth Circuit as to 54 Notice of Appeal filed by Michael A. Ramsay, Milton Brafman, J and R Marketing, SEP, Zielezienski, Alex Mager. [Appeal Case Number 07-1411]. (CGre) (Entered: 10/20/2008)