

**U.S. District Court
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
Member case: ([View Member Case](#))
Related Cases: [7:08-cv-02362-KMK](#)
[7:08-cv-01845-KMK](#)
[7:08-cv-01515-KMK -GAY](#)
Cause: 15:78m(a) Securities Exchange Act

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

Lead Plaintiff

Teachers' Retirement System of Oklahoma

represented by **Beata Gocyk-Farber**
Bernstein Litowitz Berger & Grossmann LLP
1285 Avenue of the Americas
38th Floor
New York, NY 10019
212-554-1421
Fax: 212-554-1444
Email: Beata@blbglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gerald H. Silk
Bernstein Litowitz Berger & Grossmann LLP
1285 Avenue of the Americas
38th Floor
New York, NY 10019
212 554 1282
Fax: 212-554-1444
Email: jerry@blbglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John James Rizio-Hamilton
Bernstein Litowitz Berger & Grossmann LLP
1285 Avenue of the Americas
38th Floor
New York, NY 10019
(212) 554-1505
Fax: (212)-554-1444
Email: johnr@blbglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kurt Michael Hunciker
Bernstein Litowitz Berger & Grossmann LLP

1285 Avenue of the Americas
38th Floor
New York, NY 10019
(212) 554-1400
Fax: (212) 554-1444
Email: kurt@blbglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark Lebovitch
Bernstein Litowitz Berger & Grossmann LLP
1285 Avenue of the Americas
38th Floor
New York, NY 10019
(212) 554-1400
Fax: (212) 554-1444
Email: markl@blbglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven B. Singer
Bernstein Litowitz Berger & Grossmann LLP
1285 Avenue of the Americas
38th Floor
New York, NY 10019
(212) 554-1413
Fax: (212) 554-1444
Email: steven@blbglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

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

represented by **Salvatore Jo Graziano**
Milberg LLP (NYC)
One Pennsylvania Plaza
New York, NY 10119
212-554-1400
Fax: 212-554-1444
Email: SGraziano@blbglaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Consolidated Plaintiff

**Teamsters Local 807 Labor Management
Pension Fund**

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

*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

Consolidated Plaintiff

Gary Kosseff

represented by **Marvin Lawrence Frank**
Murray Frank LLP
275 Madison Avenue, Ste. 801
New York, NY 10016
(212) 682-1818
Fax: (212) 682-1892
Email: mfrank@murrayfrank.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Movant

**Louisiana Municipal Police Employees'
Retirement System**

represented by **Todd Seth Garber**
Lowey Dannenberg Cohen & Hart, P.C.
White Plains Plaza
One North Broadway
Suite 509
White Plains, NY 10601
(914)-997-0500
Fax: (914)-997-0035
Email: tgarber@zlk.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Movant

**Tulare County Employees Retirement
Association**

represented by **Catherine A. Torell**
Cohen Milstein Sellers & Toll P.L.L.C.
88 Pine Street
14th, Floor
New York, NY 10005
212-838-7797
Fax: 212-838-7745
Email: ctorell@cmht.com
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Movant

Plymouth County Retirement System

represented by **Alan Ian Ellman**
Labaton Sucharow, LLP
140 Broadway
New York, NY 10005
(212)907-0877
Fax: (212)883-7077
Email: aellman@labaton.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Massachusetts Laborers' Annuity Fund

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

V.

Defendant

MBIA, Inc.

represented by **Christopher John Hamilton**
Debevoise & Plimpton, LLP (NYC)
919 Third Avenue, 31st Floor
New York, NY 10022
(212)-909-6483
Fax: (212)-909-7486
Email: cjhamilt@debevoise.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeremy Feigelson
Debevoise & Plimpton, LLP (NYC)
919 Third Avenue, 31st Floor
New York, NY 10022
212 909-6000
Fax: 212 909-6836
Email: jfeigelson@debevoise.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert N. Shwartz
Debevoise & Plimpton, LLP (NYC)
919 Third Avenue, 31st Floor
New York, NY 10022
212 909 6000
Fax: 212 909-6836
Email: rnshwartz@debevoise.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gary C. Dunton
TERMINATED: 09/30/2011

represented by **Christopher John Hamilton**
(See above for address)
LEAD ATTORNEY

