

# **Exhibit 1**

CLOSED,ECF,MAGCONSENT,MEMBER,RELATED

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:09-cv-06910-CM**

Beacon Associates Management Corp. v. Beacon Associates LLC I Date Filed: 08/05/2009  
Assigned to: Judge Colleen McMahon Date Terminated: 05/09/2013  
Lead case: [1:09-cv-00777-LBS](#) Jury Demand: None  
Member case: [\(View Member Case\)](#) Nature of Suit: 791 Labor: E.R.I.S.A.  
Related Cases: [1:09-cv-00777-LBS](#) Jurisdiction: Federal Question  
[1:14-cv-02294-AJP](#)  
Cause: 29:1002 E.R.I.S.A.: Employee Retirement

**Plaintiff****Beacon Associates Management Corp.**

represented by **Tab Keith Rosenfeld**  
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**Plaintiff****Richard Isaacson IRA Rollver**

V.

**Defendant****Beacon Associates LLC I**

represented by **Arthur Glenn Jakoby**  
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**Defendant**

**Adrienne Vittadini**

**Defendant**

**Bruce Slovin**

**Intervenor Defendant**

**Beacon Associates Management Corp.**

represented by **Steven Michael Kaplan**  
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**ATTORNEY TO BE NOTICED**

**Intervenor Defendant**

**Joel Danziger**

represented by **Steven Michael Kaplan**  
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**Intervenor Defendant**

**Harris Markhoff**

represented by **Steven Michael Kaplan**  
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**Intervenor Plaintiff**

**James Rounds**

*Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen & Apprentices Local 73 Fund, Plumbers & Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all*

represented by **Barbara J. Hart**  
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Local 73 Fund, Plumbers &  
Steamfitters Local 267 Pension Fund,  
Plumbers and Steamfitters Local 267  
Insurance Fund, on behalf of  
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**Intervenor Plaintiff****Lyle D. Fassett**

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**Intervenor Plaintiff****Patrick Carroll**

*Trustees for Plumbers Local 112 Health  
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Steamfitters Local 267 Pension Fund,  
Plumbers and Steamfitters Local 267  
Insurance Fund, on behalf of  
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**Intervenor Plaintiff****Patrick Carroll**

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Plumbers and Steamfitters Local 267  
Insurance Fund, on behalf of  
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**Intervenor Plaintiff****Timothy Rice**

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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

**Greg Lancette**

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**Intervenor Plaintiff**

**Brad Ward**

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**Intervenor Plaintiff****Brad Ward**

*Fiduciary for Plumbers Local 112  
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and U.A. of Journeymen & Apprentices  
Local 73 Fund, Plumbers &  
Steamfitters Local 267 Pension Fund,  
Plumbers and Steamfitters Local 267  
Insurance Fund, on behalf of  
themselves and all*

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**Thomas Michael Skelton**

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**Intervenor Plaintiff****David Fastenberg**

*Trustee, Long Island Vitreo-Retinal  
Consultants 401K FBO David  
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**Intervenor Plaintiff**

**Jordan Group, LLC**

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 TERMINATED: 06/02/2011  
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**Interpleader Plaintiff**

**Lyle D. Fassett**

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**Interpleader Plaintiff**

**Michael Rea**

*Manager*

**Cross Defendant**

**Beacon Associates Management Corp.**

represented by **Tab Keith Rosenfeld**  
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**Objector**

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**Thomas Burke**

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**William Smith**

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**Objector****PO William Weir**

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**Objector****Francis Wirt**

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**Interested Party****Estate of P. Neill Petronella**

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**Counter Claimant****Beacon Associates LLC I**

represented by **Arthur Glenn Jakoby**  
 (See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant****Beacon Associates Management Corp.**

represented by **Tab Keith Rosenfeld**  
 (See above for address)  
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Date Filed	#	Docket Text

