

**U.S. District Court
Western District of Kentucky (Louisville)
CIVIL DOCKET FOR CASE #: 3:08-cv-00162-JHM-DW**

Capuano v. Humana, Inc. et al
Assigned to: Judge Joseph H. McKinley, Jr
Referred to: Magistrate Judge Dave Whalin
related Case: [3:08-cv-00187-JGH](#)
Cause: 28:1331 Fed. Question: Securities Violation

Date Filed: 03/26/2008
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Dominic Capuano
*Individually and On Behalf of All Others
Similarly Situated*

represented by **Coughlin Stovia Geller**
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V.

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Defendant

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Defendant

James H. Bloem

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Date Filed	#	Docket Text
03/26/2008	<u>1</u>	COMPLAINT FOR VIOLATION OF THE FEDERAL SECURITIES LAWS against Humana, Inc., Michael B. McCallister, James H. Bloem. Filing fee \$ 350, receipt number 688284, filed by Dominic Capuano. (Attachments: # <u>1</u> Affidavit Capuano Verification, # <u>2</u> Cover Sheet, # <u>3</u> Cover Sheet Attachment, # <u>4</u> Summons Humana Inc, # <u>5</u> Summons McCallister, # <u>6</u> Summons Bloem) (PRM) (Entered: 03/26/2008)
03/26/2008	<u>2</u>	Case Assignment (Random Selection): Case Assigned to Joseph H. McKinley, Jr.. (PRM) (Entered: 03/26/2008)
03/26/2008	<u>3</u>	ORDER [eboc] by Judge Joseph H. McKinley, Jr on 3/26/08; Referring Case to Magistrate Judge Dave Whalin for determination of nondispositive matters.cc:counsel (PRM) (Entered: 03/26/2008)

03/26/2008	4	NOTICE of Deficiency re 1 Complaint, Attorney not admitted to the Bar of this Court. Motion for Pro Hac Vice currently not filed. Failure to comply will be brought to the attention of the Court. Response due by 4/7/2008. (JBM) (Entered: 03/26/2008)
03/26/2008	5	NOTICE of Deficiency re 1 Complaint. Attorney not admitted to the Bar of this Court; Motion for Pro Hac Vice currently not filed. Failure to comply will be brought to the attention of the Court. Response due by 4/7/2008. (JBM) (Entered: 03/26/2008)
03/26/2008	6	NOTICE of Deficiency re 1 Complaint. Attorney not admitted to the Bar of this Court. Motion for Pro Hac Vice currently not filed. Failure to comply will be brought to the attention of the Court. Response due by 4/7/2008. (JBM) (Entered: 03/26/2008)
03/26/2008	7	Summons Issued as to Humana, Inc., Michael B. McCallister, James H. Bloem. (JBM) (Entered: 03/26/2008)
04/03/2008	8	MOTION for Deborah R. Gross to Appear Pro Hac Vice Filing fee \$ 65, receipt number 06440000000000692688.by Plaintiff Dominic Capuano Responses due by 4/21/2008 (Attachments: # 1 Exhibit Certificate in good standing - Deborah R. Gross, # 2 Proposed Order) (Stewart, John) (Entered: 04/03/2008)
04/07/2008	9	MOTION for Samuel H. Rudman to Appear Pro Hac Vice Filing fee \$ 65, receipt number 06440000000000694165.by Plaintiff Dominic Capuano Responses due by 4/25/2008 (Attachments: # 1 Exhibit Certificate in Good Standing - Rudman, # 2 Proposed Order) (Stewart, John) (Entered: 04/07/2008)
04/07/2008	10	MOTION for David A. Rosenfeld to Appear Pro Hac Vice Filing fee \$ 65, receipt number 06440000000000694168.by Plaintiff Dominic Capuano Responses due by 4/25/2008 (Attachments: # 1 Exhibit Certificate in Good Standing - Rosenfeld, # 2 Proposed Order) (Stewart, John) (Entered: 04/07/2008)
04/08/2008	11	ORDER by Magistrate Judge Dave Whalin on 4/8/2008 denying 8 Motion to Appear Pro Hac Vice for failure to include written consent to jurisdiction as required by LR 83.2(a)(4). cc:counsel (TLB) (Entered: 04/08/2008)
04/08/2008	12	AMENDED MOTION re: 9 MOTION for Samuel H. Rudman to Appear Pro Hac Vice Filing fee \$ 65, receipt number 06440000000000694165. by Plaintiff Dominic Capuano Responses due by 4/28/2008 (Stewart, John) Modified text on 4/8/2008 (JBM). (Entered: 04/08/2008)
04/08/2008	13	AMENDED MOTION re: 10 MOTION for David A. Rosenfeld to Appear Pro Hac Vice Filing fee \$ 65, receipt number 06440000000000694168. by Plaintiff Dominic Capuano Responses due by 4/28/2008 (Stewart, John) Modified text on 4/8/2008 (JBM). (Entered: 04/08/2008)
04/08/2008	14	MOTION for Leave to <i>File Corrected Motion To Appear Pro Hac Vice</i> by Plaintiff Dominic Capuano Responses due by 4/28/2008 (Attachments: # 1 Exhibit Corrected Motion to Appear Pro Hac Vice, # 2 Exhibit Certificate in Good Standing - Gross, # 3 Proposed Order) (Stewart, John) (Entered: 04/08/2008)
04/10/2008	15	SUMMONS Returned Executed by Dominic Capuano. Humana, Inc. served on 4/4/2008, answer due 4/24/2008. (Stewart, John) (Entered: 04/10/2008)
04/10/2008	16	SUMMONS Returned Executed by Dominic Capuano. James H. Bloem served on 4/2/2008, answer due 4/22/2008. (Stewart, John) (Additional attachment(s) added on 4/15/2008: # 1 CORRECTED Main Document) (JBM). (Entered: 04/10/2008)