Jeremy Feigelson
(See above for address)
LEAD ATTORNEY

Robert N. Shwartz
(See above for address)
LEAD ATTORNEY

Defendant

Edward Chaplin
TERMINATED: 09/30/2011

represented by **Christopher John Hamilton**
(See above for address)
LEAD ATTORNEY

Jeremy Feigelson
(See above for address)
LEAD ATTORNEY

Robert N. Shwartz
(See above for address)
LEAD ATTORNEY

V.

Consolidated Defendant

Joseph W. Brown

Date Filed	#	Docket Text
01/11/2008	<u>1</u>	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: # <u>1</u> 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	<u>2</u>	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	<u>3</u>	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	<u>4</u>	MEMORANDUM OF LAW in Support re: <u>3</u> 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	<u>5</u>	DECLARATION of LESLIE R. STERN in Support re: <u>3</u> 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: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Garber, Todd) (Entered: 03/11/2008)
03/11/2008	<u>6</u>	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 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	<u>7</u>	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	<u>8</u>	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	<u>9</u>	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	<u>10</u>	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	<u>11</u>	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	<u>12</u>	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	<u>13</u>	MEMORANDUM OF LAW in Support re: <u>12</u> 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	<u>14</u>	DECLARATION of Alan I. Ellman in Support re: <u>12</u> MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel.. Document filed by Plymouth County Retirement System. (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)(Ellman, Alan) (Entered: 03/11/2008)
03/11/2008	<u>15</u>	CERTIFICATE OF SERVICE. Document filed by Plymouth County Retirement System. (Ellman, Alan) (Entered: 03/11/2008)

03/11/2008	<u>16</u>	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	<u>17</u>	MEMORANDUM OF LAW in Support re: <u>16</u> 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	<u>18</u>	DECLARATION of Gerald H. Silk in Support re: <u>16</u> MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s).. Document filed by Teachers' Retirement System of Oklahoma. (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)(Silk, Gerald) (Entered: 03/11/2008)
03/11/2008	<u>19</u>	CERTIFICATE OF SERVICE. Document filed by Teachers' Retirement System of Oklahoma. (Silk, Gerald) (Entered: 03/11/2008)
03/11/2008	<u>20</u>	MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) <i>Massachusetss 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	<u>21</u>	MEMORANDUM OF LAW in Support re: <u>20</u> MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) <i>Massachusetss 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) Massachusetss 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	<u>22</u>	DECLARATION of David A. Rosenfeld in Support re: <u>20</u> MOTION to Appoint Massachusetts Laborers' Annuity Fund to serve as lead plaintiff(s) <i>Massachusetss 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) Massachusetss 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: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Rosenfeld, David) (Entered: 03/11/2008)
03/12/2008	<u>23</u>	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	<u>24</u>	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	<u>25</u>	RESPONSE in Support re: <u>7</u> 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</i>

		<i>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	<u>26</u>	RESPONSE to Motion re: <u>12</u> MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel., <u>7</u> 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, <u>16</u> MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s)., <u>3</u> 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	<u>27</u>	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: <u>12</u> 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	<u>28</u>	RESPONSE to Motion re: <u>12</u> MOTION For Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel., <u>7</u> 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, <u>16</u> MOTION to Appoint Teachers' Retirement System of Oklahoma to serve as lead plaintiff(s)., <u>20</u> 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, <u>3</u> 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	<u>29</u>	MEMORANDUM OF LAW in Support re: <u>16</u> 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	<u>30</u>	CERTIFICATE OF SERVICE. Document filed by Teachers' Retirement System of Oklahoma. (Silk, Gerald) (Entered: 03/28/2008)
07/07/2008	<u>31</u>	CASE MANAGEMENT ORDER No. 1: Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, the above-referenced cases are consolidated for all purposes into a single action. (08cv264, 08cv1845, 08cv2362)...Accordingly, having considered the relevant provisions of the PSLRA, 15 USC § 78u-4(a)(3)(B), the Court hereby determines that the Teachers' Retirement System of Oklahoma is the most adequate plaintiff to represent the purchasers of MBIA securities....Pursuant to 15 USC § 78u-4(a)(3)(B)(v), the Teachers' Retirement System of