08/05/2009	<a href="#">1</a>	COMPLAINT against Beacon Associates LLC I. (Filing Fee \$ 350.00, Receipt Number 696495)Document filed by Beacon Associates Management Corp. (Attachments: # <a href="#">1</a> Exhibit, # <a href="#">2</a> Exhibit)(mro) (Entered: 08/06/2009)
08/05/2009		SUMMONS ISSUED as to Beacon Associates LLC I. (mro) (Entered: 08/06/2009)
08/05/2009		CASE REFERRED TO Judge Leonard B. Sand as possibly related to 09-cv-777. (mro) (Entered: 08/06/2009)
08/05/2009		Case Designated ECF. (mro) (Entered: 08/06/2009)
08/05/2009	<a href="#">2</a>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Beacon Associates LLC I.(mro) (Entered: 08/06/2009)
08/13/2009		CASE ACCEPTED AS RELATED. Create association to 1:09-cv-00777-LBS. Notice of Assignment to follow. (ldi) (Entered: 08/14/2009)
08/13/2009	<a href="#">3</a>	NOTICE OF CASE ASSIGNMENT to Judge Leonard B. Sand. Judge Unassigned is no longer assigned to the case. (ldi) (Entered: 08/14/2009)
08/13/2009		Magistrate Judge Andrew J. Peck is so designated. (ldi) (Entered: 08/14/2009)
08/26/2009	<a href="#">4</a>	INTERVENOR COMPLAINT against Beacon Associates Management Corp., Joel Danziger, Harris Markhoff.Document filed by James Rounds, James Rounds, Lyle D. Fassett, Lyle D. Fassett, Patrick Carroll, Patrick Carroll, Timothy Rice, Timothy Rice, Greg Lancette, Greg Lancette, Brad Ward, Brad Ward, Bryan Allen, Bryan Allen.(laq) (ama). (Entered: 08/31/2009)
08/26/2009		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Barbara J. Hart for noncompliance with Section (14.3) of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <a href="#">4</a> Intervenor Complaint, to: case_openings@nysd.uscourts.gov. (laq) (Entered: 08/31/2009)
09/18/2009	<a href="#">5</a>	MOTION to Dismiss <i>the Class Action Complaint in Intervention</i> . Document filed by Beacon Associates Management Corp..(Rosenfeld, Tab) (Entered: 09/18/2009)
09/18/2009	<a href="#">6</a>	MEMORANDUM OF LAW in Support re: <a href="#">5</a> MOTION to Dismiss <i>the Class Action Complaint in Intervention</i> .. Document filed by Beacon Associates Management Corp.. (Rosenfeld, Tab) (Entered: 09/18/2009)
09/18/2009	<a href="#">7</a>	DECLARATION of Tab K. Rosenfeld in Support re: <a href="#">5</a> MOTION to Dismiss <i>the Class Action Complaint in Intervention</i> .. Document filed by Beacon Associates Management Corp.. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D)(Rosenfeld, Tab) (Entered: 09/18/2009)
10/09/2009	<a href="#">8</a>	MEMORANDUM OF LAW in Opposition re: <a href="#">5</a> MOTION to Dismiss <i>the Class Action Complaint in Intervention</i> .. Document filed by James Rounds (Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen & Apprentices Local 73 Fund, Plumbers &

