

US District Court Civil Docket as of September 22, 2009

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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-03601-HB**

Landmen Partners, Inc. et al v. The Blackstone Group, L.P. et al

Assigned to: Judge Harold Baer

Member case: ([View Member Case](#))

Related Cases: [1:08-cv-03838-HB](#)

[1:08-cv-04064-HB](#)

[1:08-cv-05447-HB](#)

[1:08-cv-04110-HB](#)

Date Filed: 04/15/2008

Jury Demand: Plaintiff

Nature of Suit: 850 Securities/Commodities

Jurisdiction: Federal Question

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

Lead Plaintiff

Martin Litwin

represented by **David Avi Rosenfeld**

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Plaintiff

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and On Behalf of All Others Similarly Situated

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V.

Defendant

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Defendant

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ATTORNEY TO BE NOTICED

Defendant

Hamilton E. James

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Movant

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Date Filed	#	Docket Text
04/15/2008	<u>1</u>	COMPLAINT against The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi. (Filing Fee \$ 350.00, Receipt Number 647645)Document filed by Landmen Partners, Inc.(Individually), Landmen Partners, Inc.(and On Behalf of All Others Similarly Situated).(tve) (tve). (Entered: 04/17/2008)
04/15/2008		SUMMONS ISSUED as to The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi. (tve) (Entered: 04/17/2008)
04/15/2008		Magistrate Judge Frank Maas is so designated. (tve) (Entered: 04/17/2008)
04/15/2008		Case Designated ECF. (tve) (Entered: 04/17/2008)
04/15/2008	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Landmen Partners, Inc.(Individually), Landmen Partners, Inc.(and On Behalf of All Others Similarly Situated).(tve) (Entered: 04/17/2008)
04/23/2008	<u>3</u>	NOTICE OF APPEARANCE by Bruce Domenick Angiolillo on behalf of The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi (Angiolillo, Bruce) (Entered: 04/23/2008)
04/23/2008	<u>4</u>	NOTICE OF APPEARANCE by Jonathan K. Youngwood on behalf of The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi (Youngwood, Jonathan) (Entered: 04/23/2008)
04/24/2008	<u>5</u>	ORDER SCHEDULING AN INITIAL PRETRIAL CONFERENCE:... Initial Conference set for 7/11/2008 at 10:45 AM in Courtroom 21B, 500 Pearl Street, New York, NY 10007 before Judge Colleen

