

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-05994-SAS**

Indiana Laborers Pension Fund et al v. Fimalac, S.A. et al

Date Filed: Jul. 01, 2008
Status: Closed
Nature of suit: 850 Securities/Commodities
Assigned to: [Judge Shira A. Scheindlin](#)
Cause: 28:1331 Fed. Question: Securities Violation
Date terminated: Oct. 03, 2008
Jurisdiction: Federal Question
Jury demand: Plaintiff

Parties and Attorneys

Lead Plaintiff

Indiana Laborers Pension Fund
Individually

Attorneys and Firms

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Lead Plaintiff

Indiana Laborers Pension Fund
and on Behalf of All Others Similarly Situated

Attorneys and Firms

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Defendant

Fimalac, S.A.

Defendant

Fitch Group, Inc.

Defendant

Fitch Ratings, Ltd.

Defendant

Marc Ladreit De Lacharriere

Defendant

Stephen W. Joynt

Defendant

John Schiavetta

Docket Proceedings[Reverse Proceedings](#)

Req #	Filed	#	Docket Text
			MANUALLY-COLLECTED COMPLAINT
1	Jul. 01, 2008	1	COMPLAINT against John Schiavetta, Fimalac, S.A., Fitch Group, Inc., Fitch Ratings, Ltd., Marc Ladreit De Lacharriere, Stephen W. Joynt. (Filing Fee \$ 350.00, Receipt Number E655653)Document filed by Indiana Laborers Pension Fund(Individually), Indiana Laborers Pension Fund(and on Behalf of All Others Similarly Situated).(sac) (laq). (Entered: 07/03/2008)
2	Jul. 01, 2008		SUMMONS ISSUED as to John Schiavetta, Fimalac, S.A., Fitch Group, Inc., Fitch Ratings, Ltd., Marc Ladreit De Lacharriere, Stephen W. Joynt. (sac) (Entered: 07/03/2008)
3	Jul. 01, 2008		Magistrate Judge Gabriel W. Gorenstein is so designated. (sac) (Entered: 07/03/2008)
4	Jul. 01, 2008		Case Designated ECF. (sac) (Entered: 07/03/2008)
5	Jul. 01, 2008	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Indiana Laborers Pension Fund(Individually), Indiana Laborers Pension Fund(and on Behalf of All Others Similarly Situated).(sac) (Entered: 07/03/2008)
6	Jul. 03, 2008		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Samuel

Req #	Filed	#	Docket Text
			Howard Rudman for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document 1 Complaint, 2 Rule 7.1 Corporate Disclosure Statement to: case_openings@nysd.uscourts.gov. (sac) (Entered: 07/03/2008)
7	Jul. 24, 2008	3	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 8/13/2008 at 04:30 PM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin. (Signed by Judge Shira A. Scheindlin on 7/23/08) (js) (Entered: 07/25/2008)
8	Aug. 11, 2008	4	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Fimalac, S.A. as Corporate Parent. Document filed by Fitch Group, Inc..(Flumenbaum, Martin) (Entered: 08/11/2008)
9	Aug. 12, 2008	5	STIPULATION AND ORDER: Defendant Fitch shall not be required to answer or otherwise respond to, and is expressly relieved from answering or otherwise responding to the complaint. Pursuant to the PSLRA, not later than 45 days after entry of an order appointing lead plaintiff and lead plaintiff's counsel in the consolidated action encompassing this action, plaintiff in the consolidated action shall serve and file a consolidated amended complaint.....Fitch shall move, answer or otherwise respond to the consolidated amended complaint not later than 45 days after service upon defendant's counsel of the consolidated amended complaint as further set forth in said Order. (Signed by Judge Shira A. Scheindlin on 8/11/08) (db) (Entered: 08/12/2008)
10	Aug. 14, 2008	6	AMENDED STIPULATION AND ORDER: It is hereby stipulated and agreed that defendant Fitch shall not be required to answer or otherwise respond to, and is expressly relieved from answering or otherwise responding to, the Complaint. Pursuant to the PSLRA, not later than twenty one (21) days after entry of an order appointing lead plaintiff's counsel in the consolidated action encompassing the above captioned action, plaintiff(s) in the consolidated action shall serve and file a consolidated amended complaint that shall serve as the operative complaint, superseding the complaint in this action. Fitch shall move, answer or otherwise respond to the consolidated amended complaint not later than forty-five days after service upon defendants counsel of the consolidated amended complaint. Plaintiffs in the consolidated action shall have (45) days to file a response to any motion to dismiss filed by Fitch, and Fitch shall have thirty (30) days to file a reply brief in support of its motion. (Signed by Judge Shira A. Scheindlin on 8/13/2008) (jpo) (Entered: 08/14/2008)
11	Aug. 26, 2008	7	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Mario Alba, Jr. dated 8/26/08 re: Investors must file a motion no later than 9/2/08. ENDORSEMENT: Counsel may promptly file its motion for appointment as lead plaintiff without need for a premotion conference. SO ORDERED. (Motions due by 9/2/2008.) (Signed by Judge Shira A. Scheindlin on 8/26/08) (db) (Entered: 08/27/2008)
12	Aug. 28, 2008	8	AFFIDAVIT OF SERVICE of Summons and Complaint,. Fitch Group, Inc. served on 7/21/2008, answer due 8/11/2008. Service was accepted by Viola Fong, Asst. General Counsel. Document filed by Indiana Laborers Pension Fund(Individually). (Rudman, Samuel) (Entered: 08/28/2008)