04/10/2008	17	SUMMONS Returned Executed by Dominic Capuano. Michael B. McCallister served on 4/2/2008, answer due 4/22/2008. (Stewart, John) (Entered: 04/10/2008)
04/11/2008	18	ORDER granting 14 Motion for Leave to file Amended Motion to Appear Pro Hac Vice by Deborah R. Gross. Motion to Appear Pro Hac Vice is GRANTED. Signed by Magistrate Judge Dave Whalin on 4/11/08. cc:counsel (JBM) (Entered: 04/11/2008)
04/11/2008	19	ORDER granting 10 Motion for David A. Rosenfeld to Appear Pro Hac Vice. Signed by Magistrate Judge Dave Whalin on 4/11/08. cc:counsel (JBM) (Entered: 04/11/2008)
04/11/2008	20	ORDER granting 9 Motion for Samuel H. Rudman to Appear Pro Hac Vice. Signed by Magistrate Judge Dave Whalin on 4/11/08. cc:counsel (JBM) (Entered: 04/11/2008)
04/14/2008		NOTICE OF DOCKET CORRECTION re 16 Summons Returned Executed; Error: E-filer has attached a blank summons instead of the executed summons; Correction: E-filer has been advised to contact the Clerks Office for instructions on refileing. (JBM) (Entered: 04/14/2008)
04/14/2008	21	NOTICE OF DOCKET CORRECTION Re:PDF Error: improperly formatted document attached to docket entry by efiler re: 16 Summons Returned Executed ; Correct document attached to this entry. (Attachments: # 1 Exhibit Return of Service - Bloem) (Stewart, John) (Entered: 04/14/2008)
04/25/2008	22	MOTION for David B. Hennes to Appear Pro Hac Vice Filing fee \$ 65, receipt number 06440000000000703491.by Defendants Humana, Inc., Michael B. McCallister, James H. Bloem Responses due by 5/13/2008 (Attachments: # 1 Affidavit David B. Hennes, # 2 Proposed Order) (Miller, J.) (Entered: 04/25/2008)
04/25/2008	23	MOTION for William G. McGuinness to Appear Pro Hac Vice Filing fee \$ 65, receipt number 06440000000000703504.by Defendants Humana, Inc., Michael B. McCallister, James H. Bloem Responses due by 5/13/2008 (Attachments: # 1 Affidavit William G. McGuinness, # 2 Proposed Order) (Miller, J.) (Entered: 04/25/2008)
04/25/2008	24	MOTION for Dominic A. Arni to Appear Pro Hac Vice Filing fee \$ 65, receipt number 06440000000000703516.by Defendants Humana, Inc., Michael B. McCallister, James H. Bloem Responses due by 5/13/2008 (Attachments: # 1 Proposed Order, # 2 Affidavit Dominic A. Arni) (Miller, J.) (Entered: 04/25/2008)
04/29/2008	25	Proposed Order <i>Amended</i> by Humana, Inc., Michael B. McCallister, James H. Bloem. (Miller, J.) (Entered: 04/29/2008)
04/29/2008	26	ORDER granting 24 Motion for attorney Dominic A. Arni to Appear Pro Hac Vice. Signed by Magistrate Judge Dave Whalin on 4/29/08. cc:counsel (JBM) (Entered: 04/29/2008)
04/29/2008	27	ORDER granting 23 Motion for attorney William G. McGuinness to Appear Pro Hac Vice. Signed by Magistrate Judge Dave Whalin on 4/29/08. cc:counsel (JBM) (Entered: 04/29/2008)
04/29/2008	28	ORDER granting 22 Motion for David B. Hennes to Appear Pro Hac Vice. Signed by Magistrate Judge Dave Whalin on 4/29/08. cc:counsel (JBM) (Entered: 04/29/2008)
04/30/2008	29	Proposed Agreed Order/Stipulation <i>Regarding Extension of Time to Answer; Filing Consolidated Complaint; Filing Motion to Dismiss</i> by Humana, Inc., Michael B. McCallister, James H. Bloem. (Miller, J.) (Entered: 04/30/2008)

05/05/2008	30	STIPULATION by Magistrate Judge Dave Whalin on 5/5/08; regarding Extension of time to Answer; Filing consolidated complaint and ; Filing motion to dismiss. Defendant's shall not be required to answer/respond to the initial class action complaint; Plaintiff shall file a consolidate complaint no later than 60 days afer entry of order appointing lead plaintiff and approving of selection of lead counsel; Defendant's shall answer/respond to consolidated complaint no later than 60 days after the complaint is filed/served; If defendant's response to the consolidated complaint is a motion to dismiss, plaintiff shall respond to the motion to dismiss within 60 days; If defendant's file a motion to dismiss, defendant's shall file their reply in support within 45 days after plaintiff files response. cc:counsel (JBM) (Entered: 05/05/2008)
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