		McMahon. (Signed by Judge Colleen McMahon on 4/24/08) (cd) (Additional attachment(s) added on 4/28/2008: # 1 order) (mde). (Entered: 04/24/2008)
04/25/2008		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney David Avi Rosenfeld for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document 2 Rule 7.1 Corporate Disclosure Statement to: case_openings@nysd.uscourts.gov. (lb) (Entered: 04/25/2008)
05/13/2008	6	ENDORSEMENT ON (UNSIGNED) STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO COMPLAINTS, ENDORSEMENT; The court will not so order this stipulation. The court will conference the case and set its own schedule for all these dates. the schedule will not be nearly as generous as you might wish. Conference is set for June 18, 2008 at 10:30 a.m. (Signed by Judge Colleen McMahon on 5/13/08) (mme) (Entered: 05/16/2008)
05/16/2008		Set/Reset Hearings: Status Conference set for 6/18/2008 at 10:30 AM before Judge Colleen McMahon. (mme) (Entered: 05/28/2008)
06/16/2008	7	MOTION to Appoint Counsel., MOTION to Appoint Roderick Hernandez and Linda Hernandez, David Jakeman, Tsang Tak Keung, and Alice Tu and Yixtn Tu to serve as lead plaintiff(s), MOTION to Consolidate Cases 08-cv-3838, 08-cv-4064, 08-cv-4110. Document filed by The Jakeman Group. (Attachments: # 1 Text of Proposed Order)(D'Agnenica, Jason) (Entered: 06/16/2008)
06/16/2008	8	MEMORANDUM OF LAW in Support re: 7 MOTION to Appoint Counsel. MOTION to Appoint Roderick Hernandez and Linda Hernandez, David Jakeman, Tsang Tak Keung, and Alice Tu and Yixtn Tu to serve as lead plaintiff(s). MOTION to Consolidate Cases 08-cv-3838, 08-cv-4064, 08-cv-4110. MOTION to Appoint Roderick Hernandez and Linda Hernandez, David Jakeman, Tsang Tak Keung, and Alice Tu and Yixtn Tu to serve as lead plaintiff(s).. Document filed by The Jakeman Group. (D'Agnenica, Jason) (Entered: 06/16/2008)
06/16/2008	9	DECLARATION of Jason D'Agnenica in Support re: 7 MOTION to Appoint Counsel. MOTION to Appoint Roderick Hernandez and Linda Hernandez, David Jakeman, Tsang Tak Keung, and Alice Tu and Yixtn Tu to serve as lead plaintiff(s). MOTION to Consolidate Cases 08-cv-3838, 08-cv-4064, 08-cv-4110. MOTION to Appoint Roderick Hernandez and Linda Hernandez, David Jakeman, Tsang Tak Keung, and Alice Tu and Yixtn Tu to serve as lead plaintiff(s).. Document filed by The Jakeman Group. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(D'Agnenica, Jason) (Entered: 06/16/2008)
06/16/2008	10	CERTIFICATE OF SERVICE. Document filed by The Jakeman Group. (D'Agnenica, Jason) (Entered: 06/16/2008)

06/16/2008	11	MOTION to Appoint Martin Litwin to serve as lead plaintiff(s) , <i>for Approval of Selection of Lead Counsel and Consolidation of Related Actions</i> . Document filed by Martin Litwin.(Rosenfeld, David) (Entered: 06/16/2008)
06/16/2008	12	MEMORANDUM OF LAW in Support re: 11 MOTION to Appoint Martin Litwin to serve as lead plaintiff(s) , <i>for Approval of Selection of Lead Counsel and Consolidation of Related Actions</i> .. Document filed by Martin Litwin. (Rosenfeld, David) (Entered: 06/16/2008)
06/16/2008	13	AFFIDAVIT of David A. Rosenfeld in Support re: 11 MOTION to Appoint Martin Litwin to serve as lead plaintiff(s) , <i>for Approval of Selection of Lead Counsel and Consolidation of Related Actions</i> .. Document filed by Martin Litwin. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Rosenfeld, David) (Entered: 06/16/2008)
06/16/2008	14	MOTION to Consolidate Cases 08-cv-3838, 08-cv-4110, 08-cv-4064 , <i>and 08-cv-3601</i> ., MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s)., MOTION to Appoint Counsel <i>Brower Piven</i> . Document filed by BX Investor Group.(Brower, David) (Entered: 06/16/2008)
06/16/2008	15	MEMORANDUM OF LAW in Support re: 14 MOTION to Consolidate Cases 08-cv-3838, 08-cv-4110, 08-cv-4064 , <i>and 08-cv-3601</i> . MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s). MOTION to Appoint Counsel <i>Brower Piven</i> . MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s).. Document filed by BX Investor Group. (Brower, David) (Entered: 06/16/2008)
06/16/2008	16	DECLARATION of David A.P. Brower in Support re: 14 MOTION to Consolidate Cases 08-cv-3838, 08-cv-4110, 08-cv-4064 , <i>and 08-cv-3601</i> . MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s). MOTION to Appoint Counsel <i>Brower Piven</i> . MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s).. Document filed by BX Investor Group. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Brower, David) (Entered: 06/16/2008)
06/19/2008	17	LETTER addressed to Judge Colleen McMahon from Bruce D. Angiolillo dated 6/19/08 re: This letter is submitted on behalf of all parties in attendance at yesterday's status conference to memorialize the schedule set by the Court. Document filed by The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi.(tro) (Entered: 06/19/2008)
06/20/2008	18	MEMORANDUM OF LAW in Opposition re: 14 MOTION to Consolidate Cases 08-cv-3838, 08-cv-4110, 08-cv-4064 , <i>and 08-cv-3601</i> . MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s). MOTION to Appoint Counsel <i>Brower Piven</i> . MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s).. Document filed by Martin Litwin. (Rosenfeld, David) (Entered: 06/20/2008)

