

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:09-cv-00408-RRM-MDG**

Chiarenza v. IBSG International, Inc. et al
Assigned to: Judge Roslynn R. Mauskopf
Referred to: Magistrate Judge Marilyn D. Go
Cause: 28:1331 Fed. Question

Date Filed: 01/30/2009
Date Terminated: 09/10/2009
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Plaintiff

Anthony Chiarenza
Individually and On Behalf of all Others
Similarly Situated

represented by **Eduard Korsinsky**
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V.

Defendant

IBSG International, Inc.

Defendant

Michael Rivers

Defendant

Geoffrey Birch

represented by **David John Hoffman**
David J. Hoffman, Attorney at Law

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Defendant

Jewett, Schwartz, Wolfe & Associates

represented by **Kenneth A. McLellan**
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Date Filed	#	Docket Text
01/30/2009	<u>1</u>	COMPLAINT against IBSG International, Inc., Michael Rivers, Geoffrey Birch, Jewett, Schwartz, Wolfe & Associates \$ 350, filed by Anthony Chiarenza. (Attachments: # <u>1</u> Civil Cover Sheet) (Davis, Kimberly) (Entered: 02/02/2009)
03/30/2009	<u>2</u>	MOTION to Appoint Counsel <i>Levi & Korsinsky LLP</i> by Anthony Chiarenza. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit, # <u>3</u> Proposed Order) (Korsinsky, Eduard) (Entered: 03/30/2009)
04/17/2009		SCHEDULING ORDER: A status conference has been scheduled for May 4, 2009 at 11:00 a.m., before Roslynn R. Mauskopf, USDJ re: Doc. No. <u>2</u> Motion to Appoint Counsel. Counsel for plaintiff is requested to participate in this conference, via telephone. Please telephone chambers at (718)613-2210. Ordered by Judge Roslynn R. Mauskopf on 4/17/2009. (Klein, Vivian) (Entered: 04/17/2009)
04/29/2009	<u>3</u>	MOTION for pre motion conference <i>Letter to Hon. Mauskopf regarding May 4 status conference; additional relief needed</i> by Anthony Chiarenza. (Korsinsky, Eduard) (Entered: 04/29/2009)
05/04/2009	<u>4</u>	Minute Entry for proceedings held before Judge Roslynn R. Mauskopf: Status Conference held on 5/4/2009. Decision reserved on the Motion for Appointment of Lead Counsel, Doc. No. <u>2</u> . Plaintiff to file by May 8, 2009 supplemental papers briefing the Courts concerns raised at todays conference. The motion to lift the stay of discovery, Doc. No. <u>3</u> is to be directed to Magistrate Go. (Court Reporter: Anthony Mancuso) (Brucella, Michelle) (Entered: 05/04/2009)
05/07/2009		ORDER terminating <u>3</u> Motion for Pre Motion Conference. Conference held on 5/4/09. Ordered by Judge Roslynn R. Mauskopf on 5/7/2009. (Klein, Vivian)

