

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:07-cv-00102-RBW**

UNITED FOOD AND COMMERCIAL WORKERS UNION
LOCAL 880 - RETAIL FOOD EMPLOYERS JOINT
PENSION FUND et al v. SUNRISE SENIOR LIVING INC
Assigned to: Judge Reggie B. Walton
Demand: \$100,000
Member case:

Date Filed: 01/16/2007
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

[1:07-cv-00294-RBW](#)

Cases: [1:07-cv-00143-RBW](#)
[1:07-cv-00227-RBW](#)
[1:07-cv-00286-RBW](#)
[1:07-cv-00294-RBW](#)

Cause: 28:1331 Fed. Question: Securities Violation

Plaintiff

**UNITED FOOD AND COMMERCIAL
WORKERS UNION LOCAL 880 -
RETAIL FOOD EMPLOYERS JOINT
PENSION FUND**

represented by **Jonathan Watson Cuneo**
CUNEO GILBERT & LADUCA, LLP
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Email: jonc@cuneolaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**UNITED FOOD AND COMMERCIAL
WORKERS UNION-EMPLOYER
PENSION FUND**

*Individually and on behalf of all others
similarly situated*

represented by **Jonathan Watson Cuneo**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

SUNRISE SENIOR LIVING INC

represented by **Jon Myer Talotta**
HOGAN & HARTSON, LLP
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(703) 610-6156

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ATTORNEY TO BE NOTICED

Defendant

PAUL J. KLAASSEN

Defendant

THOMAS B. NEWELL

Defendant

BRADLEY B. RUSH

represented by **Jeffrey Matthew King**
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Defendant

RONALD V. APRAHAMIAN

Defendant

J. DOUGLAS HOLLADAY

Defendant

THOMAS J. DONOHUE

Defendant

WILLIAM G. LITTLE

Defendant

TERESA M. KLAASSEN

Defendant

CRAIG R. CALLEN

Defendant

J. BARRON ANSCHUTZ

Movant

**CITY OF MIAMI GENERAL
EMPLOYEES' & SANITATION
EMPLOYEES' RETIREMENT
TRUST**

represented by **Daniel S. Sommers**
COHEN MILSTEIN HAUSFELD &
TOLL, PLLC
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ATTORNEY TO BE NOTICED

Movant

**OKLAHOMA FIREFIGHTERS
PENSION AND RETIREMENT
SYSTEM**

represented by **Daniel S. Sommers**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Shattuck Finberg
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven J. Toll
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay W. Eng
(See above for address)
ATTORNEY TO BE NOTICED

Michael J. Pucillo
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	clear	Docket Text
01/16/2007	1	<input type="checkbox"/> 5.5 MB	COMPLAINT against defendants(Filing fee \$ 350 receipt number 4616001599.)filed by UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 880 - RETAIL FOOD EMPLOYERS JOINT PENSION FUND, UNITED FOOD AND COMMERCIAL WORKERS UNION-EMPLOYER PENSION FUND. (Attachments: # 1 Civil Cover Sheet)(td,) Modified on 1/17/2007 (td,). (Entered: 01/17/2007)
01/16/2007			Summons (11) Issued as to PAUL J. KLAASSEN, THOMAS B. NEWELL,