		Oklahoma has selected and retained the Law firm of Bernstein Litowitz Berger & Grossman LLP to serve as lead counsel for the class....A master docket and master file are hereby established for the consolidated action. The master file shall be Case No. 08-cv-264 (KMK)....The Clerk of the Court is respectfully directed to terminate the pending motions in the above referenced cases. (08cv264 Dkt Nos. 3,7,8,9,10,11,12,16,20; 08cv1845 Dkt No. 4; 08cv2362 Dkt No. 2.) So Ordered. (Signed by Judge Kenneth M. Karas on 6/30/08) (fk) (Entered: 07/10/2008)
08/05/2008	<u>32</u>	NOTICE OF APPEARANCE by John James Rizio-Hamilton on behalf of Teachers' Retirement System of Oklahoma (Rizio-Hamilton, John) (Entered: 08/05/2008)
08/05/2008	<u>33</u>	NOTICE OF APPEARANCE by Steven B. Singer on behalf of Teachers' Retirement System of Oklahoma (Singer, Steven) (Entered: 08/05/2008)
08/05/2008	<u>34</u>	NOTICE OF APPEARANCE by Mark Lebovitch on behalf of Teachers' Retirement System of Oklahoma (Lebovitch, Mark) (Entered: 08/05/2008)
08/05/2008	<u>35</u>	NOTICE OF APPEARANCE by Kurt Michael Hunciker on behalf of Teachers' Retirement System of Oklahoma (Hunciker, Kurt) (Entered: 08/05/2008)
08/13/2008	<u>36</u>	ENDORSED LETTER addressed to Honorable Kenneth M. Karas from Mark Lebovitch dated 08/13/2008 re: scheduling order. ENDORSEMENT: Lead Plaintiff may file its Amended Complaint by October 17, 2008. However, before any motions to dismiss are filed, the movant(s) will have to comply with the Court's Individual Practices regarding the pre-motion process., (Amended Pleadings due by 10/17/2008.) SO ORDERED. (Signed by Judge Kenneth M. Karas on 08/13/2008) (gco) (Entered: 08/14/2008)
10/17/2008	<u>37</u>	CONSOLIDATED AMENDED CLASS ACTION COMPLAINT amending <u>1</u> Complaint against Teachers' Retirement System of Oklahoma.Document filed by Teachers' Retirement System of Oklahoma. Related document: <u>1</u> Complaint filed by Steven Schmalz.(ll) (Entered: 10/23/2008)
11/21/2008	<u>38</u>	NOTICE of Firm Name Change. Document filed by Tulare County Employees Retirement Association. Filed In Associated Cases: 7:08-cv-00264-KMK, 7:08-cv-01845-KMK, 7:08-cv-02362-KMK(Torell, Catherine) (Entered: 11/21/2008)
11/24/2008	<u>39</u>	ENDORSED LETTER addressed to Robert Shwartz from Robert Shwartz dated 11/14/08 re: Request for a pre-motion conference. ENDORSEMENT: The Court will hold a pre-motion conference on December 19, 2008 at 2:00 pm. All deadlines are stayed until then. So Ordered. (Signed by Judge Kenneth M. Karas on 11/21/08) (fk) (Entered: 11/24/2008)
11/25/2008	<u>40</u>	NOTICE OF APPEARANCE by Robert N. Shwartz on behalf of MBIA, Inc., Gary C. Dunton, Edward Chaplin (Shwartz, Robert) (Entered: 11/25/2008)
11/25/2008	<u>41</u>	NOTICE OF APPEARANCE by Jeremy Feigelson on behalf of MBIA, Inc., Gary C. Dunton, Edward Chaplin (Feigelson, Jeremy) (Entered: 11/25/2008)
11/25/2008	<u>42</u>	NOTICE OF APPEARANCE by Christopher John Hamilton on behalf of MBIA, Inc., Gary C. Dunton, Edward Chaplin (Hamilton, Christopher) (Entered: 11/25/2008)
11/25/2008	<u>43</u>	NOTICE OF APPEARANCE by Tatyana A. Trakht on behalf of MBIA, Inc., Gary C. Dunton, Edward Chaplin (Trakht, Tatyana) (Entered: 11/25/2008)
12/23/2008	<u>44</u>	MOTION SCHEDULING ORDER: Motions due by 1/16/2009. Responses due by 3/2/2009 Replies due by 3/23/2009....Defendants shall serve their motion to dismiss upon all counsel by no later than January 16,2009. Plaintiffs shall file opposition papers by no later than march 2,2009. Reply papers shall be filed no later than March 23,2009. Sur-reply papers will not be accepted unless prior permission of the Court is given... SO ORDERED. (Signed by Judge

