

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-03037-LAP**

Burton v. Merrill Lynch & Co., Inc. et al  
Assigned to: Judge Loretta A. Preska  
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 03/25/2008  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**Frederick Burton**  
*individually and on behalf of all others  
similarly situated*

represented by **Aaron Michael Sheanin**  
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V.

**Defendant**

**Merrill Lynch & Co., Inc.**

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**Defendant**

**Merrill Lynch**

**Defendant**

**Pierce, Fenner & Smith Inc.**

**Defendant**

**Merrill Lynch, Pierce, Fenner & Smith  
Incorporated**

represented by **Jay B. Kasner**

(See above for address)

*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Scott D. Musoff**

(See above for address)

*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/25/2008	<a href="#"><u>1</u></a>	COMPLAINT against Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Inc. (Filing Fee \$ 350.00, Receipt Number 645856)Document filed by Frederick Burton.(jeh) (Entered: 03/27/2008)
03/25/2008		SUMMONS ISSUED as to Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Inc. (jeh) (Entered: 03/27/2008)
03/25/2008		Magistrate Judge Douglas F. Eaton is so designated. (jeh) (Entered: 03/27/2008)
03/25/2008		Case Designated ECF. (jeh) (Entered: 03/27/2008)
04/01/2008	<a href="#"><u>2</u></a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Merrill Lynch & Co., Inc. as Corporate Parent. Document filed by Merrill Lynch, Pierce, Fenner & Smith Incorporated, Merrill Lynch & Co., Inc..(Kasner, Jay) (Entered: 04/01/2008)
04/01/2008	<a href="#"><u>3</u></a>	NOTICE OF APPEARANCE by Jay B. Kasner on behalf of Merrill Lynch, Pierce, Fenner & Smith Incorporated, Merrill Lynch & Co., Inc. (Kasner, Jay) (Entered: 04/01/2008)
04/01/2008	<a href="#"><u>4</u></a>	NOTICE OF APPEARANCE by Scott D. Musoff on behalf of Merrill Lynch,

		Pierce, Fenner & Smith Incorporated, Merrill Lynch & Co., Inc. (Musoff, Scott) (Entered: 04/01/2008)
04/02/2008	<a href="#">5</a>	MEMORANDUM, the parties are informed that the law firm in which my husband is a partner, Cahill Gordon & Reindel LLP, from time to time represents Merrill Lynch and/or its affiliates, and he works on those matters. (Signed by Judge Loretta A. Preska on 4/1/08) (cd) (Entered: 04/02/2008)
04/21/2008	<a href="#">6</a>	CORRECTED MEMORANDUM: The parties are informed that the law firm in which my husband is a partner, Cahill Gordon & Reindel LLP, from time to time represents Merrill Lynch and/or its affiliates, and does not work on those matters. (Signed by Judge Loretta A. Preska on 4/21/2008) (jpo) (Entered: 04/22/2008)
04/21/2008	<a href="#">7</a>	ORDER: Having reviewed Mr. Girard's letter of April 16, Mr. Kasner's letter April 17 and Mr. Korsinky's letter of April 17, counsel's attention is directed to the Corrected Memorandum in Burton dated April 21, 2008. To the extent that any party wishes to move to recuse the Court, that party shall do so promptly. (Signed by Judge Loretta A. Preska on 4/21/2008) (jpo) (Entered: 04/22/2008)
04/21/2008	<a href="#">8</a>	LETTER addressed to Judge Loretta A Preska from Eduard Korsinsky dated 4/17/2008 re: Informing the Court that Mr. Stanton does not waive recusal under Section 28 U.S.C. 445(a) in response to the Court's March 31, 2008 Memorandum. Document filed by Frederick Burton.(jpo) (Entered: 04/22/2008)
04/21/2008	<a href="#">9</a>	LETTER addressed to Judge Loretta A. Preska from Daniel C. Girard dated 4/16/2008 re: Advising the Court that neither Mr. Burton nor Mr. Kraemer wishes to waive recusal under Section 455(a). Document filed by Frederick Burton.(jpo) (Entered: 04/22/2008)
04/21/2008	<a href="#">10</a>	LETTER addressed to Judge Loretta A. Preska from Jay B. Kasner dated 4/17/2008 re: Merrill Lynch respectfully submits that recusal under 28 U.S.C. 455(a) is unwarranted. Document filed by Merrill Lynch, Pierce, Fenner & Smith Incorporated, Merrill Lynch & Co., Inc., Merrill Lynch.(jpo) (Entered: 04/22/2008)
04/24/2008	<a href="#">11</a>	AFFIDAVIT OF SERVICE of Summons and Complaint. Merrill Lynch, Pierce, Fenner & Smith Incorporated served on 4/9/2008, answer due 4/29/2008; Merrill Lynch & Co., Inc. served on 4/9/2008, answer due 4/29/2008. Document filed by Frederick Burton. (Weiss, Stephen) (Entered: 04/24/2008)
04/28/2008	<a href="#">12</a>	STIPULATION AND ORDER, that defendants' time to answer the complaint is extended to 60 days after the service of a consolidated amended complaint. To the extent that defendants deem the amended consolidated complaint to be deficient, they shall so notify plaintiff, describing the perceived deficiencies. Plaintiff shall, within a week thereof, inform defendants whether he wishes to stand on the amended complaint or amend one final time. If plaintiff decides to stand on the amended consolidated complaint, no further amendments shall be permitted. (Signed by Judge Loretta A. Preska on 4/25/08) (cd) (Entered: 04/28/2008)
04/29/2008	<a href="#">13</a>	MOTION for Norman E. Siegel to Appear Pro Hac Vice. Document filed by Frederick Burton.(dle) (Entered: 04/30/2008)
05/06/2008		CASHIERS OFFICE REMARK on <a href="#">13</a> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 4/29/08, Receipt Number 649326. (Quintero, Marcos) (Entered: 05/06/2008)

05/06/2008	<a href="#">14</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <a href="#">13</a> Motion for Norman E. Siegel to Appear Pro Hac Vice. (Signed by Judge Loretta A. Preska on 5/5/08) (mme) (Entered: 05/06/2008)
05/06/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <a href="#">14</a> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme) (Entered: 05/06/2008)

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