			BRADLEY B. RUSH, RONALD V. APRAHAMIAN, J. DOUGLAS HOLLADAY, THOMAS J. DONOHUE, WILLIAM G. LITTLE, TERESA M. KLAASSEN, CRAIG R. CALLEN, J. BARRON ANSCHUTZ, SUNRISE SENIOR LIVING INC. (td,) (Entered: 01/17/2007)
02/23/2007	2	<input type="checkbox"/> 197.1 KB	Consent MOTION for Extension of Time to <i>Answer, Move, or Otherwise Respond</i> by SUNRISE SENIOR LIVING INC. (Attachments: # 1 Stipulation of Parties to Proposed Order# 2 Text of Proposed Order Proposed Order extending time to answer, move, or otherwise respond# 3 Certificate of Service)(Mernick, George) (Entered: 02/23/2007)
03/15/2007	3	<input type="checkbox"/> 92.4 KB	ENTERED IN ERROR. . . RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. J. BARRON ANSCHUTZ served on 3/1/2007, answer due 3/21/2007 (Cuneo, Jonathan) Modified on 3/15/2007 (td,). (Entered: 03/15/2007)
03/15/2007	4	<input type="checkbox"/> 52.9 KB	ENTERED IN ERROR. . . RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. RONALD V. APRAHAMIAN served on 2/16/2007, answer due 3/8/2007 (Cuneo, Jonathan) Modified on 3/15/2007 (td,). (Entered: 03/15/2007)
03/15/2007	5	<input type="checkbox"/> 196.5 KB	ENTERED IN ERROR. . . RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CRAIG R. CALLEN served on 3/7/2007, answer due 3/27/2007 (Cuneo, Jonathan) Modified on 3/15/2007 (td,). (Entered: 03/15/2007)
03/15/2007			NOTICE OF CORRECTED DOCKET ENTRY: re 3 Summons Returned Executed, 5 Summons Returned Executed, 4 Summons Returned Executed was entered in error and counsel was instructed to refile said pleading. (td,) (Entered: 03/15/2007)
03/15/2007	6	<input type="checkbox"/> 92.4 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. J. BARRON ANSCHUTZ served on 1/24/2007, answer due 2/13/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	7	<input type="checkbox"/> 196.5 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CRAIG R. CALLEN served on 2/17/2007, answer due 3/9/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	8	<input type="checkbox"/> 93.1 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. THOMAS J. DONOHUE served on 1/24/2007, answer due 2/13/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	9	<input type="checkbox"/> 46.3 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. J. DOUGLAS HOLLADAY served on 1/24/2007, answer due 2/13/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	10	<input type="checkbox"/> 52.7 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. WILLIAM G. LITTLE served on 1/27/2007, answer due 2/16/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	11	<input type="checkbox"/> 94.4 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. THOMAS B. NEWELL served on 1/24/2007, answer due 2/13/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)

03/15/2007	12	<input type="checkbox"/> 92.3 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. PAUL J. KLAASSEN served on 1/24/2007, answer due 2/13/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	13	<input type="checkbox"/> 46.6 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. BRADLEY B. RUSH served on 1/27/2007, answer due 2/16/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	14	<input type="checkbox"/> 47.0 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. SUNRISE SENIOR LIVING INC served on 1/24/2007, answer due 2/13/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	15	<input type="checkbox"/> 92.6 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. TERESA M. KLAASSEN served on 1/24/2007, answer due 2/13/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/15/2007	16	<input type="checkbox"/> 52.9 KB	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. RONALD V. APRAHAMIAN served on 2/14/2007, answer due 3/6/2007 (Cuneo, Jonathan) (Entered: 03/15/2007)
03/19/2007	17	<input type="checkbox"/> 1.3 MB	MOTION to Appoint Counsel <i>United Food and Commercial Workers Union Local 880 - Retail Food Employers Joint Pension Fund and United Food and Commercial Workers Union-Employer Pension Fund's Motion for Consolidation of Related Actions, Appointment as Lead Plaintiff and Approval of Selection of Lead and Liaison Counsel</i> by UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 880 - RETAIL FOOD EMPLOYERS JOINT PENSION FUND, UNITED FOOD AND COMMERCIAL WORKERS UNION-EMPLOYER PENSION FUND (Attachments: # 1 Statement of Facts Memorandum# 2 Statement Pursuant to LCvR7.1(m)# 3 Affidavit # 4 Exhibit A# 5 Exhibit B# 6 Exhibit C# 7 Exhibit D# 8 Text of Proposed Order)(Cuneo, Jonathan) Modified on 3/20/2007 (nmw,). (Entered: 03/19/2007)
03/19/2007	18		MOTION for Appointment as Lead Plaintiff by UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 880 - RETAIL FOOD EMPLOYERS JOINT PENSION FUND, UNITED FOOD AND COMMERCIAL WORKERS UNION-EMPLOYER PENSION FUND (Please see Document No. 17 for scanned images). (nmw,) (Entered: 03/20/2007)
03/19/2007	19	<input type="checkbox"/> 72.5 KB	NOTICE of Appearance by Daniel S. Sommers on behalf of CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST, OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM (nmw,) (Entered: 03/20/2007)
03/19/2007	20	<input type="checkbox"/> 2.0 MB	MOTION for Appointment as Lead Plaintiffs, MOTION to Appoint Counsel, MOTION to Consolidate Cases by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST, OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM (Attachments: # 1 Text of Proposed Order # 2 Silk Declaration# 3 Exhibit A - Notice# 4 Exhibit B - Miami Certification# 5 Exhibit C - Jones Declaration# 6 Exhibit D - Declaration of Sandra Elenberg# 7 Exhibit E - Loss Calculation# 8 Exhibit F - Bernstein Litowitz Resume# 9 Exhibit G - Bermand DeValerio Resume)(nmw,) (Entered: 03/20/2007)

