

**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 ,**
Saxena White
2424 N Federal Hwy
Ste 257
Boca Raton, FL 33431
561-394-3399
Fax: 561-394-3382
Email: cjones@saxenawhite.com
ATTORNEY TO BE NOTICED

Jeremy James Christian
Tiffany & Bosco PA
Camelback Esplanade II
2525 E Camelback Rd
3rd Floor
Phoenix, AZ 85016
602-255-6038
Fax: 602-255-0103
Email: jjc@tblaw.com
ATTORNEY TO BE NOTICED

Joseph E White , III
Saxena White
2424 N Federal Hwy
Ste 257
Boca Raton, FL 33431
561-394-3399
Fax: 561-394-3382
Email: jwhite@saxenawhite.com
ATTORNEY TO BE NOTICED

Lester R Hooker ,
Saxena White

2424 N Federal Hwy
Ste 257
Boca Raton, FL 33431
561-394-3399
Fax: 561-394-3382
Email: lhooker@saxenawhite.com
ATTORNEY TO BE NOTICED

Maya Saxena ,
Saxena White
2424 N Federal Hwy
Ste 257
Boca Raton, FL 33431
561-394-3399
Fax: 561-394-3382
Email: msaxena@saxenawhite.com
ATTORNEY TO BE NOTICED

Nadeem Faruqi
Faruqi & Faruqi LLP
369 Lexington Ave
10th Floor
New York, NY 10017-6531
212-983-9330
Fax: 212-983-9331
Email: nfaruqi@faruqilaw.com
ATTORNEY TO BE NOTICED

Richard Glenn Himelrick
Tiffany & Bosco PA
2525 E Camelback Rd
3rd Floor
Phoenix, AZ 85016
602-255-6021
Fax: 602-255-0103
Email: rgh@tblaw.com
ATTORNEY TO BE NOTICED

Vahn Alexander
Faruqi & Faruqi LLP
1901 Ave of the Stars
2nd Floor
Los Angeles, CA 90067
310-461-1426
Fax: 310-461-1427
ATTORNEY TO BE NOTICED

Plaintiff

Axel Alegre de La Soujeole
Lead Plaintiff

represented by **Christopher S Jones**
Saxena White

2424 N Federal Hwy
Ste 257
Boca Raton, FL 33431
561-394-3399
Fax: 561-394-3382
Email: cjones@saxenawhite.com
ATTORNEY TO BE NOTICED

Jeremy James Christian
(See above for address)
ATTORNEY TO BE NOTICED

Joseph E White , III
Saxena White
2424 N Federal Hwy
Ste 257
Boca Raton, FL 33431
561-394-3399
Fax: 561-394-3382
Email: jwhite@saxenawhite.com
ATTORNEY TO BE NOTICED

Maya Saxena
Saxena White
2424 N Federal Hwy
Ste 257
Boca Raton, FL 33431
561-394-3399
Fax: 561-394-3382
Email: msaxena@saxenawhite.com
ATTORNEY TO BE NOTICED

Nadeem Faruqi
(See above for address)
ATTORNEY TO BE NOTICED

Richard Glenn Himelrick
(See above for address)
ATTORNEY TO BE NOTICED

Vahn Alexander
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Matrixx Initiatives Incorporated

represented by **Amy J Longo**
OMelveny & Myers
610 Newport Center Dr

17th Floor
Newport Beach, CA 92660
949-823-7175
Fax: 949-823-6994
Email: alongo@omm.com
ATTORNEY TO BE NOTICED

David B Rosenbaum
Osborn Maledon PA
PO Box 36379
Phoenix, AZ 85067-6379
602-640-9000
Fax: 602-640-6051
Email: drosenbaum@omlaw.com
ATTORNEY TO BE NOTICED

Maureen Beyers
Osborn Maledon PA
P.O. Box 36379
Phoenix, AZ 85067-6379
602-640-9305
Fax: 602-664-2053
Email: mbeyers@omlaw.com
ATTORNEY TO BE NOTICED

Michael G Yoder
OMelveny & Myers
610 Newport Center Dr
17th Floor
Newport Beach, CA 92660
949-823-7936
Fax: 949-823-6994
Email: myoder@omm.com
ATTORNEY TO BE NOTICED

Molly J Magnuson
OMelveny & Myers
610 Newport Ctr. Dr., 17th Fl.
Newport Beach, CA 92660
949-823-7167
Fax: 949-823-6994
Email: mmagnuson@omm.com
ATTORNEY TO BE NOTICED

Defendant

William J Hemelt

represented by **Amy J Longo**
(See above for address)
ATTORNEY TO BE NOTICED

David B Rosenbaum

(See above for address)
ATTORNEY TO BE NOTICED

Maureen Beyers
(See above for address)
ATTORNEY TO BE NOTICED

Michael G Yoder
(See above for address)
ATTORNEY TO BE NOTICED

Molly J Magnuson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Samuel C Cowley

represented by **Amy J Longo**
(See above for address)
ATTORNEY TO BE NOTICED

David B Rosenbaum
(See above for address)
ATTORNEY TO BE NOTICED

Maureen Beyers
(See above for address)
ATTORNEY TO BE NOTICED

Michael G Yoder
(See above for address)
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
(See above for address)
ATTORNEY TO BE NOTICED

