

**U.S. District Court
Middle District of Florida (Orlando)
CIVIL DOCKET FOR CASE #: 6:08-cv-00057-GAP-DAB**

Gustin et al v. Hoffman et al
Assigned to: Judge Gregory A. Presnell
Referred to: Magistrate Judge David A. Baker
Cause: 15:0078m(a) Securities Exchange Act

Date Filed: 01/14/2008
Jury Demand: Both
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Jerry Gustin
*individually and in his representative
capacity for all those similarly situatedd*

represented by **Guy F. Giberson**
Wadsworth Huott, LLP
Suite 1100
200 SE 1st St
Miami , FL 33131
305/777-1000
Fax: 305/777-1001
Email: gfg@wadsworthking.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth Dante Murena
Damian & Valori, LLP
Suite 1020
1000 Brickell Ave
Miami , FL 33131
305/371-3960
Fax: 305/371-3965
Email: kmurena@dvllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lorenz Michel Pruss
Dimond, Kaplan & Rothstein, PA
PH 2-B
2665 S Bayshore Dr
Coconut Grove , FL 33133
305/374-1920
Fax: 305/374-1961
Email: lpruss@dkrpa.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie E. Damian
Damian & Valori, LLP

Suite 1020
1000 Brickell Ave
Miami , FL 33131
305/371-3960
Fax: 305/371-3965
Email: lfd@dvllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter F. Valori
Damian & Valori, LLP
Suite 1020
1000 Brickell Ave
Miami , FL 33131
305/371-3960
Fax: 305/371-3965
Email: pvalori@dvllp.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Scott M. Dimond
Dimond, Kaplan & Rothstein, PA
PH 2-B
2665 S Bayshore Dr
Coconut Grove , FL 33133
305/374-1920
Fax: 305/374-1961
Email: sdimond@dkrpa.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Wesley Welling

represented by **Guy F. Giberson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lorenz Michel Pruss
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melanie E. Damian
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter F. Valori
(See above for address)

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Plaintiff

Elda Garcia

represented by **Guy F. Giberson**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Kenneth Dante Murena
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Lorenz Michel Pruss
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Melanie E. Damian
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Peter F. Valori
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Scott M. Dimond
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Paul A. Hoffman
TERMINATED: 07/30/2008

represented by **Anthony P. Strasius**
Wilson, Elser, Moskowitz, Edelman &
Dicker, LLP
Suite 3800
100 SE 2nd St.
Miami , FL 33131
305/374-4400
Fax: 305/579-0261
Email: anthony.strasius@wilsonelser.com
LEAD ATTORNEY

Benjamin Joseph Biard

Wilson, Elser, Moskowitz, Edelman &
Dicker, LLP
Suite 3800
100 SE 2nd St.
Miami , FL 33131
305/374-4400
Email: benjamin.biard@wilsonelser.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Edward J. Boyle

Wilson, Elser, Moskowitz, Edelman &
Dicker, LLP
150 E 42nd St
New York , NY 10017-5639
212/490-3000
Fax: 212/490-3038
Email: Edward.Boyle@wilsonelser.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jeffrey L. Wilson

Wilson, Elser, Moskowitz, Edelman &
Dicker, LLP
150 E 42nd St
New York , NY 10017-5639
212/490-3000
Fax: 212/490-3038
Email: jeffrey.wilson@wilsonelser.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William J. Kelly

Wilson, Elser, Moskowitz, Edelman &
Dicker, LLP
3 Gannett Dr.
White Plains , NY 10604-3407
914/323-7000
Fax: 914/323-7001
Email: william.kelly@wilsonelser.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Edward S. Digges, Jr.

represented by **Edward S. Digges, Jr.**
Collin County Detention Facility
Pod IC; Cell #30

4300 Community Avenue
McKinney, TX 75071
PRO SE

Defendant

Katherine Kerr

TERMINATED: 07/30/2008

represented by **Richard C. Swank**

Litchford & Christopher, PA
390 N Orange Ave - Ste 2200
PO Box 1549
Orlando , FL 32802-1549
407/422-6600
Fax: 407-841-0325
Email: rswank@litchfordchristopher.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert T. Shaffer , III

Murphy & Shaffer, LLC
Suite 1400
36 S Charles St
Baltimore , MD 21201
410/783-7000
Fax: 410/783-8823
Email: RShaffer@murphyshaffer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Interested Party

Receiver James D. Silver

Interested Party

K. Brigid Peterson

represented by **K. Brigid Peterson**

1153 Riverside Avenue
Baltimore, MD 21613
401/804-4613
PRO SE

Date Filed	#	Docket Text
01/14/2008	<u>1</u>	CLASS ACTION COMPLAINT filed pursuant to the Securities Exchange Act of 1934(Filing fee \$350 - receipt number 26610) (RDO) (Entered: 01/15/2008)
01/15/2008		Summons issued as to Paul A. Hoffman, Edward S. Digges, Jr. and Katherine Kerr. (RDO) (Entered: 01/15/2008)
01/18/2008	<u>2</u>	NOTICE of pendency of related cases re order of compliance to Local Rule by Jerry

