

**U.S. District Court
North Carolina Middle District (Durham)
CIVIL DOCKET FOR CASE #: 1:07-cv-00785-WO-PTS**

GOODEN v. SMART ONLINE, INC. et al

Date Filed: Oct. 18, 2007
Status: Open
Nature of suit: 850 Securities/Commodities
Assigned to: [JUDGE WILLIAM L. OSTEEN JR.](#)
Cause: 15:77 Securities Fraud
Jurisdiction: Federal Question
Jury demand: Plaintiff
Referred to: MAG/JUDGE P. TREVOR SHARP

Parties and Attorneys

Plaintiff

ROBYN L. GOODEN

On behalf of herself and all others similarly situated
TERMINATED: 09/08/2008

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Defendant

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Defendant
MAXIM GROUP, LLC

Defendant
JESUP & LAMONT SECURITIES CORP.

Defendant
RONNA LOPRETE

Defendant
NICHOLAS A. SINIGAGLIA

Defendant
SCOTT WHITAKER

Defendant
DAVID E.Y. SARNA

Defendant
FRANK COLL

Defendant
C. JAMES MEESE, JR.

Defendant
PHILIPPE POUPONNOT

Defendant
SHERB & CO., LLP

Defendant
RUBEN SERRANO

Defendant
ALAN LUSTIG

Defendant

ANTHONY MARTIN

Defendant

JAMES DOOLAN

Defendant

JOHN DOE 1-5

Movant

GEORGE S. ALLEN
TERMINATED: 09/08/2008

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Movant

LEON REESE
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Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
<u>1</u>	Oct. 18, 2007	1	(CIVIL COVER SHEET FILED INADVERTENTLY AS A COMPLAINT DOCUMENT) COMPLAINT CLASS ACTION against JESUP & LAMONT SECURITIES CORP., SMART ONLINE, INC., DENNIS MICHAEL NOURI, REEZA ERIC NOURI, HENRI NOURI, JEFFREY W. LEROSE, THOMAS P. FURR, MAXIM GROUP, LLC (Filing fee \$ 350 receipt number 372847.), filed by ROBYN L. GOODEN.(CRABTREE, GUY) Modified on 10/19/2007- Electronically filed in error with the civil cover sheet as the image. (McClain, Abby). (Entered: 10/18/2007)
<u>2</u>	Oct. 18, 2007	2	COMPLAINT - CLASS ACTION against JESUP & LAMONT

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			SECURITIES CORP., SMART ONLINE, INC., DENNIS MICHAEL NOURI, REEZA ERIC NOURI, HENRI NOURI, JEFFREY W. LEROSE, THOMAS P. FURR, MAXIM GROUP, LLC (Filing fee \$ 350 receipt number 372870.), filed by ROBYN L. GOODEN.(CRABTREE, GUY) (Additional attachment(s) added on 4/19/2008: # 1 Attachment 1) (McCarty, Dianne). (Additional attachment(s) added on 4/19/2008: # 2 Attachment 2) (McCarty, Dianne). (Entered: 10/18/2007)
3	Oct. 18, 2007		CASE REFERRED to Mediation pursuant to Local Rule 83.9b of the Rules of Practice and Procedure of this Court. Please go to our website form directory for a list of mediators which must be served on all parties. (McClain, Abby) (Entered: 10/19/2007)
4	Oct. 19, 2007	3	Additional Attachments to Main Document 2 (CRABTREE, GUY) Modified Modified on 4/19/2008 Document added to complaint as Attachment 1(McCarty, Dianne). (Entered: 10/19/2007)
5	Oct. 19, 2007	4	CIVIL COVER SHEET, filed by ROBYN L. GOODEN.(CRABTREE, GUY) (Entered: 10/19/2007)
6	Oct. 19, 2007	5	Summons Issued as to JESUP & LAMONT SECURITIES CORP., SMART ONLINE, INC., DENNIS MICHAEL NOURI, REEZA ERIC NOURI, HENRI NOURI, JEFFERY W. LEROSE, THOMAS P. FURR, MAXIM GROUP, LLC. (Attachments: # 1 Additional summons# 2 Additional summons# 3 Additional summons# 4 Additional summons# 5 Additional summons# 6 Additional summons# 7 Additional summons)(McClain, Abby) (Entered: 10/19/2007)
7	Oct. 19, 2007	6	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (McClain, Abby) (Entered: 10/19/2007)
8	Oct. 19, 2007	7	Additional Attachments to Main Document. 2 (CRABTREE, GUY) Modified on 4/19/2008 Document added to complaint as Attachment 2 (McCarty, Dianne). (Entered: 10/19/2007)
9	Oct. 25, 2007	8	NOTICE of Appearance by attorney WILLIAM B. FEDERMAN on behalf of Plaintiff ROBYN L. GOODEN (CRABTREE, GUY) Modified on 10/26/2007 To Correct Name of Atty. (Lee, Lisa). (Entered: 10/25/2007)
10	Oct. 25, 2007	9	NOTICE of Appearance by attorney ALLISON B. WATERS on behalf of Plaintiff ROBYN L. GOODEN (CRABTREE, GUY) Modified on 10/26/2007 to correct name of Atty. (Lee, Lisa) (Entered: 10/25/2007)
11	Oct. 31, 2007	10	CERTIFICATE OF SERVICE by ROBYN L. GOODEN re 8 Notice of Appearance of William B. Federman (CRABTREE, GUY) (Entered: 10/31/2007)
12	Oct. 31, 2007	11	CERTIFICATE OF SERVICE by ROBYN L. GOODEN re 9 Notice of Appearance of Allison B. Waters (CRABTREE, GUY) (Entered: 10/31/2007)
13	Nov. 01, 2007	12	NOTICE of Deficiency as to Attorney ALISON B. WATERS. (ECF 30 DAY NOTICE) (Lee, Lisa) (Entered: 11/01/2007)
14	Nov. 01, 2007	13	NOTICE OF Deficiency as to Attorney WILLIAM B. FEDERMAN. (ECF 30 DAY NOTICE) (Lee, Lisa) (Entered: 11/01/2007)
15	Dec. 11, 2007	14	JOINT MOTION TO ESTABLISH AN INITIAL CASE MANAGEMENT SCHEDULE by ROBYN L. GOODEN, SMART ONLINE, INC., JEFFERY W. LEROSE, THOMAS P. FURR. Responses due by 1/3/2008 (Attachments: # 1 Text of Proposed Order)(ALLEN, F.) (Entered: 12/11/2007)