		(Entered: 05/07/2009)
05/08/2009	<u>5</u>	AFFIDAVIT/DECLARATION in Support re <u>2</u> MOTION to Appoint Counsel <i>Levi & Korsinsky LLP Supplemental Declarations of Elizabeth Berney and Juan Monteverde and Supplemental Certifications of Jeffrey Bonvallat and Anthony Chiarenza Providing Additional Details per Court request on May 4, 2009</i> filed by Anthony Chiarenza. (Berney, Elizabeth) (Entered: 05/08/2009)
05/13/2009	<u>6</u>	NOTICE of Appearance by Kenneth A. McLellan on behalf of Jewett, Schwartz, Wolfe & Associates (aty to be noticed) (McLellan, Kenneth) (Entered: 05/13/2009)
05/14/2009	<u>7</u>	Letter MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>or otherwise move or respond with respect to the Complaint</i> by Jewett, Schwartz, Wolfe & Associates. (McLellan, Kenneth) (Entered: 05/14/2009)
05/19/2009		ORDER granting <u>7</u> Motion for Extension of Time to Answer. Defendant Jewett, Schwartz Wolfe & Associates to file Answer on or before June 25, 2009. So Ordered by Judge Roslynn R. Mauskopf on 5/19/2009. (Toribio, Winnethka) (Entered: 05/19/2009)
05/27/2009	<u>8</u>	NOTICE of Appearance by David John Hoffman on behalf of Geoffrey Birch (aty to be noticed) (Hoffman, David) (Entered: 05/27/2009)
06/01/2009	<u>9</u>	MOTION to Dismiss <i>or to transfer action to Middle District of Florida</i> by Geoffrey Birch. (Hoffman, David) (Entered: 06/01/2009)
06/01/2009	<u>10</u>	MEMORANDUM in Support re <u>9</u> MOTION to Dismiss <i>or to transfer action to Middle District of Florida</i> filed by Geoffrey Birch. (Hoffman, David) (Entered: 06/01/2009)
06/18/2009	<u>11</u>	First MOTION for Extension of Time to File Response/Reply as to <u>10</u> Memorandum in Support by Anthony Chiarenza. (Berney, Elizabeth) (Entered: 06/18/2009)
06/22/2009		ORDER granting <u>11</u> Motion for Extension of Time to File Response/Reply. Plaintiff shall respond to Defendant's MOTION to Dismiss or to transfer action to Middle District of Florida by July 7, 2009. Ordered by Judge Roslynn R. Mauskopf on 6/22/2009. (Toribio, Winnethka) (Entered: 06/22/2009)
06/23/2009	<u>12</u>	Letter MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>or otherwise move or respond with respect to the Complaint</i> by Jewett, Schwartz, Wolfe & Associates. (McLellan, Kenneth) (Entered: 06/23/2009)
06/25/2009		ORDER granting <u>12</u> Letter MOTION for Extension of Time to File Answer: Defendant Jewett, Schwartz, Wolfe & Associates request for an extension of time to file an answer, move or respond to the Complaint in this action is extended to July 7, 2009. Ordered by Judge Roslynn R. Mauskopf on 6/25/2009. (Toribio, Winnethka) (Entered: 06/25/2009)
06/30/2009	<u>13</u>	SCHEDULING ORDER: Initial Conference set for 7/9/2009 09:30 AM before Magistrate Judge Marilyn D. Go. Ordered by Magistrate Judge Marilyn D. Go on 6/30/2009. (DeVeaux, Yvonne) (Entered: 06/30/2009)
06/30/2009	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice <i>as to Paul K. Silverberg</i> by Geoffrey Birch. (Brucella, Michelle) (Entered: 06/30/2009)

06/30/2009	15	MOTION for Leave to Appear Pro Hac Vice <i>as to Kraig S. Weiss</i> by Geoffrey Birch. (Brucella, Michelle) (Entered: 06/30/2009)
07/07/2009	16	Letter MOTION for Extension of Time to File Answer <i>or otherwise move or respond with respect to the Complaint and request for a Pre-Motion Conference</i> by Jewett, Schwartz, Wolfe & Associates. (McLellan, Kenneth) (Entered: 07/07/2009)
07/08/2009		ORDER granting 14 Motion for Leave to Appear Pro Hac Vice as to Paul K. Silverberg. Ordered by Judge Roslynn R. Mauskopf on 7/8/2009. (Toribio, Winnethka) (Entered: 07/08/2009)
07/08/2009		ORDER granting 15 Motion for Leave to Appear Pro Hac Vice as to Kraig S. Weiss. Ordered by Judge Roslynn R. Mauskopf on 7/8/2009. (Toribio, Winnethka) (Entered: 07/08/2009)
07/08/2009	17	Letter MOTION for Discovery <i>requesting adjournment of Initial Conference</i> by Jewett, Schwartz, Wolfe & Associates. (McLellan, Kenneth) (Entered: 07/08/2009)
07/08/2009	18	ORDER: Upon consideration and review of all the lead plaintiff motions filed herein, the Court hereby appoints Anthony Chiarenza, Jeffrey Bonvallat, and Pierce Lord as Lead Plaintiffs for the Class in this action. The Court approves the selection of Levi & Korsinsky, LLP as Lead Counsel in this action. (See document for further details) Ordered by Judge Roslynn R. Mauskopf on 7/8/2009. (Brucella, Michelle) (Entered: 07/08/2009)
07/08/2009		ORDER granting 17 Motion. The initial conference is adjourned to July 29, 2009 at 3:00 p.m. Besides the matters noted in the original initial conference order, the parties must be prepared to discuss the discovery needed with respect to any forum non conveniens motion that may be filed and possible terms for resolving the question of transfer. Ordered by Magistrate Judge Marilyn D. Go on 7/8/2009. (Go, Marilyn) (Entered: 07/08/2009)
07/08/2009		SCHEDULING ORDER re 16 . The Court will hold a pre-motion conference on August 14, 2009 at 12:00p.m . Counsel for all parties must attend. The conference will take place before Judge Mauskopf in Courtroom N6F on the 6th floor of the North Wing, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York. Counsel shall confer to ensure that all parties are aware of the date and time of the conference. On or before July 31, 2009 , counsel for Plaintiff shall file a letter, not to exceed three (3) pages, responding to the issues raised in the letter requesting a pre-motion conference (Docket No. 16). Ordered by Judge Roslynn R. Mauskopf on 7/8/2009. (Toribio, Winnethka) (Entered: 07/08/2009)
07/24/2009	19	STIPULATION <i>Joint Stipulation of Defendant Geoffrey Birch and Lead Plaintiffs to Transfer this Matter to the US District Court for the Southern District of Florida Pursuant to 28 USC sec 1404 and to Lift the PSLRA Discovery Stay as to Birch, and to Address Certain Related Matters</i> by Anthony Chiarenza (Berney, Elizabeth) (Entered: 07/24/2009)
07/28/2009		NOTICE: In light of the stipulation that was filed, the Initial Conference is canceled. (DeVeaux, Yvonne) Modified on 7/28/2009 (DeVeaux, Yvonne). (Entered: 07/28/2009)
07/29/2009		SCHEDULING ORDER: The Court will hold a telephone conference on July 30,