06/20/2008	19	AFFIDAVIT of David Rosenfeld in Opposition re: 14 MOTION to Consolidate Cases 08-cv-3838, 08-cv-4110, 08-cv-4064 , and 08-cv-3601. MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s). MOTION to Appoint Counsel <i>Brower Piven</i> . MOTION to Appoint Francis Brady and Max Poulter to serve as lead plaintiff(s).. Document filed by Martin Litwin. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7)(Rosenfeld, David) (Entered: 06/20/2008)
06/23/2008	20	ENDORSED LETTER addressed to Judge Collen McMahon from Mark Levine dated 6/20/2008 re: Counsel respectfully submit this letter to withdraw those movant's application for appointment of lead Plaintiff. ENDORSEMENT: Lead Plaintiff motion withdrawn. (Signed by Judge Colleen McMahon on 6/20/2008) (jfe) (Entered: 06/23/2008)
06/25/2008	21	LETTER addressed to All Counsel In Blackstone IPO Litigations: Counsel:In what I view to be an excess of caution, let me disclose the following:Neither my husband nor I not any member of our family has any financial interest in Blackstone. However, my husband owns a ski condominium in a mixed use hotel/condominium building (I do not disclose the location for security reasons) that is presently owned by some Blackstone-related organization. It is my understanding that Blackstone is presently in negotiations to sell the building to a third party, but no sale has yet taken place. During Blackstones (relatively brief) period of ownership, my husband dealt with its representative in this investment in order to obtain permission to make alterations to the condominium, which he received. Those alterations are presently going forward.I am advised that there is presently a lawsuit pending between certain other condominium owners in the building and Blackstone. My husband is not a party to this lawsuit, and I have not seen a copy of the complaint. However, I understand that it deals with Blackstones alleged failure to make certain promised improvements to the hotel and common areas of the building (not including the owner-occupied condominiums). It could be argued that all the condominium owners would benefit should the litigating owners prevail in this litigation. I do not believe that the foregoing requires me to recuse myself, and I certainly feel no partisanship toward any party to this lawsuit. However, if someone believes otherwise, feel free to make your argument by next Monday at 5 PM, and I will consider it.. (Signed by Judge Colleen McMahon on 6/25/2008). (mde) (Entered: 06/25/2008)
06/26/2008	22	ENDORSED LETTER addressed to Judge Collen McMahon from Ramzi Abadou dated 6/25/2008 re: Counsel writes to ask for the Court's guidance regarding the schedule on this matter. ENDORSEMENT: Amended Complaint due July 9 (sorry -unforeseen complications). (Signed by Judge Colleen McMahon on 6/26/2008) (jfe) (Entered: 06/26/2008)
06/26/2008	23	NOTICE of Service of the BX Investor Group's Response to Competing Lead Plaintiff Motions. Document filed by BX Investor Group. (Attachments: # 1 Exhibit A)(Brower, David) (Entered: 06/26/2008)
07/01/2008	24	ORDER: I have directed the Assignments Clerk to reassign your cases to a new judge. I will forward the lead counsel motion papers and your responses thereto to the new judge as soon

