

US District Court Civil Docket as of September 03, 2009

Retrieved from the court on September 21, 2009

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

Burch et al v. SLM Corporation et al
Assigned to: Judge William H. Pauley, III
Member case: ([View Member Case](#))

Related Cases: [1:08-cv-02463-WHP](#)

[1:08-cv-04544-WHP](#)

[1:08-cv-04334-WHP](#)

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

Date Filed: 01/31/2008

Jury Demand: Plaintiff

Nature of Suit: 840 Trademark

Jurisdiction: Federal Question

Lead Plaintiff

The Westchester Movants

represented by **Arthur N. Abbey**

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Lead Plaintiff

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Plaintiff

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on behalf of all others similarly situated

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V.

Defendant

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Defendant

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Date Filed	#	Docket Text
01/31/2008	<u>1</u>	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)
01/31/2008		SUMMONS ISSUED as to SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor. (laq) (Entered: 02/04/2008)
01/31/2008		Magistrate Judge Douglas F. Eaton is so designated. (laq) (Entered: 02/04/2008)
01/31/2008		Case Designated ECF. (laq) (Entered: 02/04/2008)

02/14/2008	<u>2</u>	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)
02/14/2008	<u>3</u>	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)
02/14/2008	<u>4</u>	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)
02/19/2008	<u>5</u>	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)
03/10/2008	<u>6</u>	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 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)
03/31/2008	<u>7</u>	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)
03/31/2008	<u>8</u>	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)
03/31/2008	<u>9</u>	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)
03/31/2008	<u>10</u>	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)
03/31/2008	<u>11</u>	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 <i>Abbey Spanier Rodd & Abrams, LLP.</i> , 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)
03/31/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
03/31/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
03/31/2008	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. (Kaboolian, Nancy) (Entered: 03/31/2008)
03/31/2008	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)
03/31/2008	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)
03/31/2008	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)
03/31/2008	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)
03/31/2008	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)
03/31/2008	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)
03/31/2008	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)
03/31/2008	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)
04/01/2008		***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)
04/01/2008	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)
04/03/2008	24	ENDORSED LETTER addressed to Judge William H. Pauley from 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)
04/17/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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). <i>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</i> . Document filed by The Westchester Movants. (Kaboolian, Nancy) (Entered: 04/17/2008)

		04/17/2008)
04/17/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
04/17/2008	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)
04/17/2008	28	RESPONSE to Motion re: 15 MOTION to Consolidate Cases 08-02463. MOTION to Appoint SLM VENTURE to serve as lead plaintiff(s). <i>RESPONSE OF SLM VENTURE TO CROSS-MOTIONS FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/17/2008)
04/17/2008	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)
04/17/2008	30	CERTIFICATE OF SERVICE. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/17/2008)
04/17/2008	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 plaintiff(s). MOTION to Appoint Counsel <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
04/28/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
04/28/2008	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)
04/28/2008	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). <i>REPLY OF SLM VENTURE ON CROSS-MOTIONS FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL</i> . Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/28/2008)
04/28/2008	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)
04/28/2008	36	CERTIFICATE OF SERVICE. Document filed by SLM Venture. (Levine, Jonathan) (Entered: 04/28/2008)
04/30/2008	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)
04/30/2008	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)
05/09/2008	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)
05/09/2008	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. 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)
05/09/2008		***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)

05/09/2008	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)
05/09/2008	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)
05/09/2008	43	NOTICE OF APPEARANCE by Arthur N. Abbey on behalf of The Westchester Movants (Abbey, Arthur) (Entered: 05/09/2008)
05/09/2008	44	NOTICE OF APPEARANCE by Stephen Thran Rodd on behalf of The Westchester Movants (Rodd, Stephen) (Entered: 05/09/2008)
05/09/2008	45	NOTICE OF APPEARANCE by Natalie Sharon Marcus on behalf of The Westchester Movants (Marcus, Natalie) (Entered: 05/09/2008)
05/13/2008		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)
05/13/2008	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)
05/15/2008		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)
05/19/2008		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)
05/20/2008	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)
05/23/2008	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)

