

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-01029-WHP

Burch et al v. SLM Corporation et al

Date Filed: Jan. 31, 2008
Status: Open
Nature of suit: 840 Trademark
Assigned to: [Judge William H. Pauley, III](#)
Cause: 15:78m(a) Securities Exchange Act
Jurisdiction: Federal Question
Jury demand: Plaintiff
Member cases: 1:08-cv-04544-WHP
1:08-cv-02463-WHP
Related cases: 1:08-cv-02463-WHP
1:08-cv-04544-WHP
1:08-cv-04334-WHP

Parties and Attorneys

Lead Plaintiff

The Westchester Movants

Attorneys and Firms

Arthur N. Abbey

*Abbey Spanier Rodd Abrams &
Paradis, LLP*

212 East 39th Street
New York, NY 10016

(212) 889-3700

Fax: (212) 684-5191

aabbey@abbeyspanier.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Nancy Kaboolian

*Abbey Spanier Rodd Abrams &
Paradis, LLP*

212 East 39th Street
New York, NY 10016

(212) 889-3700

Fax: (212) 684-5191

nkaboolian@abbeyspanier.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Natalie Sharon Marcus

Abbey Spanier Rodd & Abrams, LLP
212 East 39th Street

New York, NY 10016
(212) 889-3700
Fax: (212) 684-5191
nmarcus@abbeyspanier.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen Thran Rodd
*Abbey Spanier Rodd Abrams &
Paradis, LLP*

212 East 39th Street
New York, NY 10016
(212) 889-3700
Fax: (212) 684-5191
srodd@abbeyspanier.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lead Plaintiff

Sheet Metal Workers Local No. 80 Pension Trust Fund

Attorneys and Firms

David Avi Rosenfeld
*Coughlin, Stoia, Geller, Rudman &
Robbins, LLP(LIs)*

58 South Service Road
Suite 200
Melville, NY 11747
(631) 367-7100
Fax: (631) 367-1173
drosenfeld@csgrr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Robert H. Burch
individually

Attorneys and Firms

Samuel Howard Rudman
*Coughlin, Stoia, Geller, Rudman &
Robbins, LLP(LIs)*

58 South Service Road
Suite 200
Melville, NY 11747
(631) 367-7100
Fax: (631) 367-1173
srudman@csgrr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Aaron Michael Sheanin
601 California St, Suite 1400
San Francisco, CA 94108
(415) 981-4800
Fax: (415) 981-4846
ams@girardgibbs.com
Girard Gibbs & De Bartolomeo, LLP
PRO HAC VICE
ATTORNEY TO BE NOTICED

Daniel Charles Girard
601 California St, Suite 1400
San Francisco, CA 94108
(415) 981-4800
Fax: (415) 981-4846
d cg@girardgibbs.com
Girard Gibbs & De Bartolomeo, LLP
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jonathan K. Levine
601 California St, Suite 1400
San Francisco, CA 94108
(415) 981-4800
Fax: (415) 981-4846
jkl@girardgibbs.com
Girard Gibbs & De Bartolomeo, LLP
ATTORNEY TO BE NOTICED

Attorneys and Firms

Samuel Howard Rudman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Aaron Michael Sheanin
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Daniel Charles Girard
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jonathan K. Levine
(See above for address)
ATTORNEY TO BE NOTICED

Attorneys and Firms

Jonathan K. Levine
(See above for address)
ATTORNEY TO BE NOTICED

Attorneys and Firms

Laurie Beth Smilan
Latham & Watkins, LLP (VA)
2 Freedom Square, 11955 Freedom
Drive
Ste. 500
Reston, VA 20190
(703) 456-5220
Fax: (703) 456-1001
laurie.smilan@lw.com
LEAD ATTORNEY

Plaintiff

Robert H. Burch
on behalf of all others similarly situated

Plaintiff

SLM Venture

Defendant

SLM Corporation

ATTORNEY TO BE NOTICED

Abid R. Qureshi

Latham & Watkins LLP

885 Third Avenue

Suite 1000

New York, NY 10022

(212) 906-1200

ATTORNEY TO BE NOTICED

Peter A. Wald

Latham & Watkins, L.L.P.

