

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:08-cv-00879-JS-WDW**

Miller v. Wachovia Corporation et al

Date Filed: Feb. 29, 2008
Status: Closed
Nature of suit: 850 Securities/Commodities
Assigned to: [Judge Joanna Seybert](#)
Case in other court: Supreme Court Of The State Of NY, CNTY of Nassau, 001970/2008
Cause: 15:77 Securities Fraud
Date terminated: Jan. 26, 2009
Jurisdiction: Federal Question
Jury demand: Both
Referred to: Magistrate Judge William D. Wall

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Arlette Miller
on Behalf of Herself and All Others Similarly Situated

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Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
1	Feb. 29, 2008	1	NOTICE OF REMOVAL by Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr, Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackey J. McDonald, Joseph Neubauer, Timothy D. Proctor, Ernest S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr, Dona Davis Young, Wachovia Capital Markets, LLC, Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II, Robert J. Brown from Supreme Court of the State of NY, CNTY of Nassau, case number 001970/2008. (Filing fee \$ 350 Receipt #349963) (Attachments: # 1 Civil Cover Sheet) (Major, Jasmine) (Entered: 03/03/2008)
2	Feb. 29, 2008	2	DISCLOSURE of Interested Parties by Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr, Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackey J. McDonald, Joseph Neubauer, Timothy D. Proctor, Ernest S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr, Dona Davis Young, Wachovia Capital Markets, LLC, Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II, Robert J. Brown. (Major, Jasmine) (Entered: 03/03/2008)
3	Mar. 04, 2008	3	Corporate Disclosure Statement by Citigroup Global Markets Inc., Merrill Lynch Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co. Incorporated, UBS Securities LLC (McGuirk, Patrick) (Entered: 03/04/2008)
4	Mar. 04, 2008	4	NOTICE of Appearance by Patrick M. McGuirk on behalf of Citigroup Global Markets Inc., Merrill Lynch Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co. Incorporated, UBS Securities LLC (aty to be noticed) (McGuirk, Patrick) (Entered: 03/04/2008)
5	Mar. 04, 2008	5	NOTICE by Citigroup Global Markets Inc., Merrill Lynch Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co. Incorporated, UBS Securities LLC NOTICE OF CONSENT TO REMOVAL (McGuirk, Patrick) (Entered: 03/04/2008)
6	Mar. 05, 2008	6	CERTIFICATE OF SERVICE by Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr, Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackey J. McDonald, Joseph Neubauer, Timothy D. Proctor, Ernest S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr, Dona Davis Young, Wachovia Capital Markets, LLC, Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II, Robert J. Brown re 2 Disclosure of Interested Parties,, 1 Notice of Removal,, (Hora, Robert) (Entered: 03/05/2008)