05/23/2008	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)
05/23/2008		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 Information. (tro) (Entered: 06/05/2008)
05/28/2008		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)
06/03/2008	50	TRANSCRIPT of proceedings held on 5/16/2008 before Judge William H. Pauley, III. (ama) (Entered: 06/03/2008)
06/24/2008	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)
06/24/2008		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)
06/30/2008	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)
07/08/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
07/08/2008	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)
07/10/2008	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 to Appoint Counsel <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
07/14/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
07/14/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
07/16/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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). <i>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</i> . Document filed by The Westchester Movants. (Rodd, Stephen) (Entered: 07/16/2008)

07/16/2008	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 <i>Abbey Spanier Rodd & Abrams, LLP</i> . 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)
07/21/2008	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)
07/21/2008	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)
07/23/2008	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)
07/29/2008	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)
08/19/2008	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)
09/16/2008	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)
09/16/2008	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)
09/30/2008	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)
12/02/2008	68	STIPULATION AND PRETRIAL ORDER NO. 3 AMENDING SCHEDULING ORDER NO. 3: Lead Plaintiff will file and serve its Consolidated Amended Complaint by 12/8/08. Defendants shall submit any pre-motion letter in accordance with the Court's individual practices by 1/15/09. Lead Plaintiff shall submit any response to Defendants' pre-motion letter by 1/22/09. The Court will hold a pre-motion conference on 1/30/2009 at 12:00 PM before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 12/2/08) (tro) (Entered: 12/03/2008)
01/08/2009	69	ENDORSED LETTER addressed to Judge William H. Pauley from Jonathan K. Levine dated 12/19/08 re:No other movant submitted evidence to contradict SLM Venture's showing of typicality and adequacy. See 15 U.S.C. § 78u-4(a)(3)(B)(iii)(II) (proof required). Thus, because Westchester Capital may no longer serve in the role, SLM Venture should be appointed Lead Plaintiff. Lastly, SLM Venture also intends to request that the Court approve its selection of Girard GibbsLLP to serve as Lead Counsel. As documented in prior filings, Girard Gibbs has substantial experience in litigating securities class and non-class actions and has successfully prosecuted numerous complex cases on behalf of injured investors. See Docket No. 18, Ex. C. ENDORSEMENT: Application Granted. The Court will hold a pre-motion conference on January 15, 2009 at 2:30 p.m. So Ordered., (Pre-Motion Conference set for 1/15/2009 at 02:30 PM before Judge William H. Pauley III.) (Signed by Judge William H. Pauley, III on 1/8/09) (js) (Entered: 01/08/2009)
01/09/2009	70	(DUPLICATE ORIGINAL) CONSOLIDATED AMENDED COMPLAINT amending 1 Complaint, against SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews.Document filed by The Westchester Movants. Related document: 1 Complaint, filed by Robert H. Burch.(dle)(Document originally received by the USDC/SDNY on 12/8/08) Modified on 1/9/2009 (dle). (Entered: 01/09/2009)
01/12/2009	71	ENDORSED LETTER addressed to Judge William H. Pauley from Jeff G. Hammel dated 1/6/09 re: Counsel requests that the Court adjourn the current pre-motion letter and conference