505 Montgomery Street

Suite 2000

San Francisco, CA 94111

ATTORNEY TO BE NOTICED

Attorneys and Firms

Jeff G. Hammel

Latham and Watkins (NY)

885 Third Avenue

New York, NY 10022

(212) 906-1200

Fax: (212) 751-4864

jeff.hammel@lw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Laurie Beth Smilan

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Abid R. Qureshi

(See above for address)

ATTORNEY TO BE NOTICED

Peter A. Wald

(See above for address)

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Attorneys and Firms

Jeff G. Hammel

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Laurie Beth Smilan

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Abid R. Qureshi

(See above for address)

ATTORNEY TO BE NOTICED

Peter A. Wald

(See above for address)

Defendant

Albert L. Lord

Defendant

Charles Elliott (C.E.) Andrews

ATTORNEY TO BE NOTICED

Defendant

Robert S. Autor

Attorneys and Firms

Jeff G. Hammel

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

(See above for address)

Laurie Beth Smilan

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

(See above for address)

Abid R. Qureshi

(See above for address)

ATTORNEY TO BE NOTICED

Peter A. Wald

(See above for address)

ATTORNEY TO BE NOTICED

Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
			MANUALLY-COLLECTED COMPLAINT
1	Jan. 31, 2008	1	COMPLAINT against SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor. (Filing Fee \$ 350.00, Receipt Number 640175)Document filed by Robert H. Burch(individually), Robert H. Burch(on behalf of all others similarly situated).(laq) (jpo). (Entered: 02/04/2008)
2	Jan. 31, 2008		SUMMONS ISSUED as to SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor. (laq) (Entered: 02/04/2008)
3	Jan. 31, 2008		Magistrate Judge Douglas F. Eaton is so designated. (laq) (Entered: 02/04/2008)
4	Jan. 31, 2008		Case Designated ECF. (laq) (Entered: 02/04/2008)
5	Feb. 14, 2008	2	AFFIDAVIT OF SERVICE. SLM Corporation served on 2/5/2008, answer due 2/25/2008. Service was accepted by Scott LaScala, Person Authorized to Accept Service. Document filed by Robert H. Burch(individually). (Rosenfeld, David) (Entered: 02/14/2008)
6	Feb. 14, 2008	3	AFFIDAVIT OF SERVICE. Charles Elliott (C.E.) Andrews served on 2/6/2008, answer due 2/26/2008. Service was accepted by Jean Andrews. Document filed by Robert H. Burch(on behalf of all others similarly situated). (Rosenfeld, David) (Entered: 02/14/2008)
7	Feb. 14, 2008	4	AFFIDAVIT OF SERVICE. Robert S. Autor served on 2/7/2008, answer due 2/27/2008. Service was accepted by Ashley Jaquest. Service was made by and Mail. Document filed by Robert H. Burch(on behalf of all others similarly situated). (Rosenfeld, David) (Entered: 02/14/2008)
8	Feb. 19, 2008	5	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 5/16/2008 at 12:30 PM in Courtroom 11D, 500 Pearl Street, New York, NY 10007 before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 2/14/08) Copies Mailed By Chambers.(js) (Entered: 02/19/2008)
9	Mar. 10, 2008	6	STIPULATION AND PRETRIAL ORDER NO.1: A party to any related action may, for good cause shown, move for relief from the terms of this