Maureen Beyers
(See above for address)
ATTORNEY TO BE NOTICED

Michael G Yoder

(See above for address)
ATTORNEY TO BE NOTICED

Molly J Magnuson
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Carl J Johnson

represented by **Amy J Longo**
(See above for address)
ATTORNEY TO BE NOTICED

David B Rosenbaum
(See above for address)
ATTORNEY TO BE NOTICED

Maureen Beyers
(See above for address)
ATTORNEY TO BE NOTICED

Michael G Yoder
(See above for address)
ATTORNEY TO BE NOTICED

Molly J Magnuson
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/17/2009	1	COMPLAINT. Filing fee received: \$ 350.00, receipt number 0970000000003008766, filed by David Shapiro. (Attachments: # 1 Exhibit A (Certificate in Support of Class Action), # 2 Civil Cover Sheet, # 3 Summons Clarot, # 4 Summons Cowley, # 5 Summons Hemelt, # 6 Summons Johnson, # 7 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	3	Magistrate Election Form Deadline. (Attachments: # 1 Magistrate consent form)(AMB) (Entered: 07/20/2009)
07/17/2009	4	Summons Issued as to Matrixx Initiatives, Inc., William J Hemelt, Samuel C Cowley, Timothy L Clarot, Carl J Johnson. (Attachments: # 1 William J Hemlet, # 2 Samuel C Cowley, # 3 Timothy L Clarot, # 4 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	6	SUMMONS Returned Executed by David Shapiro. Matrixx Initiatives, Inc. served on 7/21/2009. (Attachments: # 1 Summons)(Himelrick, Richard) (Entered: 07/24/2009)
07/28/2009	7	SUMMONS Returned Executed by David Shapiro. William J Hemelt served on 7/22/2009. (Attachments: # 1 Summons)(Himelrick, Richard) (Entered: 07/28/2009)
08/06/2009	8	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: # 1 Text of Proposed Order Proposed Order Granting Stipulated Schedule)(Beyers, Maureen) (Entered: 08/06/2009)
08/06/2009	9	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	10	ORDER pursuant to Joint 8 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	11	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	12	MOTION for Admission Pro Hac Vice as to attorney Maya Saxena on behalf of David Shapiro. (BAS) (Entered: 08/12/2009)
08/12/2009	13	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	14	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	15	ORDER pursuant to General Order 05-25 granting 11 Motion for Admission Pro Hac Vice; granting 12 Motion for Admission Pro Hac Vice; granting 13 Motion for Admission Pro Hac Vice; granting 14 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	16	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	17	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	18	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	19	ORDER pursuant to General Order 05-25 granting 16 Motion for Admission Pro Hac Vice; granting 17 Motion for Admission Pro Hac Vice; granting 18 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	20	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: # 1 Instructions, # 2 Consent Form)(MAP) (Entered: 09/10/2009)
09/11/2009	21	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	22	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	23	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	24	MOTION for Appointment as Lead Plaintiff and Approval of Selection of Co-Lead and Local Counsel by David Shapiro. (Attachments: # 1 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, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Text of Proposed Order Appointing Lead Plaintiff and Appointing Counsel)(Himelrick, Richard) (Entered: 09/15/2009)
09/18/2009	25	ORDER denying 24 Motion for Appointment as Lead Plaintiff. Signed by Judge Roslyn O Silver on 9/17/09.(TLJ) (Entered: 09/18/2009)
09/18/2009	26	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: # 1 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, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Text of Proposed Order Appointing Lead

		Plaintiff)(Himelrick, Richard) (Entered: 09/18/2009)
10/13/2009	27	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: # 1 Text of Proposed Order Proposed Order Granting Stipulated Schedule)(Rosenbaum, David) (Entered: 10/13/2009)
10/15/2009	28	ORDER pursuant to 27 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	29	ORDER that Movant's 26 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	30	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	31	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: # 1 Request for Judicial Notice)(Beyers, Maureen) (Entered: 11/24/2010)
11/24/2010	32	DECLARATION of Amy J. Longo re 31 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: # 1 Exhibit Exhibits 1 - 9, # 2 Exhibit Exhibits 10 - 20, # 3 Exhibit Exhibits 21 - 22, # 4 Exhibit Exhibits 23 - 34, # 5 Exhibit Exhibits 35 - 41)(Beyers, Maureen) (Entered: 11/24/2010)
12/29/2010	33	Second MOTION for Extension of Time file opposition to motion to dismiss by Axel Alegre de La Soujeole. (Attachments: # 1 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	34	ORDER granting in part the parties' 33 Stipulated Motion to Extend Deadline - Pltf shall have until February 4, 2011 to file a response to Dfts' Motion to Dismiss 31 , 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	35	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: # 1 Text of Proposed Order)(Christian, Jeremy) (Entered: 02/04/2011)
02/04/2011	36	LODGED Proposed Plaintiff's Opposition to Defendants' Motion to Dismiss Amended

		Class Action Complaint re: 35 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	37	ORDER granting 35 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	38	RESPONSE to Motion re 31 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	39	REPLY to Response to Motion re 31 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	40	*SUPPLEMENTAL Request for Judicial Notice by Timothy L Clarot, William J Hemelt, Carl J Johnson, Matrixx Initiatives Incorporated. (Attachments: # 1 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)
09/26/2011	41	ORDER denying 31 Motion to Dismiss. (See document for further details). Signed by Chief Judge Roslyn O Silver on 9/26/11.(LAD) (Entered: 09/26/2011)

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>