		Kenneth M. Karas on 12/22/2008) (rj) (Entered: 12/23/2008)
01/20/2009	<u>45</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Robert Shwartz dated 1/14/09 re:...we are considering submitting, as a courtsey copy, an electronic version of our memorandum of law in support of the Defendants' soon -to-be filed motion to dismiss.... ENDORSEMENT: An iBrief sounds ideal. So Ordered. (Signed by Judge Kenneth M. Karas on 1/16/09) (fk) (Entered: 01/21/2009)
01/20/2009	<u>46</u>	STIPULATION AND ORDER Extending Time To Respond To Complaint....until 1/30/09... So Ordered. (Signed by Judge Kenneth M. Karas on 1/16/09) (fk) (Entered: 01/21/2009)
01/26/2009	<u>47</u>	NOTICE of Notice of Change of Firm Name and Office Address. Document filed by Louisiana Municipal Police Employees' Retirement System. Filed In Associated Cases: 7:08-cv-00264-KMK, 7:08-cv-01845-KMK, 7:08-cv-02362-KMK(Block, Jeffrey) (Entered: 01/26/2009)
04/07/2009	<u>48</u>	MOTION to Dismiss <i>the Consolidated Amended Class Action Complaint</i> . Document filed by MBIA, Inc., Gary C. Dunton, Edward Chaplin.Filed In Associated Cases: 7:08-cv-00264-KMK, 7:08-cv-01845-KMK, 7:08-cv-02362-KMK(Shwartz, Robert) (Entered: 04/07/2009)
04/07/2009	<u>49</u>	MEMORANDUM OF LAW in Support re: (13 in 7:08-cv-01845-KMK, 48 in 7:08-cv-00264-KMK, 10 in 7:08-cv-02362-KMK) MOTION to Dismiss.. Document filed by MBIA, Inc., Gary C. Dunton, Edward Chaplin. Filed In Associated Cases: 7:08-cv-00264-KMK, 7:08-cv-01845-KMK, 7:08-cv-02362-KMK(Feigelson, Jeremy) (Entered: 04/07/2009)
04/07/2009	<u>50</u>	DECLARATION of Tatyana Trakht in Support re: (13 in 7:08-cv-01845-KMK, 10 in 7:08-cv-02362-KMK, 48 in 7:08-cv-00264-KMK) MOTION to Dismiss.. Document filed by MBIA, Inc., Gary C. Dunton, Edward Chaplin. (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, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31)Filed In Associated Cases: 7:08-cv-00264-KMK, 7:08-cv-01845-KMK, 7:08-cv-02362-KMK(Trakht, Tatyana) (Entered: 04/07/2009)
04/07/2009	<u>51</u>	REPLY MEMORANDUM OF LAW in Support re: (13 in 7:08-cv-01845-KMK, 48 in 7:08-cv-00264-KMK, 10 in 7:08-cv-02362-KMK) MOTION to Dismiss.. Document filed by MBIA, Inc., Gary C. Dunton, Edward Chaplin. Filed In Associated Cases: 7:08-cv-00264-KMK, 7:08-cv-01845-KMK, 7:08-cv-02362-KMK(Shwartz, Robert) (Entered: 04/07/2009)
04/07/2009	<u>52</u>	MEMORANDUM OF LAW in Opposition re: (13 in 7:08-cv-01845-KMK, 48 in 7:08-cv-00264-KMK, 10 in 7:08-cv-02362-KMK) MOTION to Dismiss.. Document filed by Teachers' Retirement System of Oklahoma. Filed In Associated Cases: 7:08-cv-00264-KMK, 7:08-cv-01845-KMK, 7:08-cv-02362-KMK(Singer, Steven) (Entered: 04/07/2009)
01/19/2010	<u>53</u>	ORDER:Please take notice that the above captioned action has been scheduled for oral argument on all pending motions before the Honorable Kenneth M. Karas, United States District Judge, on Friday, March 5,2010 at 3:00pm in Courtroom 521, U. S. District Court, 300 Quarropas Street, White Plains, New York 10601. (Oral Argument set for 3/5/2010 at 03:00 PM before Judge Kenneth M. Karas.) SO ORDERED (Signed by Judge Kenneth M. Karas on 1/19/2010) (rj) (Entered: 01/20/2010)
02/01/2010	<u>54</u>	LETTER addressed to Hon. Kenneth M. Karas from Christopher J. Hamilton dated 02/01/2010 re: At the request of Your Honor's clerk, I write to confirm that oral argument in the above matter has been rescheduled for 11:30 on Friday, March 5, 2010. We have notified opposing counsel. We are grateful to the Court for accommodating us on this scheduling issue. Document

