

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-08538-JPO -MHD**

Freudenberg v. E*Trade Financial Corporation et al
Assigned to: Judge J. Paul Oetken
Referred to: Magistrate Judge Michael H. Dolinger
Member case: ([View Member Case](#))

Related Cases: [1:07-cv-09651-JPO](#)
[1:07-cv-10400-JPO](#)
[1:07-cv-08808-JPO](#)
[1:07-cv-10540-JPO](#)
[1:08-cv-07296-JPO](#)
[1:07-cv-08612-JPO](#)
[1:07-cv-08619-JPO](#)
[1:07-cv-09697-JPO](#)

Cause: 15:78m(a) Securities Exchange Act

Date Filed: 10/02/2007
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Lead Plaintiff

The Kristen-Straxton Group

represented by **David A.P. Brower**
Brower Piven
488 Madison Avenue
New York, NY 10022
(212) 594-5300
Fax: (212) 501-0300
Email: brower@browerpiven.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brian C. Kerr
Brower Piven, A Professional Corporation
488 Madison Avenue, Eight Floor
New York, NY xxxxx
(212) 501-9000
Fax: (212) 501-0300
Email: kerr@browerpiven.com
ATTORNEY TO BE NOTICED

Elizabeth Ann Schmid
Brower Piven
488 Madison Avenue
New York, NY 10022
(212) 501-9000
Fax: 212 501-0300
Email: schmid.e@wssllp.com

ATTORNEY TO BE NOTICED

Lead Plaintiff

Ira Newman

represented by **David A.P. Brower**
(See above for address)
ATTORNEY TO BE NOTICED

Shannon Lee Hopkins
Milberg LLP (NYC)
One Pennsylvania Plaza
New York, NY 10119
(646) 733-5768
Fax: (212) 273-4446
Email: shopkins@zlk.com
ATTORNEY TO BE NOTICED

William Scott Holleman
Balestriere PLLC
225 Broadway
New York, NY 10007
(212)-374-5421
Fax: (212)-208-2613
Email: sholleman@zlk.com
ATTORNEY TO BE NOTICED

Plaintiff

Larry Freudenberg
Individually and on Behalf of All Others
Similarly Situated

represented by **David Avi Rosenfeld**
Robbins Geller Rudman & Dowd LLP(LI)
58 South Service Road
Suite 200
Melville, NY 11747
(631) 367-7100
Fax: (631) 367-1173
Email: drosefeld@csgrr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Grant Robert

represented by **Grant Robert**
PRO SE

Plaintiff

Kristen Management Limited

represented by **David A.P. Brower**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Straxton Properties, Inc.

represented by **David A.P. Brower**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Javed Fiyaz

represented by **David A.P. Brower**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Andrea Frascaroli

represented by **David A.P. Brower**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Peter Farah

represented by **David A.P. Brower**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Consolidated Plaintiff

William Boston

represented by **Evan J. Smith**
Brodsky & Smith, L.L.C.
240 Mineola Blvd.
Mineola, NY 11501
516-741-4977
Email: esmith@brodsky-smith.com
ATTORNEY TO BE NOTICED

Consolidated Plaintiff

Robert D. Thulman

represented by **Lionel Z. Glancy**
Glancy & Binkow Goldberg LLP
1801 Avenue of the Stars
Los Angeles, CA 90067
(310) 201-9150
Fax: (310) 201-9160
Email: lglancy@glancylaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Howard G. Smith
Smith & Smith
3070 Bristol Pike
Bensalem, PA 19020
(215) 638-4848
ATTORNEY TO BE NOTICED

Ira M. Press
Kirby McInerney LLP
825 Third Avenue
16th Floor

New York, NY 10022
(212) 371-6600
Fax: (212) 751-2540
Email: ipress@kmlp.com
ATTORNEY TO BE NOTICED

Michael Glenn Goldberg
Pryor Cashman LLP
7 Times Square
New York, NY 10036-6569
212-421-4100
Fax: 212-326-0806
Email: mgoldberg@pryorcashman.com
ATTORNEY TO BE NOTICED

Consolidated Plaintiff

Wendy M. Davidson

represented by **Ira M. Press**
(See above for address)
ATTORNEY TO BE NOTICED

Consolidated Plaintiff

Joshua Ferenc

represented by **Dustin Peter Mansoor**
New York City Law Department
100 Church Street, 3rd Fl.
Room 3-310
New York, NY 10007
(221)-341-0191
Fax: (212)-788-9776
Email: dmansoor@law.nyc.gov
ATTORNEY TO BE NOTICED

James Stuart Notis
Gardy & Notis, LLP
560 Sylvan Avenue
Englewood Cliffs, NJ 07632
(201) 567-7377
Fax: (201) 567-7337
Email: jnotis@gardylaw.com
ATTORNEY TO BE NOTICED

V.

Movant

**State Teachers Retirement System of
Ohio**

represented by **Judith Lynne Spanier**
Abbey Spanier Rodd Abrams & Paradis,
LLP
212 East 39th Street
New York, NY 10016
(212) 889-3700

Fax: (212) 684-5191
Email: jspanier@abbeyspanier.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jill Sharyn Abrams
Abbey Spanier Rodd Abrams & Paradis,
LLP
212 East 39th Street
New York, NY 10016
(212) 889-3700
Fax: (212) 684-5191
Email: jabrams@abbeyspanier.com
ATTORNEY TO BE NOTICED

Orin Robert Kurtz
Abbey Spanier Rodd Abrams & Paradis,
LLP
212 East 39th Street
New York, NY 10016
(212)-889-3700
Fax: (212)-684-5191
Email: okurtz@abbeyspanier.com
ATTORNEY TO BE NOTICED

Movant

Skandia Life Insurance Company Ltd.

represented by **Daniel Patrick Chiplock**
Lief Cabraser Heimann & Bernstein, LLP
250 Hudson Street
8th Floor
New York, NY 10013-1413
(212)-355-9500
Fax: (212)-355-9592
Email: dchiplock@lchb.com
TERMINATED: 08/19/2008
LEAD ATTORNEY

James M. Hughes
Motley Rice LLC (SC)
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, SC 29464
(843) 216 9133
Fax: 843 216 9440
Email: jhughes@motleyrice.com
TERMINATED: 08/19/2008
PRO HAC VICE

Movant

E*TRADE Institutional Investor Group

represented by **Geoffrey Coyle Jarvis**

other
Mississippi Public Employees Retirement
System
other
AFA Livfrskringsaktiebolag
other
Kollektivavtalsstiftelsen TSL
other
AFA Sjukfrskringsaktiebolag
other
AFA Trygghetsforskringsaktiebolag

Grant & Eisenhofer, PA (DE)
Chase Manhattan Centre
1201 North Market Street
Wilmington, DE 19801
(302)-622-7040
Fax: (302)-622-7100
Email: gjarvis@gelaw.com
LEAD ATTORNEY

Movant

Grant Robert

represented by **Gregory Mark Nespole**
Wolf Haldenstein Adler Freeman & Herz
LLP
270 Madison Avenue
New York, NY 10017
212-545-4657
Fax: (212) 545-4693
Email: nespole@whafh.com
ATTORNEY TO BE NOTICED

Movant

Grant Jessica

represented by **Gregory Mark Nespole**
(See above for address)
ATTORNEY TO BE NOTICED

Movant

First Derivative Traders LP

represented by **Gregory Mark Nespole**
(See above for address)
ATTORNEY TO BE NOTICED

Movant

Ira Newman

represented by **Eduard Korsinsky**
Zimmerman Levi & Korsinsky, LLP (NY)
39 Broadway, Suite 1601
New York, NY 10006
212-363-7500
Fax: 212-363-7171
Email: ek@zlk.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

E*Trade Financial Corporation

represented by **Amelia Temple Redwood Starr**
Davis Polk & Wardwell L.L.P.

