

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division - Los Angeles)
CIVIL DOCKET FOR CASE #: 2:08-cv-03261-JFW-RZ**

IN RE DOWNEY SECURITIES LITIGATION

Date Filed: May 16, 2008
Nature of suit: 850 Securities/Commodities
Assigned to: [Judge John F. Walter](#)
Cause: 15:78m(a) Securities Exchange Act
Jurisdiction: Federal Question
Jury demand: Plaintiff
Member cases: 8:08-cv-00609-JFW-RZ
Referred to: Magistrate Judge Ralph Zarefsky
Related cases: 8:08-cv-00609-JFW-RZ

Parties and Attorneys

Plaintiff

Waterford Township General Employees Retirement System
Individually and On Behalf of All Others Similarly Situated

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Defendant

Downey Financial Corp.

Defendant

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Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
1	May 16, 2008	1	COMPLAINT against Defendants Downey Financial Corp., Daniel D. Rosenthal, Maurice L. McAlister, Brian E. Cote.n(Filing fee \$ 350 PAID.) Jury Demanded., filed by plaintiff Waterford Township General Employees Retirement System.(ghap) Additional attachment(s) added on 5/21/2008 (ds,). (Entered: 05/20/2008)
2	May 16, 2008		20 DAY Summons Issued re Complaint - (Discovery) 1 as to Defendants Downey Financial Corp., Daniel D. Rosenthal, Maurice L. McAlister, Brian E. Cote. (ghap) (Entered: 05/20/2008)
3	May 16, 2008	2	CERTIFICATION of Interested Parties filed by Plaintiff Waterford Township General Employees Retirement System. (ghap) Additional attachment(s) added on 5/21/2008 (ds,). (Entered: 05/20/2008)
4	May 16, 2008		FAX number for Attorneys Darren J Robbins, David C Walton is 619-231-7423. (ghap) (Entered: 05/20/2008)
5	May 22, 2008	3	STANDING ORDER by Judge John F. Walter: Read this order carefully. It controls this case and differs in some respects from the local rules. Memoranda of points and authorities in support of or in opposition to motions shall not exceed 25 pages. Replies shall not exceed 12 pages. (See document for further details). (kbr) (Entered: 05/22/2008)
6	May 29, 2008	4	DECLARATION of Willow E. Radcliffe Declaration of Lead Trial Counsel Re: Compliance With General Order 08-02 filed by Plaintiff Waterford Township General Employees Retirement System. (Radcliffe, Willow) (Entered: 05/29/2008)
7	May 29, 2008	5	PROOF OF SERVICE filed by plaintiff Waterford Township General

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			Employees Retirement System, re Declaration (non-motion) 4 Declaration of Service by Mail of Declaration of Lead Trial Counsel Re: Compliance with General Order 08-02 served on May 29, 2008. (Radcliffe, Willow) (Entered: 05/29/2008)
8	May 30, 2008	6	NOTICE of Change of Attorney Information for attorney Willow E Radcliffe counsel for Plaintiff Waterford Township General Employees Retirement System. Adding Willow E. Radcliffe as attorney as counsel of record for Waterford Township General Employees Retirement System for the reason indicated in the G-06 Notice. Filed by Plaintiff Waterford Township General Employees Retirement System (Radcliffe, Willow) (Entered: 05/30/2008)
9	May 30, 2008	7	NOTICE of Change of Attorney Information for attorney Willow E Radcliffe counsel for Plaintiff Waterford Township General Employees Retirement System. Adding Willow E. Radcliffe as attorney as counsel of record for Waterford Township General Employees Retirement System for the reason indicated in the G-06 Notice. Filed by plaintiff Waterford Township General Employees Retirement System (Attachments: # 1 Supplement Certificate of Service)(Radcliffe, Willow) (Entered: 05/30/2008)
10	Jun. 02, 2008	8	WAIVER OF SERVICE Returned Executed filed by plaintiff Waterford Township General Employees Retirement System. upon Maurice L. McAlister waiver sent by Plaintiff on 5/27/2008, answer due 7/26/2008. Waiver of Service signed by Richard Swinney. (Radcliffe, Willow) (Entered: 06/02/2008)
11	Jun. 02, 2008	9	WAIVER OF SERVICE Returned Executed filed by plaintiff Waterford Township General Employees Retirement System. upon Daniel D. Rosenthal waiver sent by Plaintiff on 5/27/2008, answer due 7/26/2008. Waiver of Service signed by Richard Swinney. (Radcliffe, Willow) (Entered: 06/02/2008)
12	Jun. 02, 2008	10	WAIVER OF SERVICE Returned Executed filed by plaintiff Waterford Township General Employees Retirement System. upon Brian E. Cote waiver sent by Plaintiff on 5/27/2008, answer due 7/26/2008. Waiver of Service signed by Richard Swinney. (Radcliffe, Willow) (Entered: 06/02/2008)
13	Jun. 09, 2008	11	STIPULATION for Extension of Time to File Answer to September 29, 2008 filed by Defendants Downey Financial Corp., Daniel D. Rosenthal, Maurice L. McAlister, Brian E. Cote. (Attachments: # 1 Proposed Order)(Oliva, James) (Entered: 06/09/2008)
14	Jun. 09, 2008	12	NOTICE of related case filed by Defendants Downey Financial Corp., Daniel D. Rosenthal, Maurice L. McAlister, Brian E. Cote. (Oliva, James) (Entered: 06/09/2008)
15	Jun. 10, 2008	13	PROOF OF SERVICE Executed by Plaintiff Waterford Township General Employees Retirement System, upon Downey Financial Corp. served on 5/22/2008, answer due 6/11/2008. The Summons and Complaint were served by personal service, by F.R.Civ.P.4(h), federal statute, upon Lu Knutson, Person Authorized to Accept Service. Due Dilligence declaration not attached. Original Summons not returned. (Radcliffe, Willow) (Entered: 06/10/2008)
16	Jun. 10, 2008	14	ORDER by Judge John F. Walter granting Stipulation to Extend Time to