		<p>Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all), Lyle D. Fassett, Patrick Carroll(Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all), Timothy Rice, Greg Lancette(Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all), Brad Ward(Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all), Bryan Allen(Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all). (Attachments: # <a href="#">1</a> Certificate of Service)(Skelton, Thomas) (Entered: 10/09/2009)</p>
10/09/2009	<a href="#">9</a>	<p>DECLARATION of Thomas M. Skelton, Esq. in Opposition re: <a href="#">5</a> MOTION to Dismiss <i>the Class Action Complaint in Intervention</i>.. Document filed by James Rounds(Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all), Lyle D. Fassett, Patrick Carroll(Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all), Timothy Rice, Greg Lancette(Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all), Brad Ward (Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all), Bryan Allen(Trustees for Plumbers Local 112 Health Fund, Local 73 Retirement Fund and U.A. of Journeymen &amp; Apprentices Local 73 Fund, Plumbers &amp; Steamfitters Local 267 Pension Fund, Plumbers and Steamfitters Local 267 Insurance Fund, on behalf of themselves and all). (Attachments: # <a href="#">1</a> Exhibit Exhibit 1 Beacon Offering Documents Part 1, # <a href="#">2</a> Exhibit Exhibit 1 Beacon Offering Documents part 2, # <a href="#">3</a> Exhibit Exhibit 2 Beacon and Plaintiff correspondence, # <a href="#">4</a> Exhibit Exhibit 3 Beacon Consolidated Amended Complaint, # <a href="#">5</a> Exhibit Exhibit 3 Beacon Consolidated Amended Complaint Part 2, # <a href="#">6</a> Exhibit Exhibit 4 Stipulation and Proposed Order, # <a href="#">7</a> Certificate of Service)(Skelton, Thomas) (Entered: 10/09/2009)</p>
10/26/2009	<a href="#">10</a>	<p>REPLY MEMORANDUM OF LAW in Support re: <a href="#">5</a> MOTION to Dismiss <i>the Class Action Complaint in Intervention</i>.. Document filed by Beacon</p>

		Associates Management Corp.. (Rosenfeld, Tab) (Entered: 10/26/2009)
11/16/2009	<a href="#">11</a>	STIPULATION AND ORDER: The Proposed Intervenors shall be permitted to intervene in the above-captioned action and shall serve a complaint in intervention by no later than two weeks following the date the Court so orders the stipulation. (Signed by Judge Leonard B. Sand on 11/16/09) (tro) (Entered: 11/17/2009)
12/14/2009	<a href="#">12</a>	MEMORANDUM & ORDER that the motion to dismiss the complaint in intervention is denied. The parties are to submit a schedule for further proceedings in this matter to the Court within sixty days. (Signed by Judge Leonard B. Sand on 12/14/09) (dle) (Entered: 12/14/2009)
12/18/2009	13	TRANSCRIPT of proceedings held on December 2, 2009 at 11:00 am before Judge Leonard B. Sand. (eef) (Entered: 12/21/2009)
12/21/2009	<a href="#">14</a>	STIPULATION AND ORDER that the intervenor defendants' time to serve a complaint in intervention is hereby extended until 12/18/09. (Signed by Judge Leonard B. Sand on 12/21/09) (dle) (Entered: 12/21/2009)
12/23/2009	<a href="#">15</a>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between the parties that the Intervenor Defendants' time to serve a complaint in the intervention is hereby extended until December 31, 2009. (Signed by Judge Leonard B. Sand on 12/23/2009) (jpo) (Entered: 12/23/2009)
01/05/2010	<a href="#">16</a>	ANSWER to Complaint., COUNTERCLAIM against Beacon Associates Management Corp.. Document filed by Beacon Associates LLC I.(Jakoby, Arthur) (Entered: 01/05/2010)
01/06/2010	<a href="#">17</a>	ENDORSED LETTER addressed to Judge Leonard B. Sand from Max Folkenflik dated 1/5/10 re: counsel for plaintiffs in intervention requests that the Court approve for filing the complaint in intervention in lieu of the original complaint in intervention which will then be placed under seal. ENDORSEMENT: So Ordered. (Signed by Judge Leonard B. Sand on 1/6/10) (dle) (Entered: 01/08/2010)
01/06/2010	<a href="#">18</a>	COMPLAINT IN INTERVENTION AND CROSS-COMPLAINT BY THE FASTENBERG INTERVENORS against Beacon Associates Management Corp., Beacon Associates LLC I.Document filed by David Fastenberg.(dle) (Additional attachment(s) added on 5/4/2010: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibits 3-4) (ama). (Entered: 01/19/2010)
01/08/2010		Transmission to Sealed Records Clerk. Transmitted re: <a href="#">17</a> Endorsed Letter,, to the Sealed Records Clerk for the sealing or unsealing of document or case. (dle) (Entered: 01/08/2010)
01/28/2010	19	SEALED DOCUMENT placed in vault.(nm) (Entered: 01/28/2010)
02/11/2010	<a href="#">20</a>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Andrew J. Peck. (Signed by Judge Leonard B. Sand on 2/9/2010) (tve) (Entered: 02/11/2010)