		as one is assigned. The newly assigned judge will let you know about the rest of the schedule. (Signed by Judge Colleen McMahon on 7/1/08) A Copy of the this Order has been forwarded via inter-office envelope from docketing to the case assignments clerk rm. 120 on 7/1/08. (tro) (Entered: 07/01/2008)
07/11/2008	25	NOTICE OF CASE REASSIGNMENT to Judge P. Kevin Castel. Judge Colleen McMahon is no longer assigned to the case due to judge's recusal. (jeh) (Entered: 07/17/2008)
07/17/2008	26	NOTICE OF CASE REASSIGNMENT to Judge Harold Baer. Judge P. Kevin Castel is no longer assigned to the case due to judge's recusal. (jeh) (Entered: 07/25/2008)
09/15/2008	27	STIPULATION AND ORDER REGARDING APPOINTMENT OF LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL: It is hereby stipulated and agreed that Class members Litwin and BX Investor Group are hereby appointed Lead Plaintiff for the Class and their choice of counsel, the law firms of Coughlin Stolia and Brower Piven, is approved as Lead Counsel for the Class. (Signed by Judge Harold Baer on 9/15/2008) (jfe) (Entered: 09/15/2008)
09/22/2008	28	CONSOLIDATED SCHEDULING ORDER: Pursuant to Fed. R. Civ. P. 42(a), the Actions are consolidated for all purposes under Landmen Partners. Inc. v. The Blackstone Group L. P., 08-CV-03601-HB (the "Consolidated Action"); All subsequently filed or transferred cases alleging common questions of law or fact to those alleged in the Consolidated Action shall be consolidated, for all purposes, with the Consolidated Action; All pleadings and papers filed with the Court shall be filed only in the Consolidated Action under No 08-CV-03601-HB; Lead Plaintiff will file a Consolidated Amended Complaint on or before October 20, 2008; Defendants will either answer the Consolidated Amended Complaint or move to dismiss the Consolidated Amended Complaint on or before November 20, 2008; and If any or all of defendants move to dismiss the Consolidated Amended Complaint, Lead Plaintiff will file on or before December 19,2008 papers opposing such motion(s). Defendants will reply to such opposition(s) on or before January 5, 2009. There will be a pretrial conference before the Court on November 6, 2008, at 3:00 pm. Amended Pleadings due by 10/20/2008. Motions due by 11/20/2008. Responses due by 12/19/2008 Replies due by 1/5/2009. Pretrial Conference set for 11/6/2008 at 03:00 PM before Judge Harold Baer. (Signed by Judge Harold Baer on 9/22/08) Filed In Associated Cases: 1:08-cv-03601-HB, 1:08-cv-03838-HB, 1:08-cv-04064-HB, 1:08-cv-04110-HB, 1:08-cv-05447-HB(mme) Modified on 10/7/2008 (mme). (Entered: 09/22/2008)
10/20/2008	29	STIPULATION AND ORDER EXTENDING TIME TO FILE CONSOLIDATED COMPLAINT, MOTION TO DISMISS AND RELATED BRIEFING, lead plaintiffs shall file their Consolidated Complaint by no later than 10/27/08; defendants shall file their motion to dismiss by no later than 1/7/09; and defendants shall file their reply by no later than 1/23/09. (Motion due by 12/4/2008. Reply due by 1/23/2009. Response due by 1/7/2009. Service due by 10/27/2008.) (Signed by Judge Harold Baer on 10/15/08) (cd) (Entered: 10/20/2008)

