

**U.S. District Court  
Northern District of Georgia (Atlanta)  
CIVIL DOCKET FOR CASE #: 1:06-cv-01894-CC**

**Rosenberg v. Gould et al**

**Date Filed:** Aug. 14, 2006  
**Status:** Closed  
**Nature of suit:** 850 Securities/Commodities  
**Assigned to:** [Judge Clarence Cooper](#)  
**Case in other court:** USCA, 08-12392-FF  
**Cause:** 15:78m(a) Securities Exchange Act  
**Date terminated:** Mar. 31, 2008  
**Jurisdiction:** Federal Question  
**Jury demand:** Plaintiff

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**Ruth Rosenberg**

Individually And On Behalf of All Others Similarly Situated

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**Docket Proceedings**[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
<a href="#">1</a>	Aug. 14, 2006	1	CLASS ACTION COMPLAINT with Jury Demand filed. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. ( Filing fee \$ 350 receipt number 554643.), filed by Ruth Rosenberg. (Attachments: # 1 complaint Part 2# 2 Civil Cover Sheet)(rth) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. (Entered: 08/16/2006)
<a href="#">2</a>	Aug. 15, 2006	2	Summons Issued as to Witness Systems, Inc. (rth) (Entered: 08/16/2006)
<a href="#">3</a>	Oct. 16, 2006	3	NOTICE of Appearance by David James Worley on behalf of Witness Systems Investor Group (Worley, David) Modified on 10/17/2006 to correct text to accurately reflect party atty is representing (vs). (Entered: 10/16/2006)
<a href="#">4</a>	Oct. 16, 2006	4	First MOTION to Consolidate Cases and Appoint Lead Plaintiff with Brief In Support. (Attachments: # 1 Memorandum in Support # 2 Proposed Order# 3 Certificate of Service)(Worley, David) Modified on 10/17/2006 to name attachments(vs). (Entered: 10/16/2006)
<a href="#">5</a>	Oct. 16, 2006	5	AFFIDAVIT of David J. Worley in Support of Motion to Consolidate and Appoint Lead Plaintiff by Witness Systems Investor Group. (Attachments: # 1 Exh A # 2 Exh B # 3 Exh C # 4 Exh D # 5 Exh E)(Worley, David) Modified on 10/17/2006 (vs). (Entered: 10/16/2006)
<a href="#">6</a>	Oct. 16, 2006	6	NOTICE of Appearance by David James Worley on behalf of Witness Systems Investor Group (Worley, David) (Entered: 10/16/2006)
<a href="#">7</a>	Oct. 19, 2006	7	NOTICE of Appearance by John H. Williamson on behalf of all defendants (Williamson, John) (Entered: 10/19/2006)
<a href="#">8</a>	Oct. 19, 2006	8	NOTICE of Appearance by Ross A. Albert on behalf of all defendants (Albert, Ross) (Entered: 10/19/2006)
<a href="#">9</a>	Oct. 25, 2006	9	PROPOSED ORDER [Revised] Proposed Order Granting Witness Systems Investor Group's Unopposed Motion to Consolidate Cases for all Purposes and to Appoint Lead Plaintiff and Lead Counsel re: 5 Affidavit,, 4 First MOTION to Consolidate Cases and Appoint Lead Plaintiff. (Worley, David) (Entered: 10/25/2006)
<a href="#">10</a>	Nov. 02, 2006		Submission of 4 First MOTION to Consolidate Cases and Appoint Lead Plaintiff, 9 Proposed Order, submitted to District Judge Clarence Cooper. (vs) (Entered: 11/02/2006)
<a href="#">11</a>	Nov. 02, 2006	10	APPLICATION for Admission of Robin L. Alperstein Pro Hac Viceby Loren Wimpfheimer, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz, Thomas J. Crotty.Filing Fee received \$150.00, Receipt #557689. (Attachments: # 1 Proposed Order)(vs) (Entered: 11/07/2006)
<a href="#">12</a>	Nov. 02, 2006	11	APPLICATION for Admission of Peter J. Macdonald Pro Hac Viceby Loren Wimpfheimer, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz, Thomas J. Crotty.Filing Fee