		schedule. ENDORSEMENT: Application granted. (Signed by Judge William H. Pauley, III on 1/9/09) (mme) (Entered: 01/12/2009)
01/20/2009	72	SCHEDULING ORDER No. 4: Lead Plaintiff will file and serve its memorandum regarding the Court of Appeals' decision in Huff Asset v Deloitte & Touche by 1/23/09. Plaintiffs SLM Ventures and Sheet Metal Workers Local No. 80 Pension Trust shall file and serve their memoranda by 1/29/09; Defendants shall file and serve any memorandum by 2/2/09; the Court will hold oral argument on 2/10/09 at 10:30 am. Oral Argument set for 2/10/2009 at 10:30 AM before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 1/15/09) Copies sent by chambers.(cd) (Entered: 01/20/2009)
01/26/2009	87	TRANSCRIPT of proceedings held on 1/15/09 before Judge William H. Pauley, III. (tro) (Entered: 03/16/2009)
01/27/2009	73	SCHEDULING ORDER No. 5: Lead Plaintiff will file and serve its memorandum re the Court of Appeals' decision in Huff Asset v Deloitte & Touche by 1/27/09; Plaintiffs SLM Ventures and Sheet Metal Workers' Local No. 80 Pension Trust Fund shall file and serve their memoranda by 2/3/09; Defendants shall file and serve any memoranda by 2/5/09; and Oral Argument set for 2/13/2009 at 09:45 AM before Judge William H. Pauley III. (Signed by Judge William H. Pauley, III on 1/23/09) (cd) (Entered: 01/27/2009)
01/27/2009	74	BRIEF <i>Memorandum in Support of Lead Plaintiff's Motion to Approve Assignment of Claims Pursuant to Federal Rules of Civil Procedure 17(a) and in Opposition to the Motions of SLM Venture and Sheet Metal Workers' Local 80 Pension Trust Fund to remove Lead Plaintiff Westchester Capital Management Inc. for Lack of Article III Standing.</i> Document filed by The Westchester Movants. (Attachments: # 1 Affidavit Certificate of Service)(Rodd, Stephen) (Entered: 01/27/2009)
02/03/2009	75	BRIEF re: 74 Brief, <i>Memorandum of Law in Support of Lead Plaintiff Movant SLM Venture's Motion for Relief from Order Appointing Lead Plaintiff and Lead Counsel and in Opposition to Westchester Capital's Motion to Approve Assignment of Its Clients' Claims.</i> Document filed by SLM Venture.(Levine, Jonathan) (Entered: 02/03/2009)
02/03/2009	76	MOTION to Appoint SLM Venture to serve as lead plaintiff(s) <i>Motion of Lead Plaintiff Movant SLM Venture for Relief from Order Appointing Lead Plaintiff and Lead Counsel.</i> Document filed by SLM Venture.(Levine, Jonathan) (Entered: 02/03/2009)
02/03/2009	77	DECLARATION of Jonathan K. Levine in Support re: 76 MOTION to Appoint SLM Venture to serve as lead plaintiff(s) <i>Motion of Lead Plaintiff Movant SLM Venture for Relief from Order Appointing Lead Plaintiff and Lead Counsel.</i> Document filed by SLM Venture. (Levine, Jonathan) (Entered: 02/03/2009)

02/17/2009	83	SCHEDULING ORDER No. 6: Movant SLM Venture is directed to submit a further declaration in support of its motion for appointment as lead plaintiff by February 20, 2009. Any response by the parties to SLM Venture's declaration shall be submitted by February 26, 2009. So Ordered (Signed by Judge William H. Pauley, III on 2/13/09) (js) (Entered: 03/03/2009)
02/20/2009	78	MEMORANDUM OF LAW in Support re: 76 MOTION to Appoint SLM Venture to serve as lead plaintiff(s) <i>Motion of Lead Plaintiff Movant SLM Venture for Relief from Order Appointing Lead Plaintiff and Lead Counsel.</i> . Document filed by SLM Venture. (Levine, Jonathan) (Entered: 02/20/2009)
02/20/2009	79	DECLARATION of Sam Sotoodeh in Support re: 76 MOTION to Appoint SLM Venture to serve as lead plaintiff(s) <i>Motion of Lead Plaintiff Movant SLM Venture for Relief from Order Appointing Lead Plaintiff and Lead Counsel.</i> . Document filed by SLM Venture. (Levine, Jonathan) (Entered: 02/20/2009)
02/24/2009	80	MOTION for Eric D. Reicin to Appear Pro Hac Vice. Document filed by SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews.(dle) (Entered: 02/26/2009)
02/26/2009	81	SUPPLEMENTAL MEMORANDUM OF LAW in Opposition re: 76 MOTION to Appoint SLM Venture to serve as lead plaintiff(s) <i>Motion of Lead Plaintiff Movant SLM Venture for Relief from Order Appointing Lead Plaintiff and Lead Counsel. and in support of Westchester Capital's Motion to Approve Assignment of its Clients' claims.</i> Document filed by The Westchester Movants. (Rodd, Stephen) (Entered: 02/26/2009)
02/26/2009	82	DECLARATION of Stephen T. Rodd in Opposition re: 76 MOTION to Appoint SLM Venture to serve as lead plaintiff(s) <i>Motion of Lead Plaintiff Movant SLM Venture for Relief from Order Appointing Lead Plaintiff and Lead Counsel.</i> . Document filed by The Westchester Movants. (Attachments: # 1 Exhibit A)(Rodd, Stephen) (Entered: 02/26/2009)
03/04/2009	84	ORDER GRANTING MOTION TO ADMIT COUNSEL PRO HAC VICE: granting 80 Motion for Eric D. Reicin to Appear Pro Hac Vice for SLM Corporation in these proceedings. (Signed by Judge William H. Pauley, III on 3/3/2009) (tve) (Entered: 03/04/2009)
03/04/2009		Transmission to Attorney Admissions Clerk. Transmitted re: 84 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (tve) (Entered: 03/04/2009)
03/06/2009		CASHIERS OFFICE REMARK on 80 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 02/24/2009, Receipt Number 678662. (jd) (Entered: 03/06/2009)
03/10/2009	85	ENDORSED LETTER addressed to Judge William H. Pauley, III from Aaron M. Sheanin dated 3/3/2009 re: Requesting permission to file a reply brief of 10 pages or less in response to the