10/27/2008	30	CONSOLIDATED AMENDED COMPLAINT amending 1 Complaint, against Peter J. Peterson, Hamilton E. James, The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi. Document filed by BX Investor Group. Related document: 1 Complaint, filed by Landmen Partners, Inc..(dle) (Entered: 10/28/2008)
11/06/2008	31	PROPOSED PRETRIAL SCHEDULING ORDER: The parties do not consent to proceed before a United States Magistrate for all purposes pursuant to 28 U.S.C. 636 (C) and Fed. R. Civ. P. 73. Estimated number of trial days is 14 days. (Signed by Judge Harold Baer on 11/6/08) (mme) (Entered: 11/06/2008)
12/04/2008	32	NOTICE OF APPEARANCE by Bruce Domenick Angiolillo on behalf of Peter J. Peterson, Hamilton E. James, The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi (Angiolillo, Bruce) (Entered: 12/04/2008)
12/04/2008	33	NOTICE OF APPEARANCE by Jonathan K. Youngwood on behalf of Peter J. Peterson, The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi (Youngwood, Jonathan) (Entered: 12/04/2008)
12/04/2008	34	NOTICE OF APPEARANCE by Paul Jacob Sirkis on behalf of Peter J. Peterson, The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi (Sirkis, Paul) (Entered: 12/04/2008)
12/04/2008	35	MOTION to Dismiss <i>Plaintiffs' Consolidated Amended Class Action Complaint</i> . Document filed by Peter J. Peterson, The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi.(Angiolillo, Bruce) (Entered: 12/04/2008)
12/04/2008	36	MEMORANDUM OF LAW in Support re: 35 MOTION to Dismiss <i>Plaintiffs' Consolidated Amended Class Action Complaint</i> .. Document filed by Peter J. Peterson, Hamilton E. James, The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi. (Youngwood, Jonathan) (Entered: 12/04/2008)
12/04/2008	37	DECLARATION of Jonathan K. Youngwood in Support re: 35 MOTION to Dismiss <i>Plaintiffs' Consolidated Amended Class Action Complaint</i> .. Document filed by Peter J. Peterson, Hamilton E. James, The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi. (Attachments: # 1 Exhibit A, # 2 Exhibit B-E)(Youngwood, Jonathan) (Entered: 12/04/2008)
01/12/2009	38	STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO MOTION TO DISMISS: Lead Plaintiffs shall file their opposition by no later than 1/14/09. Defendants shall file their reply by no later than 2/4/09. ENDORSEMENT: I'm signing this extension I think you're late and please check and let me know- I don't want to go beyond extensions agreed to in previous orders and the week this grants. (Signed by Judge Harold Baer on 1/12/09) (tro) (Entered: 01/12/2009)
01/14/2009	39	MEMORANDUM OF LAW in Opposition re: 35 MOTION to Dismiss <i>Plaintiffs' Consolidated</i>

		<i>Amended Class Action Complaint..</i> Document filed by Landmen Partners, Inc.(and On Behalf of All Others Similarly Situated), Martin Litwin, BX Investor Group. (Rudman, Samuel) (Entered: 01/14/2009)
02/04/2009	40	REPLY MEMORANDUM OF LAW in Support re: 35 MOTION to Dismiss <i>Plaintiffs' Consolidated Amended Class Action Complaint..</i> Document filed by Peter J. Peterson, Hamilton E. James, The Blackstone Group, L.P., Stephen A. Schwartzman, Michael A. Puglisi. (Angiolillo, Bruce) (Entered: 02/04/2009)
05/27/2009	41	TRANSCRIPT of proceedings held on 5/5/09 before Judge Harold Baer. (tro) (Entered: 05/29/2009)
09/22/2009	42	OPINION AND ORDER re:#98061 GRANTING 35 MOTION to Dismiss Plaintiffs' Consolidated Amended Class Action Complaint. Because plaintiff elected to stand on it pleading rather than to amend it in the face of Defendant's motion to dismiss as allowed by my Individual Practices, Plaintiff's claims are dismissed with prejudice. <i>Nwakocha v. Sadowski</i> , 369 F.Supp.2d 362, 372 (EDNY 2005). The Clerk of the Court is instructed to close this case and any open motions and remove it from my docket. (Signed by Judge Harold Baer on 9/22/09) (djc) Modified on 9/23/2009 (jab). (Entered: 09/22/2009)
09/22/2009		Transmission to Judgments and Orders Clerk. Transmitted re: 42 Memorandum & Opinion, to the Judgments and Orders Clerk. (djc) (Entered: 09/22/2009)

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