Req #	Filed	#	Docket Text
13	Aug. 28, 2008	9	AFFIDAVIT OF SERVICE of Summons and Complaint,. John Schiavetta served on 7/26/2008, answer due 8/15/2008. Service was accepted by Joseph M., Doorman. Document filed by Indiana Laborers Pension Fund(Individually). (Rudman, Samuel) (Entered: 08/28/2008)
14	Sep. 02, 2008	10	MOTION to Appoint Indiana Laborers Pension Fund to serve as lead plaintiff(s) and for Approval of Selection of Lead Counsel. Document filed by Indiana Laborers Pension Fund(Individually). (Attachments: # 1 Exhibit A - [Proposed Order])(Alba, Mario) (Entered: 09/02/2008)
15	Sep. 02, 2008	11	MEMORANDUM OF LAW in Support re: 10 MOTION to Appoint Indiana Laborers Pension Fund to serve as lead plaintiff(s) and for Approval of Selection of Lead Counsel. MOTION to Appoint Indiana Laborers Pension Fund to serve as lead plaintiff(s) and for Approval of Selection of Lead Counsel.. Document filed by Indiana Laborers Pension Fund(Individually). (Alba, Mario) (Entered: 09/02/2008)
16	Sep. 02, 2008	12	DECLARATION of Mario Alba Jr. in Support re: 10 MOTION to Appoint Indiana Laborers Pension Fund to serve as lead plaintiff(s) and for Approval of Selection of Lead Counsel. MOTION to Appoint Indiana Laborers Pension Fund to serve as lead plaintiff(s) and for Approval of Selection of Lead Counsel.. Document filed by Indiana Laborers Pension Fund(Individually). (Attachments: # 1 Exhibit A - press release, # 2 Exhibit B - loss chart, # 3 Exhibit C - certification, # 4 Exhibit D - firm resume)(Alba, Mario) (Entered: 09/02/2008)
17	Sep. 05, 2008	13	ORDER APPOINTING LEAD PLAINTIFF AND APPROVING SELECTION OF LEAD COUNSEL: Having considered the Motion of Indiana Laborers Pension Fund 1. Indiana Laborers is hereby appointed Lead Plaintiff for the Class pursuant to Section 21D of the Securities Exchange Act of 1934 and 2. The law firm of Coughlin Stoia Geller Rudman & Robbins LLP. is hereby appointed Lead Counsel. So Ordered (Signed by Judge Shira A. Scheindlin on 9/5/08) (js) (Entered: 09/05/2008)
18	Sep. 29, 2008	14	STIPULATION AND ORDER EXTENDING TIME TO FILE AMENDED COMPLAINT, MOTION TO DISMISS AND RELATED BRIEFING: Lead Plaintiff shall serve its Amended Complaint by 10/3/08. Defendant shall serve their motion to dismiss or answer forty-five (45) days after service of the amended complaint. Lead Plaintiff shall serve its opposition to defendants' motion to dismiss 30 days after service of defendants' motion to dismiss. Defendants shall serve their reply papers 15 days after service of lead plaintiff's opposition to defendants' motion to dismiss. (Signed by Judge Shira A. Scheindlin on 9/29/08) (tro) (Entered: 09/30/2008)
19	Oct. 03, 2008	15	NOTICE OF VOLUNTARY DISMISSAL Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) John Schiavetta, Fimalac, S.A., Fitch Group, Inc., Fitch Ratings, Ltd., Marc Ladreit De Lacharriere, Stephen W. Joynt. Document filed by Indiana Laborers Pension Fund(Individually). (Rosenfeld, David) (Entered: 10/03/2008)

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