450 Lexington Avenue
New York, NY 10017
212-450-4516
Fax: 212-450-3516
Email: amelia.starr@dpw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Edward Krause
Davis Polk & Wardwell L.L.P.
450 Lexington Avenue
New York, NY 10017
(212)-450-4700
Fax: (212)-450-3700
Email: andrew.krause@dpw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis E. Glazer
Davis Polk & Wardwell L.L.P.
450 Lexington Avenue
New York, NY 10017
(212)-450-4900
Fax: (212)-450-3900
Email: dennis.glazer@dpw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nancy B. Ludmerer
Davis Polk
450 Lexington Ave.
NY, NY 10017
(212)-450-4278
Fax: (212)-450-3278
Email: nancy.ludmerer@dpw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mitchell H. Caplan

represented by **Amelia Temple Redwood Starr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Edward Krause
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis E. Glazer

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

Nancy B. Ludmerer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Robert J. Simmons

represented by **Amelia Temple Redwood Starr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrew Edward Krause
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Dennis E. Glazer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nancy B. Ludmerer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dennis E. Webb

represented by **Amelia Temple Redwood Starr**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Miscellaneous

Countrywide Financial Corporation
Non-Party

represented by **Alexis Shapiro**
Goodwin Procter, LLP (Boston)
53 State Street, Exchange Place
Boston, MA 02109
(617)-570-1974
Fax: (617)-523-1231
Email: ashapiro@goodwinprocter.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/02/2007	<u>1</u>	COMPLAINT against E*Trade Financial Corporation, Mitchell H. Caplan, Robert J.

		Simmons. (Filing Fee \$ 350.00, Receipt Number 628550)Document filed by Larry Freudenberg.(mbe) Additional attachment(s) added on 10/9/2007 (Becerra, Maribel). (Entered: 10/03/2007)
10/02/2007		SUMMONS ISSUED as to E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. (mbe) (Entered: 10/03/2007)
10/02/2007		Magistrate Judge Michael H. Dolinger is so designated. (mbe) (Entered: 10/03/2007)
10/02/2007		Case Designated ECF. (mbe) (Entered: 10/03/2007)
10/30/2007	<u>2</u>	AFFIDAVIT OF SERVICE. E*Trade Financial Corporation served on 10/23/2007, answer due 11/12/2007. Service was accepted by Nikki Chapple, Clerk. Document filed by Larry Freudenberg. (Rosenfeld, David) (Entered: 10/30/2007)
11/14/2007	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by E*Trade Financial Corporation.(Ludmerer, Nancy) (Entered: 11/14/2007)
11/16/2007	<u>4</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and among the undersigned attorneys for the parties to these actions as follows: 1. Plaintiffs shall have 60 days after entry of the Order selecting lead plaintiffs and appointing lead plaintiffs counsel to serve a Consolidated Amended Complaint. 2. Defendants shall have 60 days after service of the CAC to answer, move, or otherwise respond to CAC. 3. Plaintiffs shall have 60 days after service of defendants' response to the CAC to serve opposition papers. 4. Defendants shall have 45 days after service of plaintiffs' opposition papers to serve reply papers. 5. Davis Pollack & Wardwell will accept service of process of the Freudenberg Complaint and the Boston Complaint, respectively, on behalf of any of the three defendants in the above captioned two cases who has not yet been served. All other provisions as set forth in this order. So Ordered (Signed by Judge Robert W. Sweet on 11/16/07) (Signed by Judge Robert W. Sweet on 11/16/07) (js) (Entered: 11/16/2007)
11/19/2007	<u>5</u>	STIPULATION AND ORDER: Plaintiffs shall have 60 days after entry of the Order selecting lead plaintiffs and appointing lead plaintiffs' counsel to serve a Consolidated Amended Complaint. Defendants shall have 60 days after service of the CAC to answer, to the CAC. Plaintiffs shall have 60 days after service of defendants' response to the CAC to serve opposition papers. Defendants have 45 days after service of plaintiffs' opposition papers to serve reply papers. (Signed by Judge Robert W. Sweet on 11/14/2007) (jar) (Entered: 11/20/2007)
11/28/2007	<u>6</u>	PRETRIAL ORDER: (Pretrial Conference set for 1/16/2008 at 04:30 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 11/28/07) (js) (Entered: 11/28/2007)
12/03/2007	<u>7</u>	MOTION to Appoint State Teachers Retirement System of Ohio to serve as lead plaintiff(s). Document filed by State Teachers Retirement System of Ohio.(Spanier, Judith) (Entered: 12/03/2007)
12/03/2007	<u>8</u>	MEMORANDUM OF LAW in Support re: <u>7</u> MOTION to Appoint State Teachers Retirement System of Ohio to serve as lead plaintiff(s).. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 12/03/2007)
12/03/2007	<u>9</u>	DECLARATION of Judith L. Spanier in Support re: <u>7</u> MOTION to Appoint State

		Teachers Retirement System of Ohio to serve as lead plaintiff(s).. Document filed by State Teachers Retirement System of Ohio. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Text of Proposed Order)(Spanier, Judith) (Entered: 12/03/2007)
12/03/2007	<u>10</u>	CERTIFICATE OF SERVICE of Motion for Appointment of Lead Plaintiff served on all counsel of record on 12/3/07. Service was made by Mail. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 12/03/2007)
12/03/2007	<u>11</u>	MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s). Document filed by The Kristen-Straxton Group. (Attachments: # <u>1</u> Certificate of Service)(Schmid, Elizabeth) (Entered: 12/03/2007)
12/03/2007	<u>12</u>	MEMORANDUM OF LAW in Support re: <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s).. Document filed by The Kristen-Straxton Group. (Schmid, Elizabeth) (Entered: 12/03/2007)
12/03/2007	<u>13</u>	DECLARATION of Elizabeth A. Schmid in Support re: <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s).. Document filed by The Kristen-Straxton Group. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B-F, # <u>3</u> Exhibit G & H, # <u>4</u> Exhibit I, # <u>5</u> Text of Proposed Order)(Schmid, Elizabeth) (Entered: 12/03/2007)
12/03/2007	<u>14</u>	CERTIFICATE OF SERVICE of Motion for Lead Plaintiff and supporting documents served on all counsel of record (Amended Certificate of Service) on 12/03/07. Service was made by mail. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 12/03/2007)
12/03/2007	<u>15</u>	NOTICE OF APPEARANCE by Daniel Patrick Chiplock on behalf of Skandia Life Insurance Company Ltd. (Chiplock, Daniel) (Entered: 12/03/2007)
12/03/2007	<u>16</u>	MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538.</i> , MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s)., MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. Document filed by Skandia Life Insurance Company Ltd..(Chiplock, Daniel) (Entered: 12/03/2007)
12/03/2007	<u>17</u>	MEMORANDUM OF LAW in Support re: <u>16</u> MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538.</i> MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s). MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s).. Document filed by Skandia Life Insurance Company Ltd.. (Chiplock, Daniel) (Entered: 12/03/2007)
12/03/2007	<u>18</u>	DECLARATION of James M. Hughes in Support re: <u>16</u> MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538.</i> MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s). MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s).. Document filed by Skandia Life Insurance Company Ltd.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F-1, # <u>7</u> Exhibit F-2, # <u>8</u> Exhibit F-3, # <u>9</u> Exhibit F-4A, # <u>10</u> Exhibit F-4B, # <u>11</u> Exhibit F-5, # <u>12</u> Exhibit F-6, # <u>13</u> Exhibit G)(Chiplock, Daniel) (Entered: 12/03/2007)