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<u>16</u>	Dec. 12, 2007		***Motions Referred: 14 JOINT MOTION TO ESTABLISH AN INITIAL CASE MANAGEMENT SCHEDULE to Judge MAG/JUDGE P. TREVOR SHARP- (McCarty, Dianne) (Entered: 12/12/2007)
<u>17</u>	Dec. 17, 2007	16	DECLARATION of William B. Federman in Support of 15 MOTION for Appointment of Co-Lead Plaintiffs and Approval of Co-Lead Plaintiffs' Selection of Lead Counsel and Liaison Counsel filed by movants George S. Allen, Leon Reese, Thomas L. Wylie. (Attachments: # 1 Exhibit A-1, # 2 Exhibit A-2, # 3 Exhibit A-3, # 4 Exhibit B-1, # 5 Exhibit B-2, # 6 Exhibit B-3, # 7 Exhibit C, # 8 Exhibit D) (FEDERMAN, WILLIAM) Modified on 12/18/2007 to reflect accurate title of pldg. (Lee, Lisa). (Entered: 12/17/2007)
<u>18</u>	Dec. 17, 2007	17	MOTION for Consolidation of All Future Related Actions, Appointment of Lead Plaintiff and Approval of Seelction of Lead Plaintiff's Choice of Lead Counsel and Liaison Counsel filed by Mary Jane Beauregard. Responses due by 1/9/2008 (HARRIS, S.) Modified on 12/18/2007 to reflect accurate title of pldg. (Lee, Lisa). (Entered: 12/17/2007)
<u>19</u>	Dec. 17, 2007	18	MEMORANDUM of Points and Authorities in Support of 17 Motion of mary Jane Beauregard for Consolidation of All Future Related Actions, Appointment of Lead Plaintiff and Approval of Selection of Lead Plaintiff's Choice of Lead Counsel and Liaison Counsel; filed by Movant Mary Jane Beauregard. (HARRIS, S.) Modified on 12/18/2007 to reflect accurate title of pldg. (Lee, Lisa). (Entered: 12/17/2007)
<u>20</u>	Dec. 17, 2007	19	DECLARATION in Support of 17 MOTION for Consolidation of All Future Related Actions, and Appointment of Lead Plaintiff and Approval of Selection of Lead Plaintiff's Choice of Lead Counsel and Liaison Counsel; filed by Mary Jane Beauregard. Replies due by 1/4/2008. (Attachments: # 1 Exhibit Beauregard Certification and Loss Chart, # 2 Exhibit Federman Press Release 10-18-07, # 3 Exhibit Kahn, Gauthier and Swick/Brower Piven Resumes) (HARRIS, S.) Modified on 12/18/2007 to reflect accurate title of pldg. (Lee, Lisa). (Entered: 12/17/2007)
<u>21</u>	Dec. 17, 2007	20	[PROPOSED] ORDER CONSOLIDATING ALL FUTURE RELATED ACTIONS, APPOINTING LEAD PLAINTIFF AND APPROVING SELECTION OF LEAD PLAINTIFFS CHOICE OF LEAD COUNSEL AND LIAISON COUNSEL (HARRIS, S.) Modified on 12/18/2007 to reflect accurate title of pldg. (Lee, Lisa). (Entered: 12/17/2007)
<u>22</u>	Dec. 18, 2007		NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENT(S) re 15 MOTION for Appointment of Co-Lead Plaintiffs, and Approval of Co-Lead Plaintiffs' Selection of Lead Counsel and Liaison Counsel and Memorandum of Law in Support. Memorandum of Law in Support of Motion filed with Motion as one pleading. Memorandum of Law in Support of Motion MUST be filed as a Separate Pleading. (Lee, Lisa) (Entered: 12/18/2007)
<u>23</u>	Dec. 18, 2007	21	MOTION for Appointment of Co-Lead Plaintiffs and Approval of Co-Lead Plaintiffs' Selection of Lead Counsel and Liaison by George S. Allen, Leon Reese, Thomas L. Wylie. Responses due by 1/10/2008 (Attachments: # 1 Text of Proposed Order) (FEDERMAN, WILLIAM) Modified on 12/19/2007 to reflect accurate title of pldg. (Lee, Lisa). (Entered: 12/18/2007)
<u>24</u>	Dec. 18, 2007	22	MEMORANDUM of Law in Support of 21 MOTION for Appointment of