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			Pretrial Order No.1 only if the such motion is filed with the Court and served upon such Plaintiffs' Lead Counsel as the Court may subsequently appoint and upon counsel for such party. Any party herein may oppose such a motion. SO ORDERED. (Signed by Judge William H. Pauley, III on 3/7/2008) (jmi) (Entered: 03/10/2008)
10	Mar. 31, 2008	7	ENDORSED LETTER addressed to Judge William H. Pauley from David Rosenfeld dated 3/26/08 re: Request for non compliance with the premotion conference requirement so as to file motion on 3/31/08. ENDORSEMENT: Application granted. (Motion due by 3/31/2008.) (Signed by Judge William H. Pauley, III on 3/31/08) (cd) (Entered: 03/31/2008)
11	Mar. 31, 2008	8	NOTICE OF APPEARANCE by Jeff G. Hammel on behalf of SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor (Hammel, Jeff) (Entered: 03/31/2008)
12	Mar. 31, 2008	9	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor.(Hammel, Jeff) (Entered: 03/31/2008)
13	Mar. 31, 2008	10	NOTICE OF APPEARANCE by Laurie Beth Smilan on behalf of SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor (Smilan, Laurie) (Entered: 03/31/2008)
14	Mar. 31, 2008	11	MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s)., MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP., MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. Document filed by The Westchester Movants. (Attachments: # 1 Text of Proposed Order)(Kaboolian, Nancy) (Entered: 03/31/2008)
15	Mar. 31, 2008	12	DECLARATION of Nancy Kaboolian in Support re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by The Westchester Movants. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Kaboolian, Nancy) (Entered: 03/31/2008)
16	Mar. 31, 2008	13	MEMORANDUM OF LAW in Support re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by The Westchester Movants. (Kaboolian, Nancy) (Entered: 03/31/2008)
17	Mar. 31, 2008	14	AFFIDAVIT OF SERVICE of Motion to Appoint Lead Plaintiff and all supporting documents served on All Counsel of Record on 03/31/2008. Service was made by mail. Document filed by The Westchester Movants.

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			(Kaboolian, Nancy) (Entered: 03/31/2008)
18	Mar. 31, 2008	15	MOTION to Consolidate Cases 08-02463., MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s). Document filed by SLM Venture.(Levine, Jonathan) (Entered: 03/31/2008)
19	Mar. 31, 2008	16	FILING ERROR - WRONG PDF FILE ASSOCIATED WITH DOCKET ENTRY - DECLARATION of JONATHAN K. LEVINE in Support re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s). Document filed by SLM Venture. (Levine, Jonathan) Modified on 4/1/2008 (jar). (Entered: 03/31/2008)
20	Mar. 31, 2008	17	MEMORANDUM OF LAW in Support re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s).. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 03/31/2008)
21	Mar. 31, 2008	18	DECLARATION of **CORRECT VERSION** JONATHAN K. LEVINE in Support re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s).. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 03/31/2008)
22	Mar. 31, 2008	19	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - NOTICE of PROPOSED ORDER ISO SLM VENTURE'S MOTION FOR CONSOLIDATION/APPOINTMENT OF LEAD COUNSEL re: 17 Memorandum of Law in Support of Motion, 18 Declaration in Support of Motion, 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s). Document filed by SLM Venture. (Levine, Jonathan) Modified on 4/1/2008 (db). (Entered: 03/31/2008)
23	Mar. 31, 2008	20	MOTION to Appoint Sheet Metal Workers Local No. 80 Pension Trust Fund to serve as lead plaintiff(s). Document filed by Sheet Metal Workers Local No. 80 Pension Trust Fund. (Attachments: # 1 Exhibit Proposed Order)(Rosenfeld, David) (Entered: 03/31/2008)
24	Mar. 31, 2008	21	MEMORANDUM OF LAW in Support re: 20 MOTION to Appoint Sheet Metal Workers Local No. 80 Pension Trust Fund to serve as lead plaintiff(s).. Document filed by Sheet Metal Workers Local No. 80 Pension Trust Fund. (Rosenfeld, David) (Entered: 03/31/2008)
25	Mar. 31, 2008	22	DECLARATION of David A. Rosenfeld in Support re: 20 MOTION to Appoint Sheet Metal Workers Local No. 80 Pension Trust Fund to serve as lead plaintiff(s).. Document filed by Sheet Metal Workers Local No. 80 Pension Trust Fund. (Attachments: # 1 Errata A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Rosenfeld, David) (Entered: 03/31/2008)
26	Apr. 01, 2008		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Jonathan K. Levine to E-MAIL Document No. 19 PROPOSED ORDER ISO SLM VENTURE'S MOTION FOR CONSOLIDATION/APPOINTMENT OF LEAD COUNSEL to orders_and_judgments@nysd.uscourts.gov. This document is not filed via ECF. (db) (Entered: 04/01/2008)
27	Apr. 01, 2008	23	MEMORANDUM OF LAW in Support re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s).. Document filed by SLM Venture. (Attachments: # 1 Text of Proposed Order Proposed Order)(Levine, Jonathan) (Entered: 04/01/2008)
28	Apr. 03, 2008	24	ENDORSED LETTER addressed to Judge William H. Pauley from