03/19/2007	21		MOTION to Consolidate Cases by UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 880 - RETAIL FOOD EMPLOYERS JOINT PENSION FUND, UNITED FOOD AND COMMERCIAL WORKERS UNION-EMPLOYER PENSION FUND (Please see Document No. 17 for scanned image). (nmw,) (Entered: 03/20/2007)
04/02/2007	22	<input type="checkbox"/> 49.4 KB	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Jay W. Eng, :Firm- Berman DeValerio Pease Tabacco Burt & Pucillo, :Address- Esperante Bldg., Suite 900, 222 Lakeview Ave., West Palm Beach, FL 33401. Phone No. - 561-835-9400. Fax No. - 561-835-0322 by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST, OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM (Attachments: # 1 Certification of Jay W. Eng in Support of Motion for Admission Pro Hac Vice# 2 Text of Proposed Order Proposed Order)(Finberg, Elizabeth) (Entered: 04/02/2007)
04/02/2007	23	<input type="checkbox"/> 49.4 KB	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Michael J. Pucillo, :Firm- Berman DeValerio Pease Tabacco Burt & Pucillo, :Address- Esperante Bldg., Suite 900, 222 Lakeview Ave., West Palm Beach, FL 33401. Phone No. - 561-835-9400. Fax No. - 561-835-0322 by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST, OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM (Attachments: # 1 Certification of Michael J. Pucillo in Support of Motion for Admission Pro Hac Vice# 2 Text of Proposed Order Proposed Order)(Finberg, Elizabeth) (Entered: 04/02/2007)
04/02/2007	24	<input type="checkbox"/> 54.1 KB	RESPONSE to 17 , 18 , 20 <i>Competing Motions for Appointment as Lead Plaintiff</i> filed by UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 880 - RETAIL FOOD EMPLOYERS JOINT PENSION FUND. (Cuneo, Jonathan) Modified on 4/3/2007 (td,). (Entered: 04/02/2007)
04/02/2007	25	<input type="checkbox"/> 42.9 KB	MEMORANDUM re 20 MOTION for Appointment as Lead Plaintiffs MOTION to Appoint Counsel MOTION to Consolidate Cases filed by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST, OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST, OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM. (Toll, Steven) (Entered: 04/02/2007)
04/12/2007	26	<input type="checkbox"/> 17.6 KB	REPLY to opposition to motion re 20 MOTION for Appointment as Lead Plaintiff filed by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST. (Sommers, Daniel) Modified on 4/13/2007 (td,). (Entered: 04/12/2007)
05/07/2007			MINUTE ORDER granting 22 Motion of Jay W. Eng for Admission to Appear Pro Hac Vice; granting 23 Motion of Michael J. Pucillo for Admission to Appear Pro Hac Vice. Signed by Judge Reggie B. Walton on May 7, 2007. (MDW,) (Entered: 05/07/2007)
05/07/2007			MINUTE ORDER granting 2 Motion for Extension of Time to Respond to Complaint. Signed by Judge Reggie B. Walton on May 7, 2007. (MDW,) (Entered: 05/07/2007)

