

U.S. District Court
United States District Court for the Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:08-cv-00264-KMK

Schmalz v. MBIA, Inc. et al
Assigned to: Judge Kenneth M. Karas
Related Cases: [7:08-cv-02362-UA](#)
[7:08-cv-01845-KMK](#)
[7:08-cv-01515-KMK](#)

Date Filed: 01/11/2008
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

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

Plaintiff

Steven Schmalz
on behalf of himself and all others
similarly situated,

represented by **Salvatore Jo Graziano**
Bernstein Litowitz Berger & Grossman
LLP
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New York, NY 10119
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Fax: 212-554-1444
Email: SGraziano@blbglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

MBIA, Inc.

Defendant

Gary C. Dunton

Defendant

Edward Chaplin

Movant

Louisiana Municipal Police Employees'
Retirement System

represented by **Todd Seth Garber**
Lowey Dannenberg Cohen & Hart, P.C.
White Plains Plaza
One North Broadway

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(914)-997-0500
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Tulare County Employees Retirement Association

represented by **Catherine A. Torell**
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30th Floor
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LEAD ATTORNEY
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Movant

Plymouth County Retirement System

represented by **Alan Ian Ellman**
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LEAD ATTORNEY
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Movant

Teachers' Retirement System of Oklahoma

represented by **Gerald Harlan Silk**
Bernstein Litowitz Berger & Grossmann
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Email: jerry@blbglaw.com
ATTORNEY TO BE NOTICED

Movant

Massachusetts Laborers' Annuity Fund

represented by **David Avi Rosenfeld**
Coughlin, Stoia, Geller, Rudman &

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631-367-7100
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ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|-------------------|-------------------|--|
| 01/11/2008 | 1 | COMPLAINT against MBIA, Inc., Gary C. Dunton, Edward Chaplin. (Filing Fee \$ 350.00, Receipt Number 638076)Document filed by Steven Schmalz.(ll) (Additional attachment(s) added on 1/15/2008: # 1 COMPLAINT) (gco). Modified on 3/19/2008 (ll). (Entered: 01/15/2008) |
| 01/11/2008 | | SUMMONS ISSUED as to MBIA, Inc., Gary C. Dunton, Edward Chaplin. (ll) (Entered: 01/15/2008) |
| 01/11/2008 | | Case Designated ECF. (ll) (Entered: 01/15/2008) |
| 01/11/2008 | | Magistrate Judge George A. Yanthis is so designated. (ll) (Entered: 01/15/2008) |
| 02/08/2008 | 2 | STIPULATION AND ORDER...Defendants time to answer, move or otherwise respond to the Complaint in this case is hereby extended until 60 days after the later of (a) the appointment of lead plaintiff and lead counsel pursuant to the provisions of the Private Securities Litigation Reform Act of 1995 or (b) the filing of a consolidated amended complaint, subject to any further Orders of this Court....So Ordered. (Signed by Judge Kenneth M. Karas on 2/7/08) (fk) (Entered: 02/11/2008) |
| 03/11/2008 | 3 | MOTION to Appoint Louisiana Municipal Police Employees' Retirement System to serve as lead plaintiff(s). Document filed by Louisiana Municipal Police Employees' Retirement System.(Garber, Todd) (Entered: 03/11/2008) |
| 03/11/2008 | 4 | MEMORANDUM OF LAW in Support re: 3 MOTION to Appoint Louisiana Municipal Police Employees' Retirement System to serve as lead plaintiff(s).. Document filed by Louisiana Municipal Police Employees' Retirement System. (Garber, Todd) (Entered: 03/11/2008) |
| 03/11/2008 | 5 | DECLARATION of LESLIE R. STERN in Support re: 3 MOTION to Appoint Louisiana Municipal Police Employees' Retirement System to serve as lead plaintiff(s).. Document filed by Louisiana Municipal Police Employees' Retirement System. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Garber, Todd) (Entered: 03/11/2008) |
| 03/11/2008 | 6 | CERTIFICATE OF SERVICE of (1) LOUISIANA MUNICIPAL POLICE EMPLOYEES RETIREMENT SYSTEMS MOTION FOR APPOINTMENT AS LEAD PLAINTIFF; (2) MEMORANDUM OF LAW IN SUPPORT OF THE MOTION OF THE LOUISIANA MUNICIPAL POLICE EMPLOYEES RETIREMENT SYSTEM FOR APPOINTMENT AS LEAD PLAINTIFF; (3) DECLARATION OF LESLIE R. STERN IN SUPPORT OF THE MEMORANDUM OF LAW IN SUPPORT OF THE MOTION OF THE LOUISIANA MUNICIPAL |