		Gustin, Elda Garcia. Related case(s): Yes (Damian, Melanie) (Entered: 01/18/2008)
01/22/2008	<u>3</u>	RELATED CASE ORDER; NOTICE of designation under Local Rule 3.05 - track 2; and ORDER Requiring Electronic Filing. (Notice of pendency of other actions due by 02/06/08.) Signed by Judge Anne C. Conway on 1/22/08. (CH) (CH). (Entered: 01/22/2008)
01/22/2008	<u>4</u>	INTERESTED PERSONS ORDER. Certificate of interested persons and corporate disclosure statement due by 2/6/2008. Signed by Judge Anne C. Conway on 1/22/2008. (CH) (CH). (Entered: 01/22/2008)
01/29/2008	<u>5</u>	ORDER reassigning this case to the Honorable Gregory A. Presnell for all further proceedings pursuant to Local Rule 1.04(b). Signed by Judge Anne C. Conway on 1/29/2008. (CH) (Entered: 01/29/2008)
01/30/2008		Case Reassigned to Judge Gregory A. Presnell. New case number: 6:08-cv-57-ORL-31DAB. Judge Anne C. Conway no longer assigned to the case. (RDO) (Entered: 01/30/2008)
01/30/2008	<u>6</u>	ORDER transferring case to Magistrate Judge Karla R. Spaulding. Signed by Magistrate Judge David A. Baker on 1/30/2008. (EC1) (Entered: 01/30/2008)
01/31/2008		Case Reassigned to Magistrate Judge Karla R. Spaulding. New case number: 6:08-cv-57-ORL-31KRS. Magistrate Judge David A. Baker no longer assigned to the case. (RDO) (Entered: 01/31/2008)
02/04/2008	<u>7</u>	CERTIFICATE of interested persons and corporate disclosure statement re <u>4</u> Interested persons order by Jerry Gustin, Elda Garcia. (Damian, Melanie) (Entered: 02/04/2008)
02/06/2008	<u>8</u>	MOTION for Robert T. Shaffer, III to appear pro hac vice by Katherine Kerr. (Swank, Richard) Motions referred to Magistrate Judge Karla R. Spaulding. (Entered: 02/06/2008)
02/06/2008	<u>9</u>	MOTION for Extension of Time to File Response/Reply to <i>Complaint AND Certificate of Interested Persons</i> by Katherine Kerr. (Swank, Richard) Motions referred to Magistrate Judge Karla R. Spaulding. (Text modified on 2/7/2008) (RDO). (Entered: 02/06/2008)
02/06/2008	<u>10</u>	NOTICE of pendency of related cases re <u>3</u> Related case order and notice of designation of track 2 per Local Rule 1.04(d) by Edward S. Digges, Jr. Related case(s): yes (RDO) (Entered: 02/06/2008)
02/06/2008	<u>11</u>	ANSWER and affirmative defenses to <u>1</u> Complaint by Edward S. Digges, Jr.(RDO) (Entered: 02/06/2008)
02/07/2008	<u>12</u>	INTERESTED PERSONS ORDER for Defendants Edward S. Digges, Jr. and Katherine Kerr. Certificate of interested persons and corporate disclosure statement due by 2/19/2008 Signed by Judge Gregory A. Presnell on 2/7/2008. (counsel emailed/copy mailed)(AKJ) (Entered: 02/07/2008)
02/07/2008	<u>13</u>	ORDER OF RECUSAL. Magistrate Judge Karla R. Spaulding recused. Signed by Magistrate Judge Karla R. Spaulding on 2/7/2008. (BJP) (Entered: 02/07/2008)
02/08/2008		Case Reassigned to Magistrate Judge Gregory J. Kelly. New case number: 6:08-cv-57-

		ORL-31GJK. (RDO) Motions referred to Gregory J. Kelly. (Entered: 02/08/2008)
02/11/2008	14	ORDER of Transfer. Signed by Magistrate Judge Gregory J. Kelly on 2/11/2008. (DEH) (Entered: 02/11/2008)
02/12/2008		Case Reassigned to Magistrate Judge David A. Baker. New case number: 6:08-cv-57-ORL-31DAB. Magistrate Judge Gregory J. Kelly no longer assigned to the case. (RDO) (Entered: 02/12/2008)
02/12/2008	15	ENDORSED ORDER granting 8 motion to appear pro hac vice, provided, all counsel shall register for and use the electronic filing system as adopted by the Court. After this Order, the Clerk will no longer send copies of docket entries by U.S. Mail to counsel in this case. Granting 9 Motion for Extension of Time to File Response/Reply. Signed by Magistrate Judge David A. Baker on 2/12/2008. (Baker, David) (Entered: 02/12/2008)
02/14/2008	16	INTERESTED PERSONS ORDER for PLAINTIFF EMILE LEBOULLUEC. Certificate of interested persons and corporate disclosure statement due by 2/25/2008 Signed by Judge Gregory A. Presnell on 2/14/2008. (Copies mailed/emailed)(AKJ) VACATED PER DOC. NO. 31 Modified on 3/7/2008 (AKJ). (Entered: 02/14/2008)
02/20/2008	17	CERTIFICATE of interested persons and corporate disclosure statement re 12 Interested persons order by Edward S. Digges, Jr. (RDO) (Entered: 02/20/2008)
02/20/2008	18	NOTICE of Appearance by Lorenz Michel Pruss on behalf of Jerry Gustin, Emile LeBoulluec, Elda Garcia (Pruss, Lorenz) (Entered: 02/20/2008)
02/20/2008	19	NOTICE by Elda Garcia of <i>Correction of Scrivener's Error</i> (Damian, Melanie) (Entered: 02/20/2008)
02/25/2008	20	MOTION to Dismiss for Lack of Jurisdiction (<i>In Personam</i>) by Katherine Kerr. (Attachments: # 1 Exhibit A-Declaration of Katherine A. Kerr)(Shaffer, Robert) (Entered: 02/25/2008)
02/26/2008	21	CERTIFICATE of interested persons and corporate disclosure statement re 12 Interested persons order, by Katherine Kerr. (Shaffer, Robert) (Entered: 02/26/2008)
03/03/2008	22	MOTION to Dismiss for Lack of Jurisdiction by Paul A. Hoffman. (Attachments: # 1 Affidavit Declaration of Paul A. Hoffman in Support of Motion to Dismiss for lack of Personal Jurisdiction)(Biard, Benjamin) (Entered: 03/03/2008)
03/04/2008	23	INTERESTED PERSONS ORDER for Defendant Paul A. Hoffman. Certificate of interested persons and corporate disclosure statement due by 3/17/2008 Signed by Judge Gregory A. Presnell on 3/4/2008. (Copy mailed/counsel emailed)(AKJ) (Entered: 03/04/2008)
03/04/2008	24	NOTICE by Paul A. Hoffman re 22 MOTION to Dismiss for Lack of Jurisdiction (<i>OF FILING THE CERTIFICATE OF SERVICE</i>) (Strasius, Anthony) (Entered: 03/04/2008)
03/04/2008	25	MOTION to Dismiss for Lack of Jurisdiction (<i>With Memorandum of Law</i>) by Paul A. Hoffman. (Attachments: # 1 Declaration of Paul A. Hoffman)(Strasius, Anthony) Text modified on 3/5/2008 (RDO). (Entered: 03/04/2008)
03/04/2008	26	NOTICE of Appearance by Anthony P. Strasius on behalf of Paul A. Hoffman