		February 26, 2009 supplemental memorandum filed by Lead Plaintiff Westchester Capital Management, Inc. (Docket No. 81) and the February 26, 2009 letter submitted to the Court by Defendant SLM Corporation. ENDORSEMENT: Application Granted. (Signed by Judge William H. Pauley, III on 3/9/2009) (jpo) (Entered: 03/11/2009)
03/10/2009	89	LETTER addressed to Judge William H. Pauley from David A. Rosenfeld dated 3/9/09 re: counsel for class member Sheet Metal Workers Local No. 8- Pension Trust Fund write to briefly respond to the letter from Jeff G. Hammel, counsel for defendants, dated 2/26/09 ("Hammel Letter"), in which defendants mistakenly state that SMW 80 has withdrawn "its bid for appointment as lead plaintiff." Document filed by Sheet Metal Workers Local No. 80 Pension Trust Fund.(pl) (Entered: 04/14/2009)
03/12/2009	86	REPLY MEMORANDUM OF LAW in Support re: 76 MOTION to Appoint SLM Venture to serve as lead plaintiff(s) <i>Motion of Lead Plaintiff Movant SLM Venture for Relief from Order Appointing Lead Plaintiff and Lead Counsel. and in Opposition to Westchester Capital's Motion to Approve Assignment of Its Clients' Claims.</i> Document filed by SLM Venture. (Levine, Jonathan) (Entered: 03/12/2009)
03/12/2009	91	TRANSCRIPT of proceedings held on 2/13/09 before Judge William H. Pauley, III. (cd) (Entered: 04/23/2009)
04/01/2009	88	MEMORANDUM AND ORDER: For the foregoing reasons, SLM Venture's motion for relief from the July 2008 Order is granted and Westchester Capital's motion for approval of assignment is denied. SLM Venture is appointed lead plaintiff, and its counsel, Girard Gibbs & De Bartolomeo, LLP is approved as lead counsel. (Signed by Judge William H. Pauley, III on 4/1/2009) (jfe) (Entered: 04/01/2009)
04/21/2009	90	LETTER addressed to Judge William H. Pauley, III from Jeff G. Hammel dated 2/5/2009 re: Counsel for defendants writes to inform the Court that the substantive issues have been discussed at the conference on 1/15/2009, and so counsel will not burden the Court with an additional memorandum of law. (tve) (Entered: 04/22/2009)
04/21/2009	92	LETTER addressed to Judge Pauley from Jeff G. Hammel dated 2/26/09 re: response to lead plaintiff movant SLM Venture's supplemental submissions of February 20, 2009. Document filed by SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor.(dj) (Entered: 05/13/2009)
06/19/2009	93	SCHEDULING ORDER No. 7: the Court will hold a status conference in this matter on June 29, 2009 at 11: 15 a.m. (Signed by Judge William H. Pauley, III on 6/17/09) (pl) (Entered: 06/19/2009)
06/30/2009	94	SCHEDULING ORDER NO. 8: Lead Plaintiff shall file and serve its amended complaint by 9/3/09. The parties shall submit a joint status report on 9/17/09. the Court will hold a status

		conference on 9/25/09 at 10:00 a.m. (Signed by Judge William H. Pauley, III on 6/29/09) (tro) (Entered: 06/30/2009)
06/30/2009	95	TRANSCRIPT of proceedings held on June 29. 2009 @ 11:38 a.m. before Judge William H. Pauley, III. (jab) (Entered: 07/06/2009)
09/03/2009	96	SECOND AMENDED CLASS ACTION COMPLAINT amending 70 Amended Complaint, against SLM Corporation, Albert L. Lord, Charles Elliott (C.E.) Andrews, Robert S. Autor. Document filed by SLM Venture. Related document: 70 Amended Complaint, filed by The Westchester Movants.(jmi) (Entered: 09/08/2009)

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