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			Answer (More than 30 days) 11 , Defendants time to answer or otherwise respond to the Complaint 1 is extended to 9/29/2008. (jp) (Entered: 06/11/2008)
17	Jun. 19, 2008	15	NOTICE of Change of Attorney Information for attorney Dan E Marmalefsky counsel for Defendants Downey Financial Corp., Daniel D. Rosenthal, Maurice L. McAlister, Brian E. Cote. Adding Dan Marmalefsky as attorney as counsel of record for Downey Financial Corp., Daniel D. Rosenthal, Maurice L. McAlister and Brian E. Ct for the reason indicated in the G-06 Notice. Filed by Defendants Downey Financial Corp., Daniel D. Rosenthal, Maurice L. McAlister and Brian E. Ct (Marmalefsky, Dan) (Entered: 06/19/2008)
18	Jun. 19, 2008	16	DECLARATION of Dan Marmalefsky as Lead Trial Counsel Re: Compliance With General Order 08-02 filed by Defendants Downey Financial Corp., Daniel D. Rosenthal, Maurice L. McAlister, Brian E. Cote. (Marmalefsky, Dan) (Entered: 06/19/2008)
19	Jul. 22, 2008	17	NOTICE OF MOTION AND MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), filed by plaintiff Waterford Township General Employees Retirement System. Motion set for hearing on 8/18/2008 at 01:30 PM before Judge John F. Walter. (Attachments: # 1 Proposed Order)(Abadou, Ramzi) (Entered: 07/22/2008)
20	Jul. 22, 2008	18	MEMORANDUM in Support of MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), 17 filed by Plaintiff Waterford Township General Employees Retirement System. (Abadou, Ramzi) (Entered: 07/22/2008)
21	Jul. 22, 2008	19	DECLARATION of Ramzi Abadou in Support of MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), 17 filed by Plaintiff Waterford Township General Employees Retirement System. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Abadou, Ramzi) (Entered: 07/22/2008)
22	Aug. 04, 2008	20	Objection Response and Objection to Waterford Township General Employees Retirement System's Proposed Order on Motion for Consolidation re: MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), 17 filed by Defendants Downey Financial Corp., Brian E. Cote. (Oliva, James) (Entered: 08/04/2008)
23	Aug. 05, 2008	21	REQUEST to Substitute attorney Seth Aronson in place of attorney Daniel Marmalefsky filed by Defendant Maurice L. McAlister. (Attachments: # 1 Proposed Order, # 2 Proof of Service)(Aronson, Seth) (Entered: 08/05/2008)
24	Aug. 06, 2008	22	PROOF OF SERVICE filed by Defendant Maurice L. McAlister, re REQUEST to Substitute attorney Seth Aronson in place of attorney Daniel Marmalefsky 21 /Amended Proof of Service served on August 6, 2008. (Sorah-Reyes, Tristan) (Entered: 08/06/2008)
25	Aug. 06, 2008	23	REQUEST to Substitute attorney Seth Aronson in place of attorney Dan Marmalefsky filed by Defendant Daniel D. Rosenthal. (Attachments: # 1 Proposed Order, # 2 Proof of Service)(Aronson, Seth) (Entered: 08/06/2008)