		(Strasius, Anthony) (Entered: 03/04/2008)
03/06/2008	27	MOTION for Edward J. Boyle to appear pro hac vice by Paul A. Hoffman. (RDO) Motions referred to Magistrate Judge David A. Baker. (Entered: 03/06/2008)
03/06/2008	28	MOTION for William J. Kelly to appear pro hac vice by Paul A. Hoffman. (RDO) Motions referred to Magistrate Judge David A. Baker. (Entered: 03/06/2008)
03/06/2008	29	MOTION for Jeffrey L. Wilson to appear pro hac vice by Paul A. Hoffman. (RDO) Motions referred to Magistrate Judge David A. Baker. (Entered: 03/06/2008)
03/06/2008	30	ENDORSED ORDER granting 27 motion to appear pro hac vice; granting 28 motion to appear pro hac vice; granting 29 motion to appear pro hac vice. Provided, all counsel shall register for and use the electronic filing system as adopted by the Court. After this Order, the Clerk will no longer send copies of docket entries by U.S. Mail to counsel in this case. Signed by Magistrate Judge David A. Baker on 3/6/2008. (Baker, David) (Entered: 03/06/2008)
03/07/2008	31	ORDER directing the Clerk to delete Emile LeBoulluec as a plaintiff to this action, VACATING the Interested Persons Order 16 and re 19 Notice (Other) filed by Elda Garcia Signed by Judge Gregory A. Presnell on 3/7/2008. Court reminds parties the case was reassigned to Judge Presnell and the correct case number should be listed on all future pleadings. (Copies mailed/mailed)(AKJ) (Entered: 03/07/2008)
03/12/2008	32	Joint MOTION to "Meet" Telephonically to Complete Case Management Report by Jerry Gustin, Elda Garcia. (Pruss, Lorenz) (Entered: 03/12/2008)
03/12/2008	33	NOTICE of Appearance by Scott M. Dimond on behalf of Jerry Gustin, Elda Garcia (Dimond, Scott) (Entered: 03/12/2008)
03/12/2008	34	MOTION for Extension of Time to File Response/Reply by Jerry Gustin, Elda Garcia. (Attachments: # 1 Text of Proposed Order)(Damian, Melanie) Motions referred to Magistrate Judge David A. Baker. (Entered: 03/12/2008)
03/13/2008	35	ENDORSED ORDER granting 32 Motion to meet telephonically to complete case management report. Signed by Judge Gregory A. Presnell on 3/13/2008. (TKW) (Entered: 03/13/2008)
03/13/2008	36	ENDORSED ORDER granting 34 Motion for Extension of Time to File Response/Reply, though counsel cited the wrong Local Rule. They are reminded that this case is pending in the Middle District of Florida. Signed by Magistrate Judge David A. Baker on 3/13/2008. (Baker, David) (Entered: 03/13/2008)
03/13/2008	37	CERTIFICATE of interested persons and corporate disclosure statement re 23 Interested persons order <i>and Certificate of Service thereof</i> by Paul A. Hoffman. (Kelly, William) (Entered: 03/13/2008)
03/24/2008	38	CASE MANAGEMENT REPORT. (Pruss, Lorenz) (Entered: 03/24/2008)
03/25/2008	39	CASE MANAGEMENT AND SCHEDULING ORDER. Signed by Judge Gregory A. Presnell on 3/25/2008. (TKW) (Entered: 03/25/2008)
04/04/2008	40	MOTION for Extension of Time to File Response/Reply by Jerry Gustin, Elda Garcia. (Attachments: # 1 Text of Proposed Order)(Damian, Melanie) Motions referred to Magistrate Judge David A. Baker. (Entered: 04/04/2008)

04/04/2008	41	ENDORSED ORDER granting 40 Motion for Extension of Time to File Response/Reply re 25 MOTION to Dismiss for Lack of Jurisdiction (<i>With Memorandum of Law</i>), 20 MOTION to Dismiss for Lack of Jurisdiction (<i>In Personam</i>). Responses due by 4/18/2008. Signed by Judge Gregory A. Presnell on 4/4/2008. (AEB) (Entered: 04/04/2008)
04/18/2008	42	MOTION for Extension of Time to File Response/Reply by Jerry Gustin, Elda Garcia. (Attachments: # 1 Text of Proposed Order)(Damian, Melanie) Motions referred to Magistrate Judge David A. Baker. (Entered: 04/18/2008)
04/21/2008	43	ENDORSED ORDER granting 42 Motion for Extension of Time to File Response/Reply re 25 MOTION to Dismiss for Lack of Jurisdiction (<i>With Memorandum of Law</i>), 20 MOTION to Dismiss for Lack of Jurisdiction (<i>In Personam</i>) Responses due by 4/25/2008. Signed by Judge Gregory A. Presnell on 4/21/2008. Plaintiffs once again cited the wrong Local Rules and are, once again, reminded that this case is pending in the Middle District of Florida. (AEB) (Entered: 04/21/2008)
04/25/2008	44	MOTION for leave to file a <i>First Amended Class Action Complaint and Incorporate Memorandum of Law</i> by Jerry Gustin, Elda Garcia. (Attachments: # 1 Exhibit First Amended Complaint, # 2 Text of Proposed Order order)(Damian, Melanie) (Entered: 04/25/2008)
05/27/2008	45	ORDER denying as moot 25 Motion to Dismiss for Lack of Jurisdiction; granting in part and denying in part 44 Motion for leave to file; denying as moot 20 Motion to Dismiss for Lack of Jurisdiction. Signed by Judge Gregory A. Presnell on 5/27/2008. Plaintiffs may file an amended complaint within 10 days of this Order, to supplement their jurisdictional allegations. Additional representative Plaintiffs may not be added absent a motion establishing good cause. (AEB) (Entered: 05/27/2008)
06/02/2008	46	MOTION to extend time to File Motion for Class Certification by Jerry Gustin, Elda Garcia. (Attachments: # 1 Text of Proposed Order Order Granting Motion for Enlargement of Time to File Motion for Class Certification)(Pruss, Lorenz) (Entered: 06/02/2008)
06/03/2008	47	MOTION to Add Wesley Welling as a Plaintiff by Jerry Gustin, Elda Garcia. (Attachments: # 1 Text of Proposed Order Order)(Damian, Melanie) Modified on 6/4/2008 (RDO). (Entered: 06/03/2008)
06/04/2008	48	ENDORSED ORDER granting 46 Motion to extend time ; motion for class certification due august 1,2008. No further extensions will be granted. Signed by Judge Gregory A. Presnell on 6/4/2008. (Presnell, Gregory) (Entered: 06/04/2008)
06/06/2008	49	AMENDED COMPLAINT against all defendants with Jury Demand filed by all plaintiffs.(Damian, Melanie) (Terminated on 6/9/2008 for improper signature. Atty. called and will re-file) (RDO). (Entered: 06/06/2008)
06/09/2008	50	AMENDED COMPLAINT against all defendants with Jury Demand filed by all plaintiffs.(Damian, Melanie) (STRICKEN ON 6/12/2008. SEE 52 ORDER) (RDO). (Entered: 06/09/2008)
06/10/2008	51	RESPONSE in opposition re 47 MOTION to Add Wesley Welling as Plaintiff <i>Jointly submitted by all defendants</i> filed by Paul A. Hoffman. (Attachments: # 1 Exhibit

