

US District Court Civil Docket as of 7/29/2011
Retrieved from the court on August 26, 2011

**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 cases:

[7:08-cv-02362-KMK](#)

[7:08-cv-01845-KMK](#)

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**

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Plaintiff

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on behalf of himself and all others
similarly situated,

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V.

Consolidated Plaintiff

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V.

Movant

**Louisiana Municipal Police
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Movant

**Tulare County Employees Retirement
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Movant

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Movant

**Massachusetts Laborers' Annuity
Fund**

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V.

Defendant

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Defendant

Edward Chaplin

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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	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 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 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>Massachusettss 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>Massachusettss 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) Massachusettss 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>Massachusettss 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) Massachusettss 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

		<p>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)</p>
03/13/2008	24	<p>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)</p>
03/18/2008	25	<p>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 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></p>
03/18/2008	26	<p>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></p>
03/25/2008	27	<p>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,</p>

		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)
07/07/2008	31	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....Pursusnt 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	32	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	33	NOTICE OF APPEARANCE by Steven B. Singer on behalf of Teachers' Retirement System of Oklahoma (Singer, Steven) (Entered: 08/05/2008)
08/05/2008	34	NOTICE OF APPEARANCE by Mark Lebovitch on behalf of Teachers' Retirement System of Oklahoma (Lebovitch, Mark) (Entered: 08/05/2008)
08/05/2008	35	NOTICE OF APPEARANCE by Kurt Michael Hunciker on behalf of Teachers' Retirement System of Oklahoma (Hunciker, Kurt) (Entered: 08/05/2008)
08/13/2008	36	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	37	CONSOLIDATED AMENDED CLASS ACTION COMPLAINT amending 1 Complaint against Teachers' Retirement System of Oklahoma.Document filed by Teachers' Retirement System of Oklahoma. Related document: 1 Complaint filed by Steven Schmalz.(ll) (Entered: 10/23/2008)
11/21/2008	38	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	39	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	40	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	41	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	42	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	43	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	44	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	45	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	46	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	47	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	48	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	49	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	50	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: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Exhibit 30, # 31 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	51	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	52	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	53	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	54	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	55	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	56	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	57	SECOND CONSOLIDATED AMENDED CLASS ACTION COMPLAINT amending 37 Amended Complaint against Joseph W. Brown, MBIA, Inc., Gary C. Dunton, Edward Chaplin.Document filed by Teachers' Retirement System of Oklahoma. Related document: 37 Amended Complaint filed by Teachers' Retirement System of Oklahoma.(jma) (Entered: 05/06/2010)
05/07/2010	58	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	59	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	60	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	61	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 <i>In re Refco</i> , 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	62	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	63	MEMORANDUM OF LAW in Support re: 62 MOTION to Dismiss <i>Notice of Motion to Dismiss</i> . / <i>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	64	DECLARATION of Christopher J. Hamilton in Support re: 62 MOTION to Dismiss <i>Notice of Motion to Dismiss</i> .. Document filed by Edward Chaplin, Gary C. Dunton. (Attachments: # 1 Exhibit A-G to Hamilton Declaration, # 2 Exhibit H to Hamilton Declaration, # 3 Exhibit I-J to Hamilton Declaration, # 4 Certificate of Service)(Hamilton, Christopher) (Entered: 09/03/2010)

09/07/2010	65	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	66	SEALED DOCUMENT placed in vault.(jma) (Entered: 09/08/2010)
10/08/2010	67	MEMORANDUM OF LAW in Opposition re: 62 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	68	REPLY MEMORANDUM OF LAW in Support re: 62 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	69	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	70	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	71	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	72	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)

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