02/22/2010		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 2/22/2010. Folkenflik motion due 2/29; notice to investors by 3/5, 60 days to file objections; Fairness Hearing set for 5/20/2010 at 09:30 AM before Magistrate Judge Andrew J. Peck. (mro) (Entered: 02/24/2010)
02/24/2010	<a href="#">21</a>	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Adrienne Vittadini, Bruce Slovin, Beacon Associates Management Corp., Beacon Associates LLC I. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Andrew J. Peck. (Signed by Judge Leonard B. Sand on 2/23/2010) (jpo) (Entered: 02/24/2010)
03/03/2010	<a href="#">22</a>	ANSWER to Intervenor Complaint. Document filed by Beacon Associates LLC I.(Jakoby, Arthur) (Entered: 03/03/2010)
03/03/2010	<a href="#">23</a>	ANSWER to Intervenor Complaint. Document filed by Beacon Associates Management Corp..(Rosenfeld, Tab) (Entered: 03/03/2010)
03/04/2010	<a href="#">24</a>	MOTION for Declaratory Judgment. Document filed by David Fastenberg. Responses due by 5/4/2010 Return Date set for 5/20/2010 at 09:30 AM. (Folkenflik, Max) (Entered: 03/04/2010)
03/04/2010	<a href="#">25</a>	MEMORANDUM OF LAW in Support re: <a href="#">24</a> MOTION for Declaratory Judgment.. Document filed by David Fastenberg. (Folkenflik, Max) (Entered: 03/04/2010)
03/04/2010	<a href="#">26</a>	DECLARATION of Max Folkenflik in Support re: <a href="#">24</a> MOTION for Declaratory Judgment.. Document filed by David Fastenberg. (Attachments: # <a href="#">1</a> Exhibit Roberts & Holland Letter, # <a href="#">2</a> Exhibit Financial Statement, # <a href="#">3</a> Exhibit Operating Agreement, # <a href="#">4</a> Exhibit Internal Memo)(Folkenflik, Max) (Entered: 03/04/2010)
03/10/2010	27	TRANSCRIPT of proceedings held on February 22, 2010 at 9:45 am before Magistrate Judge Andrew J. Peck. (eef) (Entered: 03/15/2010)
03/16/2010	28	LETTER from Arthur G. Jakoby dated 3/5/10 re: Beacon Funds writes to discuse recent developments in the Beacon Litigation. Document filed by Beacon Associates LLC I.(mro) (Entered: 03/16/2010)
03/23/2010	<a href="#">29</a>	ENDORSED LETTER: addressed to Judge Leonard B. Sand from Donna McBride dated 3/15/2010. re: I understand that you preside over the above case management process for distribution of the remaining fund assets that were not invested with Bemard Madoff. Please review the following facts before ordering Beacon Management to compute the remaining assets of the Beacon Funds:I am requesting your help. Beacon Management deems it fair to not request "clawbacks from investors that withdrew money from the fund (I never withdrew any money) so I believe it is only fair that lthey do not include the \$200,000 which obviously could not have been invested before December 11, 2008 when Mr. Madoff announced the fraud. ENDORSEMENT: Referred to Magistrate Peck. So Ordered. (Signed by Judge Leonard B. Sand on 3/23/2010) Copies Mailed By Chambers.(js) Modified on 4/6/2010 (js). (Entered: 03/23/2010)