		Exhibit A, # 2 Text of Proposed Order)(Kelly, William) (Entered: 06/10/2008)
06/11/2008	52	ORDER striking 50 Amended Complaint and granting 47 Motion to add Plaintiff. Signed by Judge Gregory A. Presnell on 6/11/2008. The Amended Complaint 50 is hereby STRICKEN, Plaintiffs' Motion to Add Wesley Welling as Plaintiff 47 is GRANTED and Plaintiffs shall have leave to file a Second Amended Complaint in compliance with this Order on or before June 25, 2008. (AEB) (Entered: 06/11/2008)
06/12/2008	53	INTERESTED PERSONS ORDER for newly added Plaintiff Wesley Welling. Certificate of interested persons and corporate disclosure statement due by 6/23/2008 Signed by Judge Gregory A. Presnell on 6/12/2008. (counsel emailed/mailed)(AKJ) (Entered: 06/12/2008)
06/17/2008	54	AMENDED COMPLAINT <i>Second</i> against Paul A. Hoffman, Edward S. Digges, Jr, Katherine Kerr with Jury Demand filed by Jerry Gustin, Wesley Welling, Elda Garcia.(Damian, Melanie) (Entered: 06/17/2008)
06/26/2008	55	CERTIFICATE of interested persons and corporate disclosure statement re 53 Interested persons order by Jerry Gustin, Wesley Welling, Elda Garcia. (Damian, Melanie) (Entered: 06/26/2008)
06/27/2008	56	MOTION to dismiss Second Amended Complaint <i>and Memorandum of Law in Support</i> by Paul A. Hoffman. (Biard, Benjamin) (Entered: 06/27/2008)
06/27/2008	57	NOTICE of filing Declaration of Edward Boyle by Paul A. Hoffman re 56 MOTION to dismiss Second Amended Complaint (Attachments: # 1 Declaration of Edward Boyle, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F)(Biard, Benjamin) Text modified on 6/30/2008 (RDO). (Entered: 06/27/2008)
06/27/2008	58	NOTICE of filing Declaration of William Kelly by Paul A. Hoffman re 56 MOTION to dismiss Second Amended Complaint (Attachments: # 1 Declaration of William Kelly, # 2 Exhibit A, # 3 Exhibit B)(Biard, Benjamin) Modified on 6/30/2008 (RDO). (Entered: 06/27/2008)
06/27/2008	59	MOTION to dismiss Second Amended Class Action Complaint for Lack of In Personam Jurisdiction and Memorandum of Law In Support Thereof by Katherine Kerr. (Attachments: # 1 Exhibit A - Declaration of Katherine A. Kerr, # 2 Exhibit B - Deposition of Katherine A. Kerr, March 16, 2006)(Shaffer, Robert) (Entered: 06/27/2008)
06/30/2008	60	NOTICE of Filing Declaration by Paul A. Hoffman re 56 MOTION to dismiss Second Amended Complaint (Attachments: # 1 Declaration of Paul A. Hoffman) (Biard, Benjamin) Text modified on 7/1/2008 (RDO). (Entered: 06/30/2008)
06/30/2008	61	ANSWER and affirmative defenses to 54 Second Amended complaint by Edward S. Digges, Jr.(RDO) (Entered: 06/30/2008)
07/14/2008	62	Unopposed MOTION for Extension of Time to File Response/Reply as to 59 MOTION to dismiss Second Amended Class Action Complaint for Lack of In Personam Jurisdiction and Memorandum of Law In Support Thereof, 56 MOTION to dismiss Second Amended Complaint <i>and Memorandum of Law in Support</i> by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Text of Proposed Order Order)(Damian, Melanie) Motions referred to Magistrate Judge David A. Baker.