12/03/2007	<u>19</u>	CERTIFICATE of Counsel by Daniel Patrick Chiplock on behalf of Skandia Life Insurance Company Ltd.. Re: <u>16</u> MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538</i> . MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s). MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s).. <i>of Service</i> (Chiplock, Daniel) (Entered: 12/03/2007)
12/03/2007	<u>20</u>	MOTION to Appoint <i>Intitutional Investor Group (Mississippi PERS & AFA)</i> . Document filed by E*TRADE Institutional Investor Group. (Attachments: # <u>1</u> Certificate of Service)(Jarvis, Geoffrey) (Entered: 12/03/2007)
12/03/2007	<u>21</u>	MEMORANDUM OF LAW in Support re: <u>20</u> MOTION to Appoint <i>Intitutional Investor Group (Mississippi PERS & AFA)</i> .. Document filed by E*TRADE Institutional Investor Group. (Attachments: # <u>1</u> Exhibit Rule 7.1 Disclosure Statement, # <u>2</u> Affidavit Declaration of Jay W. Eisenhofer in Support of the Institutional Investor Group's Motion to Consolidate Actions, To Be Appointed Lead Plaintiff and for Approval of Its Selection of Counsel, # <u>3</u> Certificate of Service)(Jarvis, Geoffrey) (Entered: 12/03/2007)
12/03/2007	<u>22</u>	MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). Document filed by Grant Robert, Grant Jessica, First Derivative Traders LP. (Attachments: # <u>1</u> Memorandum of Law in Support of First Derivative Traders LP and Robert and Jessica Grants Motion for Consolidation, Appointment as Lead Plaintiffs, and Approval of Lead Plaintiffs Selection of Lead Counsel, # <u>2</u> Declaration of Service, # <u>3</u> Declaration of Gregory M. Nespole in Support of First Derivative Traders LP and Robert and Jessica Grant's Motion for Consolidation, Appointment as Lead Plaintiffs, and Approval of Lead Plaintiffs' Selection of Lead Counsel)(Nespole, Gregory) (Entered: 12/03/2007)
12/03/2007	<u>23</u>	MOTION to Appoint Ira Newman to serve as lead plaintiff(s). Document filed by Ira Newman.(Korsinsky, Eduard) (Entered: 12/03/2007)
12/03/2007	<u>24</u>	MEMORANDUM OF LAW in Support re: <u>23</u> MOTION to Appoint Ira Newman to serve as lead plaintiff(s).. Document filed by Ira Newman. (Korsinsky, Eduard) (Entered: 12/03/2007)
12/03/2007	<u>25</u>	DECLARATION of Eduard Korsinsky in Support re: <u>23</u> MOTION to Appoint Ira Newman to serve as lead plaintiff(s).. Document filed by Ira Newman. (Korsinsky, Eduard) (Entered: 12/03/2007)
12/04/2007	<u>26</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from Nancy B. Ludmerer dated 12/3/07 re: We write on behalf of all parties in these two cases to request that the pretrial conferences currently scheduled for Wednesday, January 16, 2008, at 4:30 p.m. be cancelled at this time. ENDORSEMENT: So Ordered. (Signed by Judge Robert W. Sweet on 12/3/07) (js) (Entered: 12/04/2007)
12/07/2007	<u>27</u>	ORDER: The motions to appoint lead plaintiff and counsel will be heard on 1/16/2008 at 12:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet. (Signed by Judge Robert W. Sweet on 12/6/2007) (jar) (Entered: 12/10/2007)
12/20/2007	<u>28</u>	MEMORANDUM OF LAW in Opposition re: <u>20</u> MOTION to Appoint <i>Intitutional</i>

		<i>Investor Group (Mississippi PERS & AFA)</i> ., <u>22</u> MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s)., <u>23</u> MOTION to Appoint Ira Newman to serve as lead plaintiff(s)., <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s)., <u>7</u> MOTION to Appoint State Teachers Retirement System of Ohio to serve as lead plaintiff(s).. Document filed by Skandia Life Insurance Company Ltd.. (Chiplock, Daniel) (Entered: 12/20/2007)
12/20/2007	<u>29</u>	DECLARATION of JAMES M. HUGHES in Opposition re: <u>20</u> MOTION to Appoint <i>Intitutional Investor Group (Mississippi PERS & AFA)</i> ., <u>22</u> MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s)., <u>23</u> MOTION to Appoint Ira Newman to serve as lead plaintiff(s)., <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s)., <u>7</u> MOTION to Appoint State Teachers Retirement System of Ohio to serve as lead plaintiff(s).. Document filed by Skandia Life Insurance Company Ltd.. (Chiplock, Daniel) (Entered: 12/20/2007)
12/20/2007	<u>30</u>	CERTIFICATE OF SERVICE of MEMORANDUM OF LAW IN FURTHER SUPPORT OF SKANDIA LIFE INSURANCE COMPANY LTD.'S MOTION FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL OF ITS SELECTIONS OF COUNSEL, AND IN OPPOSITION TO COMPETING MOTIONS; DECLARATION OF JAMES M. HUGHES IN FURTHER SUPPORT OF SKANDIA LIFE INSURANCE COMPANY LTD.'S MOTION FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF, AND APPROVAL OF ITS SELECTION OF COUNSEL, AND IN OPPOSITION TO COMPETING MOTIONS. Document filed by Skandia Life Insurance Company Ltd.. (Chiplock, Daniel) (Entered: 12/20/2007)
12/20/2007	<u>31</u>	MEMORANDUM OF LAW in Opposition re: <u>20</u> MOTION to Appoint <i>Intitutional Investor Group (Mississippi PERS & AFA)</i> ., <u>22</u> MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s)., <u>23</u> MOTION to Appoint Ira Newman to serve as lead plaintiff(s)., <u>16</u> MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538</i> . MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s). MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s)., <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s).. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 12/20/2007)
12/20/2007	<u>32</u>	DECLARATION of Judith L. Spanier in Opposition re: <u>20</u> MOTION to Appoint <i>Intitutional Investor Group (Mississippi PERS & AFA)</i> ., <u>22</u> MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert

		and Jessica Grant to serve as lead plaintiff(s)., <u>23</u> MOTION to Appoint Ira Newman to serve as lead plaintiff(s)., <u>16</u> MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538</i> . MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s). MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s)., <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s).. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 12/20/2007)
12/20/2007	<u>33</u>	DECLARATION of Professor Frank Partnoy in Opposition re: <u>20</u> MOTION to Appoint <i>Intitutional Investor Group (Mississippi PERS & AFA)</i> ., <u>22</u> MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s)., <u>23</u> MOTION to Appoint Ira Newman to serve as lead plaintiff(s)., <u>16</u> MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538</i> . MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s). MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s)., <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s).. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 12/20/2007)
12/20/2007	<u>34</u>	CERTIFICATE OF SERVICE of Memorandum of Law in Opposition to Motions for Lead Plaintiff and all supporting documents served on all counsel of record on 12/20/07. Service was made by mail. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 12/20/2007)
12/20/2007	<u>35</u>	NOTICE of Withdrawal by First Derivative Traders LP and Robert and Jessica Grant's Motion and in Support of the Motion by the State Teachers Retirement System of Ohio for Consolidation, Appointment of Lead Plaintiff, and Approval of Lead Plaintiff's Selection of Lead Counsel re: <u>22</u> MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s).. Document filed by Grant Robert, Grant Jessica, First Derivative Traders LP. (Attachments: # <u>1</u> Declaration of Service)(Nespole, Gregory) (Entered: 12/20/2007)
12/20/2007	<u>36</u>	MOTION to Withdraw <u>20</u> MOTION to Appoint <i>Intitutional Investor Group (Mississippi PERS & AFA)</i> ., <u>21</u> Memorandum of Law in Support of Motion,. Document filed by E*TRADE Institutional Investor Group.(Jarvis, Geoffrey) (Entered: 12/20/2007)
12/20/2007	<u>37</u>	MEMORANDUM OF LAW in Opposition re: <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s).. Document filed by The Kristen-Straxton Group. (Schmid, Elizabeth) (Entered: 12/20/2007)
12/20/2007	<u>38</u>	DECLARATION of Elizabeth A. Schmid in Opposition re: <u>20</u> MOTION to Appoint <i>Intitutional Investor Group (Mississippi PERS & AFA)</i> ., <u>23</u> MOTION to Appoint Ira Newman to serve as lead plaintiff(s)., <u>22</u> MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to

		Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s). MOTION to Appoint First Derivative Traders LP and Robert and Jessica Grant to serve as lead plaintiff(s)., <u>16</u> MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538</i> . MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s). MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s)., <u>7</u> MOTION to Appoint State Teachers Retirement System of Ohio to serve as lead plaintiff(s).. Document filed by The Kristen-Straxton Group. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C-1, # <u>5</u> Exhibit C-2, # <u>6</u> Exhibit C-3, # <u>7</u> Exhibit C-4, # <u>8</u> Exhibit C-5, # <u>9</u> Exhibit C-6, # <u>10</u> Exhibit C-7, # <u>11</u> Exhibit C-8, # <u>12</u> Exhibit D, # <u>13</u> Exhibit E, # <u>14</u> Exhibit E-1, # <u>15</u> Exhibit E-2, # <u>16</u> Exhibit E-3, # <u>17</u> Exhibit E-4, # <u>18</u> Exhibit F, # <u>19</u> Exhibit G, # <u>20</u> Exhibit H, # <u>21</u> Exhibit I, # <u>22</u> Exhibit J, # <u>23</u> Exhibit K, # <u>24</u> Exhibit L, # <u>25</u> Exhibit M, # <u>26</u> Exhibit M-1, # <u>27</u> Exhibit M-2, # <u>28</u> Exhibit M-3)(Schmid, Elizabeth) (Entered: 12/20/2007)
12/20/2007	<u>39</u>	CERTIFICATE OF SERVICE of Memorandum of Law in Opposition to Motions for Lead Plaintiff and all supporting documents served on All Counsel of Record on 12/20/2007. Document filed by The Kristen-Straxton Group. (Schmid, Elizabeth) (Entered: 12/20/2007)
01/02/2008	<u>40</u>	STIPULATION AND ORDER: All papers in opposition to any movant's motion to be appointed lead plaintiff will be filed and served on or before 12/20/07. All reply paper on the lead plaintiff motions will be filed and served on or before 1/7/08. A hearing on the lead plaintiff motions and such other matters and the Court wishes to address will be held on 1/23/08 at 12:00 noon. (Signed by Judge Robert W. Sweet on 12/19/07) (tro) (Entered: 01/03/2008)
01/07/2008	<u>41</u>	REPLY MEMORANDUM OF LAW in Support re: <u>16</u> MOTION to Consolidate Cases 1:07-CV-08808, 1:07-CV-9651, 1:07-CV-10400 <i>1:07-CV-08538</i> . MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s). MOTION to Approve Skandia Life Insurance Company Ltd.'s Selection of Counsel. MOTION to Appoint Skandia Life Insurance Company Ltd. to serve as lead plaintiff(s).. Document filed by Skandia Life Insurance Company Ltd.. (Chiplock, Daniel) (Entered: 01/07/2008)
01/07/2008	<u>42</u>	CERTIFICATE OF SERVICE. Document filed by Skandia Life Insurance Company Ltd.. (Chiplock, Daniel) (Entered: 01/07/2008)
01/07/2008	<u>43</u>	REPLY MEMORANDUM OF LAW in Support re: <u>7</u> MOTION to Appoint State Teachers Retirement System of Ohio to serve as lead plaintiff(s).. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 01/07/2008)
01/07/2008	<u>44</u>	DECLARATION of Second Supplemental Declaration of Judith L. Spanier in Support re: <u>7</u> MOTION to Appoint State Teachers Retirement System of Ohio to serve as lead plaintiff(s).. Document filed by State Teachers Retirement System of Ohio. (Attachments: # <u>1</u> Exhibit Exhibit A to 2nd Supplemental Declaration of Judith L. Spanier, # <u>2</u> Exhibit Exhibit B to the Second Supplemental Declaration of Judith L. Spanier)(Spanier, Judith) (Entered: 01/07/2008)
01/07/2008	<u>45</u>	CERTIFICATE OF SERVICE. Document filed by State Teachers Retirement System of Ohio. (Spanier, Judith) (Entered: 01/07/2008)