		filed by MBIA, Inc., Gary C. Dunton.(jma) (Entered: 02/03/2010)
03/31/2010	<u>55</u>	OPINION AND ORDER:...For the reasons stated herein, Defendants' Motion to Dismiss is granted in part and denied in part. Lead Plaintiff's claims against Dunton and Chaplin are dismissed without prejudice to amendment. Lead Plaintiff's claims against all Defendants regarding alleged misstatements or omissions involving control rights and payment obligations are also dismissed without prejudice. Defendants' Motion to Dismiss all other claims is denied. Lead Plaintiff is given thirty days from the date of this Opinion and Order to file a Second Consolidated Amended Class Action Complaint. The Clerk of Court is respectfully directed to terminate the pending motion (Dkt. No. 48). SO ORDERED (Signed by Judge Kenneth M. Karas on 3/31/2010) (rj) (Entered: 03/31/2010)
04/19/2010	<u>56</u>	TRANSCRIPT of proceedings held on March 5, 2010 before Judge Kenneth M. Karas. Court Reporter: Mary M. Staten. (br) (Entered: 04/19/2010)
04/30/2010	<u>57</u>	SECOND CONSOLIDATED AMENDED CLASS ACTION COMPLAINT amending <u>37</u> Amended Complaint against Joseph W. Brown, MBIA, Inc., Gary C. Dunton, Edward Chaplin.Document filed by Teachers' Retirement System of Oklahoma. Related document: <u>37</u> Amended Complaint filed by Teachers' Retirement System of Oklahoma.(jma) (Entered: 05/06/2010)
05/07/2010	<u>58</u>	NOTICE OF APPEARANCE by Beata Gocyk-Farber on behalf of Teachers' Retirement System of Oklahoma (Gocyk-Farber, Beata) (Entered: 05/07/2010)
05/25/2010	<u>59</u>	ENDORSED LETTER addressed to Hon. Kenneth M. Karas from Robert N. Shwartz dated 5/18/2010 re: we write to request a pre-motion conference.. ENDORSEMENT: The Court will hold a pre-motion conference on 7/28/2010, at 2:45. At this conference, the Court will discuss deft's. putative motion and Plaintiff's desire to start discovery. All deadlines are stayed until that conference. SO ORDERED.. (Signed by Judge Kenneth M. Karas on 5/24/2010) (jma) (Entered: 05/25/2010)
05/25/2010		Set/Reset Hearings: Pre-Motion Conference set for 7/28/2010 at 02:45 PM before Judge Kenneth M. Karas. (jma) (Entered: 05/25/2010)
08/05/2010	<u>60</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Robert N. Shwartz dated 8/3/2010 re:...Briefing schedule for the renewed motion to Dismiss the Second Amended Complaint against Gary Dunton and Charles Chaplin: Defendants' moving papers will be served on September 3, 2010; Plaintiff's opposition papers will be served on October 8, 2010; and Defendants' reply papers will be served on October 29, 2010... ENDORSEMENT: Granted. SO ORDERED. (Signed by Judge Kenneth M. Karas on 8/4/2010) (mml) (Entered: 08/05/2010)
08/05/2010		Set/Reset Deadlines: Motions due by 9/3/2010. Replies due by 10/29/2010. Responses due by 10/8/2010 (mml) (Entered: 08/05/2010)
08/30/2010	<u>61</u>	ORDER :...The Court also notes that Lead Plaintiff alleges that "MBIA is in financial distress and its future is uncertain." (Singer Letter#.) However, Lead Plaintiff does not allege that Defendant MBIA is, or is likely to be, in bankruptcy, and explicitly disclaimed any such assertion at oral argument. As a result, Lead Plaintiff's [m]ere speculation about highly contingent possibilities of future prejudice," based on Defendant MBIA's potential liability in other lawsuits, is insufficient to show under prejudice. See In re Refco, 2006 WL 2337212, at *3. Accordingly, Lead Plaintiff's request to lift the PSLRA discovery stay is denied. SO ORDERED (Signed by Judge Kenneth M. Karas on 8/30/2010) (rj) (Entered: 08/30/2010)
09/03/2010	<u>62</u>	MOTION to Dismiss <i>Notice of Motion to Dismiss</i> . Document filed by Edward Chaplin, Gary C. Dunton.(Shwartz, Robert) (Entered: 09/03/2010)
09/03/2010	<u>63</u>	MEMORANDUM OF LAW in Support re: <u>62</u> MOTION to Dismiss <i>Notice of Motion to</i>