05/16/2007	27	<input type="checkbox"/> 46.4 KB	NOTICE of Appearance by John Maguire Dowd on behalf of BRADLEY B. RUSH (Dowd, John) (Entered: 05/16/2007)
05/16/2007	28	<input type="checkbox"/> 40.9 KB	NOTICE of Appearance by Jeffrey Matthew King on behalf of BRADLEY B. RUSH (King, Jeffrey) (Entered: 05/16/2007)
06/08/2007	29	<input type="checkbox"/> 23.4 KB	STIPULATION and [Proposed] Order Re: Appointment of Lead Plaintiffs, Approval of Counsel, Consolidation of Related Cases and Further Organization of the Case by SUNRISE SENIOR LIVING INC. (Mernick, George) (Entered: 06/08/2007)
06/13/2007	30	<input type="checkbox"/> 16.7 KB	NOTICE OF NO OBJECTION TO PARTIES' STIPULATION by BRADLEY B. RUSH (Dowd, John) (Entered: 06/13/2007)
06/18/2007	31	<input type="checkbox"/> 14.8 KB	NOTICE of Appearance by Jon Myer Talotta on behalf of SUNRISE SENIOR LIVING INC (Talotta, Jon) (Entered: 06/18/2007)
06/19/2007	32	<input type="checkbox"/> 15.0 KB	NOTICE of Appearance by Nathaniel Thomas Connally, III on behalf of SUNRISE SENIOR LIVING INC (Connally, Nathaniel) (Entered: 06/19/2007)
07/18/2007	33	<input type="checkbox"/> 30.8 KB	NOTICE of Appearance by Elizabeth Catherine Lulla Peterson on behalf of BRADLEY B. RUSH (Peterson, Elizabeth) (Entered: 07/18/2007)
07/31/2007			MINUTE ORDER granting Stipulation Re: Appointment of Lead Plaintiffs, Approval of Counsel, Consolidation of Related Cases and Further Organization of the Case. Case Nos. 07cv102 and 07cv294 shall be consolidated under 07cv102. Signed by Judge Reggie B. Walton on July 31, 2007. (MDW,) (Entered: 07/31/2007)
08/29/2007	34	<input type="checkbox"/> 25.7 KB	NOTICE of Appearance by Paul W. Butler on behalf of BRADLEY B. RUSH Associated Cases: 1:07-cv-00102-RBW, 1:07-cv-00294-RBW(Butler, Paul) (Entered: 08/29/2007)
10/31/2007			MINUTE ORDER finding as moot 21 Motion to Consolidate Cases as being duplicative of D.E. 17. Signed by Judge Reggie B. Walton on October 31, 2007. (MDW,) (Entered: 10/31/2007)
10/31/2007			MINUTE ORDER finding as moot (17) Motion to Appoint Counsel; finding as moot (18) Motion for Appointment as Lead Plaintiff ; finding as moot (20) Motion for Appointment as Lead Plaintiffs; finding as moot (20) Motion to Appoint Counsel; finding as moot (20) Motion to Consolidate Cases in case 1:07-cv-00102-RBW. The cases have been consolidated and the lead plaintiff has been appointed. Signed by Judge Reggie B. Walton on October 31, 2007. Associated Cases: 1:07-cv-00102-RBW, 1:07-cv-00294-RBW(MDW,) (Entered: 10/31/2007)
05/02/2008	35	<input type="checkbox"/> 17.4 KB	STIPULATION and [Proposed] Order Regarding Filing of Consolidated Amended Complaint and Briefing Thereon by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST, OKLAHOMA FIREFIGHTERS PENSION AND RETIREMENT SYSTEM.

