

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:07-cv-02344-L-RBB**

Legacy Trading Group, LLC v. Unico, Inc.

Date Filed: Dec. 14, 2007
Status: Closed
Nature of suit: 850 Securities/Commodities
Assigned to: Judge M. James Lorenz
Cause: 15:78m(a) Securities Exchange Act
Date terminated: Jan. 14, 2008
Jurisdiction: Federal Question
Jury demand: Defendant
Referred to: Magistrate Judge Ruben B. Brooks

Parties and Attorneys

Plaintiff

Legacy Trading Group, LLC

a California limited liability company, individually and on behalf of
all others similarly situated

Attorneys and Firms

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Defendant

Unico, Inc.

an Arizona corporation

Attorneys and Firms

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LEAD ATTORNEY

Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
1	Dec. 14, 2007	1	COMPLAINT against Unico, Inc. (Filing fee \$ 350, receipt number 145581), filed by Legacy Trading Group, LLC.(jcj) (Entered: 12/17/2007)
2	Dec. 14, 2007	2	Summons Issued as to Unico, Inc. (jcj) (Entered: 12/17/2007)
3	Dec. 14, 2007	3	Ex Parte MOTION for Temporary Restraining Order by Legacy Trading Group, LLC. (Attachments: # 1 Memo of Points and Authorities # 2 Declaration of Eric J. Benick in Support# 3 Declaration of Michael Maselli in Support# 4 Declaration of Juanita Ikuta in Support# 5 Declaration of Geoff Schodde in Support# 6 Declaration of F. Richardson, Jr. in Support# 7 Declaration of Gerald Kramer in Support# 8 Declaration of Cameron Bibkreli in Support# 9 Declaration of Nicholas Reeder in Support# 10 Declaration of Blaine Anderson in Support# 11 Declaration of William Graham in Support# 12 Declaration of J.G. Geis in Support# 13 Declaration of Steven Cox in Support# 14 Declaration of Brian Herson in Support)(mjj) (Entered: 12/17/2007)
4	Dec. 17, 2007	4	DECLARATION re 3 MOTION for Temporary Restraining Order by Plaintiff Legacy Trading Group, LLC. (Benink, Eric) (mjj,) (Entered: 12/17/2007)
5	Dec. 17, 2007	5	DECLARATION re 3 MOTION for Temporary Restraining Order by Plaintiff Legacy Trading Group, LLC. (Benink, Eric) (mjj,) (Entered: 12/17/2007)
6	Dec. 17, 2007	6	NOTICE of Hearing on Motion 3 MOTION for Temporary Restraining Order : Motion Hearing set for 12/18/2007 02:00 PM in Courtroom 14 before Judge M. James Lorenz. (smv) (Entered: 12/17/2007)
7	Dec. 18, 2007	7	RESPONSE to Motion re 3 MOTION for Temporary Restraining Order filed by Unico, Inc.. (Attachments: # 1 Exhibit A# 2 Declaration Exhibit B# 3 Declaration of Mark Lopez)(Navigato, Daniel) Modified on 12/19/2007 to remove duplicate text. Sent email re signature and proof. (mjj,) (Entered: 12/18/2007)
8	Dec. 18, 2007	8	ORDER granting 3 Ex Parte Motion for TRO; Setting Bond; and Setting Briefing Schedule and Date for Show Cause Hearing: Defendant is Enjoined and Restrained from from holding a Special Meeting of the shareholders on 12/21/07 or at any other time until the preliminary injunction hearing in this matter is heard. Plaintiff shall post a bond of \$10,000.00 within 48 hours. Show Cause Hearing set for 1/7/08 at 10:30 am before Judge M. James Lorenz in Courtroom 14. Defendant's opposition due 12/28/07. Plaintiffs reply memorandum due 1/3/08. Signed by Judge M. James Lorenz on 12/18/2007. (mjj) (Entered: 12/18/2007)
9	Dec. 18, 2007	9	Minute Order for proceedings held before Judge M. James Lorenz : Motion Hearing held on 12/18/2007 re 3 MOTION for Temporary Restraining Order filed by Legacy Trading Group, LLC. Attorney Michael Werner Battin for Unico, Inc. added. Court grants Motion 3 for temporary restraining order. Preliminary Injunction hearing set for 1/7/2008 10:30 AM in Courtroom 14 before Judge M. James Lorenz. Bond set at \$10,000. Court to issue order.(Court Reporter Jeannette Hill.)(Plaintiff Attorney Vincent Slavens).(Defendant Attorney Michael Battin). (smv) (Entered: 12/18/2007)