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			Jonathan K. Levine dated 3/31/08 re: Counsel for investors who wish to file a motion for appointment as lead plaintiff request leave from complying with the practice mentioned herein so that they may file their motion on 3/31/08. ENDORSEMENT: Application Granted. (Signed by Judge William H. Pauley, III on 4/1/08) (tro) (Entered: 04/03/2008)
29	Apr. 17, 2008	25	MEMORANDUM OF LAW in Support re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). Memorandum of Law in Further Support of the Motion of Westchester Capital Management Inc. and Green & Smith Investment Management LLC for Appointment as Lead Plaintiffs and in Opposition to the Competing Motions. Document filed by The Westchester Movants. (Kaboolian, Nancy) (Entered: 04/17/2008)
30	Apr. 17, 2008	26	DECLARATION of Nancy Kaboolian in Support re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by The Westchester Movants. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Kaboolian, Nancy) (Entered: 04/17/2008)
31	Apr. 17, 2008	27	AFFIDAVIT OF SERVICE of Memorandum of Law in Further Support of the Motion of Westchester Capital Management Inc. and Green & Smith Investment Management LLC for Appointment as Lead Plaintiffs and in Opposition to the Competitng Motions and all supporting documents served on All Counsel of Record on 04/17/08. Service was made by Mail. Document filed by The Westchester Movants. (Kaboolian, Nancy) (Entered: 04/17/2008)
32	Apr. 17, 2008	28	RESPONSE to Motion re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s). RESPONSE OF SLM VENTURE TO CROSS-MOTIONS FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/17/2008)
33	Apr. 17, 2008	29	DECLARATION of JONATHAN K. LEVINE in Support re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s).. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/17/2008)
34	Apr. 17, 2008	30	CERTIFICATE OF SERVICE. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/17/2008)
35	Apr. 17, 2008	31	MEMORANDUM OF LAW in Opposition re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead

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			plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s)., 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s).. Document filed by Sheet Metal Workers Local No. 80 Pension Trust Fund. (Rudman, Samuel) (Entered: 04/17/2008)
36	Apr. 28, 2008	32	REPLY MEMORANDUM OF LAW in Support re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by The Westchester Movants. (Attachments: # 1 Affidavit of Service)(Kaboolian, Nancy) (Entered: 04/28/2008)
37	Apr. 28, 2008	33	REPLY MEMORANDUM OF LAW in Support re: 20 MOTION to Appoint Sheet Metal Workers Local No. 80 Pension Trust Fund to serve as lead plaintiff(s).. Document filed by Sheet Metal Workers Local No. 80 Pension Trust Fund. (Rudman, Samuel) (Entered: 04/28/2008)
38	Apr. 28, 2008	34	REPLY to Response to Motion re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s). REPLY OF SLM VENTURE ON CROSS-MOTIONS FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/28/2008)
39	Apr. 28, 2008	35	DECLARATION of SAM SOTOODEH in Support re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s).. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/28/2008)
40	Apr. 28, 2008	36	CERTIFICATE OF SERVICE. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/28/2008)
41	Apr. 30, 2008	37	MOTION for Abid Qureshi to Appear Pro Hac Vice. Document filed by SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor.(dle) Modified on 5/1/2008 (dle). (Entered: 05/01/2008)
42	Apr. 30, 2008	38	MOTION for Peter A. Wald to Appear Pro Hac Vice. Document filed by SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor.(dle) (Entered: 05/01/2008)
43	May 09, 2008	39	ENDORSED LETTER addressed to Judge William H. Pauley from David A. Rosenfeld dated 5/7/08 re: Counsel writes to request that instead of proceeding with the Initial Pretrial Conference, the Court hear oral argument on the pending Lead Plaintiff motions at that time. ENDORSEMENT: Application Granted. (Signed by Judge William H. Pauley, III on 5/9) (tve) (Entered: 05/09/2008)
44	May 09, 2008	40	ENDORSED LETTER addressed to Judge William H. Pauley from Jeff G. Hammel dated 5/7/2008 re: Counsel is writing to seek an adjournment of the initial pretrial conference than is scheduled for 5/16/08.