Req #	Filed	#	Docket Text
			received \$150.00, Receipt #557688. (Attachments: # 1 Proposed Order)(vs) (Entered: 11/07/2006)
<a href="#">13</a>	Nov. 13, 2006	12	ORDER directing Attorney Michael A. Swick to comply with the Bar Admission requirements of this Court within 10 days from receipt of this Order. Failure to do so will subject him to sanctions which might result in a finding of contempt and the striking of all pleadings filed by him. Signed by Judge Clarence Cooper on 11/13/06. (rth) (Entered: 11/14/2006)
<a href="#">14</a>	Nov. 13, 2006	13	ORDER directing Attorney Lewis Kahn to comply with the Bar Admission requirements of this Court within 10 days from receipt of this Order. Failure to do so will subject him to sanctions which might result in a finding of contempt and the striking of all pleadings filed by him. Signed by Judge Clarence Cooper on 11/13/06. (rth) (Entered: 11/14/2006)
<a href="#">15</a>	Nov. 16, 2006	14	ORDER granting 10 Application by Robin L. Alperstein for Admission Pro Hac Vice . Signed by Judge Clarence Cooper on 11/16/06. (vs) (Entered: 11/16/2006)
<a href="#">16</a>	Nov. 16, 2006	15	ORDER granting 11 Application by Peter J. MacDonald for Admission Pro Hac Vice . Signed by Judge Clarence Cooper on 11/16/06. (vs) (Entered: 11/16/2006)
<a href="#">17</a>	Nov. 20, 2006	17	APPLICATION for Admission of Michael A. Swick Pro Hac Vice by Ruth Rosenberg.Filing Fee received \$150.00, Receipt #558360. (Attachments: #(1) Text of Proposed Order) (cdg) (Entered: 11/24/2006)
<a href="#">18</a>	Nov. 20, 2006	18	APPLICATION for Admission of Lewis Kahn Pro Hac Vice by Ruth Rosenberg.Filing Fee received \$150.00, Receipt #558360. (Attachments: # 1 Text of Proposed Order) (cdg) (Entered: 11/24/2006)
<a href="#">19</a>	Nov. 22, 2006	16	NOTICE of Appearance by Stuart Jay Guber on behalf of Witness Systems Investor Group (Guber, Stuart) (Entered: 11/22/2006)
<a href="#">20</a>	Dec. 01, 2006	19	PROPOSED CONSENT ORDER Proposed Consent Scheduling Order. (Worley, David) (Entered: 12/01/2006)
<a href="#">21</a>	Dec. 01, 2006	20	ORDER granting 17 Application of Michael Swick for Admission Pro Hac Vice . Signed by Judge Clarence Cooper on 12/1/06. (vs) (Entered: 12/04/2006)
<a href="#">22</a>	Dec. 01, 2006	21	ORDER granting 18 Application by Lewis Kahn for Admission Pro Hac Vice . Signed by Judge Clarence Cooper on 12/1/06. (vs) (Entered: 12/04/2006)
<a href="#">23</a>	Dec. 08, 2006	22	CONSENT ORDER SCHEDULING ORDER. Signed by Judge Clarence Cooper on 12/8/06. (vs) (Entered: 12/08/2006)
<a href="#">24</a>	Jan. 25, 2007	23	ORDER granting 4 Motion to Consolidate Cases and to Appoint Lead Plaintiff and Lead Cnsl . Signed by Judge Clarence Cooper on 1/25/07. (vs) (Entered: 01/29/2007)
<a href="#">25</a>	Mar. 22, 2007	24	NOTICE by Loren Wimpfheimer, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz, Thomas J. Crotty of Withdrawal of Robin L. Alperstein (Albert, Ross) (Entered: 03/22/2007)
<a href="#">26</a>	Mar. 28, 2007	25	MOTION for Extension of Time to File Consolidated Amended Complaint with Brief In Support by Witness Systems Investor Group. (Worley, David) (Entered: 03/28/2007)
<a href="#">27</a>	Mar. 29, 2007	26	ORDER granting 25 Motion for Extension of Time. It is hereby Ordered

Req #	Filed	#	Docket Text
			that plas may file their Consolidated Complaint on or before April 6, 2007; and the remaining deadlines as set forth in the Court's Scheduling Order of December 8, 2006 are still in effect. Signed by Judge Clarence Cooper on 3/29/07. (vs) (Entered: 03/30/2007)
<a href="#">28</a>	Apr. 06, 2007	27	AMENDED COMPLAINT Consolidated against all defendants, filed by Witness Systems Investor Group. (Attachments: # 1 Consolidated Amended Complaint Part 2 of 4# 2 Consolidated Amended Complaint Part 3 of 4# 3 Consolidated Amended Complaint Part 4 of 4# 4 Exhibit A Insider Chart# 5 Certificate of Service)(Evangelista, James) Please visit our website at <a href="http://www.gand.uscourts.gov">http://www.gand.uscourts.gov</a> to obtain Pretrial Instructions. (Entered: 04/06/2007)
<a href="#">29</a>	Apr. 12, 2007	28	Summons Issued as to Peter Sinisgalli, KPMG LLP, Terry Osborne, Thomas Bishop, Dan Lautenbach. (vs) (Entered: 04/13/2007)
<a href="#">30</a>	Apr. 19, 2007	29	APPLICATION for Admission of Kim E. Miller Pro Hac Viceby Witness Systems Investor Group.Filing Fee received \$150.00, Receipt #564022. (Attachments: # 1 Proposed Order)(vs) (Entered: 04/24/2007)
<a href="#">31</a>	May 01, 2007	30	Return of Service Executed by Witness Systems Investor Group. KPMG LLP served on 4/18/2007, answer due 5/8/2007. (Worley, David) (Entered: 05/01/2007)
<a href="#">32</a>	May 02, 2007	31	ORDER granting 29 Application of Kim E. Miller for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 5/2/07. (vs) (Entered: 05/04/2007)
<a href="#">33</a>	May 07, 2007	32	Return of Service Executed by Witness Systems Investor Group. Peter Sinisgalli served on 5/2/2007, answer due 5/22/2007. (Worley, David) (Entered: 05/07/2007)
<a href="#">34</a>	May 07, 2007	33	NOTICE by Witness Systems Investor Group for Withdrawal of Leslie G. Toran (Worley, David) (Entered: 05/07/2007)
<a href="#">35</a>	May 11, 2007	34	Consent MOTION for Order for Scheduling Order by KPMG LLP, Ruth Rosenberg. (Attachments: # 1 Text of Proposed Order)(Sorrels, William) (Entered: 05/11/2007)
<a href="#">36</a>	May 11, 2007	35	NOTICE of Appearance by Stacey Godfrey Evans on behalf of KPMG LLP (Evans, Stacey) (Entered: 05/11/2007)
<a href="#">37</a>	May 14, 2007	36	CONSENT ORDER granting 34 Motion for Scheduling Order. Defendant KPMG shall serve its response to the consolidated amended complaint by 7/11/07. If defendant KPMG moves to dismiss the consolidated amended complaint, plaintiffs shall serve a response by 9/10/07. Defendant KPMG shall serve a reply, if any, by 10/10/07. Signed by Judge Clarence Cooper on 5/14/07. (mas) (Entered: 05/14/2007)
<a href="#">38</a>	May 16, 2007	37	Consent MOTION for Extension of Time File Response to Consolidated Amended Complaint re: 27 Amended Complaint, with Brief In Support by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz, Thomas J. Crotty. (Attachments: # 1 Brief in Support of Witness Systems Defendants' Stipulated Motion for Extension of Time# 2 Text of Proposed Order)(Albert, Ross) (Entered: 05/16/2007)
<a href="#">39</a>	May 16, 2007	38	Consent MOTION for Leave to File Excess Pages in the Memorandum in Support of Their Motion to Dismiss with Brief In Support by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan

Req #	Filed	#	Docket Text
			Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz, Thomas J. Crotty. (Attachments: # 1 Brief in Support of Witness Systems Defendants' Stipulated Motion for Leave to Exceed Page Limits# 2 Text of Proposed Order)(Albert, Ross) (Entered: 05/16/2007)
<a href="#">40</a>	May 17, 2007	42	ORDER granting 37 Motion for Extension of Time. Witness Systems dfts may file their response to the Consolidated Amended Cmp no later than June 19, 2007. Signed by Judge Clarence Cooper on 5/17/07. (vs) (Entered: 05/18/2007)
<a href="#">41</a>	May 17, 2007	43	ORDER granting 38 Motion for Leave to File Excess Pages. Witness Systems Dfts may file a brief of no more than 45 pages in support of their motion to dismiss. Signed by Judge Clarence Cooper on 5/17/07. (vs) (Entered: 05/18/2007)
<a href="#">42</a>	May 18, 2007	39	WAIVER OF SERVICE Returned Executed by Witness Systems Investor Group. Terry Osborne waiver mailed on 5/16/2007, answer due 7/16/2007. (Worley, David) (Entered: 05/18/2007)
<a href="#">43</a>	May 18, 2007	40	WAIVER OF SERVICE Returned Executed by Witness Systems Investor Group. Dan Lautenbach waiver mailed on 5/16/2007, answer due 7/16/2007. (Worley, David) (Entered: 05/18/2007)
<a href="#">44</a>	May 18, 2007	41	WAIVER OF SERVICE Returned Executed by Witness Systems Investor Group. Thomas Bishop waiver mailed on 5/16/2007, answer due 7/16/2007. (Worley, David) (Entered: 05/18/2007)
<a href="#">45</a>	Jun. 05, 2007	44	APPLICATION for Admission of James L. Chen Pro Hac Vice by KPMG LLP. Filing Fee received \$150.00, Receipt #565671. (Attachments: # 1 Text of Proposed Order)(vs) (Entered: 06/11/2007)
<a href="#">46</a>	Jun. 05, 2007	45	APPLICATION for Admission of Michael D. Warden Pro Hac Vice by KPMG LLP. Filing Fee received \$150.00, Receipt #565672. (vs) Additional attachment(s) added on 6/11/2007 (vs). Modified on 6/11/2007 to add proposed order as attachment (vs). (Entered: 06/11/2007)
<a href="#">47</a>	Jun. 14, 2007	46	ORDER granting 45 Application by Michael D. Warden for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 6/14/07. (vs) (Entered: 06/15/2007)
<a href="#">48</a>	Jun. 14, 2007	47	ORDER granting 44 Application by James L. Chen for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 6/14/07. (vs) (Entered: 06/15/2007)
<a href="#">49</a>	Jun. 15, 2007	48	Second MOTION for Extension of Time to file response to the Consolidated Amended Complaint re: 27 Amended Complaint, with Brief In Support by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz, Thomas J. Crotty. (Attachments: # 1 Brief Memorandum in Support of Witness Systems Defendants' Second Stipulated Motion for Extension of Time# 2 Text of Proposed Order Proposed Order)(Albert, Ross) (Entered: 06/15/2007)
<a href="#">50</a>	Jun. 15, 2007		Submission of 48 Second MOTION for Extension of Time to file response to the Consolidated Amended Complaint re: 27 Amended Complaint, Second MOTION for Extension of Time to file response to the Consolidated Amended Complaint re: 27 Amended Complaint, Second MOTION for Extension of Time to file response to the Consolidated Amended Complaint re: 27 Amended Complaint,, submitted to District