		<i>Dismiss. / Defendants Gary C. Dunton's and C. Edward Chaplin's Memorandum of Law in Support of Their Renewed Motion to Dismiss.</i> Document filed by Edward Chaplin, Gary C. Dunton. (Shwartz, Robert) (Entered: 09/03/2010)
09/03/2010	<u>64</u>	DECLARATION of Christopher J. Hamilton in Support re: <u>62</u> MOTION to Dismiss <i>Notice of Motion to Dismiss..</i> Document filed by Edward Chaplin, Gary C. Dunton. (Attachments: # <u>1</u> Exhibit A-G to Hamilton Declaration, # <u>2</u> Exhibit H to Hamilton Declaration, # <u>3</u> Exhibit I-J to Hamilton Declaration, # <u>4</u> Certificate of Service)(Hamilton, Christopher) (Entered: 09/03/2010)
09/07/2010	<u>65</u>	ORDER ALLOWING THE FILING OF A DOCUMENT UNDER SEAL: The Clerk of the Court is directed to accept for filing under seal, in both paper and electronic form, Exhibit I to the Declaration of Christopher J. Hamilton. SO ORDERED (Signed by Judge Kenneth M. Karas on 9/2/2010) (rj) (Entered: 09/07/2010)
09/08/2010	<u>66</u>	SEALED DOCUMENT placed in vault.(jma) (Entered: 09/08/2010)
10/08/2010	<u>67</u>	MEMORANDUM OF LAW in Opposition re: <u>62</u> MOTION to Dismiss <i>Notice of Motion to Dismiss..</i> Document filed by Teachers' Retirement System of Oklahoma. (Singer, Steven) (Entered: 10/08/2010)
10/29/2010	<u>68</u>	REPLY MEMORANDUM OF LAW in Support re: <u>62</u> MOTION to Dismiss <i>Notice of Motion to Dismiss..</i> Document filed by Edward Chaplin, Gary C. Dunton. (Shwartz, Robert) (Entered: 10/29/2010)
01/25/2011	<u>69</u>	ENDORSED LETTER addressed to Judge Kenneth M. Karas from Tatyana Trakht dated 1/9/11 re:...request to have my name removed from the Court's docket.... ENDORSEMENT: So Ordered. (Signed by Judge Kenneth M. Karas on 1/24/11) Filed In Associated Cases: 7:08-cv-00264-KMK, 7:08-cv-01845-KMK, 7:08-cv-02362-KMK(fk) (Entered: 01/25/2011)
