

**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 Date Filed: 04/15/2008
Assigned to: Judge Harold Baer Jury Demand: Plaintiff
Member case: ([View Member Case](#)) Nature of Suit: 850
Related Cases: [1:08-cv-03838-HB](#) Securities/Commodities
[1:08-cv-04064-HB](#) Jurisdiction: Federal Question
[1:08-cv-05447-HB](#)
[1:08-cv-04110-HB](#)

Case in other court: US Court of Appeals, Second Circuit, 09-04426-cv

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

Lead Plaintiff

Martin Litwin

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: drosenfeld@csgrr.com
ATTORNEY TO BE NOTICED

Joseph Frank Russello
Robbins Geller Rudman & Dowd LLP(LI)
58 South Service Road
Suite 200
Melville, NY 11747
(631)367-7100
Fax: (631)367-1173
Email: jrusello@rgrdlaw.com
ATTORNEY TO BE NOTICED

Lead Plaintiff

BX Investor 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

Samuel Howard Rudman
Robbins Geller Rudman & Dowd LLP(LI)
58 South Service Road
Suite 200
Melville, NY 11747
(631) 367-7100
Fax: (631) 367-1173
Email: srudman@csgrr.com
ATTORNEY TO BE NOTICED

Plaintiff

Landmen Partners, Inc.
Individually

represented by **David Avi Rosenfeld**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jack Gerald Fruchter
Abraham Fruchter & Twersky LLP
One Penn Plaza
Suite 1910
New York, NY 10119
212-279-5050
Fax: 212 279-3655
Email: jfruchter@aftlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel Howard Rudman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Landmen Partners, Inc.
and On Behalf of All Others Similarly
Situated

represented by **David Avi Rosenfeld**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jack Gerald Fruchter
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samuel Howard Rudman
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Movant

The Jakeman Group

represented by **Jason Robert D'Agneica**
Stull Stull & Brody
6 East 45th Street, 5th Floor
New York, NY 10017
(212)-687-7230
Fax: (212)-490-2022
Email: jasondag@ssbny.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

The Blackstone Group, L.P.

represented by **Bruce Domenick Angiolillo**
Simpson Thacher & Bartlett LLP (NY)
425 Lexington Avenue
New York, NY 10017
212-455-2000
Fax: 212-455-2502
Email: bangiolillo@stblaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan K. Youngwood
Simpson Thacher & Bartlett LLP (NY)
425 Lexington Avenue
New York, NY 10017
(212) 455-2000
Fax: (212) 455-2502
Email: jyoungwood@stblaw.com
ATTORNEY TO BE NOTICED

Paul Jacob Sirkis
Simpson Thacher & Bartlett LLP (NY)
425 Lexington Avenue
New York, NY 10017
(212) 455-2651
Fax: (212) 455-2502
Email: psirkis@stblaw.com
ATTORNEY TO BE NOTICED

Defendant

Stephen A. Schwartzman

represented by **Bruce Domenick Angiolillo**
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jonathan K. Youngwood
(See above for address)
ATTORNEY TO BE NOTICED

Paul Jacob Sirkis
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Michael A. Puglisi

represented by **Bruce Domenick Angiolillo**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Jonathan K. Youngwood
(See above for address)
ATTORNEY TO BE NOTICED

Paul Jacob Sirkis
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Peter J. Peterson

represented by **Bruce Domenick Angiolillo**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Paul Jacob Sirkis
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Hamilton E. James

represented by **Paul Jacob Sirkis**
(See above for address)
ATTORNEY TO BE NOTICED