Req #	Filed	#	Docket Text
7	Mar. 07, 2008	7	STIPULATION and Proposed Order Setting Schedule for Amended Complaint and Answers/Motions to Dismiss by Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr, Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackey J. McDonald, Joseph Neubauer, Timothy D. Proctor, Ernest S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr, Dona Davis Young, Wachovia Capital Markets, LLC, Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II, Robert J. Brown (Hora, Robert) (Entered: 03/07/2008)
8	Apr. 02, 2008	8	Notice of MOTION to Remand To State Court by Arlette Miller. (Attachments: # 1 Memorandum in Support of Motion for Remand to State Court, # 2 Proposed Order Granting Plaintiff's Motion for Remand to State Court) (Rudman, Samuel) (Entered: 04/02/2008)
9	Apr. 17, 2008	9	MEMORANDUM in Opposition re 8 Notice of MOTION to Remand To State Court filed by Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr, Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackey J. McDonald, Joseph Neubauer, Timothy D. Proctor, Ernest S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr, Dona Davis Young, Wachovia Capital Markets, LLC, Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II, Robert J. Brown. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (Henkin, Douglas) (Entered: 04/17/2008)
10	Apr. 17, 2008	10	NOTICE of Appearance by Saima S. Ahmed on behalf of Citigroup Global Markets Inc., Merrill Lynch Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co. Incorporated, UBS Securities LLC (aty to be noticed) (Ahmed, Saima) (Entered: 04/17/2008)
11	Apr. 17, 2008	11	MEMORANDUM in Opposition re 8 Notice of MOTION to Remand To State Court filed by Citigroup Global Markets Inc., Merrill Lynch Pierce, Fenner & Smith Incorporated, Morgan Stanley & Co. Incorporated, UBS Securities LLC. (Ahmed, Saima) (Entered: 04/17/2008)
12	Apr. 28, 2008	12	REPLY in Support re 8 Notice of MOTION to Remand To State Court filed by Arlette Miller. (Attachments: # 1 Exhibit A) (Rudman, Samuel) (Entered: 04/28/2008)
13	May 08, 2008		ELECTRONIC ORDER re: 7 Stipulation is APPROVED. Ordered by Judge Joanna Seybert on 5/7/2008. (c/ECF) (Nohs, Bonnie) (Entered: 05/08/2008)
14	May 19, 2008	13	Letter re Supplemental Authority (Pew v. Cardarelli) by Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr, Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackey J. McDonald, Joseph Neubauer, Timothy D. Proctor, Ernest S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr, Dona Davis Young, Wachovia Capital Markets, LLC, Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II, Robert J. Brown (Hora, Robert) (Entered: 05/19/2008)
15	Jun. 03, 2008	14	Letter in Response to Defendants May 19, 2008 letter by Arlette Miller (Rosenfeld, David) (Entered: 06/03/2008)

Req #	Filed	#	Docket Text
<u>16</u>	Jul. 11, 2008	15	MOTION to Substitute Attorney substituting Douglas H. Flaum and Israel David of the law firm of Fried, Frank, Harris, Shriver & Jacobson LLP as counsel for defendants Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II, Robert J. Brown, Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr., Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackay J. McDonald, Joseph Neubauer, Timothy D. Proctor, Ernst S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr., Dona Davis Young, and Wachovia Capital Markets, LLC, by Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr, Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackey J. McDonald, Joseph Neubauer, Timothy D. Proctor, Arlette Miller, Ernest S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr, Dona Davis Young, Wachovia Capital Markets, LLC, Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II, Robert J. Brown. (Attachments: # 1 Affidavit in Support Declaration of Israel David) (David, Israel) (Entered: 07/11/2008)
<u>17</u>	Jul. 21, 2008	16	Letter supplementing response to letter from Wachovia Defendants, dated May 19, 2008 by Arlette Miller (Rosenfeld, David) (Entered: 07/21/2008)
<u>18</u>	Jul. 21, 2008	17	ORDER granting 15 Motion to Substitute Attorney. Added attorney Douglas H. Flaum for Peter C. Browning, John T. Casteen, III, Jerome A. Gitt, William H. Goodwin, Jr, Maryellen C. Herringer, Robert A. Ingram, Donald M. James, Mackey J. McDonald, Joseph Neubauer, Timothy D. Proctor, Ernest S. Rady, Van L. Richey, Ruth G. Shaw, Lanty L. Smith, John C. Whitaker, Jr, Dona Davis Young, Wachovia Capital Markets, LLC, Wachovia Corporation, Wachovia Capital Trust IX, G. Kennedy Thompson, Mark C. Treanor, Thomas J. Wurtz, Peter M. Carlson, John D. Baker, II and Robert J. Brown. Attorney Robert Charles Hora; James N. Benedict and Douglas W. Henkin terminated. Application Granted. So Ordered. (Ordered by Judge Joanna Seybert on 7/21/08.) (Fagan, Linda) (Entered: 07/24/2008)
<u>19</u>	Jan. 16, 2009	18	NOTICE of Voluntary Dismissal by Arlette Miller (Fruchter, Jack) (Entered: 01/16/2009)
<u>20</u>	Jan. 26, 2009	19	ORDER DISMISSING CASE. The Clerk of the Court is directed to mark this matter closed. SO ORDERED. Ordered by Judge Joanna Seybert on 1/26/2009. (Brienza, Lauren) (Entered: 01/28/2009)