		2009 12:00 p.m . The call is to be arranged among counsel. Once the attorneys for all parties are on the line, please call Chambers at (718) 613-2210. Counsel should confer with one another to ensure that all parties are aware of the scheduled telephone conference. Ordered by Judge Roslynn R. Mauskopf on 7/29/2009. (Toribio, Winnethka) (Entered: 07/29/2009)
07/30/2009	20	Minute Entry for proceedings held before Judge Roslynn R. Mauskopf: Telephone Conference held on 7/30/2009. Defendants shall serve their motion papers re: motion to transfer on or before August 7, 2009. Plaintiff shall serve her opposition papers by August 14, 2009; and Defendants shall file their fully-briefed motion submissions by August 20, 2009. The pre-motion conference originally scheduled for August 14, 2009 has been adjourned until further notice. (Court Reporter: Marsha Diamond) (Brucella, Michelle) (Entered: 07/30/2009)
08/06/2009	21	Notice of MOTION to Dismiss <i>and Brief in Support</i> by Jewett, Schwartz, Wolfe & Associates. Responses due by 8/14/2009 (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B) (McLellan, Kenneth) (Entered: 08/06/2009)
08/06/2009	22	Letter MOTION to Dismiss <i>cover letter to motion</i> by Jewett, Schwartz, Wolfe & Associates. Responses due by 8/14/2009 (McLellan, Kenneth) (Entered: 08/06/2009)
08/06/2009		ORDER TERMINATING [21,22] Motion to Dismiss <i>as improperly filed</i> : Pursuant to Rule III(B)(2) of this Courts Individual Motion Practices and Rules, motions are to be filed only when fully briefed . Once briefing on this motion is completed, Defendant Jewett, Schwartzs Counsel shall electronically file a complete set of motion papers and submit courtesy copies to Chambers. Defendants Counsel is directed to familiarize himself with this Courts Individual Motion Practices and Rules and to comply fully with their requirements in the future. Ordered by Judge Roslynn R. Mauskopf on 8/6/2009. (Rowland, Matthew) (Entered: 08/06/2009)
08/20/2009	23	Fully Briefed MOTION to Dismiss <i>Plaintiffs' Complaint</i> by Jewett, Schwartz, Wolfe & Associates. Responses due by 8/20/2009 (Attachments: # 1 Civil Cover Sheet Cover Letter, # 2 Notice of Motion Defendant Birch, # 3 Memorandum in Support Defendant Birch, # 4 Memorandum in Opposition Plaintiffs' Response, # 5 Memorandum in Support Jewett Reply Brief) (McLellan, Kenneth) (Entered: 08/20/2009)
09/10/2009	24	MEMORANDUM AND ORDER: Because of the number of factors favoring transfer outweigh those opposing it, this action should be transferred to the Southern District of Florida. Ordered by Judge Roslynn R. Mauskopf on 9/4/2009. (Case transferred to District of Southern District of Florida. Original file, certified copy of transfer order, and docket sheet sent.) ALL FILINGS ARE TO BE MADE IN THE TRANSFER COURT, DO NOT DOCKET TO THIS CASE. (Brucella, Michelle) (Entered: 09/10/2009)
09/14/2009		NOTICE CASE: 1:09-cv-00408DETAILS: Case transferred from New York Eastern has been opened in Southern District of Florida as case 1:09-cv-22736, filed 09/14/2009. (Marziliano, August) (Entered: 09/14/2009)

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