			(Sommers, Daniel) (Entered: 05/02/2008)
05/05/2008			MINUTE ORDER. Pursuant to the parties' Joint Stipulation and Proposed Order, it is hereby ORDERED that lead plaintiffs shall file a Consolidated Amended Complaint by June 6, 2008. It is further ORDERED that the defendants shall file responsive pleadings or motions 45 days after the filing of the lead plaintiffs' Consolidated Amended Complaint. It is further ORDERED that the lead plaintiffs shall file their opposition 45 days after the filing of the defendants responsive pleadings or motions. Signed by Judge Reggie B. Walton on 05-05-2008. Associated Cases: 1:07-cv-00102-RBW, 1:07-cv-00294-RBW (TH,) (Entered: 05/05/2008)
05/05/2008			Set/Reset Deadlines: Consolidated Amended Complaint due by 6/6/2008. Associated Cases: 1:07-cv-00102-RBW, 1:07-cv-00294-RBW(zmpt,) (Entered: 05/05/2008)
05/27/2008	36	<input type="checkbox"/> 25.3 KB	NOTICE of Appearance by James Eamonn Sherry on behalf of BRADLEY B. RUSH Associated Cases: 1:07-cv-00102-RBW, 1:07-cv-00294-RBW(Sherry, James) (Entered: 05/27/2008)
06/02/2008	37	<input type="checkbox"/> 29.1 KB	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Laura H. Gundersheim, :Firm- Bernstein Litowitz Berger & Grossman LLP, :Address- 1285 Avenue of the Americas, 38th Floor, New York, NY 10019. Phone No. - 212-554-1400. Fax No. - 212-554-1444 by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST (Attachments: # 1 Declaration Declaration of Laura H. Gundersheim in Support of Motion)(Finberg, Elizabeth) (Entered: 06/02/2008)
06/02/2008	38	<input type="checkbox"/> 40.4 KB	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Laura H. Gundersheim, :Firm- Bernstein Litowitz Berger & Grossman LLP, :Address- 1285 Avenue of the Americas, 38th Floor, New York, NY 10019. Phone No. - 212-554-1400. Fax No. - 212-554-1444 (<i>refiled with proposed order</i>) by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST (Attachments: # 1 Declaration Declaration of Laura H. Gundersheim in Support of Motion, # 2 Text of Proposed Order Proposed Order Granting Admission of Laura H. Gunersheim Pro Hac Vice)(Finberg, Elizabeth) (Entered: 06/02/2008)
06/02/2008	39	<input type="checkbox"/> 40.7 KB	MOTION for Leave to Appear Pro Hac Vice :Attorney Name- William C. Fredericks, :Firm- Bernstein Litowitz Berger & Grossman LLP, :Address- 1285 Avenue of the Americas, 38th Floor, New York, NY 10019. Phone No. - 212-554-1400. Fax No. - 212-554-1444 by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST (Attachments: # 1 Declaration Declaration of William C. Fredericks in Support of Motion, # 2 Text of Proposed Order Proposed Order Granting Motion for Pro Hac Vice Admission of William C. Fredericks)(Finberg, Elizabeth) (Entered: 06/02/2008)
06/03/2008	40	<input type="checkbox"/> 27.9 KB	NOTICE of filing (<i>of revised declaration</i>) by CITY OF MIAMI GENERAL EMPLOYEES' & SANITATION EMPLOYEES' RETIREMENT TRUST re 39 MOTION for Leave to Appear Pro Hac Vice :Attorney Name- William C. Fredericks, :Firm- Bernstein Litowitz Berger & Grossman LLP, :Address- 1285

			Avenue of the Americas, 38th Floor, New York, NY 10019. Phone No. - 212-554-1400. Fax No. - 212-554-1444 (Attachments: # <u>1</u> Declaration (REVISED) declaration of William C. Fredericks in Support of Pro Hac Vice Motion)(Finberg, Elizabeth) (Entered: 06/03/2008)
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Note: Links in this docket are stored in the PACER system (**P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords). PACER is a service of United States Judiciary. To view and retrieve the linked documents from PACER, you must be a registered user. To register, fill out one of the [registration forms](#) available on the PACER site. The United States Congress has given the Judicial Conference of the United States, the judicial governing body of the U.S. Federal Courts, authority to impose user fees for electronic access to case information. For more information visit the PACER site at <http://pacer.psc.uscourts.gov/pacerdesc.html>