04/09/2010		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Telephone Conference held on 4/9/2010. (mro) (Entered: 04/14/2010)
04/14/2010	<a href="#">30</a>	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION to Intervene [ <i>Notice of Motion; Declaration; Proposed Complaint in Intervention</i> ]. Document filed by Jordan Group, LLC. (Attachments: # <a href="#">1</a> Exh 1 to Proposed Cmplt in Intervention, # <a href="#">2</a> Exh 2 to Proposed Cmplt in Intervention, # <a href="#">3</a> Exhs 3-4 to Proposed Cmplt in Intervention, # <a href="#">4</a> Memo of Law in Support, # <a href="#">5</a> Letter to USMJ Peck)(Rodes, Leonard) Modified on 4/15/2010 (jar). (Entered: 04/14/2010)
04/14/2010		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Leonard Rodes to RE-FILE Document <a href="#">30</a> MOTION to Intervene [ <i>Notice of Motion; Declaration; Proposed Complaint in Intervention</i> ]. MOTION to Intervene [ <i>Notice of Motion; Declaration; Proposed Complaint in Intervention</i> ]. ERROR(S): Supporting documents must be filed separately. Use the event type Declaration in Support and Memorandum of Law in Support found under the event list Replies, Oppositions, Supporting Documents. NOTE: The motion must first be correctly re-filed. (jar) (Entered: 04/15/2010)
04/15/2010	<a href="#">31</a>	MOTION to Intervene [ <i>Notice of Motion</i> ]. Document filed by Jordan Group, LLC.(Rodes, Leonard) (Entered: 04/15/2010)
04/15/2010	<a href="#">32</a>	DECLARATION of Leonard Rodes in Support re: <a href="#">31</a> MOTION to Intervene [ <i>Notice of Motion</i> ]. Document filed by Jordan Group, LLC. (Attachments: # <a href="#">1</a> Exh A to Declaration (Proposed Complaint in Intervention), # <a href="#">2</a> Exh 1 to Proposed Complaint, # <a href="#">3</a> Exh 2 to Proposed Complaint, # <a href="#">4</a> Exhs 3-4 to Proposed Complaint)(Rodes, Leonard) (Entered: 04/15/2010)
04/15/2010	<a href="#">33</a>	MEMORANDUM OF LAW in Support re: <a href="#">31</a> MOTION to Intervene [ <i>Notice of Motion</i> ]. Document filed by Jordan Group, LLC. (Rodes, Leonard) (Entered: 04/15/2010)
04/16/2010	<a href="#">34</a>	ORDER: The parties' time to respond to Jordan's motion to intervene is accelerated to 4/22/2010. (The Court notes that on a very cursory review of the motion, the Court is inclined to grant it.) All parties also should advise whether, if Jordan intervenes, the Court also should consider Donna McBride's March 15, 2010 letter (copy attached) as an intervention request. Set Deadlines/Hearing as to <a href="#">31</a> MOTION to Intervene [ <i>Notice of Motion</i> ] : (Responses due by 4/22/2010). (Signed by Magistrate Judge Andrew J. Peck on 4/16/2010) Copies Faxed By Chambers.(tro) (Entered: 04/16/2010)
04/23/2010	<a href="#">35</a>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - RESPONSE in Support re: <a href="#">31</a> MOTION to Intervene [ <i>Notice of Motion</i> ]. Letter to Judge Peck re order dated April 16, 2010. Document filed by David Fastenberg. (Folkenflik, Max) Modified on 4/26/2010 (db). (Entered: 04/23/2010)
04/23/2010		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <a href="#">35</a> HAS BEEN REJECTED. Note to Attorney Max Folkenflik : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has