Req #	Filed	#	Docket Text
			Judge Clarence Cooper. (vs) (Entered: 06/15/2007)
<a href="#">51</a>	Jun. 18, 2007	49	ORDER granting 48 Motion for Extension of Time. It is hereby Ordered that the Witness Systems Dfts will file their response to the Consolidated Amended Cmp no later than June 29, 2007; Plas will file their response to the Witness Systems Dfts' Motion to Dismiss no later than August 28, 2007; and the Witness Systems Dfts will file their reply brief no later than September 27, 2007. Signed by Judge Clarence Cooper on 6/18/07. (vs) (Entered: 06/19/2007)
<a href="#">52</a>	Jun. 26, 2007	50	MOTION for Leave to File Excess Pages with Brief In Support by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz. (Attachments: # 1 Brief Memorandum in Support of Witness Systems Defendants' Stipulated Motion for Leave to Exceed Page Limitations# 2 Text of Proposed Order Proposed Order)(Albert, Ross) (Entered: 06/26/2007)
<a href="#">53</a>	Jun. 29, 2007	51	Certification of Consent to Substitution of Counsel. Peter Quirk Bassett replacing attorney John H. Williamson; Ross A. Albert and Peter J. Macdonald. (Bassett, Peter) (Entered: 06/29/2007)
<a href="#">54</a>	Jun. 29, 2007	52	Certification of Consent to Substitution of Counsel. Todd Richard David added as attorney. (David, Todd) (Entered: 06/29/2007)
<a href="#">55</a>	Jun. 29, 2007	53	MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint with Brief In Support by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz. (Attachments: # 1 Brief Memorandum of Law in Support of The Witness Defendants' Motion To Dismiss Lead Plaintiff's Consolidated Amended Compaint# 2 Affidavit Declaration of Ross A. Albert in Support of Witness Defendants' Motion to Dismiss Lead Plaintiff's Consolidated Amended Complaint# 3 Exhibit A# 4 Exhibit B# 5 Exhibit C# 6 Exhibit D# 7 Exhibit E# 8 Exhibit F# 9 Exhibit G# 10 Exhibit H# 11 Exhibit I# 12 Exhibit J# 13 Exhibit K# 14 Exhibit L# 15 Exhibit M# 16 Exhibit N)(Albert, Ross) (Entered: 06/29/2007)
<a href="#">56</a>	Jun. 29, 2007	54	MOTION to Dismiss Plaintiff's Consolidated Amended Complaint with Brief In Support by Thomas J. Crotty. (Attachments: # 1 Brief in Support of Motion to Dismiss# 2 Exhibit A to Memorandum Supporting Motion to Dismiss)(Bassett, Peter) (Entered: 06/29/2007)
<a href="#">57</a>	Jul. 05, 2007		Remark: Applications for Admission Pro Hac Vice for Jason D. Frank and Jordan D. Hershman received in Clerk's Office 6/29/07. The applications are currently incomplete and were returned to the petitioners today. (jeg) (Entered: 07/05/2007)
<a href="#">58</a>	Jul. 05, 2007	55	MOTION for Leave to File Excess Pages with Brief In Support by KPMG LLP. (Attachments: # 1 Brief # 2 Text of Proposed Order)(Evans, Stacey) (Entered: 07/05/2007)
<a href="#">59</a>	Jul. 05, 2007	56	APPLICATION for Admission of Jason D. Frank Pro Hac Vice by Thomas J. Crotty.Filing Fee received \$150.00, Receipt #566593. (Attachments: # 1 Text of Proposed Order)(vs) (Entered: 07/09/2007)
<a href="#">60</a>	Jul. 06, 2007	57	APPLICATION for Admission of Jordan D. Hershman Pro Hac Vice by Thomas J. Crotty.Filing Fee received \$150.00, Receipt #566594. (Attachments: # 1 Text of Proposed Order)(vs) (Entered: 07/09/2007)