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	<u>2</u>	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: # <u>1</u> 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	<u>6</u>	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	<u>7</u>	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: # <u>1</u> Text of Proposed Order)(D'Agnenica, Jason) (Entered: 06/16/2008)
06/16/2008	<u>8</u>	MEMORANDUM OF LAW in Support re: <u>7</u> 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	<u>9</u>	DECLARATION of Jason D'Agnenica in Support re: <u>7</u> 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: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(D'Agnenica, Jason) (Entered: 06/16/2008)
06/16/2008	<u>10</u>	CERTIFICATE OF SERVICE. Document filed by The Jakeman Group. (D'Agnenica, Jason) (Entered: 06/16/2008)
06/16/2008	<u>11</u>	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	<u>12</u>	MEMORANDUM OF LAW in Support re: <u>11</u> 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	<u>13</u>	AFFIDAVIT of David A. Rosenfeld in Support re: <u>11</u> 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: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Rosenfeld, David) (Entered: 06/16/2008)
06/16/2008	<u>14</u>	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	<u>15</u>	MEMORANDUM OF LAW in Support re: <u>14</u> 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	<u>16</u>	DECLARATION of David A.P. Brower in Support re: <u>14</u> 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: # <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: 06/16/2008)
06/19/2008	<u>17</u>	LETTER addressed to Judge Colleen McMahan 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	<u>18</u>	MEMORANDUM OF LAW in Opposition re: <u>14</u> 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	<u>19</u>	AFFIDAVIT of David Rosenfeld in Opposition re: <u>14</u> 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: # <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)(Rosenfeld, David) (Entered: 06/20/2008)
06/23/2008	<u>20</u>	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	<u>21</u>	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	<u>22</u>	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	<u>23</u>	NOTICE of Service of the BX Investor Group's Response to Competing Lead Plaintiff Motions. Document filed by BX Investor Group. (Attachments: # <u>1</u> Exhibit A)(Brower, David) (Entered: 06/26/2008)
07/01/2008	<u>24</u>	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	<u>25</u>	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	<u>26</u>	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	<u>27</u>	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	<u>28</u>	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	<u>29</u>	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	<u>30</u>	CONSOLIDATED AMENDED COMPLAINT amending <u>1</u> 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: <u>1</u> Complaint, filed by Landmen Partners, Inc..(dle) (Entered: 10/28/2008)

11/06/2008	<u>31</u>	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	<u>32</u>	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	<u>33</u>	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	<u>34</u>	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	<u>35</u>	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	<u>36</u>	MEMORANDUM OF LAW in Support re: <u>35</u> 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	<u>37</u>	DECLARATION of Jonathan K. Youngwood in Support re: <u>35</u> 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: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B-E)(Youngwood, Jonathan) (Entered: 12/04/2008)
01/12/2009	<u>38</u>	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	<u>39</u>	MEMORANDUM OF LAW in Opposition re: <u>35</u> MOTION to Dismiss <i>Plaintiffs' Consolidated 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	<u>40</u>	REPLY MEMORANDUM OF LAW in Support re: <u>35</u> 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	<u>41</u>	TRANSCRIPT of proceedings held on 5/5/09 before Judge Harold Baer. (tro) (Entered: 05/29/2009)
09/22/2009	<u>42</u>	OPINION AND ORDER re:#98061 GRANTING <u>35</u> 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. Nwakocho v. Sadowski, 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: <u>42</u> Memorandum & Opinion, to the Judgments and Orders Clerk. (djc) (Entered: 09/22/2009)
09/25/2009	<u>43</u>	CLERK'S JUDGMENT That for the reasons stated in the Court's Opinion and Order dated September 22, 2009, Defendants' motion to dismiss the CAC for failure to state a claim is granted with prejudice; accordingly, the case is closed. (Signed by J. Michael McMahon, clerk on 9/25/09) (Attachments: # <u>1</u> notice of right to appeal)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(ml) (Entered: 09/25/2009)
10/23/2009	<u>44</u>	NOTICE OF APPEAL from <u>42</u> Memorandum & Opinion,, <u>43</u> Clerk's Judgment,. Document filed by Martin Litwin, Max Poulter, Francis Brady. Filing fee \$ 455.00, receipt number E 704261. (nd) (Entered: 10/26/2009)
10/26/2009		Transmission of Notice of Appeal to the District Judge re: <u>44</u> Notice of Appeal. (nd) (Entered: 10/26/2009)
10/26/2009		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>44</u> Notice of Appeal. (nd) (Entered: 10/26/2009)
10/26/2009		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>25</u> Notice of Case Assignment/Reassignment, <u>14</u> 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). filed by BX Investor Group, <u>34</u> Notice of Appearance filed by Michael A. Puglisi, The Blackstone Group, L.P., Peter J. Peterson, Stephen A. Schwartzman, <u>26</u> Notice of Case Assignment/Reassignment, <u>39</u> Memorandum of Law in Opposition to Motion, filed by BX Investor Group, Martin Litwin, Landmen Partners, Inc., <u>37</u> Declaration in Support of Motion, filed by Michael A. Puglisi, Hamilton E. James, The Blackstone Group, L.P., Peter J. Peterson, Stephen A. Schwartzman, <u>20</u> Endorsed Letter, <u>10</u> Certificate of Service Other filed by The Jakeman Group, <u>16</u> Declaration in Support of Motion,, filed by BX Investor Group, <u>38</u> Stipulation and Order, Set Motion and R&R Deadlines/Hearings,, <u>28</u> Scheduling Order,,,,, <u>11</u> MOTION to Appoint Martin Litwin to serve as lead plaintiff(s) , for <i>Approval of Selection of Lead Counsel and Consolidation of Related Actions</i> . filed by Martin Litwin, <u>29</u> Stipulation and Order, Set Deadlines/Hearings,, <u>40</u> Reply Memorandum of Law in Support of Motion, filed by Michael A. Puglisi, Hamilton E. James, The Blackstone Group, L.P., Peter J. Peterson, Stephen A. Schwartzman, <u>30</u> Amended Complaint, filed by BX Investor Group, <u>33</u> Notice of Appearance filed by Michael A. Puglisi, The Blackstone Group, L.P., Peter J. Peterson, Stephen A. Schwartzman, <u>8</u> Memorandum of Law in Support of Motion, filed by The Jakeman Group, <u>9</u> Declaration in Support of Motion,, filed by The Jakeman Group, <u>21</u> Endorsed Letter,,,,, <u>27</u> Stipulation and Order, <u>24</u> Order, <u>13</u> Affidavit in Support of Motion, filed by Martin Litwin, <u>15</u> Memorandum of Law in Support of Motion, filed by BX Investor