Req #	Filed	#	Docket Text
			12/19/2007)
10	Dec. 20, 2007	10	Ex Parte MOTION for Extension of Time to File Post Temporary Restraining Order Bond by Legacy Trading Group, LLC. (Benink, Eric) Modified on 12/26/07 - not signed, replaced by amended ex parte motion (mjj,) Modified on 1/8/2008 to terminate motion (smv). (Entered: 12/20/2007)
11	Dec. 20, 2007	11	Amended Ex Parte MOTION for Extension of Time to File Post Temporary Restraining Order Bond by Legacy Trading Group, LLC. (Benink, Eric) Modified on 12/26/07 to clarify text (mjj,) (Entered: 12/20/2007)
12	Dec. 20, 2007	12	ORDER Granting 11 Amended Ex Parte Motion for Extension of Time to Post Temporary Restraining Order Bond: Plaintiff shall obtain and post its bond not later than 12/21/07 at 5:00 pm. Signed by Judge M. James Lorenz on 12/20/2007. (mjj) (Entered: 12/20/2007)
13	Dec. 21, 2007	13	Undertaking Under Section 65 BOND in the amount of \$ 10,000.00 posted by Plaintiff Legacy Trading Group, LLC (mjj) (Entered: 12/21/2007)
14	Dec. 21, 2007	14	CERTIFICATE OF SERVICE by Legacy Trading Group, LLC re 13 Bond (Benink, Eric) (mjj,) (Entered: 12/21/2007)
15	Dec. 28, 2007	15	RESPONSE to Motion re 3 MOTION for Temporary Restraining Order filed by Unico, Inc.. (Attachments: # 1 Affidavit Affidavit of Gauger# 2 Declaration Declaration of Mark Knight# 3 Declaration Declaration of Mark Lopez# 4 Declaration Declaration of Mark Schenck# 5 Exhibit Exhibit A# 6 Exhibit Exhibit B# 7 Exhibit Exhibit C# 8 Exhibit Exhibit D# 9 Exhibit Exhibit E# 10 Exhibit Exhibit F# 11 Exhibit Exhibit G)(Navigato, Daniel) (jpp,). (Entered: 12/28/2007)
16	Jan. 03, 2008	16	REPLY to Response to Motion re 3 MOTION for Temporary Restraining Order filed by Legacy Trading Group, LLC. (Attachments: # 1 Declaration of Michael Maselli in Support of Preliminary Injunction)(Benink, Eric) (mjj,) (Entered: 01/03/2008)
17	Jan. 04, 2008	17	NOTICE OF CHANGE OF DATE AND TIME OF HEARING: Upon the Court's own motion, Order to Show Cause Hearing set for 1/7/2008 at 10:30 AM is vacated and reset for 1/8/2008 01:30 PM in Courtroom 14 before Judge M. James Lorenz. (smv) (Entered: 01/04/2008)
18	Jan. 04, 2008	18	DECLARATION RE 15 - Filed as AFFIDAVIT in Opposition re 3 MOTION for Temporary Restraining Order filed by Unico, Inc.. (Attachments: # 1 Exhibit H)(Navigato, Daniel) Modified on 1/7/08 - Corrected document title. (mdc) (Entered: 01/04/2008)
19	Jan. 04, 2008	19	Declaration of Charles W. Garske . File as AFFIDAVIT in Opposition re 3 MOTION for Temporary Restraining Order filed by Unico, Inc.. (Attachments: # 1 Exhibit J# 2 Exhibit K)(Navigato, Daniel) Modified on 1/8/2008 (tkl,). Emailed atty. This should be efiled as a Declaration. (Entered: 01/04/2008)
20	Jan. 04, 2008	20	SUPPLEMENTAL DECLARATION re 3 filed as Affidavit in Opposition re 3 Motion for Temporary Restraining Order filed by Unico, Inc.. (Navigato, Daniel) Modified text on 1/8/2008 to include title of document (lao). Contacted Attny re certificate of service (Entered: 01/04/2008)
21	Jan. 07, 2008	21	ANSWER to Complaint with Jury Demand by Unico, Inc..(Battin, Michael) (mjj,) (Entered: 01/07/2008)

Req #	Filed	#	Docket Text
<u>22</u>	Jan. 07, 2008	22	CERTIFICATE OF SERVICE by Unico, Inc. re 21 Answer to Complaint (Battin, Michael) Modified on 1/8/2008 - sent email re electronic signature (mjj,) (Entered: 01/07/2008)
<u>23</u>	Jan. 08, 2008	23	CERTIFICATE OF SERVICE by Unico, Inc. re 19 Affidavit in Opposition to Motion, 20 Affidavit in Opposition to Motion, 18 Affidavit in Opposition to Motion, (Navigato, Daniel) (mjj,) (Entered: 01/08/2008)
<u>24</u>	Jan. 08, 2008	24	Minute Entry for proceedings held before Judge M. James Lorenz : Show Cause Hearing held on 1/8/2008. Preliminary Injunction denied as moot. \$10,000 bond exonerated.(Court Reporter Jeannette Hill).(Plaintiff Attorney Eric Benink).(Defendant Attorney Michael Werner Battin). (smv) (Entered: 01/08/2008)
<u>25</u>	Jan. 08, 2008	25	Notice and ORDER for Early Neutral Evaluation Conference: Early Neutral Evaluation set for 1/30/2008 10:00 AM in chambers before Magistrate Judge Ruben B. Brooks. Signed by Judge Ruben B. Brooks on 1/8/2008. (mjj) (Entered: 01/08/2008)
<u>26</u>	Jan. 14, 2008	26	MOTION to Dismiss Without Prejudice Pursuant to Rule 41(a)(1)(i) by Legacy Trading Group, LLC. (Benink, Eric) (mjj,) (Entered: 01/14/2008)
<u>27</u>	Jan. 14, 2008	27	ORDER granting 26 Plaintiff's Motion to Dismiss Without Prejudice: The Clerk is directed to close this case. Signed by Judge M. James Lorenz on 1/14/2008. (mjj) (Entered: 01/14/2008)