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
<a href="#">61</a>	Jul. 11, 2007	58	First MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint with Brief In Support by KPMG LLP. (Attachments: # 1 Brief # 2 Affidavit # 3 Exhibit A# 4 Exhibit B# 5 Exhibit C# 6 Exhibit D# 7 Exhibit E# 8 Exhibit F# 9 Exhibit G# 10 Exhibit H)(Sorrels, William) (Entered: 07/11/2007)
<a href="#">62</a>	Jul. 18, 2007	59	APPLICATION for Admission of Dawn M. Wilson Pro Hac Viceby Loren Wimpfheimer, Peter Sinisgalli, KPMG LLP, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz, Thomas J. Crotty.Filing Fee received \$150.00, Receipt #567264. (Attachments: # 1 Text of Proposed Order)(vs) (Entered: 07/23/2007)
<a href="#">63</a>	Jul. 25, 2007	60	ORDER granting 56 Application by Jason D. Frank for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 7/25/07. (vs) (Entered: 07/27/2007)
<a href="#">64</a>	Jul. 25, 2007	61	ORDER granting 57 Application by Jordan D. Hershman for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 7/25/07. (vs) (Entered: 07/27/2007)
<a href="#">65</a>	Jul. 25, 2007	62	ORDER granting 59 Application by Dawn M. Wilson for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 7/25/07. (vs) (Entered: 07/27/2007)
<a href="#">66</a>	Aug. 02, 2007		Submission of 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint, 54 MOTION to Dismiss Plaintiff's Consolidated Amended Complaint, 58 First MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint, 55 MOTION for Leave to File Excess Pages, 50 MOTION for Leave to File Excess Pages, submitted to District Judge Clarence Cooper. (vs) (Entered: 08/02/2007)
<a href="#">67</a>	Aug. 27, 2007	63	DOCUMENT FILED IN ERRORConsent MOTION Modify Page Limits with Brief In Support by Witness Systems Investor Group. (Attachments: # 1 Brief in Support# 2 Text of Proposed Order)(Worley, David) Modified on 8/30/2007 (vs). (Entered: 08/27/2007)
<a href="#">68</a>	Aug. 27, 2007	64	Consent MOTION to Modify Page Limits with Brief In Support by Witness Systems Investor Group. (Attachments: # 1 Brief in Support# 2 Text of Proposed Order)(Worley, David) (Entered: 08/27/2007)
<a href="#">69</a>	Aug. 28, 2007		Notification of Docket Correction re 64 Consent MOTION to Modify Page Limits, 63 Consent MOTION Modify Page Limits. (Motion filed twice, Atty instructed to Withdrawal one of the above referenced motions). (vs) (Entered: 08/28/2007)
<a href="#">70</a>	Aug. 28, 2007	65	RESPONSE in Opposition re 54 MOTION to Dismiss Plaintiff's Consolidated Amended Complaint, 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint filed by Witness Systems Investor Group. (Attachments: # 1 Exhibit Declaration of Kim E. Miller and Exhibits A-F)(Miller, Kim) (Entered: 08/28/2007)
<a href="#">71</a>	Aug. 30, 2007	66	NOTICE by Witness Systems Investor Group re 63 Consent MOTION Modify Page Limits (Worley, David) (Entered: 08/30/2007)
<a href="#">72</a>	Aug. 31, 2007	67	RESPONSE in Opposition re 54 MOTION to Dismiss Plaintiff's Consolidated Amended Complaint, 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint Corrected Certificate of Service filed by Witness Systems Investor Group. (Miller, Kim) (Entered: 08/31/2007)

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
<a href="#">73</a>	Sep. 04, 2007	68	ORDER granting 64 Motion for leave to modify page limits. The lead plaintiff may file a brief of no more than 60 pages in opposition to the Witness Systems dfts and dft Thomas Crotty's motions to dismiss. Signed by Judge Clarence Cooper on 9/4/07. (vs) (Entered: 09/05/2007)
<a href="#">74</a>	Sep. 05, 2007	69	MOTION for Extension of Time to File Response re: 58 First MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint with Brief In Support by Witness Systems Investor Group. (Attachments: # 1 Brief in Support# 2 Text of Proposed Order # 3 Certificate of Service)(Worley, David) (Entered: 09/05/2007)
<a href="#">75</a>	Sep. 07, 2007	70	ORDER granting 69 Motion for Extension of Time to file response re 58 First MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint. Signed by Judge Clarence Cooper on 9/7/07. (vs) (Entered: 09/10/2007)
<a href="#">76</a>	Sep. 20, 2007	71	MOTION for Leave to File Excess Pages of Witness Systems Defendants with Brief In Support by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz. (Attachments: # 1 Brief In Support of Stipulated Motion for Leave to Exceed Page Limits# 2 Text of Proposed Order [Proposed] Order)(Albert, Ross) (Entered: 09/20/2007)
<a href="#">77</a>	Sep. 25, 2007	72	RESPONSE in Opposition re 58 First MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint filed by Witness Systems Investor Group. (Worley, David) (Entered: 09/25/2007)
<a href="#">78</a>	Sep. 27, 2007	73	RESPONSE in Support re 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint of the Witness Defendants filed by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz. (Albert, Ross) (Entered: 09/27/2007)
<a href="#">79</a>	Sep. 27, 2007	74	AFFIDAVIT in Support re 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint of the Witness Defendants' filed by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz. (Attachments: # 1 Exhibit Exhibit 1 to Declaration of Ross Albert# 2 Exhibit Exhibit 2 to Declaration of Ross Albert)(Albert, Ross) (Entered: 09/27/2007)
<a href="#">80</a>	Sep. 27, 2007	75	NOTICE Of Filing Amended Certificate of Service by Witness Systems, Inc. re 74 Affidavit in Support of Motion, 73 Response in Support of Motion, (Attachments: # 1 Amended Certificate of Service)(Albert, Ross) (Entered: 09/27/2007)
<a href="#">81</a>	Sep. 27, 2007	76	REPLY BRIEF re 54 MOTION to Dismiss Plaintiff's Consolidated Amended Complaint filed by Thomas J. Crotty. (Bassett, Peter) (Entered: 09/27/2007)
<a href="#">82</a>	Oct. 22, 2007		Submission of 71 MOTION for Leave to File Excess Pages of Witness Systems Defendants, submitted to District Judge Clarence Cooper. (vs) (Entered: 10/22/2007)
<a href="#">83</a>	Oct. 25, 2007	77	Consent MOTION for Leave to File Excess Pages in KPMG's Reply Brief by KPMG LLP. (Attachments: # 1 Brief # 2 Text of Proposed Order)(Evans, Stacey) (Entered: 10/25/2007)