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			Co-Lead Plaintiffs , and Approval of Co-Lead Plaintiffs' Selection of Lead Counsel and Liaison Counsel; filed by Movants George S. Allen, Leon Reese, Thomas L. Wylie. (FEDERMAN, WILLIAM) Modified on 12/19/2007 to reflect accurate title of pldg. (Lee, Lisa). (Entered: 12/18/2007)
25	Dec. 19, 2007		NOTICE of Docket Text/Event Modification - re 15 MOTION for Appointment of Co-Lead Plaintiffs and Approval of Co-Lead Plaintiffs' Selection of Lead Counsel and Liaison Counsel: Pleading No. 15 has been terminated as the Memorandum in Support was filed together with the Motion. The Pleading has been re-filed as two (2) separate documents. See Pldg. Nos. 21 & 22 . (Lee, Lisa) (Entered: 12/19/2007)
26	Dec. 21, 2007	23	NOTICE of Appearance by attorney F. HILL ALLEN, IV on behalf of Defendants SMART ONLINE, INC., JEFFERY W. LEROSE, THOMAS P. FURR (ALLEN, F.) (Entered: 12/21/2007)
27	Dec. 21, 2007	24	ORDER signed by MAG/JUDGE P. TREVOR SHARP on 12/21/2007 GRANTING 14 Joint Motion to Establish Initial Case Management Schedule. (Lee, Lisa) (Entered: 12/21/2007)
28	Dec. 27, 2007	25	NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENT(S) re 23 Notice of Appearance. (Wilson, JoAnne) (Entered: 12/27/2007)
29	Dec. 28, 2007	26	NOTICE of Appearance by attorney NICHOLAS I. PORRITT on behalf of Defendants SMART ONLINE, INC., JEFFERY W. LEROSE, THOMAS P. FURR (PORRITT, NICHOLAS) (Entered: 12/28/2007)
30	Jan. 08, 2008	27	RESPONSE To All Lead Plaintiff Motions; filed by Defendants SMART ONLINE, INC., JEFFERY W. LEROSE, THOMAS P. FURR re 20 Additional Attachments to Main Document, Notice of Docket Text/Event Modification, 18 Memorandum; 21 MOTION to Appoint George S. Allen, Leon Reese, and Thomas L. Wylie as Lead Plaintiffs and for Appointment of Lead Counsel; 17 MOTION to Appoint Lead Plaintiff, Approval of Selection of Lead Plaintiff's Choice of Lead Counsel and Liason Counsel and Consolidation of all Future Related Actions; 22 Memorandum; 19 Affidavit in Support of Motion. Replies due by 1/21/2008. (ALLEN, F.) Modified on 1/9/2008 to reflect accurate title of pldg. (Lee, Lisa). (Entered: 01/08/2008)
31	Jan. 09, 2008	28	RESPONSE in Support re 17 MOTION to Appoint Lead Plaintiff, Approval of Selection of Lead Plaintiff's Choice of Lead Counsel and Liason Counsel and Consolidation of all Future Related Actions and in Opposition to Other Competing Motions filed by Mary Jane Beauregard. Replies due by 1/22/2008. (HARRIS, S.) (Entered: 01/09/2008)
32	Feb. 08, 2008	29	NOTICE by MARY JANE BEAUREGARD Of Non-Opposition To Motion Of Mary Jane Beauregard To Consolidate Related Actions; To Be Appointed Lead Plaintiff ; And To Approve Proposed Lead Plaintiff's Choice of Counsel (HARRIS, S.) (Entered: 02/08/2008)
33	Apr. 15, 2008		***Motions Submitted: 17 MOTION to Appoint Lead Plaintiff, Approval of Selection of Lead Plaintiff's Choice of Lead Counsel and Liason Counsel and Consolidation of all Future Related Actions, 21 MOTION to Appoint George S. Allen, Leon Reese, and Thomas L. Wylie as Lead Plaintiffs and for Appointment of Lead Counsel to Judge JUDGE WILLIAM L. OSTEEN JR.- (McCarty, Dianne) (Entered: 04/15/2008)