		(Entered: 07/14/2008)
07/15/2008	63	ENDORSED ORDER granting 62 Motion for Extension of Time to File Response/Reply re 59 MOTION to dismiss Second Amended Class Action Complaint for Lack of In Personam Jurisdiction and Memorandum of Law In Support Thereof, 56 MOTION to dismiss Second Amended Complaint <i>and Memorandum of Law in Support</i> Responses due by 7/25/2008. Signed by Judge Gregory A. Presnell on 7/15/2008. (AEB) (Entered: 07/15/2008)
07/25/2008	64	RESPONSE in opposition re 59 MOTION to dismiss Second Amended Class Action Complaint for Lack of In Personam Jurisdiction and Memorandum of Law In Support Thereof filed by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Exhibit A - Part I, # 2 Exhibit A - Part 2, # 3 Exhibit A - Part 3, # 4 Exhibit A - Part 4, # 5 Exhibit A - Part 5, # 6 Exhibit A - Part 6)(Damian, Melanie) (Entered: 07/25/2008)
07/25/2008	65	RESPONSE in opposition re 56 MOTION to dismiss Second Amended Complaint <i>and Memorandum of Law in Support</i> filed by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Exhibit A - Part 1, # 2 Exhibit A - Part 2, # 3 Exhibit A - Part 3, # 4 Exhibit A - Part 4)(Damian, Melanie) (Entered: 07/25/2008)
07/28/2008	66	MOTION for leave to file <i>Reply to Plaintiff's Response to Hoffman's Motion to Dismiss to Second Amended Complaint</i> by Paul A. Hoffman. (Biard, Benjamin) (Entered: 07/28/2008)
07/29/2008	67	ENDORSED ORDER denying 66 Motion for leave to file. Signed by Judge Gregory A. Presnell on 7/29/2008. (AEB) (Entered: 07/29/2008)
07/29/2008	68	ORDER granting 59 Motion to dismiss. Signed by Judge Gregory A. Presnell on 7/29/2008. Ms. Kerr is hereby DISMISSED from this case, without prejudice, for lack of personal jurisdiction. (AEB) (Entered: 07/29/2008)
07/29/2008	69	ORDER granting 56 Motion to dismiss. Signed by Judge Gregory A. Presnell on 7/29/2008. Plaintiffs' claims against Defendant Hoffman are DISMISSED without prejudice. (AEB) (Entered: 07/29/2008)
08/01/2008	70	NOTICE by James D. Silver of <i>Filing Statement by Receiver and Request for Status Conference</i> (Scherer, William) (Entered: 08/01/2008)
08/01/2008	71	MOTION for leave to file Third Amended Complaint by all plaintiffs. (Attachments: # 1 Exhibit A)(Damian, Melanie) (Entered: 08/01/2008)
08/01/2008	72	MOTION to certify class by all plaintiffs. (Attachments: # 1 Exhibit Exhibit A - Curriculum Vitae)(Pruss, Lorenz) (Entered: 08/01/2008)
08/04/2008	73	ENDORSED ORDER granting 71 Motion for leave to file. Signed by Judge Gregory A. Presnell on 8/4/2008. Plaintiffs shall have leave to file a Third Amended Complaint within 5 days of this Order. (AEB) (Entered: 08/04/2008)
08/04/2008	74	ENDORSED ORDER directing Paul A. Hoffman, Edward S. Digges, Jr to respond to 72 MOTION to certify class. Responses due by 9/4/2008. Signed by Judge Gregory A. Presnell on 8/4/2008. (AEB) (Entered: 08/04/2008)
08/04/2008	75	THIRD AMENDED COMPLAINT against all defendants with Jury Demand filed by all plaintiffs.(Damian, Melanie) Text modified on 8/5/2008 (RDO). (Entered: 08/04/2008)

		08/04/2008)
08/08/2008	76	MOTION to compel <i>Plaintiffs, Receiver James Silver and a Representative of Plaintiff's Law Firm to Appear in this District for a Deposition pursuant to L.R. 3.04(B) and F.R.C.P. 30</i> by Paul A. Hoffman. (Attachments: # 1 Exhibit Damian Letter 8.6.08, # 2 Text of Proposed Order Order Granting Motion to Compel)(Biard, Benjamin) Motions referred to Magistrate Judge David A. Baker. (Entered: 08/08/2008)
08/13/2008	77	MEMORANDUM in opposition to 76 Motion to Compel James Silver to Appear for Deposition and Memorandum of Law filed by James D. Silver. (Attachments: #(1) Exhibit A)(Scherer, William) Text modified on 8/14/2008 (RDO). (Entered: 08/13/2008)
08/20/2008	78	RESPONSE in opposition re 76 MOTION to compel <i>Plaintiffs, Receiver James Silver and a Representative of Plaintiff's Law Firm to Appear in this District for a Deposition</i> filed by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Exhibit A) (Damian, Melanie) Text modified on 8/21/2008 (RDO). (Entered: 08/20/2008)
08/21/2008	79	MOTION for leave to file <i>Pursuant to Local Rule 3.01(D) a Reply in Connection with Defendant Paul Hoffman's Motion to Compel Plaintiffs, Receiver James Silver and a Representative of Plaintiff's Law Firm to Appear in this District for a Deposition</i> by Paul A. Hoffman. (Biard, Benjamin) (Entered: 08/21/2008)
08/25/2008	80	ANSWER and affirmative defenses with Jury Demand to 75 Amended complaint by Paul A. Hoffman.(Biard, Benjamin) (Entered: 08/25/2008)
08/26/2008	81	ENDORSED ORDER granting 79 Motion for leave to file. Signed by Magistrate Judge David A. Baker on 8/26/2008. (Baker, David) (Entered: 08/26/2008)
08/29/2008	82	REPLY to response to motion re 76 MOTION to compel <i>Plaintiffs, Receiver James Silver and a Representative of Plaintiff's Law Firm to Appear in this District for a Deposition pursuant to L.R. 3.04(B) and F.R.C.P. 30</i> MOTION to compel <i>Plaintiffs, Receiver James Silver and a Representative of Plaintiff's Law Firm to Appear in this District for a Deposition pursuant to L.R. 3.04(B) and F.R.C.P. 30</i> filed by Paul A. Hoffman. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Biard, Benjamin) Text modified on 9/2/2008 (RDO). (Entered: 08/29/2008)
09/04/2008	83	RESPONSE in opposition re 72 MOTION to certify class filed by Paul A. Hoffman. (Attachments: # 1 Exhibit Exhibit B, # 2 Exhibit Exhibit C, # 3 Exhibit D, # 4 Exhibit E, # 5 Exhibit F, # 6 Exhibit G, # 7 Exhibit H, # 8 Exhibit I, # 9 Exhibit A)(Biard, Benjamin) Text modified on 9/5/2008 (RDO). (Entered: 09/04/2008)
09/05/2008	84	MOTION for Leave to File Reply in Support of Motion for Class Certification by Jerry Gustin, Wesley Welling, Elda Garcia. (Pruss, Lorenz) Modified on 9/8/2008 (IGC). (Entered: 09/05/2008)
09/05/2008	85	RESPONSE in opposition re 84 MOTION for Leave to File Reply in Support of Motion for Class Certification filed by Paul A. Hoffman. (Biard, Benjamin) Modified on 9/8/2008 (IGC). (Entered: 09/05/2008)
09/08/2008	86	ENDORSED ORDER denying 84 Motion for leave to file reply. Signed by Judge Gregory A. Presnell on 9/8/2008. (Presnell, Gregory) (Entered: 09/08/2008)

