

US District Court Civil Docket as of September 24, 2009

Retrieved from the court on September 28, 2009

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-03449-LAK**

Defer LP v. Raymond James Financial, Inc., et al

Assigned to: Judge Lewis A. Kaplan

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

Date Filed: 04/08/2008

Jury Demand: Plaintiff

Nature of Suit: 850 Securities/Commodities

Jurisdiction: Federal Question

Lead Plaintiff

Laurie Rubin

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Plaintiff

Defer LP

Individually and On Behalf of all Others

Similarly Situated

represented by **Aaron Michael Sheanin**

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TERMINATED: 09/02/2009

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V.

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TERMINATED: 09/23/2009

Defendant

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represented by **Christian R. Bartholomew**

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(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Jill M. Baisinger

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LEAD ATTORNEY

PRO HAC VICE

ATTORNEY TO BE NOTICED

Joaquin Javier Ezcurra

(See above for address)

TERMINATED: 09/23/2009

Defendant

Raymond James Financial Services, Inc.

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TERMINATED: 09/23/2009

Date Filed	#	Docket Text
04/08/2008	1	COMPLAINT against Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.. (Filing Fee \$ 350.00, Receipt Number 646945)Document filed by Defer LP.(rdz) (Entered: 04/11/2008)
04/08/2008		SUMMONS ISSUED as to Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.. (rdz) (Entered: 04/11/2008)
04/08/2008		Magistrate Judge Andrew J. Peck is so designated. (rdz) (Entered: 04/11/2008)
04/08/2008		Case Designated ECF. (rdz) (Entered: 04/11/2008)
04/08/2008	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Defer LP.(rdz) (Entered: 04/11/2008)
04/22/2008	3	NOTICE OF CASE REASSIGNMENT to Judge Lewis A. Kaplan. Judge Shirley Wohl Kram is no longer assigned to the case. (jeh) (Entered: 04/30/2008)
05/01/2008		***DELETED DOCUMENT. Deleted document number 4 ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE. The document was incorrectly filed in this case. (db) (Entered: 05/06/2008)
05/02/2008	5	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE: Initial Conference set for 5/30/2008 at 10:00 AM in Courtroom 12D, 500 Pearl Street, New York, NY 10007 before Judge Lewis A. Kaplan. (Signed by Judge Lewis A. Kaplan on 5/2/08) (tro) (Entered: 05/02/2008)

05/09/2008	6	STIPULATION: It is hereby stipulated and agreed, by and between the undersigned counsel for the parties, that Defendants' time to move, answer or otherwise respond to the Complaint is adjourned without date, pending appointment of Lead Plaintiff and filing of an amended complaint. So Ordered (Signed by Judge Lewis A. Kaplan on 5/9/08) (js) (Entered: 05/09/2008)
05/09/2008		***DELETED DOCUMENT. Deleted document number 7 Stipulation. The document was incorrectly filed in this case. (js) (Entered: 05/13/2008)
05/28/2008	7	MOTION for E. Andrew Southerling to Appear Pro Hac Vice. Document filed by Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.(dle) (Entered: 05/29/2008)
05/28/2008	8	MOTION for Christian Bartholomew to Appear Pro Hac Vice. Document filed by Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.(dle) (Entered: 05/29/2008)
05/30/2008	9	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Raymond James Financial, Inc. as Corporate Parent. Document filed by Raymond James & Associates, Inc..(Ezcurra, Joaquin) (Entered: 05/30/2008)
05/30/2008	10	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Raymond James Financial, Inc. as Corporate Parent. Document filed by Raymond James Financial Services, Inc..(Ezcurra, Joaquin) (Entered: 05/30/2008)
05/30/2008	11	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Raymond James Financial, Inc. as Corporate Parent. Document filed by Raymond James Financial, Inc..(Ezcurra, Joaquin) (Entered: 05/30/2008)
05/30/2008	12	MOTION for Norman E. Siegel and Matthew L. Dameron to Appear Pro Hac Vice. Document filed by Defer LP.(dle) (Entered: 06/02/2008)
06/02/2008	13	MOTION for Christina H.C. Sharp to Appear Pro Hac Vice. Document filed by Defer LP.(dle) (Entered: 06/03/2008)
06/02/2008	14	MOTION for Daniel C. Girard to Appear Pro Hac Vice. Document filed by Defer LP.(dle) (Entered: 06/03/2008)
06/02/2008	15	MOTION for Aaron M. Sheanin to Appear Pro Hac Vice. Document filed by Defer LP.(dle) (Entered: 06/03/2008)
06/02/2008	16	MOTION for A.J. De Bartolomeo to Appear Pro Hac Vice. Document filed by Defer LP.(dle)