		Group, <u>23</u> Notice (Other) filed by BX Investor Group, <u>36</u> Memorandum of Law in Support of Motion, filed by Michael A. Puglisi, Hamilton E. James, The Blackstone Group, L.P., Peter J. Peterson, Stephen A. Schwartzman, <u>31</u> Scheduling Order, <u>7</u> 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). filed by The Jakeman Group, <u>3</u> Notice of Appearance filed by Michael A. Puglisi, The Blackstone Group, L.P., Stephen A. Schwartzman, <u>19</u> Affidavit in Opposition to Motion,, filed by Martin Litwin, <u>44</u> Notice of Appeal filed by Martin Litwin, <u>6</u> Stipulation and Order, <u>35</u> MOTION to Dismiss <i>Plaintiffs' Consolidated Amended Class Action Complaint</i> . filed by Michael A. Puglisi, The Blackstone Group, L.P., Peter J. Peterson, Stephen A. Schwartzman, <u>32</u> Notice of Appearance filed by Michael A. Puglisi, Hamilton E. James, The Blackstone Group, L.P., Peter J. Peterson, Stephen A. Schwartzman, <u>42</u> Memorandum & Opinion,, <u>18</u> Memorandum of Law in Opposition to Motion, filed by Martin Litwin, <u>5</u> Order for Initial Pretrial Conference, <u>1</u> Complaint, filed by Landmen Partners, Inc., <u>17</u> Letter, filed by Michael A. Puglisi, The Blackstone Group, L.P., Stephen A. Schwartzman, <u>22</u> Endorsed Letter, Set Deadlines,, <u>12</u> Memorandum of Law in Support of Motion filed by Martin Litwin, <u>43</u> Clerk's Judgment, <u>4</u> Notice of Appearance filed by Michael A. Puglisi, The Blackstone Group, L.P., Stephen A. Schwartzman were transmitted to the U.S. Court of Appeals. (nd) (Entered: 10/26/2009)
11/18/2009		USCA Case Number 09-4426-cv from the US Court of Appeals, Second Circuit assigned to <u>44</u> Notice of Appeal filed by Martin Litwin. (nd) (Entered: 11/18/2009)
01/12/2010	<u>45</u>	NOTICE OF CHANGE OF ADDRESS by Jeffrey A. Berens on behalf of Timothy McAdam. New Address: DYER & BERENS LLP, 303 East 17th Avenue, Suite 300, Denver, CO, 80203,. Filed In Associated Cases: 1:08-cv-03601-HB, 1:08-cv-03838-HB(Berens, Jeffrey) (Entered: 01/12/2010)
03/26/2010	<u>46</u>	NOTICE of Change of Firm Name. Document filed by Landmen Partners, Inc.(Individually). (Rosenfeld, David) (Entered: 03/26/2010)
02/10/2011	<u>47</u>	TRUE COPY ORDER of USCA as to <u>44</u> Notice of Appeal filed by Martin Litwin USCA Case Number 09-4426-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED and REMANDED for further proceedings. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Certified: 02/10/2011. (nd) (Entered: 02/10/2011)
02/10/2011		Transmission of USCA Mandate/Order to the District Judge re: <u>47</u> USCA Order,. (nd) (Entered: 02/10/2011)
04/11/2011	<u>48</u>	MANDATE of USCA (Certified Copy) as to <u>44</u> Notice of Appeal filed by Martin Litwin USCA Case Number 09-4426-cv. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED and REMANDED for further proceedings in accordance with the opinion of this Court. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 04/08/2011. (Attachments: # <u>1</u> Opinion)(nd) (Main Document 48 replaced on 4/11/2011) (nd). (Entered: 04/11/2011)
04/11/2011		Transmission of USCA Mandate/Order to the District Judge re: <u>48</u> USCA Mandate,.