09/08/2008	87	ANSWER to 75 Third Amended complaint by Edward S. Digges, Jr.(RDO) (Entered: 09/09/2008)
09/09/2008	88	ORDER granting in part 76 Motion to compel to the extent not moot. Signed by Magistrate Judge David A. Baker on 9/9/2008. (EC1) (Entered: 09/09/2008)
09/09/2008	89	MEMORANDUM in opposition re 72 Motion to certify class filed by Edward S. Digges, Jr. (RDO) (Entered: 09/10/2008)
09/12/2008	90	NOTICE of Appearance by Guy F. Giberson on behalf of Jerry Gustin, Wesley Welling, Elda Garcia (Giberson, Guy) (Entered: 09/12/2008)
09/12/2008	91	MOTION to extend time to Take Depositions of Plaintiffs, Plaintiffs' Counsel and Receiver by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Text of Proposed Order)(Giberson, Guy) (Entered: 09/12/2008)
09/15/2008	92	ORDER granting 91 Motion to extend time. Signed by Judge Gregory A. Presnell on 9/15/2008. (TFF) (Entered: 09/15/2008)
10/02/2008	93	CERTIFICATE of interested persons and corporate disclosure statement <i>Amended</i> by Jerry Gustin, Wesley Welling, Elda Garcia. (Damian, Melanie) (Entered: 10/02/2008)
10/10/2008	94	MOTION for leave to file Supplement to Record and Opposition to Plaintiffs' Motion for Class Certification by Paul A. Hoffman. (Attachments: # 1 Exhibit A, Deposition of Wesley Welling, # 2 Exhibit B, Deposition of Elda Garcia, # 3 Exhibit C, Deposition of Jerry Gustin, # 4 Exhibit D, Deposition of Scott Dimond)(Strasius, Anthony) Text modified on 10/14/2008 (RDO). (Entered: 10/10/2008)
10/20/2008	95	RESPONSE in opposition re 94 MOTION for leave to file Supplement to Record and Opposition to Plaintiffs' Motion for Class Certification filed by Jerry Gustin, Wesley Welling, Elda Garcia. (Pruss, Lorenz) (Entered: 10/20/2008)
10/24/2008	96	NOTICE by Jerry Gustin, Wesley Welling, Elda Garcia <i>of Filing Certification of Plaintiff Pursuant to the Private Securities Litigation Reform Act</i> (Attachments: # 1 Exhibit)(Damian, Melanie) (Entered: 10/24/2008)
10/28/2008	97	ORDER DENYING 72 Motion to certify class; DENYING as moot 94 Motion for leave to file; and DISMISSING 75 Third Amended Complaint. Signed by Judge Gregory A. Presnell on 10/28/2008. (TFF) (Entered: 10/28/2008)
12/05/2008	98	AMENDED COMPLAINT <i>Fourth</i> against all defendants with Jury Demand filed by all plaintiffs. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Damian, Melanie) (Entered: 12/05/2008)
12/05/2008	99	NOTICE by Jerry Gustin, Wesley Welling, Elda Garcia <i>of Filing Certifications</i> (Attachments: # 1 Exhibit Certification of Gustin, # 2 Exhibit Certification of Garcia, # 3 Exhibit Certification of Welling)(Damian, Melanie) (Entered: 12/05/2008)
12/15/2008	100	MOTION to dismiss Plaintiff's Fourth Amended Class Action Complaint by Paul A. Hoffman. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit , # 9 Exhibit I, # 10 Exhibit J) (Biard, Benjamin) Text modified on 12/16/2008 (RDO). (Entered: 12/15/2008)
12/15/2008	101	DECLARATION of William J. Kelly re 100 MOTION to dismiss Plaintiff's Fourth Amended Class Action Complaint by Paul A. Hoffman. (Biard, Benjamin) (Entered: 12/15/2008)

		12/15/2008)
12/19/2008	102	NOTICE by Jerry Gustin, Wesley Welling, Elda Garcia re 99 Notice (Other), 98 Amended complaint of <i>Compliance with PSLRA</i> (Attachments: # 1 Exhibit A to Notice of Compliance)(Pruss, Lorenz) (Entered: 12/19/2008)
12/22/2008	103	MOTION to dismiss Fourth Amended Complaint by Edward S. Digges, Jr. (RDO) (Entered: 12/22/2008)
12/23/2008	104	First MOTION for Extension of Time to File Response/Reply as to 103 MOTION to dismiss Fourth Amended Complaint, 102 Notice (Other) by all plaintiffs. (Attachments: # 1 Text of Proposed Order)(Giberson, Guy) Motions referred to Magistrate Judge David A. Baker. (Entered: 12/23/2008)
12/24/2008	105	ENDORSED ORDER granting 104 Motion for Extension of Time to File Response/Reply. Signed by Magistrate Judge David A. Baker on 12/24/2008. (Baker, David) (Entered: 12/24/2008)
01/14/2009	106	RESPONSE in opposition re 103 MOTION to dismiss Fourth Amended Complaint, 100 MOTION to dismiss Plaintiff's Fourth Amended Class Action Complaint filed by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C - Part 1, # 4 Exhibit C - Part 2, # 5 Exhibit D)(Giberson, Guy) (Entered: 01/14/2009)
01/15/2009	107	MOTION for leave to file <i>Reply in Connection with Defendant Paul Hoffman's Motion to Dismiss</i> by Paul A. Hoffman. (Biard, Benjamin) (Entered: 01/15/2009)
01/28/2009	108	ORDER denying without prejudice for failure to comply with Local Rule 3.01(g) 107 Motion for leave to file. Signed by Judge Gregory A. Presnell on 1/28/2009. (TFF) (Entered: 01/28/2009)
01/28/2009	109	MOTION for leave to file <i>Reply in Connection with Hoffman's Motion to Dismiss</i> by Paul A. Hoffman. (Attachments: # 1 Text of Proposed Order Order Granting Motion Pursuant to Local Rule 3.01(d) for Leave to File Reply in Connection with his Motion to Dismiss)(Biard, Benjamin) (Entered: 01/28/2009)
01/29/2009	110	ORDER granting 109 Motion for leave to file a Reply. Defendant Hoffman's Reply shall be filed no later than Friday, February 6, 2009. Signed by Judge Gregory A. Presnell on 1/29/2009. (TFF) (Entered: 01/29/2009)
01/29/2009	111	NOTICE of <i>Additional Counsel</i> Appearance by Benjamin Joseph Biard on behalf of Paul A. Hoffman (Biard, Benjamin) (Entered: 01/29/2009)
02/02/2009	112	MOTION for Extension of Time to File <i>Expert Disclosure and Report</i> by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Text of Proposed Order)(Giberson, Guy) (Entered: 02/02/2009)
02/03/2009	113	NOTICE of Consent by Paul A. Hoffman re 112 MOTION for Extension of Time to File <i>Expert Disclosure and Report</i> (Attachments: # 1 Exhibit A) (Biard, Benjamin) <i>Text modified on 2/4/2009 (RDO)</i> . (Entered: 02/03/2009)
02/03/2009	114	ORDER granting 112 Motion for Extension of Time to File. Signed by Judge Gregory A. Presnell on 2/3/2009. (TFF) (Entered: 02/03/2009)
02/06/2009	115	REPLY to response to motion re 103 MOTION to dismiss Fourth Amended