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34	Jun. 24, 2008	30	ORDER Signed by JUDGE WILLIAM L. OSTEEEN JR. on 6/24/08 that each related action subsequently filed in this court or transferred to this court shall be consolidated with the instant action; Considering the factors set forth in 15 U.S.C. § 78u-4(a)(3)(B)(i), and (iii), Mary Jane Beauregard is hereby appointed Lead Plaintiff for the Class pursuant to Section 21D of the Securities Exchange Act of 1934; and Lead Plaintiff's selection of the law firms Kahn Gauthier Swick, LLL, and Brower Priven, A Professional Corporation as Lead Counsel for the Class, and S. Ranchor Harris, III, as Liaison Counsel for the Class is hereby approved. The motion of George S. Allen, Leon Reese, and Thomas L. Wylie for appointment of Co-Lead Plaintiffs and for approval of Co-Lead Plaintiffs' selection of Lead Counsel and Liaison Counsel is DENIED. (Entered: 06/24/2008)
35	Aug. 01, 2008		Telephone Notice to/from Attorney S. Ranchor Harris counsel for lead plaintiff, as to the status of the filing of the consolidated amended complaint (see pldg. #24). Attorney advised that the parties are preparing a proposed scheduling order for the court's consideration. (Williamson, Wanda) (Entered: 08/01/2008)
36	Sep. 08, 2008	31	JOINT MOTION To Establish Case Management Plan and Order by MARY JANE BEAUREGARD. Responses due by 10/1/2008 (HARRIS, S.) (Entered: 09/08/2008)
37	Sep. 08, 2008	32	AMENDED COMPLAINT Lead Plaintiff-Class Action Complaint against defendant all defendants, filed by MARY JANE BEAUREGARD.(HARRIS, S.) (Entered: 09/08/2008)
38	Sep. 10, 2008	33	Summons Issued as to RONNA LOPRETE, NICHOLAS A. SINIGAGLIA, SCOTT WHITAKER, DAVID E.Y. SARNA, FRANK COLL, C. JAMES MEESE, JR, PHILIPPE POUPONNOT, SHERB & CO., LLP, RUBEN SERRANO, ALAN LUSTIG, JAMES DOOLAN. (Attachments: # 1 Additional Summons - Coll, # 2 Additional Summons - Doolan, # 3 Additional Summons - Lustig, # 4 Additional Summons - Meese, # 5 Additional Summons - Sinagaglia, # 6 Additional Summons - Pouponnot, # 7 Additional Summons - Loprete, # 8 Additional Summons - Serrano, # 9 Additional Summons - Sherb & Co., # 10 Additional Summons - Sarna, # 11 Additional Summons - Whitaker) (Lloyd, Donna) (Entered: 09/10/2008)
39	Sep. 10, 2008	34	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Lloyd, Donna) (Entered: 09/10/2008)
40	Sep. 18, 2008	35	CORRECTED CLASS ACTION COMPLAINT against all defendants filed by MARY JANE BEAUREGARD. (HARRIS, S.) Modified on 9/18/2008 to edit text to accurately reflect document title. (Lloyd, Donna) (Entered: 09/18/2008)
41	Sep. 26, 2008	36	Summons Issued as to JESUP & LAMONT SECURITIES CORP., MAXIM GROUP, LLC. (Attachments: # 1 Additional Summons) (Lloyd, Donna) (Entered: 09/26/2008)
42	Oct. 01, 2008		***Motions Referred: 31 JOINT MOTION To Establish Case Management Plan and Order to MAG/JUDGE P. TREVOR SHARP. (Winchester, Robin) (Entered: 10/01/2008)
43	Oct. 02, 2008	37	ORDER signed by MAG/JUDGE P. TREVOR SHARP on 10/2/08 granting 31 Joint Motion. (1.) Plaintiff shall file and serve her amended complaint on or before September 8, 2008; (2) Defendants shall file and

Req #	Filed	#	Docket Text
			serve their motion(s) to dismiss and supporting memoranda of law on or before October 17, 2008; (3). Plaintiff shall file and serve her memoranda in opposition to Defendants motions(s) to dismiss on or before December 1, 2008; and (4). Defendants shall file and serve their reply memoranda in support of their motion(s) to dismiss on or before January 15, 2009. (Wilson, JoAnne). (Entered: 10/02/2008)