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
<a href="#"><u>84</u></a>	Oct. 30, 2007	78	REPLY to Response to Motion re 58 First MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint filed by KPMG LLP. (Sorrels, William) (Entered: 10/30/2007)
<a href="#"><u>85</u></a>	Nov. 21, 2007	79	NOTICE of Appearance by Kevin R. Dean on behalf of Witness Systems Investor Group (Dean, Kevin) (Entered: 11/21/2007)
<a href="#"><u>86</u></a>	Nov. 28, 2007		Submission of 77 Consent MOTION for Leave to File Excess Pages in KPMG's Reply Brief, submitted to District Judge Clarence Cooper. (vs) (Entered: 11/28/2007)
<a href="#"><u>87</u></a>	Nov. 30, 2007	80	ORDER granting 71 Motion for Leave to File Excess Pages. Witness Systems Defendants may file a reply memo of no more than 20 pages in support of their motion to dismiss. Signed by Judge Clarence Cooper on 11/30/07. (vs) Modified on 12/3/2007 to correct document relationship (vs). (Entered: 12/03/2007)
<a href="#"><u>88</u></a>	Nov. 30, 2007	81	ORDER granting 50 Motion for Leave to File Excess Pages. Witness Systems Defendants may file a brief of no more than 45 pages in support of their motion to dismiss; and it is hereby ordered that plaintiffs may file a brief of no more than 45 pages in opposition to the Witness Systems Defendants' motion to dismiss. Signed by Judge Clarence Cooper on 11/30/07. (vs) Modified on 12/3/2007 to correct document relationship(vs). (Entered: 12/03/2007)
<a href="#"><u>89</u></a>	Nov. 30, 2007	82	ORDER granting 77 Motion for Leave to File Excess Pages. Dft KPMG LLP may file a brief of no more than 45 pages in support of its motion to dismiss; and plas may file a brief of no more than 45 pages in opposition to dft KPMG's motion to dismiss. Signed by Judge Clarence Cooper on 11/30/07. (vs) (Entered: 12/03/2007)
<a href="#"><u>90</u></a>	Dec. 03, 2007		Notification of Docket Correction re 80 Order on Motion for Leave to File Excess Pages. (This order granted 71 Motion to exceed page limitation and not 77 motion to exceed page limit) (vs) (Entered: 12/03/2007)
<a href="#"><u>91</u></a>	Dec. 03, 2007		Notification of Docket Correction re 81 Order on Motion for Leave to File Excess Pages. (This order granted motion 50 and was linked to motion 71 in error. Docket entry edited to link to correct motion) (vs) (Entered: 12/03/2007)
<a href="#"><u>92</u></a>	Dec. 21, 2007	83	NOTICE of Appearance by David Andrew Bain on behalf of Witness Systems Investor Group, Ruth Rosenberg (Bain, David) (Entered: 12/21/2007)
<a href="#"><u>93</u></a>	Dec. 21, 2007	84	APPLICATION for Admission of William E. Applegate, IV Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001464830)by Witness Systems Investor Group, Ruth Rosenberg. (Bain, David) (Entered: 12/21/2007)
<a href="#"><u>94</u></a>	Dec. 21, 2007	85	APPLICATION for Admission of Jodi Westbrook Flowers Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001464835)by Witness Systems Investor Group, Ruth Rosenberg. (Bain, David) (Entered: 12/21/2007)
<a href="#"><u>95</u></a>	Dec. 21, 2007	86	APPLICATION for Admission of William H. Narwold Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001464836)by Witness Systems Investor Group, Ruth Rosenberg. (Bain, David) (Entered: 12/21/2007)
<a href="#"><u>96</u></a>	Dec. 21, 2007	87	APPLICATION for Admission of Joseph Rice Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001464838)by Witness Systems

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
<a href="#"><u>97</u></a>	Dec. 27, 2007		Investor Group, Ruth Rosenberg. (Bain, David) (Entered: 12/21/2007) APPROVAL by Clerks Office re: 85 APPLICATION for Admission of Jodi Westbrook Flowers Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001464835), 86 APPLICATION for Admission of William H. Narwold Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001464836), 84 APPLICATION for Admission of William E. Applegate, IV Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001464830), 87 APPLICATION for Admission of Joseph Rice Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001464838). Attorney Joseph Rice for Witness Systems Investor Group, William H. Narwold for Witness Systems Investor Group, Jodi Westbrook Flowers for Witness Systems Investor Group, William E. Applegate, IV for Witness Systems Investor Group added. (pb) (Entered: 12/27/2007)
<a href="#"><u>98</u></a>	Jan. 11, 2008	88	ORDER granting 87 Application of Joseph Rice for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 1/11/08. (vs) (Entered: 01/14/2008)
<a href="#"><u>99</u></a>	Jan. 11, 2008	89	ORDER granting 84 Application of William E. Applegate, IV for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 1/11/08. (vs) (Entered: 01/14/2008)
<a href="#"><u>100</u></a>	Jan. 11, 2008	90	ORDER granting 86 Application of William H. Narwold for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 1/11/08. (vs) (Entered: 01/14/2008)
<a href="#"><u>101</u></a>	Jan. 11, 2008	91	ORDER granting 85 Application of Jodi Westbrook Flowers for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 1/11/08. (vs) (Entered: 01/14/2008)
<a href="#"><u>102</u></a>	Jan. 15, 2008	92	Certification of Consent to Substitution of Counsel. David Andrew Bain replacing attorney Lauren S. Antonino and David James Worley. (Bain, David) (Entered: 01/15/2008)
<a href="#"><u>103</u></a>	Jan. 15, 2008	93	NOTICE by Witness Systems Investor Group re 54 MOTION to Dismiss Plaintiff's Consolidated Amended Complaint, 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint Plaintiff's Notice of Supplemental Authority (Attachments: # 1 Exhibit In re Openwave Systems Securities Litigation)(Bain, David) (Entered: 01/15/2008)
<a href="#"><u>104</u></a>	Jan. 16, 2008	94	ORDER granting KPMG LLP's 55 Motion for Leave to File Excess Pages. Signed by Judge Clarence Cooper on 1/16/08. (vs) (Entered: 01/17/2008)
<a href="#"><u>105</u></a>	Jan. 16, 2008	95	ORDER granting the Witness Systems Dfts' 50 Motion for Leave to File Excess Pages. Signed by Judge Clarence Cooper on 1/16/08. (vs) (Entered: 01/17/2008)
<a href="#"><u>106</u></a>	Jan. 29, 2008	96	NOTICE by Loren Wimpfheimer, Peter Sinisgalli, Terry Osborne, Thomas Bishop, Dan Lautenbach, Witness Systems, Inc., David B. Gould, Nicholas Discombe, William Evans, Joel G. Katz of The Witness Defendants' Notice of Supplemental Authorities and Response to Lead Plaintiff's Notice of Supplemental Authority (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Albert, Ross) (Entered: 01/29/2008)
<a href="#"><u>107</u></a>	Feb. 04, 2008	97	NOTICE by Thomas J. Crotty of Supplemental Authorities and Response to Plaintiff's Notice of Supplemental Authority (Attachments: # 1 Exhibit, # 2 Exhibit)(Bassett, Peter) (Entered: 02/04/2008)