01/07/2008	<u>46</u>	REPLY MEMORANDUM OF LAW in Support re: <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s).. Document filed by The Kristen-Straxton Group. (Schmid, Elizabeth) (Entered: 01/07/2008)
01/07/2008	<u>47</u>	DECLARATION of Elizabeth A. Schmid in Support re: <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s).. Document filed by The Kristen-Straxton Group. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B1, # <u>3</u> Exhibit B2, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H, # <u>10</u> Exhibit I, # <u>11</u> Exhibit J, # <u>12</u> Exhibit K, # <u>13</u> Exhibit L)(Schmid, Elizabeth) (Entered: 01/07/2008)
01/07/2008	<u>48</u>	CERTIFICATE OF SERVICE. Document filed by The Kristen-Straxton Group. (Schmid, Elizabeth) (Entered: 01/07/2008)
01/08/2008	<u>49</u>	NOTICE OF APPEARANCE by Nancy B. Ludmerer on behalf of E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons (Ludmerer, Nancy) (Entered: 01/08/2008)
01/08/2008	<u>50</u>	NOTICE OF APPEARANCE by Andrew Edward Krause on behalf of E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons (Krause, Andrew) (Entered: 01/08/2008)
01/09/2008	<u>51</u>	NOTICE OF APPEARANCE by Dennis Eugene. Glazer on behalf of E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons (Glazer, Dennis) (Entered: 01/09/2008)
01/16/2008	<u>52</u>	MOTION for James M. Hughes to Appear Pro Hac Vice for Skandia Life Insurance Company Ltd. Document filed by Skandia Life Insurance Company Ltd.(db) (Entered: 01/24/2008)
01/28/2008	<u>53</u>	NOTICE OF APPEARANCE by Jill Sharyn Abrams on behalf of State Teachers Retirement System of Ohio (Attachments: # <u>1</u> Certificate of Service)(Abrams, Jill) (Entered: 01/28/2008)
01/28/2008	<u>54</u>	NOTICE OF APPEARANCE by Orin Robert Kurtz on behalf of State Teachers Retirement System of Ohio (Attachments: # <u>1</u> Certificate of Service)(Kurtz, Orin) (Entered: 01/28/2008)
01/29/2008	<u>55</u>	ORDER granting <u>52</u> Motion for James M. Hughes to Appear Pro Hac Vice for Skandia Life Insurance. (Signed by Judge Robert W. Sweet on 1/29/08) (cd) (Entered: 01/30/2008)
01/29/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>55</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (cd) (Entered: 01/30/2008)
01/31/2008		CASHIERS OFFICE REMARK on <u>55</u> Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 01/16/2008, Receipt Number 638477. (jd) (Entered: 01/31/2008)
02/05/2008	<u>56</u>	NOTICE OF APPEARANCE by James M. Hughes on behalf of Skandia Life Insurance Company Ltd. (Hughes, James) (Entered: 02/05/2008)
07/07/2008	<u>57</u>	NOTICE of Supplemental Authority re: <u>11</u> MOTION to Appoint The Kristen-Straxton

		Group to serve as lead plaintiff(s).. Document filed by The Kristen-Straxton Group. (Attachments: # <u>1</u> Supplement Letter, # <u>2</u> Exhibit A)(Brower, David) (Entered: 07/07/2008)
07/09/2008	<u>58</u>	RESPONSE in Support re: <u>11</u> MOTION to Appoint The Kristen-Straxton Group to serve as lead plaintiff(s)., <u>7</u> MOTION to Appoint State Teachers Retirement System of Ohio to serve as lead plaintiff(s). <i>Response by State Teachers Retirement System of Ohio to Notice of Supplemental Authority</i> . Document filed by State Teachers Retirement System of Ohio. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Affidavit Certificate of Service)(Spanier, Judith) (Entered: 07/09/2008)
07/17/2008	<u>59</u>	ORDER: The motions to consolidate the actions are granted. The motion of KSG to serve as lead plaintiff is granted, Newman's motion is granted to the extent that he is appointed co-lead plaintiff, the motions of STRS and Skandia are denied, and the selection of counsel is approved. (Signed by Judge Robert W. Sweet on 7/16/2008) Filed In Associated Cases: 1:07-cv-08538-RWS, 1:07-cv-08808-RWS, 1:07-cv-09651-RWS, 1:07-cv-10400-RWS, 1:07-cv-10540-RWS(jpo) (Entered: 07/18/2008)
07/23/2008	<u>60</u>	NOTICE OF APPEARANCE by David A.P. Brower on behalf of The Kristen-Straxton Group (Brower, David) (Entered: 07/23/2008)
08/04/2008	<u>61</u>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Motley Rice and Lieff Cabraser Heimann & Bernstein LLP to Withdraw as Attorney. Document filed by Skandia Life Insurance Company Ltd.(Chiplock, Daniel) Modified on 8/5/2008 (jar). (Entered: 08/04/2008)
08/04/2008	<u>62</u>	MOTION for Motley Rice and Lieff Cabraser Heimann & Bernstein LLP to Withdraw as Attorney. Document filed by Skandia Life Insurance Company Ltd.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Motion to Withdraw as Counsel)(Chiplock, Daniel) (Entered: 08/04/2008)
08/05/2008	<u>63</u>	PRETRIAL ORDER: Counsel are directed to meet and discuss settlement, pretrial discovery and all preliminary matters. If this action has been settled or otherwise terminated, counsel are directed to file or mail a stipulation of discontinuance, voluntary dismissal, or other proof of termination of the action prior to the date of the pretrial conference with Tsz Chan, Courtroom Clerk to Judge Sweet, Room 18C; otherwise counsel are directed to appear in courtroom 18C on 11/5/2008 at 04:30 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet for a pretrial conference for the purpose of discussing settlement with the court, exploring contemplated motions, stipulating facts, arranging a plan and schedule for all discovery, resolving any anticipated discovery issues, and setting a time for trial. Plaintiff(s)' counsel ARE REQUIRED TO NOTIFY COUNSEL FOR ALL PARTIES OF THIS CONFERENCE. (Signed by Judge Robert W. Sweet on 8/5/08) (tro) (Entered: 08/05/2008)
08/19/2008	<u>64</u>	ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL: granting (62) Motion to Withdraw in case 1:07-cv-08538-RWS; granting (14) Motion to Withdraw in case 1:07-cv-08808-RWS; granting (9) Motion to Withdraw in case 1:07-cv-09651-RWS; granting (9) Motion to Withdraw in case 1:07-cv-10400-RWS. Having considered the motion, the Court GRANTS the motion of counsel to withdraw from the above-captioned consolidated cases. It is so ordered. (Signed by Judge Robert W. Sweet on 8/13/2008) Filed In Associated Cases: 1:07-cv-08538-RWS, 1:07-cv-08808-