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			ENDORSEMENT: Application granted. The initial pre-conference is adjourned to 6/13/08 at 11:45 a.m.. (Signed by Judge William H. Pauley, III on 5/9/2008) (tve) (Entered: 05/09/2008)
45	May 09, 2008		***DELETED DOCUMENT. Deleted document number 41 Order Admitting Attorney Pro Hac Vice. The document was incorrectly filed in this case. (tve) (Entered: 05/09/2008)
46	May 09, 2008	41	ORDER ADMITTING ATTORNEY PRO HAC VICE. Attorney Peter A. Wald for SLM Corporation admitted Pro Hac Vice. (Signed by Judge William H. Pauley, III on 5/8/2008) (tve) (Entered: 05/09/2008)
47	May 09, 2008	42	ORDER ADMITTING ATTORNEY PRO HAC VICE. Attorney Abid Qureshi for SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews and Robert S. Autor admitted Pro Hac Vice. (Signed by Judge William H. Pauley, III on 5/8/2008) (tve) (Entered: 05/09/2008)
48	May 09, 2008	43	NOTICE OF APPEARANCE by Arthur N. Abbey on behalf of The Westchester Movants (Abbey, Arthur) (Entered: 05/09/2008)
49	May 09, 2008	44	NOTICE OF APPEARANCE by Stephen Thran Rodd on behalf of The Westchester Movants (Rodd, Stephen) (Entered: 05/09/2008)
50	May 09, 2008	45	NOTICE OF APPEARANCE by Natalie Sharon Marcus on behalf of The Westchester Movants (Marcus, Natalie) (Entered: 05/09/2008)
51	May 13, 2008		CASHIERS OFFICE REMARK on 42 Order Admitting Attorney Pro Hac Vice, 41 Order Admitting Attorney Pro Hac Vice in the amount of \$50.00, paid on 4/30/08, Receipt Number 649435. (Quintero, Marcos) (Entered: 05/13/2008)
52	May 13, 2008	46	MOTION for Daniel C. Girard to Appear Pro Hac Vice. Document filed by Robert H. Burch(individually), Robert H. Burch(on behalf of all others similarly situated).(dle) Modified on 5/14/2008 (dle). (Entered: 05/14/2008)
53	May 15, 2008		Transmission to Attorney Admissions Clerk. Transmitted re: 42 Order Admitting Attorney Pro Hac Vice, 41 Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (tve) (Entered: 05/15/2008)
54	May 19, 2008		CASHIERS OFFICE REMARK on 46 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 5/13/08, Receipt Number 650591. (Quintero, Marcos) (Entered: 05/19/2008)
55	May 20, 2008	47	MOTION for Aaron M. Sheanin to Appear Pro Hac Vice. Document filed by Robert H. Burch(individually), Robert H. Burch(on behalf of all others similarly situated).(dle) (Entered: 05/21/2008)
56	May 23, 2008	48	ORDER GRANTING ADMISSION PRO HAC VICE 46 Motion for Daniel C. Girard to Appear Pro Hac Vice. Daniel C. Girard is admitted to this Court pro hac vice to represent Plaintiff in the above-captioned actions. (Signed by Judge William H. Pauley, III on 5/21/08) (tro) (Entered: 05/27/2008)
57	May 23, 2008	49	ORDER GRANTING ADMISSION PRO HAC VICE: Daniel C. Girard is admitted to this Court pro hac vice to represent Plaintiffs in the above-captioned actions. (Signed by Judge William H. Pauley, III on 5/21/08) (tro) Modified on 6/5/2008 (tro). (Entered: 05/27/2008)
58	May 23, 2008		Transmission to Attorney Admissions Clerk. Transmitted re: 49 Order on Motion to Appear Pro Hac Vice, 48 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney

Req #	Filed	#	Docket Text
			Information. (tro) (Entered: 06/05/2008)
59	May 28, 2008		CASHIERS OFFICE REMARK on 49 Order on Motion to Appear Pro Hac Vice, in the amount of \$25.00, paid on 5/20/08, Receipt Number 651922. (Quintero, Marcos) (Entered: 05/28/2008)
60	Jun. 03, 2008	50	TRANSCRIPT of proceedings held on 5/16/2008 before Judge William H. Pauley, III. (ama) (Entered: 06/03/2008)
61	Jun. 24, 2008	51	ORDER granting 47 Motion for Aaron M. Sheanin to Appear Pro Hac Vice. (Signed by Judge William H. Pauley, III on 6/12/2008) (jpo) (Entered: 06/25/2008)
62	Jun. 24, 2008		Transmission to Attorney Admissions Clerk. Transmitted re: 51 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jpo) (Entered: 06/25/2008)
63	Jun. 30, 2008	52	ORDER Plaintiffs in these related actions bring claims under 10(b) and 20 (a) of the Securities Exchange Act of 1934, 15 U.S.C. 78, against SLM Corporation (SLM) and three of its executives on behalf of a purported class of investors who purchased shares of SLM. Three different plaintiffs vie for appointment as lead plaintiff, including two related investment advisors, Westchester Capital Management and green and Smith Investment Management (the Westchester Movants). The Westchester Movants submitted a certificate form Roy Behren, Chief Compliance Officer, stating that the two investment advisors have unrestricted decision making authority with respect to the funds they advise and manage and that he is authorized to undertake all acts on behalf of the Westchester Movants. On June 24, 2008 the Westchester Movants also submitted a consent action of the Board of Trustees for two funds managed by Westchester Capital Management Authorizing the commencement of lawsuits alleging the violations of securities laws. The court directs the Westchester Movants to submit by July 14, 2008 any further evidence that they have unrestricted decision making authority over all five funds that purchased shares of SLM and authority to maintain this action on behalf of all those funds. (Signed by Judge William H. Pauley, III on 6/30/08) (mme) (Entered: 06/30/2008)
64	Jul. 08, 2008	53	DECLARATION of Arthur N. Abbey in Response to the Court's June 30, 2008 Order in Support re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by The Westchester Movants. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H)(Kaboolian, Nancy) (Entered: 07/08/2008)
65	Jul. 08, 2008	54	AFFIDAVIT OF SERVICE of Declaration of Arthur N. Abbey in Response to June 30, 2008 Order served on All Counsel of Record on 07/08/2008. Service was made by mail and facsimile. Document filed by The Westchester Movants. (Kaboolian, Nancy) (Entered: 07/08/2008)
66	Jul. 10, 2008	55	RESPONSE in Opposition re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION

Req #	Filed	#	Docket Text
			to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by Sheet Metal Workers Local No. 80 Pension Trust Fund. (Attachments: # 1 Exhibit Exhibit A)(Rosenfeld, David) (Entered: 07/10/2008)
67	Jul. 14, 2008	56	RESPONSE in Opposition re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by SLM Venture. (Sheanin, Aaron) (Entered: 07/14/2008)
68	Jul. 14, 2008	57	DECLARATION of Aaron M. Sheanin in Support re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by SLM Venture. (Sheanin, Aaron) (Entered: 07/14/2008)
69	Jul. 16, 2008	58	REPLY to Response to Motion re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). Reply to the responses of Sheet Metal Workers' Local No. 80 Pension Trust Fund and SLM Venture to the Declaration of Arthur N. Abbey in response to the Court's June 30, 2008 Order. Document filed by The Westchester Movants. (Rodd, Stephen) (Entered: 07/16/2008)
70	Jul. 16, 2008	59	DECLARATION of Stephen T. Rodd in support of Westchester Movants' Reply to the responses of Sheet Metal Workers' Local No. 80 Pension Trust Fund and SLM Venture to the Declaration of Arthur N. Abbey in Response to the Court's June 30, 2008 Order in Support re: 11 MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s). MOTION to Appoint Counsel Abbey Spanier Rodd & Abrams, LLP. MOTION to Consolidate Cases 08-cv-01029, 08-cv-02463. MOTION to Appoint Westchester Capital Management Inc. and Green & Smith Investment Management LLC ("The Westchester Movants") to serve as lead plaintiff(s).. Document filed by The Westchester Movants. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Affidavit Affidavit of Service)(Rodd, Stephen) (Entered: 07/16/2008)