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| | | POLICE EMPLOYEES RETIREMENT SYSTEM FOR APPOINTMENT AS LEAD PLAINTIFF. Document filed by Louisiana Municipal Police Employees' Retirement System. (Garber, Todd) (Entered: 03/11/2008) |
| 03/11/2008 | 7 | MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) <i>Notice of Motion and Motion of the Tulare County Employees Retirement Association for Consolidation of Related Cases and Appointment of Lead Plaintiff and Lead Counsel</i> . Document filed by Tulare County Employees Retirement Association.(Torell, Catherine) (Entered: 03/11/2008) |
| 03/11/2008 | 8 | MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) <i>Memorandum of Points and Authorities in Support of the Tulare County Employees Retirement Associations Motion to be Appointed Lead Plaintiff; to Approve Proposed Lead Plaintiffs Choice of Counsel; and to Consolidate All Related Actions</i> . Document filed by Tulare County Employees Retirement Association.(Torell, Catherine) (Entered: 03/11/2008) |
| 03/11/2008 | 9 | MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) <i>Declaration of Catherine A. Torell in Support of the Tulare County Employees Retirement Associations Motion for Consolidation, Appointment of Lead Plaintiff and for Approval of Lead Plaintiffs Choice of Lead Counsel</i> . Document filed by Tulare County Employees Retirement Association.(Torell, Catherine) (Entered: 03/11/2008) |
| 03/11/2008 | 10 | MOTION to Appoint [Proposed] Order Consolidating Related Cases and Appointing Lead Plaintiff and Lead Counsel to serve as lead plaintiff(s). Document filed by Tulare County Employees Retirement Association.(Torell, Catherine) (Entered: 03/11/2008) |
| 03/11/2008 | 11 | MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) <i>Certificate of Service</i> . Document filed by Tulare County Employees Retirement Association.(Torell, Catherine) (Entered: 03/11/2008) |
| 03/11/2008 | 12 | MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel. Document filed by Plymouth County Retirement System.(Ellman, Alan) (Entered: 03/11/2008) |
| 03/11/2008 | 13 | MEMORANDUM OF LAW in Support re: 12 MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel.. Document filed by Plymouth County Retirement System. (Ellman, Alan) (Entered: 03/11/2008) |
| 03/11/2008 | 14 | DECLARATION of Alan I. Ellman in Support re: 12 MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel.. Document filed by Plymouth County Retirement System. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Ellman, Alan) (Entered: 03/11/2008) |
| 03/11/2008 | 15 | CERTIFICATE OF SERVICE. Document filed by Plymouth County Retirement System. (Ellman, Alan) (Entered: 03/11/2008) |
| 03/11/2008 | 16 | MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s). Document filed by Teachers' Retirement System of Oklahoma.(Silk, Gerald) (Entered: 03/11/2008) |
| 03/11/2008 | 17 | MEMORANDUM OF LAW in Support re: 16 MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s).. Document filed by |

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| | | Teachers' Retirement System of Oklahoma. (Silk, Gerald) (Entered: 03/11/2008) |
| 03/11/2008 | 18 | DECLARATION of Gerald H. Silk in Support re: 16 MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s).. Document filed by Teachers' Retirement System of Oklahoma. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Silk, Gerald) (Entered: 03/11/2008) |
| 03/11/2008 | 19 | CERTIFICATE OF SERVICE. Document filed by Teachers' Retirement System of Oklahoma. (Silk, Gerald) (Entered: 03/11/2008) |
| 03/11/2008 | 20 | MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) <i>Massachusetts Laborers' Annuity Fund's Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Lead Plaintiff's Selection of Lead Counsel</i> . Document filed by Massachusetts Laborers' Annuity Fund.(Rosenfeld, David) (Entered: 03/11/2008) |
| 03/11/2008 | 21 | MEMORANDUM OF LAW in Support re: 20 MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) <i>Massachusetts Laborers' Annuity Fund's Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Lead Plaintiff's Selection of Le MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) Massachusetts Laborers' Annuity Fund's Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Lead Plaintiff's Selection of Le</i> . Document filed by Massachusetts Laborers' Annuity Fund. (Rosenfeld, David) (Entered: 03/11/2008) |
| 03/11/2008 | 22 | DECLARATION of David A. Rosenfeld in Support re: 20 MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) <i>Massachusetts Laborers' Annuity Fund's Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Lead Plaintiff's Selection of Le MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) Massachusetts Laborers' Annuity Fund's Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Lead Plaintiff's Selection of Le</i> . Document filed by Massachusetts Laborers' Annuity Fund. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Rosenfeld, David) (Entered: 03/11/2008) |
| 03/12/2008 | 23 | ENDORSED LETTER addressed to Judge Kenneth M. Karas from Salvatore Graziano dated 3/10/08 re: Request for leave to allow class members seeking appointment as Lead Plaintiff to file their motions on the statutory deadline of March 11, 2008 as required by the PSLRA. ENDORSEMENT: All class members wishing to file a motion to be lead plaintiff and to have lead counsel, under the PSLRA, may file their motions with the Clerk of the Court. The Court will, at an appropriate time, conference the case to address all such motions. So Ordered. (Signed by Judge Kenneth M. Karas on 3/11/08) (fk) (Entered: 03/13/2008) |
| 03/13/2008 | 24 | ENDORSED LETTER addressed to Judge Kenneth M. Karas from Alan Ellman dated 3/11/08 re: Request for permission to file a motion for appointment of lead plaintiff. ENDORSEMENT: The motion may be filed. (Signed by Judge Kenneth M. Karas on 3/11/08) (fk) (Entered: 03/13/2008) |
| 03/18/2008 | 25 | RESPONSE in Support re: 7 MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) <i>Notice of Motion and Motion of the Tulare County Employees Retirement Association for Consolidation of Related Cases and Appointment of Lead Plaintiff an MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) Notice of Motion and Motion of the</i> |