		RWS, 1:07-cv-09651-RWS, 1:07-cv-10400-RWS, 1:07-cv-10540-RWS(tve) Modified on 10/30/2008 (tve). (Entered: 08/19/2008)
09/04/2008	<u>65</u>	STIPULATION AND ORDER: This Order supersedes the November 14 Scheduling Order. Plaintiffs shall have until 12/30/08 to file and serve a Consolidated Amended Complaint. Defendant shall have until 3/16/09 to answer, move or otherwise respond to the Consolidated Amended Complaint. Plaintiffs shall have until 6/1/09 to file and serve opposition papers in response to any motion to dismiss filed by any defendant. Defendants shall have until 7/31/09 to file and serve reply papers with respect to any motion to dismiss filed by any defendant. Every document filed in the Consolidated Action shall bear the caption appearing at the top of this Stipulation and shall be filed only in Civil Action No. 07 Civ. 8538 (RWS). (Signed by Judge Robert W. Sweet on 8/28/08) (tro) (Entered: 09/04/2008)
11/05/2008	<u>66</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from Nancy B. Ludmerer dated 10/31/2008 re: The parties jointly respectfully request that the pretrial conference currently scheduled for Wednesday, November 5, 2008, at 4:30 p.m. be canceled at this time. ENDORSEMENT: So Ordered. (Signed by Judge Robert W. Sweet on 11/3/2008) Filed In Associated Cases: 1:07-cv-08538-RWS, 1:07-cv-08808-RWS(jfe) (Entered: 11/05/2008)
01/05/2009	<u>67</u>	STIPULATION FOR EXTENSION OF TIME AND ORDER: It is hereby ordered that this Revised Scheduling Order supersedes the September 4th Scheduling Order. Revised Scheduling Order: Plaintiff shall have until January 16, 2009, to file and serve a Consolidated Amended Complaint. Defendants shall have until April 2, 2009, to file and serve answers, move, or otherwise respond to the CAC. Plaintiffs shall have until June 18, 2009, to file and serve opposition papers in response to any motion to dismiss filed by any defendant. Defendant's shall have until August 17, 2009, to file and serve reply papers with respect to any motion to dismiss filed by any defendant. (Signed by Judge Robert W. Sweet on 12/20/2008) (jfe) (Entered: 01/05/2009)
01/20/2009	<u>68</u>	CONSOLIDATED AMENDED CLASS ACTION COMPLAINT amending <u>1</u> Complaint against Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. Document filed by Kristen Management Limited, Straxton Properties, Inc., Javed Fiyaz, Andrea Frascaroli, Peter Farah, Ira Newman. Related document: <u>1</u> Complaint filed by Larry Freudenberg.(dle) (dle). (Entered: 01/21/2009)
02/03/2009	<u>69</u>	NOTICE of Errata re: <u>68</u> Amended Complaint,. Document filed by Kristen Management Limited, Straxton Properties, Inc., Javed Fiyaz, Andrea Frascaroli, Peter Farah, Ira Newman. (Brower, David) (Entered: 02/03/2009)
03/10/2009	<u>70</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from Nancy B. Ludmerer dated 2/26/09 re: Counsel for defendants write to request permission to exceed the page limits for memoranda of law set forth in Section 2.C of Your Honor's Individual Practices. Defendants respectfully request that they be permitted to submit a single memorandum on behalf of all defendant of up to 50 pages and a single reply memorandum on behalf of all defendants of up to 25 pages. Counsel for Leaf Plaintiffs likewise requests that they be permitted to submit an opposition memorandum of up to 50 pages. ENDORSEMENT: So ordered. (Signed by Judge Robert W. Sweet on 3/4/09) (tro) (Entered: 03/11/2009)

04/01/2009	<u>71</u>	NOTICE OF APPEARANCE by Amelia Temple Redwood Starr on behalf of Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons (Starr, Amelia) (Entered: 04/01/2009)
04/02/2009	<u>72</u>	MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> . Document filed by Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. Return Date set for 9/9/2009 at 12:00 PM.Filed In Associated Cases: 1:07-cv-08538-RWS, 1:07-cv-08808-RWS, 1:07-cv-09651-RWS, 1:07-cv-10400-RWS, 1:07-cv-10540-RWS(Starr, Amelia) (Entered: 04/02/2009)
04/02/2009	<u>73</u>	MEMORANDUM OF LAW in Support re: (18 in 1:07-cv-10540-RWS, 25 in 1:07-cv-08808-RWS, 19 in 1:07-cv-09651-RWS, 18 in 1:07-cv-10400-RWS, 72 in 1:07-cv-08538-RWS) MOTION to Dismiss.. Document filed by Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. Filed In Associated Cases: 1:07-cv-08538-RWS, 1:07-cv-08808-RWS, 1:07-cv-09651-RWS, 1:07-cv-10400-RWS, 1:07-cv-10540-RWS(Starr, Amelia) (Entered: 04/02/2009)
04/02/2009	<u>74</u>	DECLARATION of AMELIA T.R. STARR in Support re: (18 in 1:07-cv-10540-RWS, 25 in 1:07-cv-08808-RWS, 19 in 1:07-cv-09651-RWS, 18 in 1:07-cv-10400-RWS, 72 in 1:07-cv-08538-RWS) MOTION to Dismiss.. Document filed by Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Errata 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Errata 16)Filed In Associated Cases: 1:07-cv-08538-RWS, 1:07-cv-08808-RWS, 1:07-cv-09651-RWS, 1:07-cv-10400-RWS, 1:07-cv-10540-RWS(Starr, Amelia) (Entered: 04/02/2009)
04/03/2009	<u>75</u>	ORDER: Defendants' motion to dismiss will be heard on noon on 5/6/09, in courtroom 18C. All motion papers shall be served in accordance with Local Civil Rule 6.1. Set Deadlines/Hearing as to <u>72</u> MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> : (Motion Hearing set for 5/6/2009 at 12:00 PM in Courtroom 18C, 500 Pearl Street, New York, NY 10007 before Judge Robert W. Sweet.) (Signed by Judge Robert W. Sweet on 4/3/09) (db) (Entered: 04/03/2009)
04/06/2009	<u>76</u>	ORDER: In light of the Court's December 20, 2008 Revised Scheduling Order, the Court's April 3, 2009 scheduling order is vacated. Defendants' motion to dismiss will be heard on submission, without oral argument on 9/9/09. All motions papers shall be served in accordance with the 12/20/08 Revised Scheduling Order. (Signed by Judge Robert W. Sweet on 4/6/09) (tro) (Entered: 04/07/2009)
06/18/2009	<u>77</u>	STIPULATION FOR EXTENSION OF TIME AND ORDER, plaintiffs shall have until 7/2/09, to file and serve opposition papers in response to Defendants' motion to dismiss and defendant shall have until 8/31/09 to reply. (Reply due by 8/31/2009. Response due by 7/2/2009) (Signed by Judge Robert W. Sweet on 6/17/09) (cd) (Entered: 06/18/2009)
06/24/2009	<u>78</u>	NOTICE of Firm Registration as an LLP and Name Change to Davis Polk & Wardwell LLP. Document filed by Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. (Starr, Amelia) (Entered: 06/24/2009)
07/02/2009	<u>79</u>	MEMORANDUM OF LAW in Opposition re: <u>72</u> MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> .. Document filed by Javed Fiyaz,

