

US District Court Civil Docket as of 03/25/2011  
Retrieved from the court on March 31, 2011

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CIVIL DOCKET FOR CASE #: 2:09-cv-01479-ROS**

de La Soujeole, et al. v. Matrixx Initiatives, Inc. et al  
Assigned to: Chief Judge Roslyn O Silver  
Related Case: 2:09-cv-01951-SRB  
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 07/17/2009  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: Federal Question

**Plaintiff**

**David Shapiro**  
*Individually and On Behalf Of All Others  
Similarly Situated*

represented by **Christopher S Jones ,**  
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**Plaintiff**

**Axel Alegre de La Soujeole**  
*Lead Plaintiff*

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V.

**Defendant**

**Matrixx Initiatives Incorporated**

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**Defendant**

**William J Hemelt**

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**David B Rosenbaum**  
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*ATTORNEY TO BE NOTICED*

**Maureen Beyers**

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*ATTORNEY TO BE NOTICED*

**Michael G Yoder**

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*ATTORNEY TO BE NOTICED*

**Molly J Magnuson**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Samuel C Cowley**

represented by **Amy J Longo**

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*ATTORNEY TO BE NOTICED*

**David B Rosenbaum**

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*ATTORNEY TO BE NOTICED*

**Maureen Beyers**

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**Michael G Yoder**

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*ATTORNEY TO BE NOTICED*

**Molly J Magnuson**

(See above for address)

*ATTORNEY TO BE NOTICED*

**Defendant**

**Timothy L Clarot**

represented by **Amy J Longo**

(See above for address)

*ATTORNEY TO BE NOTICED*

**David B Rosenbaum**

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*ATTORNEY TO BE NOTICED*

**Maureen Beyers**

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**Michael G Yoder**

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*ATTORNEY TO BE NOTICED*

**Molly J Magnuson**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Carl J Johnson**

represented by **Amy J Longo**  
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*ATTORNEY TO BE NOTICED*

**David B Rosenbaum**  
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*ATTORNEY TO BE NOTICED*

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**Michael G Yoder**  
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**Molly J Magnuson**  
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*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/17/2009	<u>1</u>	COMPLAINT. Filing fee received: \$ 350.00, receipt number 09700000000003008766, filed by David Shapiro. (Attachments: # <u>1</u> Exhibit A (Certificate in Support of Class Action), # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons Clarot, # <u>4</u> Summons Cowley, # <u>5</u> Summons Hemelt, # <u>6</u> Summons Johnson, # <u>7</u> Summons Matrixx)(Himelrick, Richard) (Entered: 07/17/2009)
07/17/2009	2	This case has been assigned to the Honorable Edward C. Voss. All future pleadings or documents should bear the correct case number: CV-09-1479-PHX-ECV. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (AMB) (Entered: 07/20/2009)
07/17/2009	<u>3</u>	Magistrate Election Form Deadline. (Attachments: # <u>1</u> Magistrate consent form)(AMB) (Entered: 07/20/2009)
07/17/2009	<u>4</u>	Summons Issued as to Matrixx Initiatives, Inc., William J Hemelt, Samuel C Cowley, Timothy L Clarot, Carl J Johnson. (Attachments: # <u>1</u> William J Hemlet, # <u>2</u> Samuel C Cowley, # <u>3</u> Timothy L Clarot, # <u>4</u> Carl J Johnson)(AMB). *** IMPORTANT: You must select "Document and stamps" or "Document and comments" on the print screen in order for the court seal to appear on the summons you print. (Entered: 07/20/2009)
07/21/2009	5	Agreement to Magistrate Judge Jurisdiction. Party agrees to Magistrate Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated

		with this entry. (MAP) (Entered: 07/22/2009)
07/24/2009	<u>6</u>	SUMMONS Returned Executed by David Shapiro. Matrixx Initiatives, Inc. served on 7/21/2009. (Attachments: # <u>1</u> Summons)(Himelrick, Richard) (Entered: 07/24/2009)
07/28/2009	<u>7</u>	SUMMONS Returned Executed by David Shapiro. William J Hemelt served on 7/22/2009. (Attachments: # <u>1</u> Summons)(Himelrick, Richard) (Entered: 07/28/2009)
08/06/2009	<u>8</u>	STIPULATION FOR EXTENSION OF TIME TO ANSWER COMPLAINT <i>Joint Stipulation Extending Time to Respond to Complaint - First Request</i> by Carl J Johnson, Samuel C Cowley, William J Hemelt, Matrixx Initiatives, Inc., Timothy L Clarot. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Stipulated Schedule)(Beyers, Maureen) (Entered: 08/06/2009)
08/06/2009	<u>9</u>	NOTICE of Appearance by Maureen Beyers on behalf of Timothy L Clarot, Samuel C Cowley, William J Hemelt, Carl J Johnson, Matrixx Initiatives, Inc. (Beyers, Maureen) (Entered: 08/06/2009)
08/12/2009	<u>10</u>	ORDER pursuant to Joint <u>8</u> Stipulation For Extension of Time To Answer Complaint: that Defendants shall have until on or before October 14, 2009, to move, answer or otherwise respond to the Complaint. Signed by Magistrate Judge Edward C Voss on 8/11/09. (KMG, ) (Entered: 08/12/2009)
08/12/2009	<u>11</u>	MOTION for Admission Pro Hac Vice as to attorney Christopher S Jones on behalf of David Shapiro. (BAS) (Entered: 08/12/2009)
08/12/2009	<u>12</u>	MOTION for Admission Pro Hac Vice as to attorney Maya Saxena on behalf of David Shapiro. (BAS) (Entered: 08/12/2009)
08/12/2009	<u>13</u>	MOTION for Admission Pro Hac Vice as to attorney Joseph E White III on behalf of David Shapiro. (BAS) (Entered: 08/12/2009)
08/12/2009	<u>14</u>	MOTION for Admission Pro Hac Vice as to attorney Lester R Hooker on behalf of David Shapiro. (BAS) (Entered: 08/12/2009)
08/12/2009		PRO HAC VICE FEE PAID. \$ 200, receipt number PHX087410, PHX087411, PHX087412, and PHX087413 as to Joseph E White, Maya Saxena, Lester R Hooker, Christopher S Jones. (BAS, ) (Entered: 08/12/2009)
08/12/2009	<u>15</u>	ORDER pursuant to General Order 05-25 granting <u>11</u> Motion for Admission Pro Hac Vice; granting <u>12</u> Motion for Admission Pro Hac Vice; granting <u>13</u> Motion for Admission Pro Hac Vice; granting <u>14</u> Motion for Admission Pro Hac Vice.Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS, )(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 08/12/2009)
08/28/2009	<u>16</u>	MOTION for Admission Pro Hac Vice as to attorney Amy Jane Longo on behalf of Matrixx Initiatives, Inc. (BAS) (Entered: 08/31/2009)
08/28/2009	<u>17</u>	MOTION for Admission Pro Hac Vice as to attorney Molly J Magnuson on behalf of Matrixx Initiatives, Inc. (BAS) (Entered: 08/31/2009)
08/28/2009	<u>18</u>	MOTION for Admission Pro Hac Vice as to attorney Michael Yoder on behalf of