		Complaint filed by Paul A. Hoffman. (Attachments: # 1 Exhibit A (1of3), # 2 Exhibit A (2of3), # 3 Exhibit A (3 of 3), # 4 Exhibit B, # 5 Exhibit C)(Biard, Benjamin) (Entered: 02/06/2009)
02/27/2009	116	RENEWED MOTION to certify class by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Exhibit A - 2-20-06 Deposition Transcript Paul Hoffman, # 2 Exhibit B - 2-12-09 Deposition Transcript Paul Hoffman, # 3 Exhibit C- Kapila Affidavit, # 4 Exhibit D - Deposition of Elda Garcia, # 5 Exhibit E - Declaration of Louis C. Haug, # 6 Exhibit F - Letter to Wes Welling, # 7 Exhibit G - Master CV)(Pruss, Lorenz) Text modified on 3/2/2009 (RDO). (Entered: 02/27/2009)
02/28/2009	117	NOTICE by Jerry Gustin, Wesley Welling, Elda Garcia re 116 MOTION to certify class of <i>Filing Certain Exhibits to the Deposition of Paul A. Hoffman</i> (Attachments: # 1 Exhibit 13, # 2 Exhibit 24)(Pruss, Lorenz) Text modified on 3/2/2009 (RDO). (Entered: 02/28/2009)
03/09/2009	118	ORDER denying 100 103 Motions to dismiss. Signed by Judge Gregory A. Presnell on 3/9/2009. (TFF) (Entered: 03/09/2009)
03/09/2009	119	MOTION to extend time to April 10, 2009 <i>to take the deposition of Defendant, Edward S. Digges</i> by all plaintiffs. (Giberson, Guy) (Entered: 03/09/2009)
03/10/2009	120	ENDORSED ORDER granting 119 Motion to extend time. Provided, however, this extension in no way relieves the parties of other obligations and deadlines set forth in the Scheduling Order. Further, this extension shall not be the basis for seeking relief from that Order. Provided further, this extension assumes that there will be no disputes regarding discovery within this extended period, and the Court will not entertain any motions pertaining to such disputes. In particular, the parties are reminded that the deadline for filing of dispositive motions is NOT extended. Signed by Magistrate Judge David A. Baker on 3/10/2009. (Baker, David) (Entered: 03/10/2009)
03/20/2009	121	NOTICE <i>to the courts</i> by K. Brigid Peterson. (MJT) (Entered: 03/20/2009)
03/20/2009	122	MEMORANDUM in opposition re 116 Motion to certify class <i>Opposition to plaintiffs motion for class certification</i> filed by Paul A. Hoffman. (Attachments: # 1 Exhibit Deposition of Golodetz; part 1 of 4, # 2 Exhibit Deposition of Golodetz part 2 of 4, # 3 Exhibit Deposition of Golodetz part 3 of 4, # 4 Exhibit Deposition of Golodetz part 4 of 4, # 5 Exhibit Deposition of Haug, # 6 Exhibit Gustin Documents from complaint, # 7 Exhibit Garcia Documents from complaint, # 8 Exhibit Welling documents from complaint, # 9 Exhibit Declaration of Elda Garcia, # 10 Exhibit Deposition of Gustin, # 11 Exhibit Deposition of Garcia, # 12 Exhibit Deposition of Welling, # 13 Exhibit Humesky letter with rebate, # 14 Exhibit Texas questionnaire, # 15 Exhibit E-mail from plaintiff's counsel, # 16 Exhibit Haug Declaration, # 17 Exhibit Draft Haug Declaration, # 18 Exhibit Deposition of Cecil Jones, # 19 Exhibit Gustin Proof of Claim)(Biard, Benjamin) (Entered: 03/20/2009)
03/23/2009	123	ANSWER to 98 Amended complaint by Paul A. Hoffman.(Biard, Benjamin) (Entered: 03/23/2009)
03/26/2009	124	MOTION for leave to file Reply in Support of Renewed Motion for Class Certification by Jerry Gustin, Wesley Welling, Elda Garcia. (Pruss, Lorenz) (Entered: 03/26/2009)
03/27/2009	125	ENDORSED ORDER granting 124 Motion for leave to file Reply. Signed by Judge