		(Entered: 06/03/2008)
06/03/2008	17	MEMO-ENDORSEMENT granting 7 Motion for Andrew Southerling to Appear Pro Hac Vice. (Signed by Judge Lewis A. Kaplan on 6/3/08) (pl) (Entered: 06/03/2008)
06/03/2008	18	MEMO-ENDORSEMENT granting 8 Motion for Christian Bartholomew to Appear Pro Hac Vice. (Signed by Judge Lewis A. Kaplan on 6/3/08) (pl) (Entered: 06/03/2008)
06/03/2008		Transmission to Attorney Admissions Clerk. Transmitted re: 18 Order on Motion to Appear Pro Hac Vice, 17 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (pl) (Entered: 06/03/2008)
06/04/2008	19	MEMO ENDORSEMENT on 13 Motion for Christina H. C. Sharp to Appear Pro Hac Vice. ENDORSEMENT: Granted.(Signed by Judge Lewis A. Kaplan on 6/4/08) (mme) (Entered: 06/04/2008)
06/04/2008	20	MEMO ENDORSEMENT on 16 Motion for A.J. De Bartolomeo to Appear Pro Hac Vice. ENDORSEMENT: Granted.(Signed by Judge Lewis A. Kaplan on 6/4/08) (mme) Modified on 6/11/2008 (mme). (Entered: 06/04/2008)
06/04/2008		Transmission to Attorney Admissions Clerk. Transmitted re: 19 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme) (Entered: 06/04/2008)
06/04/2008		Transmission to Attorney Admissions Clerk. Transmitted re: 20 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme) (Entered: 06/04/2008)
06/04/2008	21	MEMO ENDORSEMENT on 14 Motion for Daniel C. Girard to Appear Pro Hac Vice. ENDORSEMENT: Granted. (Signed by Judge Lewis A. Kaplan on 6/4/08) (mme) Modified on 6/11/2008 (mme). (Entered: 06/04/2008)
06/04/2008		Transmission to Attorney Admissions Clerk. Transmitted re: 21 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme) (Entered: 06/04/2008)
06/04/2008	22	MEMO ENDORSEMENT on 15 Motion for Aaron M. Sheanin to Appear Pro Hac Vice. ENDORSEMENT: Granted.(Signed by Judge Lewis A. Kaplan on 6/4/08) (mme) Modified on 6/11/2008 (mme). (Entered: 06/04/2008)
06/04/2008		Transmission to Attorney Admissions Clerk. Transmitted re: 22 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme)

		(Entered: 06/04/2008)
06/05/2008		CASHIERS OFFICE REMARK on 7 Motion to Appear Pro Hac Vice, 8 Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 5/28/08, Receipt Number 652525. (Quintero, Marcos) (Entered: 06/05/2008)
06/05/2008		CASHIERS OFFICE REMARK on 12 Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 05/30/2008, Receipt Number 652690. (jd) (Entered: 06/05/2008)
06/05/2008	23	MOTION for Jill M. Baisinger to Appear Pro Hac Vice. Document filed by Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.(dle) (Entered: 06/06/2008)
06/06/2008		CASHIERS OFFICE REMARK on 16 Motion to Appear Pro Hac Vice, 15 Motion to Appear Pro Hac Vice, 13 Motion to Appear Pro Hac Vice, 14 Motion to Appear Pro Hac Vice in the amount of \$100.00, paid on 06/02/2008, Receipt Number 652824. (jd) (Entered: 06/06/2008)
06/09/2008	24	MOTION to Appoint Counsel., MOTION to Appoint Laurie Rubin to serve as lead plaintiff(s). Document filed by Laurie Rubin. (Attachments: # 1 Text of Proposed Order)(Levine, Jonathan) (Entered: 06/09/2008)
06/09/2008	25	MEMORANDUM OF LAW in Support re: 24 MOTION to Appoint Counsel. MOTION to Appoint Laurie Rubin to serve as lead plaintiff(s).. Document filed by Laurie Rubin. (Levine, Jonathan) (Entered: 06/09/2008)
06/09/2008	26	DECLARATION of Jonathan K. Levine in Support re: 24 MOTION to Appoint Counsel. MOTION to Appoint Laurie Rubin to serve as lead plaintiff(s).. Document filed by Laurie Rubin. (Levine, Jonathan) (Entered: 06/09/2008)
06/10/2008		CASHIERS OFFICE REMARK on 23 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 06/05/2008, Receipt Number 653206. (jd) (Entered: 06/10/2008)
06/10/2008	27	MEMO ENDORSEMENT on re: 23 MOTION for Jill M. Baisinger to Appear Pro Hac Vice. Filed by Raymond James & Associates, Inc., Raymond James Financial Services, Inc., Raymond James Financial, Inc., ENDORSEMENT: Granted. So Ordered. (Signed by Judge Lewis A. Kaplan on 6/10/2008) (jfe) Modified on 6/23/2008 (jfe). (Entered: 06/10/2008)
06/10/2008		Transmission to Attorney Admissions Clerk. Transmitted re: 27 Memo Endorsement, to the Attorney Admissions Clerk for updating of Attorney Information. (jfe) (Entered: 06/10/2008)
06/18/2008	28	RESPONSE to Motion re: 24 MOTION to Appoint Counsel. MOTION to Appoint Laurie Rubin to serve as lead plaintiff(s).. Document filed by Raymond James Financial, Inc., Raymond James &