06/16/2011	<u>70</u>	CALENDAR NOTICE: Please take notice that the above captioned action has been scheduled for oral argument on all pending motions before the Honorable Kenneth M. Karas, United States District Judge, on Thursday, July 28, 2011 at 10:00 a.m. in Courtroom 521, U. S. District Court, 300 Quarropas Street, White Plains, New York 10601. Any scheduling difficulties must be brought to the attention of the Court in writing, at least five business days beforehand. So Ordered. (Oral Argument set for 7/28/2011 at 10:00 AM in Courtroom 521, 300 Quarropas Street, White Plains, NY 10601 before Judge Kenneth M. Karas) (Signed by Judge Kenneth M. Karas on 6/16/2011) (lnl) (Entered: 06/16/2011)
07/22/2011	<u>71</u>	CALENDAR NOTICE RESCHEDULING ORAL ARGUMENT:Please take notice that the above captioned action has been scheduled for oral argument on all pending motions before the Honorable Kenneth M. Karas, United States District Judge, on Thursday, October 27,2011 at 10:00 a.m. in Courtroom 521, U. S. District Court, 300 Quarropas Street, White Plains, New York 10601. The July 28, 2011 conference date is cancelled. Any scheduling difficulties must be brought to the attention of the Court in writing, at least three business days beforehand. Oral Argument set for 10/27/2011 at 10:00 AM in Courtroom 521, 300 Quarropas Street, White Plains, NY 10601 before Judge Kenneth M. Karas. (Signed by Judge Kenneth M. Karas on 7/22/2011) (rj) (Entered: 07/22/2011)
07/29/2011	<u>72</u>	STIPULATION AND PROTECTIVE ORDER: To protect confidential, personal, business and trade secret information consistent with the public's right of access to the Court's records and processes, the Court hereby enters the following Stipulation and Protective Order which binds Lead Plaintiff and the Defendants. (Signed by Judge Kenneth M. Karas on 7/29/2011) (mml) (Entered: 07/29/2011)
09/06/2011	<u>73</u>	MOTION to Approve (I) Preliminary Approval of Settlement, (II) Certification of the Class for Purposes of Settlement and (III) Approval of Notice to the Class. Document filed by Teachers'