		Andrea Frascaroli, Peter Farah, The Kristen-Straxton Group, Ira Newman. (Brower, David) (Entered: 07/02/2009)
07/02/2009	<u>80</u>	DECLARATION of David A.P. Brower in Opposition re: <u>72</u> MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> .. Document filed by Javed Fiyaz, Andrea Frascaroli, Peter Farah, The Kristen-Straxton Group, Ira Newman. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Brower, David) (Entered: 07/02/2009)
08/31/2009	<u>81</u>	REPLY MEMORANDUM OF LAW in Support re: <u>72</u> MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> .. Document filed by Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. (Starr, Amelia) (Entered: 08/31/2009)
08/31/2009	<u>82</u>	DECLARATION of AMELIA T.R. STARR in Support re: <u>72</u> MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> .. Document filed by Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7A, # <u>8</u> Exhibit 7B, # <u>9</u> Exhibit 7C, # <u>10</u> Exhibit 7D, # <u>11</u> Exhibit 8, # <u>12</u> Exhibit 9)(Starr, Amelia) (Entered: 08/31/2009)
09/02/2009	<u>83</u>	AMENDED REPLY MEMORANDUM OF LAW in Support re: <u>72</u> MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> .. Document filed by Dennis E. Webb, E*Trade Financial Corporation, Mitchell H. Caplan, Robert J. Simmons. (Starr, Amelia) (Entered: 09/02/2009)
05/11/2010	<u>84</u>	OPINION #98936 re: <u>72</u> MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> filed by Robert J. Simmons, Mitchell H. Caplan, E*Trade Financial Corporation, Dennis E. Webb. In light of the foregoing authorities and conclusions, Defendants' motion to dismiss is denied. (Signed by Judge Robert W. Sweet on 5/10/2010) (tro) Modified on 5/12/2010 (ajc). (Entered: 05/11/2010)
05/18/2010	<u>85</u>	STIPULATION AND ORDER REGARDING DEFENDANTS' ANSWER TO CONSOLIDATED AMENDED CLASS ACTION COMPLAINT. Dennis E. Webb answer due 6/25/2010; E*Trade Financial Corporation answer due 6/25/2010; Mitchell H. Caplan answer due 6/25/2010; Robert J. Simmons answer due 6/25/2010. (Signed by Judge Robert W. Sweet on 5/17/10) (dj) (Entered: 05/18/2010)
06/03/2010	<u>86</u>	CASE MANAGEMENT PLAN: On or before July 12, 2010, the parties shall submit to the Court a proposed stipulated protective order, which will govern the parties' use of all information and documents that are designated as confidential and produced in discovery and, if applicable, filed with the Court. Any motion to join additional parties shall be filed no later than June 17, 2011. The parties may amend any affirmative pleadings no later than June 17, 2011. Plaintiffs shall move for Class Certification no later than September 7, 2011. The brief in support of the motion shall be no more than twenty-five (25) pages. Any motions for summary judgment shall be filed and served no later than April 9, 2012. Briefs in opposition to any summary judgment motions shall be filed and served no later than May 14, 2012. Briefs in reply to any opposition shall be filed and served no later than June 18, 2012. A pretrial conference shall be held no later than thirty (30) days after the Court issues a decision on any motion(s) for summary judgment. All motions in limine shall be filed and served no later than thirty (30) days after the Court issues a decision on any motion(s) for summary

		judgment. Briefs in opposition to any motions in limine shall be filed and served no later than twenty one (21) days after service of the motion. Briefs in reply to any opposition shall be filed and served no later than ten (10) days after service of the opposition. (Signed by Judge Robert W. Sweet on 6/1/2010) (tve) (Entered: 06/03/2010)
06/25/2010	<u>87</u>	ANSWER to Amended Complaint. Document filed by E*Trade Financial Corporation. Related document: <u>68</u> Amended Complaint, filed by Andrea Frascaroli, Straxton Properties, Inc., Kristen Management Limited, Ira Newman, Peter Farah, Javed Fiyaz.(Starr, Amelia) (Entered: 06/25/2010)
07/16/2010	<u>88</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Robert W. Sweet on 7/13/2010) (tro) (Entered: 07/16/2010)
11/11/2010	<u>89</u>	NOTICE OF APPEARANCE by Shannon Lee Hopkins on behalf of Ira Newman (Hopkins, Shannon) (Entered: 11/11/2010)
11/30/2010	<u>90</u>	NOTICE OF APPEARANCE by William Scott Holleman on behalf of Ira Newman (Holleman, William) (Entered: 11/30/2010)
12/10/2010	<u>91</u>	MOTION to Quash Plaintiffs' Subpoena Served on Non-Party Labaton Sucharow LLP. Document filed by Countrywide Financial Corporation. Return Date set for 1/12/2011 at 12:00 PM.(Shapiro, Alexis) (Entered: 12/10/2010)
12/10/2010	<u>92</u>	MEMORANDUM OF LAW in Support re: <u>91</u> MOTION to Quash Plaintiffs' Subpoena Served on Non-Party Labaton Sucharow LLP.. Document filed by Countrywide Financial Corporation. (Shapiro, Alexis) (Entered: 12/10/2010)
12/10/2010	<u>93</u>	DECLARATION of Alexis L. Shapiro in Support re: <u>91</u> MOTION to Quash Plaintiffs' Subpoena Served on Non-Party Labaton Sucharow LLP.. Document filed by Countrywide Financial Corporation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Shapiro, Alexis) (Entered: 12/10/2010)
12/13/2010	<u>94</u>	MOTION to Quash Plaintiffs' Subpoena Served on Non-Party Kaplan Fox & Kilsheimer LLP. Document filed by Countrywide Financial Corporation. Return Date set for 1/12/2011 at 12:00 PM.(Shapiro, Alexis) (Entered: 12/13/2010)
12/13/2010	<u>95</u>	MEMORANDUM OF LAW in Support re: <u>94</u> MOTION to Quash Plaintiffs' Subpoena Served on Non-Party Kaplan Fox & Kilsheimer LLP.. Document filed by Countrywide Financial Corporation. (Shapiro, Alexis) (Entered: 12/13/2010)
12/13/2010	<u>96</u>	DECLARATION of Alexis L. Shapiro in Support re: <u>94</u> MOTION to Quash Plaintiffs' Subpoena Served on Non-Party Kaplan Fox & Kilsheimer LLP.. Document filed by Countrywide Financial Corporation. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Shapiro, Alexis) (Entered: 12/13/2010)
01/03/2011	<u>97</u>	ORDER that plaintiff's letter, dated 12/14/10, will be treated as a motion to compel and will be heard on submission, without oral argument, at noon on Wednesday, 1/5/11. (Signed by Judge Robert W. Sweet on 12/24/10) (cd) (Entered: 01/03/2011)
01/03/2011	<u>98</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from Alexis Shapiro dated 12/20/10 re: Request that the Court withdraw Countrywide's motions to quash the subpoenas (docket entries 91-96). ENDORSEMENT: So Ordered. (Signed by