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
<a href="#"><u>108</u></a>	Feb. 13, 2008	98	MOTION for Oral Argument re 96 Notice (Other), Notice (Other), 97 Notice (Other), 54 MOTION to Dismiss Plaintiff's Consolidated Amended Complaint, 58 First MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint, 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint, 93 Notice (Other), Notice (Other) with Brief In Support by Witness Systems Investor Group. (Bain, David) (Entered: 02/13/2008)
<a href="#"><u>109</u></a>	Feb. 29, 2008	99	ORDER granting 98 Motion for Oral Argument Evidentiary (oral argument) Hearing set for 3/6/2008 10:00 AM in Courtroom 1706 before Judge Clarence Cooper.. Signed by Judge Clarence Cooper on 2/29/08. (vs) (Entered: 02/29/2008)
<a href="#"><u>110</u></a>	Mar. 03, 2008	100	APPLICATION for Admission of Lance V. Oliver Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001549956)by Witness Systems Investor Group. (Bain, David) (Entered: 03/03/2008)
<a href="#"><u>111</u></a>	Mar. 04, 2008		APPROVAL by Clerks Office re: 100 APPLICATION for Admission of Lance V. Oliver Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001549956). Attorney Lance V. Oliver for Ruth Rosenberg added. (cdg) (Entered: 03/04/2008)
<a href="#"><u>112</u></a>	Mar. 04, 2008	101	APPLICATION for Admission of Gregg S. Levin Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001553569)by Witness Systems Investor Group. (Bain, David) (Entered: 03/04/2008)
<a href="#"><u>113</u></a>	Mar. 06, 2008		APPROVAL by Clerks Office re: 101 APPLICATION for Admission of Gregg S. Levin Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001553569). Attorney Gregg S. Levin for Ruth Rosenberg added. (cdg) (Entered: 03/06/2008)
<a href="#"><u>114</u></a>	Mar. 17, 2008	102	ORDER granting 101 Application of Gregg S. Levin for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 3/17/08. (vs) (Entered: 03/17/2008)
<a href="#"><u>115</u></a>	Mar. 17, 2008	103	ORDER granting 100 Application of Lance V. Oliver for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 3/17/08. (vs) (Entered: 03/17/2008)
<a href="#"><u>116</u></a>	Mar. 21, 2008	104	APPLICATION for Admission of Matthew C. Applebaum Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001579403)by Thomas J. Crotty. (Bassett, Peter) (Entered: 03/21/2008)
<a href="#"><u>117</u></a>	Mar. 24, 2008		APPROVAL by Clerks Office re: 104 APPLICATION for Admission of Matthew C. Applebaum Pro Hac Vice (Application fee \$ 150, receipt number 113E0000000001579403). Attorney Matthew C. Applebaum for Thomas J. Crotty added. (pb) (Entered: 03/24/2008)
<a href="#"><u>118</u></a>	Mar. 26, 2008	105	Minute Entry for proceedings held before Judge Clarence Cooper: Motion Hearing held on 3/26/2008 re 54 MOTION to Dismiss Plaintiff's Consolidated Amended Complaint 58 First MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint, 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint. Court granted motions. Cnsl to submit orders to the Court by Friday, March 28, 2008. (Court Reporter Amanda Lohnaas.)(vs) (Entered: 03/27/2008)
<a href="#"><u>119</u></a>	Mar. 27, 2008	108	ORDER granting 104 Application of Matthew C. Applebaum for Admission Pro Hac Vice. Signed by Judge Clarence Cooper on 3/27/08. (vs) (Entered: 03/31/2008)
<a href="#"><u>120</u></a>	Mar. 29, 2008	106	NOTICE Of Filing Proposed Order on Motion to Dismiss by KPMG LLP