Req #	Filed	#	Docket Text
71	Jul. 21, 2008	60	ENDORSED LETTER addressed to Judge William H. Pauley III from Arthur N, Abbey dated 7/14/2008 re: Counsel writes to request leave of the Court to submit, on or before Tuesday, July 15, 2008, a reply to the July 10, 2008 "Response of Sheet Metal Workers Local No. 80 Pension Trust Fund to the Declaration of Arthur N. Abbey in Response to the June 30, 2008 Order". ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge William H. Pauley, III on 7/18/2008) (jfe) (Entered: 07/21/2008)
72	Jul. 21, 2008	61	ENDORSED LETTER addressed to Judge William H. Pauley III from Arthur N, Abbey dated 7/15/2008 re: Counsel respectfully request leave to file their reply on Wednesday, July 16, 2008. ENDORSEMENT: Application Granted. So Ordered. (Signed by Judge William H. Pauley, III on 7/18/2008) (jfe) (Entered: 07/21/2008)
73	Jul. 23, 2008	62	MEMORANDUM AND ORDER: For the foregoing reasons, the actions are consolidated, Westchester Capital is appointed lead plaintiff, and Abbey Spanier is approved as lead counsel. (Signed by Judge William H. Pauley, III on 7/23/2008) Filed In Associated Cases: 1:08-cv-01029-WHP, 1:08-cv-02463-WHP(jpo) (Entered: 07/23/2008)
74	Jul. 29, 2008	63	SCHEDULING ORDER NO. 2: This Court will hold an initial pre-trial conference on 8/14/2008 at 11:45 AM before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 7/28/08) (tro) (Entered: 07/30/2008)
75	Aug. 19, 2008	64	ENDORSED LETTER addressed to Judge William H. Pauley, III from Jeff G. Hammel dated 7/31/2008 re: We represent the defendants in the above referenced matter, and write to request a brief adjournment of the pre-trial conference currently schedule for August 14, 2008, as set forth in the Scheduling Order entered 7/30/08. ENDORSEMENT: Application Granted. The pre-trial conference is adjourned to September 26,2008 at 11:15 a.m. SO ORDERED., (Pretrial Conference set for 9/26/2008 at 11:15 AM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 8/18/2008) (jmi) (Entered: 08/20/2008)
76	Sep. 16, 2008	65	ENDORSED LETTER addressed to Judge William H. Pauley from Jeff G. Hammel dated 9/5/08 re: Counsel for Defendant have conferred with plaintiffs' counsel who have consented to this letter, and write to request leave from filing a Rule 26(f) report in advance of the pre-trial conference scheduled for 9/26/08. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 9/15/08) (tro) (Entered: 09/16/2008)
77	Sep. 16, 2008	66	STIPULATION AND PRETRIAL ORDER NO. 2 AMENDING PRETRIAL ORDER NO. 1: Pretrial Order No. 1 is amended only insofar as the Consolidated Amended Complaint may be filed on or before 10/29/08. (Amended Pleadings due by 10/29/2008.) (Signed by Judge William H. Pauley, III on 9/15/08) (tro) (Entered: 09/16/2008)
78	Sep. 30, 2008	67	SCHEDULING ORDER No 3: Lead Plaintiff will file and serve its consolidated amended complaint by November 17,2008. Defendants shall submit any pre-motion letter in accordance with this Court's individual practices by December 8, 2008. Lead Plaintiff shall submit any response to Defendants' pre-motion letter by December 15,2008. This Court will hold a pre-motion conference on December 19, 2008 at 11:00 a.m. (Signed by Judge William H. Pauley, III on 9/26/2008) (jpo) (Entered: 10/01/2008)