		Retirement System of Oklahoma. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Singer, Steven) (Entered: 09/06/2011)
09/06/2011	<u>74</u>	MEMORANDUM OF LAW in Support re: <u>73</u> MOTION to Approve (I) Preliminary Approval of Settlement, (II) Certification of the Class for Purposes of Settlement and (III) Approval of Notice to the Class. MOTION to Approve (I) Preliminary Approval of Settlement, (II) Certification of the Class for Purposes of Settlement and (III) Approval of Notice to the Class.. Document filed by Teachers' Retirement System of Oklahoma. (Singer, Steven) (Entered: 09/06/2011)
09/21/2011	<u>75</u>	ORDER: the motion to dismiss filed by Defendants Gary C. Dunton and C. Edward Chaplin is denied without prejudice pending the settlement hearing, which is scheduled for December 15, 2011. The Clerk of Court is respectfully directed to terminate the pending motion to dismiss (Dkt. No. 62). (See ORDER as set forth) (Signed by Judge Kenneth M. Karas on 9/21/2011) (lnl) (Entered: 09/21/2011)
09/21/2011	<u>76</u>	ORDER PRELIMINARY APPROVING PROPOSED SETTLEMENT AND PROVIDING FOR NOTICE: The Court will hold a settlement hearing (the "Settlement Hearing") on December 15, 2011 at 2:00 pm in Courtroom 521 of The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York, 10601, for the following purposes: (a) to determine whether the proposed Settlement on the terms and conditions provided for in the Stipulation is fair, reasonable, adequate and in the best interests of the Class and should be approved by the Court; (b) to determine whether a Judgment substantially in the form attached as Exhibit B to the Stipulation should be entered dismissing the Action with prejudice against Defendants; (c) to determine whether the proposed Plan of Allocation for the proceeds of the Settlement is fair and reasonable and should be approved; (d) to determine whether the motion by Lead Counsel for an award of attorneys' fees and reimbursement of Litigation Expenses should be approved; and (e) to consider any other matters that may properly be brought before the Court in connection with the Settlement. Notice of the Settlement and the Settlement Hearing shall be given to Class Members as set forth in Paragraph 7 of this Order. 6. The Court may adjourn the Settlement Hearing and approve the proposed Settlement with such modifications as the Parties may agree to, if appropriate, without further notice to the Class. (Signed by Judge Kenneth M. Karas on 9/20/2011) (rj) (Entered: 09/21/2011)
09/26/2011	<u>77</u>	NOTICE of and [Proposed] Order of Voluntary Dismissal Pursuant to Fed. R. Civ. P. 41(a)(1). Document filed by Teachers' Retirement System of Oklahoma. (Singer, Steven) (Entered: 09/26/2011)
09/30/2011	<u>78</u>	NOTICE AND ORDER OF VOLUNTARY DISMISSAL Pursuant to Rule 41(a)(1): The claims and allegations of the Complaint as against the Individual Defendants are hereby withdrawn and, pursuant to the Court's endorsement below, are ordered dismissed with prejudice subject to paragraph 2 as set forth. SO ORDERED. (Signed by Judge Kenneth M. Karas on 9/27/2011) (lnl) (Entered: 09/30/2011)
11/10/2011	<u>79</u>	MOTION to Approve Class Action Settlement and Plan of Allocation. Document filed by Teachers' Retirement System of Oklahoma.(Singer, Steven) (Entered: 11/10/2011)
11/10/2011	<u>80</u>	MEMORANDUM OF LAW in Support re: <u>79</u> MOTION to Approve Class Action Settlement and Plan of Allocation.. Document filed by Teachers' Retirement System of Oklahoma. (Singer, Steven) (Entered: 11/10/2011)
11/10/2011	<u>81</u>	MOTION for Attorney Fees <i>and Reimbursement of Litigation Expenses</i> . Document filed by Teachers' Retirement System of Oklahoma.(Singer, Steven) (Entered: 11/10/2011)
11/10/2011	<u>82</u>	MEMORANDUM OF LAW in Support re: <u>81</u> MOTION for Attorney Fees <i>and Reimbursement</i>

of Litigation Expenses.. Document filed by Teachers' Retirement System of Oklahoma.
(Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Singer, Steven) (Entered: 11/10/2011)

11/10/2011

83

DECLARATION of Steven B. Singer in Support re: 79 MOTION to Approve Class Action Settlement and Plan of Allocation., 81 MOTION for Attorney Fees *and Reimbursement of Litigation Expenses..* Document filed by Teachers' Retirement System of Oklahoma.
(Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5)(Singer, Steven) (Entered: 11/10/2011)

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>