Req #	Filed	#	Docket Text
			(Attachments: # 1 Text of Proposed Order)(Evans, Stacey) (Entered: 03/29/2008)
<a href="#">121</a>	Mar. 29, 2008	107	PROPOSED ORDER Defendants' Proposed Order on Motion to Dismiss re: 54 MOTION to Dismiss Plaintiff's Consolidated Amended Complaint, 53 MOTION to Dismiss Lead Plaintiff's Consolidated Amended Complaint. (Albert, Ross) (Entered: 03/29/2008)
<a href="#">122</a>	Mar. 31, 2008	109	ORDER granting with prejudice, KPMG LLP's 58 Motion to Dismiss. Signed by Judge Clarence Cooper on 3/31/08. (vs) (Entered: 03/31/2008)
<a href="#">123</a>	Mar. 31, 2008	110	ORDER granting Witness Defendant's 53 Motion to Dismiss ; granting defendant Thomas Crotty's 54 Motion to Dismiss with prejudice. Signed by Judge Clarence Cooper on 3/31/08. (vs) (Entered: 03/31/2008)
<a href="#">124</a>	Mar. 31, 2008	111	CLERK'S JUDGMENT in favor of Defendants against Plaintiff (vs)-- Please refer to <a href="http://www.ca11.uscourts.gov">http://www.ca11.uscourts.gov</a> to obtain an appeals jurisdiction checklist-- (Entered: 03/31/2008)
<a href="#">125</a>	Mar. 31, 2008		Civil Case Terminated. (vs) (Entered: 03/31/2008)
<a href="#">126</a>	Apr. 16, 2008	113	TRANSCRIPT of Proceedings held on 3/26/08 before Judge Clarence Cooper. Court Reporter: Amanda Lohnaas. (vs) (Entered: 04/17/2008)
<a href="#">127</a>	Apr. 17, 2008	112	NOTICE by KPMG LLP regarding 15 USC 77z-1(c)(1) (Sorrels, William) (Entered: 04/17/2008)
<a href="#">128</a>	Apr. 29, 2008	114	NOTICE OF APPEAL as to 111 Clerk's Judgment, 110 Order on Motion to Dismiss, by Witness Systems Investor Group. Filing fee \$ 455, receipt number 113E0000000001631763. Transcript Order Form due on 5/13/2008 (Attachments: # 1 Ex. A - Judgment, # 2 Ex. B - Order)(Bain, David) (Entered: 04/29/2008)
<a href="#">129</a>	Apr. 30, 2008	115	Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re 114 Notice of Appeal, (fem) (Entered: 04/30/2008)
<a href="#">130</a>	May 08, 2008	116	USCA Acknowledgment of 114 Notice of Appeal, filed by Witness Systems Investor Group. Case Appealed to USCA Case Number 08-12392-FF (fem) (Entered: 05/14/2008)
<a href="#">131</a>	May 27, 2008	117	TRANSCRIPT ORDER FORM re 114 Notice of Appeal,. Case Appealed to usca Case Number 08-12392-FF. All necessary transcripts are on file. Certificate of Readiness due on 6/10/2008 (fem) (Entered: 06/04/2008)
<a href="#">132</a>	Jul. 18, 2008		CERTIFICATE OF READINESS of Appeal Record re 114 Notice of Appeal, filed by Witness Systems Investor Group. Case Appealed to USCA Case Number 08-12392-FF. (fem) (Entered: 07/18/2008)
<a href="#">133</a>	Jul. 18, 2008	118	Certified copy of CERTIFICATE OF READINESS transmitted to USCA re 114 Notice of Appeal,. Case Appealed to USCA Case Number 08-12392-FF (fem) (Entered: 07/18/2008)
<a href="#">134</a>	Aug. 18, 2008	119	FORTHWITH LETTER from USCA re 114 Notice of Appeal, filed by Witness Systems Investor Group. Case Appealed to USCA Case Number 08-12392-FF. Appeal Record due by 8/25/2008. (fem) (Entered: 08/20/2008)
<a href="#">135</a>	Aug. 20, 2008	120	Certified and Transmitted Record on Appeal to US Court of Appeals re 114 Notice of Appeal, Case Appealed to USCA Case Number 08-12392-FF. (fem) (Entered: 08/20/2008)
<a href="#">136</a>	Aug. 26, 2008	121	USCA Acknowledgment of receipt of record on appeal re 114 Notice of Appeal, filed by Witness Systems Investor Group. Case Appealed to USCA Case Number 08-12392-FF. (fem) (Entered: 08/28/2008)

<b>Req #</b>	<b>Filed</b>	<b>#</b>	<b>Docket Text</b>
<a href="#"><u>137</u></a>	Feb. 10, 2009	122	Appeal Record Returned: 114 Notice of Appeal, Case Appealed to USCA Case Number 08-12392-FF. (fem) (Entered: 02/11/2009)
<a href="#"><u>138</u></a>	Feb. 10, 2009	123	Certified copy of JUDGMENT of USCA AFFIRMING the decision of the District Court re: 114 Notice of Appeal, filed by Witness Systems Investor Group Case Appealed to USCA Case Number 08-12392. (fem) (Entered: 02/11/2009)