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| | | <i>Tulare County Employees Retirement Association for Consolidation of Related Cases and Appointment of Lead Plaintiff an Response of the Tulare County Employees Retirement Association to the Competing Motions for Appointment as Lead Plaintiff. Document filed by Tulare County Employees Retirement Association. (Torell, Catherine) (Entered: 03/18/2008)</i> |
| 03/18/2008 | 26 | RESPONSE to Motion re: 12 MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel., 7 MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) <i>Notice of Motion and Motion of the Tulare County Employees Retirement Association for Consolidation of Related Cases and Appointment of Lead Plaintiff an MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) Notice of Motion and Motion of the Tulare County Employees Retirement Association for Consolidation of Related Cases and Appointment of Lead Plaintiff an, 16 MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s)., 3 MOTION to Appoint Louisiana Municipal Police Employees' Retirement System to serve as lead plaintiff(s).. Document filed by Massachusetts Laborers' Annuity Fund. (Rosenfeld, David) (Entered: 03/18/2008)</i> |
| 03/25/2008 | 27 | NOTICE of Withdrawal Without Prejudice Of Plymouth County Retirement System's Motion For Consolidation, Appointment As Lead Plaintiff, And Approval Of Selection Of Lead Counsel re: 12 MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel.. Document filed by Plymouth County Retirement System. (Keller, Christopher) (Entered: 03/25/2008) |
| 03/26/2008 | 28 | RESPONSE to Motion re: 12 MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel., 7 MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) <i>Notice of Motion and Motion of the Tulare County Employees Retirement Association for Consolidation of Related Cases and Appointment of Lead Plaintiff an MOTION to Appoint Tulare County Employees Retirement Association to serve as lead plaintiff(s) Notice of Motion and Motion of the Tulare County Employees Retirement Association for Consolidation of Related Cases and Appointment of Lead Plaintiff an, 16 MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s)., 20 MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) Massachusetts Laborers' Annuity Fund's Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Lead Plaintiff's Selection of Le MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) Massachusetts Laborers' Annuity Fund's Motion for Consolidation, Appointment as Lead Plaintiff and Approval of Lead Plaintiff's Selection of Le, 3 MOTION to Appoint Louisiana Municipal Police Employees' Retirement System to serve as lead plaintiff(s). LOUISIANA MUNICIPAL POLICE EMPLOYEES' RETIREMENT SYSTEM'S RESPONSE TO COMPETING MOTIONS FOR APPOINTMENT AS LEAD PLAINTIFF. Document filed by Louisiana Municipal Police Employees' Retirement System. (Garber, Todd) (Entered: 03/26/2008)</i> |
| 03/28/2008 | 29 | MEMORANDUM OF LAW in Support re: 16 MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s).. Document filed by Teachers' Retirement System of Oklahoma. (Silk, Gerald) (Entered: 03/28/2008) |
| 03/28/2008 | 30 | CERTIFICATE OF SERVICE. Document filed by Teachers' Retirement System of Oklahoma. (Silk, Gerald) (Entered: 03/28/2008) |

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