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			08/06/2008)
26	Aug. 07, 2008	24	ORDER by Judge John F. Walter Granting REQUEST to Substitute attorney Seth Aronson on behalf of Daniel D. Rosenthal in place of attorney Dan Marmalefsky and Morrison and Foerster 23 . (jp) (Entered: 08/07/2008)
27	Aug. 11, 2008	25	REPLY in support of MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), 17 filed by Plaintiff Waterford Township General Employees Retirement System. (Abadou, Ramzi) (Entered: 08/11/2008)
28	Aug. 11, 2008	26	DECLARATION of Ramzi Abadou in support of MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), MOTION to Consolidate Cases, as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx), 17 in support of reply filed by Plaintiff Waterford Township General Employees Retirement System. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Abadou, Ramzi) (Entered: 08/11/2008)
29	Aug. 14, 2008	27	MINUTES OF IN CHAMBERS before Judge John F. Walter: ORDER GRANTING Waterford's MOTION to Consolidate Cases as to CV-08-3261-JFW(RZx); CV-08-00609 AG (RNBx) 17 . Pursuant to Rule 78 of the FRCP and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for August 18, 2008, is hereby vacated and the matter taken off calendar (see document for further details). The Court also orders the following: The Clerk shall consolidate the Waterford and Mihalacki actions such that the highernumbered case, CV 08-3261-JFW (RZx), is designated the Master File. All documents filed hereafter shall bear the Master File case number CV 08-3261-JFW (RZx) and the following caption: IN RE DOWNEY SECURITIES LITIGATION Case No. CV 08-3261-JFW (RZx) CLASS ACTION; The Court appoints Waterford as Lead Plaintiff; The Court appoints CSGRR as Lead Counsel; Lead Plaintiff Waterford shall file a consolidated derivative complaint no later than ten (10) days from the date of this Minute Order. The consolidated complaint shall be deemed the operative complaint, superseding all complaints filed in any of the actions consolidated hereunder. The consolidated complaint shall be treated as if it were the original complaint and filing deadlines shall be determined by the filing date of the consolidated complaint. The Court will dismiss the individual complaints after the filing of the consolidated complaint. Defendants shall respond to the consolidated complaint only. (jp) (Entered: 08/15/2008)
30	Aug. 19, 2008	28	STIPULATION for Extension of Time to File consolidated complaint and briefing schedule filed by lead trial counsel Waterford Township General Employees Retirement System. (Attachments: # 1 Proposed Order)(Radcliffe, Willow) (Entered: 08/19/2008)
31	Aug. 21, 2008	29	ORDER ORDER EXTENDING TIME FOR PLAINTIFFS TO FILE CONSOLIDATED COMPLAINT AND SETTING BRIEFING SCHEDULE by Judge John F. Walter, re Stipulation for Extension of Time to File 28 . Plaintiffs time to file a Consolidated Complaint shall be extended to September 29, 2008; Defendants will file their responses to the Consolidated Complaint on or before November 3, 2008; Plaintiffs will file

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			their oppositions to any motions to dismiss on or before December 1, 2008; Defendants will file any replies to the motions to dismiss on or before December 15, 2008; and Any hearing on defendants motions to dismiss will be held on December 22, 2008 or at the Courts earliest convenience date thereafter. (kbr) (Entered: 08/21/2008)
32	Sep. 19, 2008	30	REQUEST to Substitute attorney Dan Marmalefsky in place of attorney Seth Aronson filed by Defendant Maurice L. McAlister Maurice L. McAlister. (Attachments: # 1 Proposed Order)(Oliva, James) (Entered: 09/19/2008)
33	Sep. 19, 2008	31	REQUEST to Substitute attorney Dan Marmalefsky in place of attorney Seth Aronson filed by Defendant Daniel D. Rosenthal Daniel D. Rosenthal. (Attachments: # 1 Proposed Order)(Oliva, James) (Entered: 09/19/2008)
34	Sep. 23, 2008	32	ORDER by Judge John F. Walter Granting REQUEST to Substitute attorney Dan Marmalefsky in place of attorney Seth Aronson 30 . (jp) (Entered: 09/23/2008)
35	Sep. 23, 2008	33	ORDER by Judge John F. Walter Granting REQUEST to Substitute attorney Dan Marmalefsky on behalf of defendant Daniel D. Rosenthal in place of attorney Seth Aronson 31 . (jp) (Entered: 09/23/2008)
36	Sep. 29, 2008	34	Consolidated Complaint for Violation of the Federal Securities Laws filed by Plaintiff Waterford Township General Employees Retirement System (Radcliffe, Willow) (Entered: 09/29/2008)
37	Sep. 29, 2008	35	EXHIBIT Filed filed by Plaintiff Waterford Township General Employees Retirement System. Exhibits A-D to the Consolidated Complaint as to Miscellaneous Document 34 . (Radcliffe, Willow) (Entered: 09/29/2008)
38	Sep. 30, 2008	36	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: Consolidated Complaint should not have been filed as a docket entry; Pursuant to General Order 08-02. All initiating documents must be filed at Civil Intake Window RE: Miscellaneous Document 34 . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (jp) (Entered: 09/30/2008)
39	Sep. 30, 2008	38	CONSOLIDATED COMPLAINT for Violation of The Federal Securities Laws related to: Complaint - (Discovery) 1 with JURY DEMAND, filed by plaintiff Waterford Township General Employees Retirement System against defendants Downey Financial Corp, Daniel D. Rosenthal, Maurice L McAlister, and Brian E Cote. (jp) (jp). (Entered: 10/02/2008)
40	Oct. 02, 2008	37	RESPONSE BY THE COURT TO NOTICE TO FILER OF DEFICIENCIES IN ELECTRONICALLY FILED DOCUMENTS 36 : In accordance with the Notice to Filer Of Deficiencies In Electronically Filed Documents. REGARDING: Consolidated Complaint 34 filed on 9/29/2008 is STRICKEN. The Consolidated Complaint filed manually on 9/30/2008 will be accepted and entered on the docket. (jp) (Entered: 10/02/2008)