		Matrixx Initiatives, Inc. (BAS) (Entered: 08/31/2009)
08/31/2009		PRO HAC VICE FEE PAID. \$ 150, receipt number PHX087967 as to Molly J Magnuson, Michael G Yoder, Amy J Longo. (BAS) (Entered: 08/31/2009)
08/31/2009	<u>19</u>	ORDER pursuant to General Order 05-25 granting <u>16</u> Motion for Admission Pro Hac Vice; granting <u>17</u> Motion for Admission Pro Hac Vice; granting <u>18</u> Motion for Admission Pro Hac Vice.Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS, )(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 08/31/2009)
09/10/2009	<u>20</u>	Ordered that Timothy L Clarot, Samuel C Cowley, William J Hemelt, Carl J Johnson, Matrixx Initiatives, Inc. show cause for failure to comply with LRCiv 3.8(a) before Judge Roslyn O Silver. Show Cause Hearing set for 10/15/2009 01:30 PM before Judge Roslyn O Silver. (Attachments: # <u>1</u> Instructions, # <u>2</u> Consent Form)(MAP) (Entered: 09/10/2009)
09/11/2009	<u>21</u>	Party Elects Assignment of Case to District Judge Jurisdiction. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 09/14/2009)
09/14/2009	<u>22</u>	Minute Order Pursuant to Local Rule 3.8(a), a request has been received for a random reassignment of this case to a District Judge FURTHER ORDERED Case reassigned by random draw to Judge Roslyn O. Silver. All further pleadings/papers should now list the following COMPLETE case number: CV 09-1479-PHX-ROS. FURTHER ORDERED that the Order to Show Cause hearing scheduled for 10/15/09 is hereby VACATED. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (MAP) (Entered: 09/14/2009)
09/14/2009	<u>23</u>	NOTICE of Appearance by David B Rosenbaum on behalf of Timothy L Clarot, Samuel C Cowley, William J Hemelt, Carl J Johnson, Matrixx Initiatives, Inc. (Rosenbaum, David) (Entered: 09/14/2009)
09/15/2009	<u>24</u>	MOTION for Appointment as Lead Plaintiff and Approval of Selection of Co-Lead and Local Counsel by David Shapiro. (Attachments: # <u>1</u> Exhibit A - Declaration of Joseph E. White, III in Support of Motion for Appointment as Lead Plaintiff and Approval of Selection of Co-Lead and Local Counsel, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Text of Proposed Order Appointing Lead Plaintiff and Appointing Counsel)(Himelrick, Richard) (Entered: 09/15/2009)
09/18/2009	<u>25</u>	ORDER denying <u>24</u> Motion for Appointment as Lead Plaintiff. Signed by Judge Roslyn O Silver on 9/17/09.(TLJ) (Entered: 09/18/2009)
09/18/2009	<u>26</u>	MOTION for Appointment as Lead Plaintiff and Approval of Selection of Co-Lead and Local Counsel ( <i>REFILED PER THE COURT'S 09/17/09 ORDER [DKT. 25]</i> ) by David Shapiro. (Attachments: # <u>1</u> Exhibit A - Declaration of Joseph E. White, III in Support of Motion for Appointment as Lead Plaintiff and Approval of Selection of Co-Lead and Local Counsel, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Text of Proposed Order Appointing Lead Plaintiff)(Himelrick, Richard) (Entered: 09/18/2009)

10/13/2009	<u>27</u>	STIPULATION FOR EXTENSION OF TIME TO ANSWER COMPLAINT <i>Joint Stipulation Extending Time to Respond to Complaint</i> by Carl J Johnson, Samuel C Cowley, William J Hemelt, Matrixx Initiatives, Inc., Timothy L Clarot. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order Granting Stipulated Schedule)(Rosenbaum, David) (Entered: 10/13/2009)
10/15/2009	<u>28</u>	ORDER pursuant to <u>27</u> Stipulation For Extension of Time To Answer Complaint, Plaintiff shall have 60 days from the date an order is issued resolving plaintiff's Motion for Appointment of Lead Plaintiff and Counsel to file an amended complaint. Defendants shall have 60 days from the filing of an amended complaint to move, answer or otherwise respond to the complaint. Plaintiff shall have 60 days from the filing of any responsive motion by defendants to oppose such motion. Defendants shall have 45 days from the filing of any opposition to a responsive motion to file their reply. Signed by Judge Roslyn O Silver on 10/14/09. (DMT, ) (Entered: 10/15/2009)
07/28/2010	<u>29</u>	ORDER that Movant's <u>26</u> Motion for Appointment as Lead Plaintiff and Approval of Selection of Co-lead and Local Counsel IS GRANTED. Signed by Judge Roslyn O Silver on 07/27/10. (ESL) (Entered: 07/28/2010)
09/27/2010	<u>30</u>	AMENDED COMPLAINT [CLASS ACTION] FOR VIOLATION OF THE FEDERAL SECURITIES LAWS against Timothy L Clarot, Samuel C Cowley, William J Hemelt, Carl J Johnson, Matrixx Initiatives Incorporated, filed by David Shapiro.(Christian, Jeremy) (Entered: 09/27/2010)
11/24/2010	<u>31</u>	MOTION to Dismiss Case - <i>Motion to Dismiss Plaintiff's Amended Class Action Complaint</i> by Timothy L Clarot, Samuel C Cowley, William J Hemelt, Carl J Johnson, Matrixx Initiatives Incorporated. (Attachments: # <u>1</u> Request for Judicial Notice)(Beyers, Maureen) (Entered: 11/24/2010)
11/24/2010	<u>32</u>	DECLARATION of Amy J. Longo re <u>31</u> MOTION to Dismiss Case - <i>Motion to Dismiss Plaintiff's Amended Class Action Complaint</i> by Defendants Timothy L Clarot, Samuel C Cowley, William J Hemelt, Carl J Johnson, Matrixx Initiatives Incorporated. (Attachments: # <u>1</u> Exhibit Exhibits 1 - 9, # <u>2</u> Exhibit Exhibits 10 - 20, # <u>3</u> Exhibit Exhibits 21 - 22, # <u>4</u> Exhibit Exhibits 23 - 34, # <u>5</u> Exhibit Exhibits 35 - 41)(Beyers, Maureen) (Entered: 11/24/2010)
12/29/2010	<u>33</u>	Second MOTION for Extension of Time file opposition to motion to dismiss by Axel Alegre de La Soujeole. (Attachments: # <u>1</u> Text of Proposed Order)(Christian, Jeremy) Modified on 12/29/2010 (LSP). CORRECTION to "Motion for Extension of Time to File Response/Reply". (Entered: 12/29/2010)
01/03/2011	<u>34</u>	ORDER granting in part the parties' <u>33</u> Stipulated Motion to Extend Deadline - Pltf shall have until February 4, 2011 to file a response to Dfts' Motion to Dismiss <u>31</u> , and Dfts shall have 45 days from the filing of Pltf's response to file their reply. Signed by Judge Roslyn O Silver on 1/3/11.(CLB) (Entered: 01/03/2011)
02/04/2011	<u>35</u>	MOTION for Leave to File Excess Pages for Plaintiff's Opposition to Defendants' Motion to Dismiss Amended Class Action Complaint by Axel Alegre de La Soujeole. (Attachments: # <u>1</u> Text of Proposed Order)(Christian, Jeremy) (Entered: 02/04/2011)
02/04/2011	<u>36</u>	LODGED Proposed Plaintiff's Opposition to Defendants' Motion to Dismiss Amended Class Action Complaint re: <u>35</u> MOTION for Leave to File Excess Pages for Plaintiff's Opposition to Defendants' Motion to Dismiss Amended Class Action Complaint.