		Associates, Inc., Raymond James Financial Services, Inc.. (Ezcurra, Joaquin) (Entered: 06/18/2008)
06/26/2008	29	RESPONSE in Support re: 24 MOTION to Appoint Counsel. MOTION to Appoint Laurie Rubin to serve as lead plaintiff(s).. Document filed by Laurie Rubin. (Sheanin, Aaron) (Entered: 06/26/2008)
07/01/2008	30	MEMO ENDORSED granting 12 Motion for Norman E. Siegel and Matthew L. Dameron to Appear Pro Hac Vice. (Signed by Judge Lewis A. Kaplan on 7/1/08) (mme) (Entered: 07/01/2008)
07/01/2008		Transmission to Attorney Admissions Clerk. Transmitted re: 30 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme) (Entered: 07/01/2008)
07/02/2008	31	ORDER granting 24 Motion to Appoint Girard Gibbs LLP as Lead Counsel ; granting 24 Motion to Appoint Laurie Rubin as Lead Plaintiff. This Motion is Denied in all other respects. (Signed by Judge Lewis A. Kaplan on 7/2/08) (db) (Entered: 07/02/2008)
07/29/2008	32	STIPULATION AND ORDER: It is hereby stipulated and agreed that if the Motion to Transfer for Coordination is denied, the parties shall confer and, within 20 days of the JMPL's ruling, submit to this Court a proposed schedule, including a schedule for the filing of an amended complaint. If the Motion to Transfer for Coordination is granted, Lead Plaintiff in this action shall file an amended complaint as directed by the transferee Court selected by the JPML. (Signed by Judge Lewis A. Kaplan on 7/29/2008) (jfe) (Entered: 07/29/2008)
10/10/2008	33	CERTIFIED TRUE COPY OF MDL ORDER FROM THE MDL PANEL DENYING TRANSFER....that the motion, pursuant to 28 U.S.C. 1407(c), for transfer of the action to the United States District Court - Southern District of New York, be, and the same hereby is denied. (Signed by MDL Panel on 10/9/08) (laq) (Entered: 10/20/2008)
10/30/2008	34	ORDER: THEREFORE, it is hereby stipulated and agreed by the parties, by and through their undersigned counsel, that: Lead plaintiff Laurie Rubin shall submit an amended complaint on or before December 1, 2008. Defendants shall answer, move, or otherwise respond to the amended complaint on or before January 7, 2009. If defendants move to dismiss, lead plaintiff's response thereto shall be filed on or before February 6, 2009. If defendants move to dismiss, defendants' reply brief shall be filed on or before February 20, 2009. (Signed by Judge Lewis A. Kaplan on 10/30/2008) (jfe) (Entered: 10/30/2008)
10/30/2008		Set/Reset Deadlines: Motions due by 2/6/2009. (jfe) (Entered: 11/06/2008)
12/01/2008	35	FIRST AMENDED CLASS ACTION COMPLAINT amending 1 Complaint against Raymond James

		Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc. Document filed by Laurie Rubin. Related document: 1 Complaint filed by Defer LP.(dle) (Entered: 12/02/2008)
01/07/2009	36	MOTION to Dismiss <i>the First Amended Class Action Complaint</i> . Document filed by Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc..(Bartholomew, Christian) (Entered: 01/07/2009)
01/07/2009	37	FILING ERROR - DEFICIENT DOCKET ENTRY - MEMORANDUM OF LAW in Support re: 36 MOTION to Dismiss <i>the First Amended Class Action Complaint</i> .. Document filed by Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.. (Attachments: # 1 Declaration of Christian R. Bartholomew, # 2 Index of Exhibits, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9, # 12 Exhibit 10, # 13 Exhibit 11)(Bartholomew, Christian) Modified on 1/8/2009 (jar). (Entered: 01/07/2009)
01/07/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Christian Bartholomew to RE-FILE Document 37 Memorandum of Law in Support of Motion. ERROR(S): Each supporting document must be filed individually. Use the event type Declaration in Support found under event list Replies, Oppositions, Supporting Documents. *REMINDER: The Memorandum of Law must be re-filed. (jar) (Entered: 01/08/2009)
01/08/2009	38	MEMORANDUM OF LAW in Support re: 36 MOTION to Dismiss <i>the First Amended Class Action Complaint</i> .. Document filed by Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.. (Bartholomew, Christian) (Entered: 01/08/2009)
02/06/2009	39	MEMORANDUM OF LAW in Opposition re: 36 MOTION to Dismiss <i>the First Amended Class Action Complaint</i> .. Document filed by Laurie Rubin. (Sheanin, Aaron) (Entered: 02/06/2009)
02/06/2009	40	DECLARATION of Aaron M. Sheanin in Opposition re: 36 MOTION to Dismiss <i>the First Amended Class Action Complaint</i> .. Document filed by Laurie Rubin. (Sheanin, Aaron) (Entered: 02/06/2009)
02/20/2009	41	REPLY MEMORANDUM OF LAW in Support re: 36 MOTION to Dismiss <i>the First Amended Class Action Complaint</i> .. Document filed by Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.. (Bartholomew, Christian) (Entered: 02/20/2009)
06/19/2009	42	NOTICE of Withdrawal of Joaquin Javier Ezcurra as Attorney of Record for Defendants. Document filed by Raymond James Financial, Inc., Raymond James & Associates, Inc., Raymond James Financial Services, Inc.. (Bartholomew, Christian) (Entered: 06/19/2009)

08/31/2009	43	MOTION for Matthew L. Dameron to Withdraw as Attorney. Document filed by Defer LP.(Dameron, Matthew) (Entered: 08/31/2009)
09/02/2009	44	MEMO ENDORSEMENT re: 43 Motion to Withdraw as Attorney. Added attorney Norman E. Siegel for Laurie Rubin and Defer LP. Attorney Matthew L. Dameron terminated. ENDORSEMENT: Granted. SO ORDERED. (Signed by Judge Lewis A. Kaplan on 9/1/2009) (tve) (Entered: 09/02/2009)
09/17/2009	45	MEMORANDUM OPINION #98034 For the foregoing reasons, defendants' motion to dismiss the First Amended Class Action Complaint [docket item 36] is granted. Nevertheless, it is far from clear that plaintiff cannot state a legally sufficient claim against some or all of the defendants. Accordingly, plaintiff is granted leave to amend on or before October 16, 2009. SO ORDERED. (Amended Pleadings due by 10/16/2006.) (Signed by Judge Lewis A. Kaplan on 9/17/2009) (jmi) Modified on 9/18/2009 (eef). (Entered: 09/17/2009)
09/18/2009	46	MOTION for Rachel E. Schwartz to Appear Pro Hac Vice. Document filed by Defer LP.(mro) (Entered: 09/22/2009)
09/23/2009	47	MEMO ENDORSED ON PLAINTIFF'S MOTION TO ADMIT COUNSEL PRO HAC VICE: ENDORSEMENT: Granted. So Ordered (Signed by Judge Lewis A. Kaplan on 9/22/09) (js) (Entered: 09/23/2009)
09/23/2009		Transmission to Attorney Admissions Clerk. Transmitted re: 47 Memo Endorsement, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 09/23/2009)
09/23/2009	48	MEMO ENDORSEMENT on MOTION TO WITHDRAW JOAQUIN JAVIER EZCURRA AS AN ATTORNEY OF RECORD FOR DEFENDANTS. ENDORSEMENT: So Ordered (Signed by Judge Lewis A. Kaplan on 9/23/2009) (jpo) (Entered: 09/23/2009)
09/24/2009		CASHIERS OFFICE REMARK on 46 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 09/15/2009, Receipt Number 09/24/2009. (jd) (Entered: 09/24/2009)

Note: Links in this docket are stored in the PACER system (**P**ublic **A**ccess to **C**ourt **E**lectronic **R**ecords). 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 caseinformation. For more information visit the PACER site at <http://pacер.psc.uscourts.gov/pacerdesc.html>