		Judge Robert W. Sweet on 12/24/10) (cd) (Entered: 01/03/2011)
01/04/2011	<u>99</u>	NOTICE OF APPEARANCE by Brian C. Kerr on behalf of The Kristen-Straxton Group (Kerr, Brian) (Entered: 01/04/2011)
01/13/2011	<u>100</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from Shannon L. Hopkins dated 12/14/10 re: Discovery Dispute. ENDORSEMENT: Treat as motion returnable 12/29 on submission. Documents from January 1, 2005 relating to underwriting guidelines and risk* management guidelines will be produced and the confidential witnesses* identified. So Ordered. (Signed by Judge Robert W. Sweet on 1/10/11) (db) Modified on 1/18/2011 (db). *-amended as per <u>102</u> Endorsement. (Entered: 01/13/2011)
01/18/2011	<u>101</u>	CASE MANAGEMENT ORDER #2: The dates set forth in Case Management Order No. 1 are amended as follows and as set forth in this order: Amended Pleadings due by 6/16/2011. Motions for summary judgment due by 8/15/2012. Briefs in opposition due by 9/20/2012 Briefs in reply due by 10/24/2012. Depositions of all experts due by 5/15/2012. (Signed by Judge Robert W. Sweet on 1/14/2011) (jar) Modified on 1/19/2011 (jar). (Entered: 01/18/2011)
01/18/2011	<u>102</u>	ENDORSED LETTER addressed to Judge Robert W. Sweet from Amelia T.R. Starr dated 1/14/11 re: Based on our reading of the Court's handwritten endorsement, we believe the docket entry for Docket Item #100 is inaccurate. The relevant portion of the docket entry currently reads: "Documents from January 1, 2005 relating to underwriting guidelines and use management guidelines will be produced and the confidential portions identified" (emphasis added). We believe the docket entry should read: "Documents from January 1, 2005 relating to underwriting guidelines and risk management guidelines will be produced and the confidential witnesses identified.". ENDORSEMENT: So Ordered. (Signed by Judge Robert W. Sweet on 1/14/11) (db) (Entered: 01/18/2011)
02/15/2011	<u>103</u>	ORDER: Plaintiffs' letter, dated January 26, 2011, will be treated as a motion to compel and will heard on submission without argument, on Wednesday, March 2, 2011. (Signed by Judge Robert W. Sweet on 2/14/2011) (jpo) (Entered: 02/15/2011)
04/15/2011	<u>104</u>	CASE MANAGEMENT ORDER NO. 3: Subject to ruling on any objections, good faith production or documents shall be completed no later than July 8, 2011. No contention interrogatories or requests for admission shall be served before the completion of merits document discovery on July 8, 2011. Merits document discovery, including production of documents and responses to non-contention interrogatories, shall be completed by July 8, 2011. Any motion to join additional parties shall be filed no later than December 2, 2011. The parties may amend any affirmative pleadings no later than December 2, 2011. Depositions of merits witnesses shall be completed by February 10, 2012. Expert Discovery and Class Certification dates as further set forth in this order. Expert dispositions due by 8/17/2012. Any motions for summary judgment shall be filed and served no later than November 30, 2012. Briefs in opposition to any summary judgment motions shall be filed and served no later than January 4, 2013. Briefs in reply to any opposition shall be tiled and served no later than February 1, 2013. All other dates as set forth in this order. (Amended Pleadings due by 12/2/2011. Motions due by 11/30/2012. Responses due by 1/4/2013 Replies due by 2/1/2013. Deposition due by 8/17/2012. Discovery due by 7/8/2011.) (Signed by Judge Robert W. Sweet on 8/15/2011) (jar) (Entered: 04/15/2011)

05/06/2011	<u>105</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions). Referred to Magistrate Judge Michael H. Dolinger. (Signed by Judge Robert W. Sweet on 5/5/2011) (jfe) (Entered: 05/06/2011)
05/16/2011	<u>106</u>	ENDORSED LETTER: addressed to Magistrate Judge Michael H. Dolinger from Amelia T. R. Starr dated 5/10/2011 re: Defendants request that they be given until may 20, 2011 to respond to plaintiffs' Letter. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Michael H. Dolinger on 5/12/11) (js) (Entered: 05/16/2011)
05/23/2011	<u>107</u>	NOTICE OF CHANGE OF ADDRESS by Brian C. Kerr on behalf of The Kristen-Straxton Group. New Address: Brower Piven, 488 Madison Avenue, Eighth Floor, New York, NY, United States 10022, 212-501-9000. (Kerr, Brian) (Entered: 05/23/2011)
05/26/2011		Minute Entry for proceedings held before Magistrate Judge Michael H. Dolinger: Discovery Hearing held on 5/26/2011. (mbe) (Entered: 05/31/2011)
06/14/2011	<u>108</u>	TRANSCRIPT of Proceedings re: Conference held on 5/26/2011 before Magistrate Judge Michael H. Dolinger. Court Reporter/Transcriber: Andrew Walker, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/8/2011. Redacted Transcript Deadline set for 7/18/2011. Release of Transcript Restriction set for 9/15/2011.(McGuirk, Kelly) (Entered: 06/14/2011)
06/14/2011	<u>109</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 5/26/2011 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 06/14/2011)
07/09/2011	<u>110</u>	ENDORSED LETTER addressed to Magistrate Judge Michael H. Dolinger from Amelia T.R. Starr dated 6/30/2011 re: Counsel request leave to report back to the Court within one month and, depending on the outcome of the parties' negotiations, either propose a new deadline for document discovery or request a conference with Your Honor to resolve any outstanding issues. ENDORSEMENT: For present purposes, we extend the deadline to complete document production to August 10, 2011. Before that time, the parties will be expected to complete their document negotiations and (failing full agreement) to have presented their respective positions to the court in writing. So Ordered. (Signed by Magistrate Judge Michael H. Dolinger on 7/5/2011) (jfe) (Entered: 07/11/2011)
08/24/2011	<u>111</u>	ORDER: A Conference is set for 9/7/2011 at 04:00 PM in Courtroom 17D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Michael H. Dolinger. (Signed by Magistrate Judge Michael H. Dolinger on 8/23/2011) Copies Sent By Chambers. (ab) (Entered: 08/24/2011)
09/12/2011	<u>112</u>	TRANSCRIPT of Proceedings re: Conference held on 9/7/2011 before Magistrate

		Judge Michael H. Dolinger. Court Reporter/Transcriber: Eve Giniger, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/6/2011. Redacted Transcript Deadline set for 10/17/2011. Release of Transcript Restriction set for 12/15/2011. Filed In Associated Cases: 1:07-cv-08538-RWS -MHD, 1:07-cv-08808-RWS, 1:07-cv-09651-RWS, 1:07-cv-10400-RWS, 1:07-cv-10540-RWS(McGuirk, Kelly) (Entered: 09/12/2011)
09/12/2011	<u>113</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 9/7/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:07-cv-08538-RWS -MHD, 1:07-cv-08808-RWS, 1:07-cv-09651-RWS, 1:07-cv-10400-RWS, 1:07-cv-10540-RWS(McGuirk, Kelly) (Entered: 09/12/2011)
09/14/2011	<u>114</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 09/14/2011)
09/26/2011	<u>115</u>	SEALED DOCUMENT placed in vault.(mps) (Entered: 09/26/2011)
09/30/2011	<u>116</u>	NOTICE OF CASE ASSIGNMENT to Judge J. Paul Oetken. Judge Robert W. Sweet is no longer assigned to the case. (sjo) (Entered: 09/30/2011)
11/16/2011	<u>117</u>	ORDER: That discovery in the above-captioned action shall be stayed until DECEMBER 7, 2011, on which date the parties are directed to provide a status update to the court. (Signed by Magistrate Judge Michael H. Dolinger on 11/15/2011) (cd) (Entered: 11/16/2011)

Note: Links in this docket are stored in the PACER system (Public Access to Court Electronic Records). 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>