		Document to be filed by Clerk if Motion to Leave to File or Amend is granted. Filed by Axel Alegre de La Soujeole. (Christian, Jeremy) (Entered: 02/04/2011)
02/08/2011	<u>37</u>	ORDER granting <u>35</u> Motion for Leave to File Excess Pages, and Plaintiff's Opposition to Defendants' Motion to Dismiss Amended Class Action Complaint lodged at Document 36 shall be filed by the Clerk. Signed by Chief Judge Roslyn O Silver on 2/7/11.(DMT) (Entered: 02/08/2011)
02/08/2011	<u>38</u>	RESPONSE to Motion re <u>31</u> MOTION to Dismiss Case - <i>Motion to Dismiss Plaintiff's Amended Class Action Complaint</i> filed by Axel Alegre de La Soujeole, David Shapiro. (DMT) (Entered: 02/08/2011)
03/25/2011	<u>39</u>	REPLY to Response to Motion re <u>31</u> MOTION to Dismiss Case - <i>Motion to Dismiss Plaintiff's Amended Class Action Complaint Defendants Reply in Support of Motion to Dismiss Plaintiff's Amended Class Action Complaint</i> filed by Timothy L Clarot, Samuel C Cowley, William J Hemelt, Carl J Johnson, Matrixx Initiatives Incorporated. (Rosenbaum, David) (Entered: 03/25/2011)
03/25/2011	<u>40</u>	*SUPPLMENTAL Request for Judicial Notice by Timothy L Clarot, William J Hemelt, Carl J Johnson, Matrixx Initiatives Incorporated. (Attachments: # <u>1</u> Exhibit Supplemental Declaration of Amy J. Longo in Support of Defendants Motion to Dismiss Plaintiff's Amended Class Action Complaint)(Rosenbaum, David) *Modified on 3/29/2011 from motion to request* (DMT). (Entered: 03/25/2011)

Note: Links in this docket are stored in the PACER system (Public Access to Court Electronic Records). PACER is a service of United States Judiciary. To view and retrieve the linked documents from PACER, you must be a registered user. To register, fill out one of the registration forms available on the PACER site. The United States Congress has given the Judicial Conference of the United States, the judicial governing body of the U.S. Federal Courts, authority to impose user fees for electronic access to case information. For more information visit the PACER site at <http://pacer.psc.uscourts.gov/pacerdesc.html>