		(nd) (Entered: 04/11/2011)
04/20/2011	49	Letter addressed to David Rosenfeld from Linda Eckhouse, Judicial Assistant to the Honorable Harold Baer, Jr. dated 4/20/2011 re: There will be a Pre-Trial Conference (PTC) on the above case at 2:00 p.m. on Thursday 5/5/2011 in chambers, Room 2230. It is your responsibility to notify your adversary (ies) of the date and time with a copy to us. (mbe) (Entered: 04/21/2011)
04/26/2011	50	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from David A.P. Brower dated 4/22/11 Re: We write to inform the Court of a scheduling conflict that plaintiffs' counsel has with the pretrial conference that we learned of yesterday, April 21, 2011, which is currently scheduled for Thursday, May 5, 2011, at 2:00 p.m. ENDORSEMENT: Adjourned to May 24, 2011 at 10:30 A.M. in my Jury Room if more than 10 people otherwise in Chambers. (Pretrial Conference set for 5/24/2011 at 10:30 AM before Judge Harold Baer.) (Signed by Judge Harold Baer on 4/25/2011) (rjm) (Entered: 04/26/2011)
06/13/2011	51	ENDORSED LETTER addressed to Judge Harold Baer, Jr. from Bruce Angiolillo dated 6/10/2011 re: Counsel for the Defendant writes to request an adjournment of the pretrial conference, currently scheduled for 6/14/2011. ENDORSEMENT: I'm not here on Friday, June 17 - let's make it same time, i.e., noon on Monday, June 20 or later this week I'll calendar for Monday unless I hear from you with another earlier time. (Pretrial Conference set for 6/20/2011 at 12:00 PM before Judge Harold Baer.) (Signed by Judge Harold Baer on 6/13/2011) (ab) (Entered: 06/13/2011)
06/20/2011		Minute Entry for proceedings held before Judge Harold Baer: In Chambers Conference held on 6/20/2011. 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 (ft) (Entered: 06/21/2011)
06/23/2011	52	NOTICE OF APPEARANCE by Joseph Frank Russello on behalf of Martin Litwin (Russello, Joseph) (Entered: 06/23/2011)
07/05/2011	53	PRETRIAL SCHEDULING ORDER: Parties do not consent to proceed before a United States Magistrate for all purposes, pursuant to 28 U.S.C. section 636(c) and Fed. R.Civ.P.73. This case is added to the November 2012 Trailing Trial Calendar. Jury. Estimated number of trial days is fourteen. No additional causes of action or defenses may be asserted after December 1, 2011; Joinder of Parties due by 12/1/2011. No additional causes of action or defenses may be asserted after December 1, 2011. All Discovery except for expert due by 3/1/2012. Motions: The last day for fully-briefed motions (i.e. moving, opposition and reply papers) to be in Chambers is September 7, 2012. Either party may request (and will be given a date by Chambers) for oral argument. It is up to the parties, consistent with Federal and/or Local Rules, to ensure that each has sufficient time to brief their motions by the deadline. ENDORSEMENT: This Pretrial Scheduling Order is accepted, but you are directed to notify this Court within 10 days following a decision on the petition for Certiorai and set up another pretrial conference within 10 days thereafter. (Signed by Judge Harold Baer on 7/5/11) (djc) Modified on 7/5/2011 (djc). Modified on 7/6/2011 (djc). (Entered: 07/05/2011)
07/05/2011		Set Deadlines/Hearings: Amended Pleadings due by 12/1/2011. Motions due by 9/7/2012. Replies due by 9/7/2011. Responses due by 9/7/2011 (djc) (Entered: 07/05/2011)

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>