		Gregory A. Presnell on 3/27/2009. (TFF) (Entered: 03/27/2009)
03/27/2009	126	NOTICE of mediation to be held on April 9, 2009 before Jeffrey Grubman. (Pruss, Lorenz) (Entered: 03/27/2009)
04/01/2009	127	Re- NOTICE of mediation to be held on April 9, 2009 at 8:00 a.m. before Jeffrey Grubman. (Pruss, Lorenz) (Entered: 04/01/2009)
04/03/2009	128	ANSWER/RESPONSE in opposition re 116 MOTION to certify class filed by Edward S. Digges, Jr. (RDO) (Entered: 04/03/2009)
04/06/2009	129	MOTION for Extension of Time to Complete Discovery <i>Deposition of Edward S. Digges, JR.</i> by all plaintiffs. (Giberson, Guy) Motions referred to Magistrate Judge David A. Baker. (Entered: 04/06/2009)
04/07/2009	130	ENDORSED ORDER granting 129 Motion for Extension of Time to Complete Discovery. Signed by Magistrate Judge David A. Baker on 4/7/2009. (Baker, David) (Entered: 04/07/2009)
04/13/2009	131	MOTION to extend time to for all dealines and notice of settlement with respect to Defendant Paul Hoffman. by all plaintiffs. (Giberson, Guy) (Entered: 04/13/2009)
04/14/2009	132	DECLARATION of Edward J. Boyle re 131 MOTION to extend time to for all dealines and notice of settlement with respect to Defendant Paul Hoffman. by Paul A. Hoffman. (Biard, Benjamin) (Entered: 04/14/2009)
04/14/2009	133	NOTICE of Filing Mediation Report by Jerry Gustin, Wesley Welling, Elda Garcia (Attachments: # 1 Mediation Report of Jeffrey S. Grubman)(Giberson, Guy) Modified on 4/15/2009 (MJT). (Entered: 04/14/2009)
04/14/2009	134	MOTION to Seal Document by all plaintiffs. (Giberson, Guy) (Entered: 04/14/2009)
04/15/2009	135	MEDIATION REPORT: Hearing held on 4/9/09; Hearing outcome: SETTLED(IGC) (Entered: 04/15/2009)
04/16/2009	136	AMENDED MEDIATION REPORT. Hearing held on 4/9/09. Hearing outcome: SETTLED(RDO) (Entered: 04/16/2009)
05/11/2009	137	ORDER directing Defendant Hoffman to respond to 134 by no later than Monday, May 18, 2009, and denying without prejudice 131 . Signed by Judge Mary S. Scriven for Judge Gregory A. Presnell on 5/11/2009. (TFF) (Entered: 05/11/2009)
05/18/2009	138	DECLARATION of Edward J. Boyle Regarding Status of Settlement between Plaintiffs and Paul A. Hoffman by Paul A. Hoffman. (Biard, Benjamin) (Entered: 05/18/2009)
05/19/2009	139	ORDER denying as moot 134 Motion to Seal Document. Signed by Judge Gregory A. Presnell on 5/19/2009. (TFF) (Entered: 05/19/2009)
05/28/2009	140	Joint MOTION to appoint counsel, Joint MOTION to Approve Settlement, Joint MOTION to certify class by Jerry Gustin, Wesley Welling, Elda Garcia and Paul A. Hoffman. (Attachments: # 1 Exhibit A - Settlement Agreement, # 2 Exhibit B - Order Granting Motion for Preliminary Approval, # 3 Exhibit C - Counsel CV)(Pruss, Lorenz) Motion no longer referred to Magistrate Judge David A. Baker. Modified on 6/1/2009 (RDO). (Entered: 05/28/2009)

06/08/2009	141	ORDER denying as moot 116 Motion to certify class; and denying without prejudice 140 Joint Motion to certify class and approve settlement. Signed by Judge Gregory A. Presnell on 6/8/2009. (TFF) (Entered: 06/08/2009)
06/22/2009	142	NOTICE by Jerry Gustin, Wesley Welling, Elda Garcia of <i>Compelling Cause to Proceed with Hoffman Settlement</i> (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Giberson, Guy) (Entered: 06/22/2009)
06/24/2009	143	ORDER and NOTICE OF HEARING, re: Status Conference set for 7/1/2009 at 09:00 a.m. in Orlando Courtroom 5 A before Judge Gregory A. Presnell. Signed by Judge Gregory A. Presnell on 6/24/2009. (TFF) (Entered: 06/24/2009)
07/01/2009	144	Minute Entry. Proceedings held before Judge Gregory A. Presnell: Status Conference held on 7/1/2009. Court Reporter: Diane Peede (AKJ) (Entered: 07/01/2009)
07/23/2009	145	MOTION for attorney fees by Jerry Gustin, Wesley Welling, Elda Garcia. (Attachments: # 1 Exhibit Declaration of Melanie Damian, # 2 Exhibit Declaration of Scott M. Dimond, # 3 Exhibit Declaration of Guy Giberson)(Pruss, Lorenz) (Entered: 07/23/2009)
07/31/2009	146	ORDER directing Plaintiffs to file their notice regarding Defendant Digges by no later than Friday, August 14, 2009, and directing the parties to file an Amended Joint Motion for Class Certification and Preliminary Approval of Settlement Agreement by no later than Wednesday, August 19, 2009. Signed by Judge Gregory A. Presnell on 7/31/2009. (TFF) (Entered: 07/31/2009)
08/12/2009	147	NOTICE by Jerry Gustin, Wesley Welling, Elda Garcia <i>Intent to Seek Dismissal of Claims Against Digges</i> (Pruss, Lorenz) (Entered: 08/12/2009)
08/12/2009	148	AMENDED Joint MOTION to Approve Settlement, Joint MOTION to certify class, MOTION to dismiss Claims Against Defendant Edward Digges <i>Solely by Plaintiffs</i> by Jerry Gustin, Wesley Welling, Elda Garcia, Paul A. Hoffman. (Attachments: # 1 Exhibit A - Settlement Agreement, # 2 Exhibit B - Order Granting Motion for Preliminary Approval, # 3 Exhibit C - Counsel CV)(Pruss, Lorenz) Modified on 8/12/2009 (IGC). (Entered: 08/12/2009)
08/13/2009	149	ORDER granting 148 Motion to Approve Settlement; granting 148 Motion to certify class; ruling deferred on 148 Motion to dismiss claims against Edward S. Digges, Jr. Signed by Judge Gregory A. Presnell on 8/13/2009. (TKW) (Entered: 08/13/2009)
08/18/2009	150	ORDER canceling Final Pretrial and Trial hearing scheduled for September 16, 2009 and October, 09. A fairness hearing has been set for 11/20/09 by separate order 149 . (counsel emailed, copy mailed to Edward S. Diggs Jr.) (AKJ) (Entered: 08/18/2009)

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