		ordered that a particular letter be docketed. Letters may be sent directly to a judge. (db) (Entered: 04/26/2010)
04/30/2010	<a href="#">36</a>	ORDER: The motion to intervene of the Jordan Group (Dkt. No. 31) is GRANTED on consent. In addition, Ms. McBride is to be considered an intervenor plaintiff. The prior parties in the case had consented to my deciding the case pursuant to 28 U.S.C. 5 636(c). The new parties - Intervenor Jordan Group and McBride - shall advise whether they also consent pursuant to 5 636(c). BY May 4, 2010, each is to either sign and return the enclosed form or advise the Court, by letter, that they do not consent. (Signed by Magistrate Judge Andrew J. Peck on 4/30/2010)Copies Mailed By Chambers. (jpo) (Entered: 04/30/2010)
04/30/2010	<a href="#">37</a>	ANSWER to Intervenor Complaint. Document filed by Beacon Associates Management Corp., Joel Danziger, Harris Markhoff.(Kaplan, Steven) (Entered: 04/30/2010)
05/04/2010	<a href="#">38</a>	DECLARATION of Tab K. Rosenfeld in Opposition re: <a href="#">24</a> MOTION for Declaratory Judgment.. Document filed by Beacon Associates Management Corp., Joel Danziger, Harris Markhoff. (Kaplan, Steven) (Entered: 05/04/2010)
05/04/2010	<a href="#">39</a>	RESPONSE to Motion re: <a href="#">24</a> MOTION for Declaratory Judgment. / <i>Memorandum of Law in Response to the Fastenberg Intervenor's Motion for Judgment.</i> Document filed by Beacon Associates LLC I. (Jakoby, Arthur) (Entered: 05/04/2010)
05/04/2010	<a href="#">40</a>	DECLARATION of Arthur G. Jakoby in Support of Defendant's Response to the Fastenberg Intervenor's Motion for Judgment re: <a href="#">39</a> Response to Motion, <a href="#">24</a> MOTION for Declaratory Judgment.. Document filed by Beacon Associates LLC I. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G Part 1 of 3, # <a href="#">8</a> Exhibit G Part 2 of 3, # <a href="#">9</a> Exhibit G Part 3 of 3, # <a href="#">10</a> Exhibit H)(Jakoby, Arthur) (Entered: 05/04/2010)
05/04/2010	<a href="#">41</a>	DECLARATION of Michael S. Re in Opposition re: <a href="#">24</a> MOTION for Declaratory Judgment., <a href="#">25</a> Memorandum of Law in Support of Motion, <a href="#">26</a> Declaration in Support of Motion,. Document filed by Estate of P. Neill Petronella. (Attachments: # <a href="#">1</a> Exhibit 1 to Declaration)(Re, Michael) (Entered: 05/04/2010)
05/04/2010	<a href="#">42</a>	MEMORANDUM OF LAW in Opposition re: <a href="#">24</a> MOTION for Declaratory Judgment., <a href="#">25</a> Memorandum of Law in Support of Motion, <a href="#">41</a> Declaration in Opposition, <a href="#">26</a> Declaration in Support of Motion, <i>Memorandum of Law of the Estate of P. Neill Petronella in Opposition to David Fastenberg and One Hundred Sixty One Other Plaintiffs' Motion for Judgment.</i> Document filed by Estate of P. Neill Petronella. (Re, Michael) (Entered: 05/04/2010)
05/04/2010	<a href="#">43</a>	CERTIFICATE OF SERVICE of Declaration and Memoradum of Law in Opposition served on David Fastenberg and Beacon Associates LLC 1 on 5/4/2010. Document filed by Estate of P. Neill Petronella. (Re, Michael) (Entered: 05/04/2010)

05/04/2010	<a href="#">44</a>	MOTION for Gene M. Linkmeyer and Kimber Parker Schladweiler to Appear Pro Hac Vice. Document filed by Jordan Group, LLC.(mro) (Entered: 05/07/2010)
05/04/2010	<a href="#">45</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <a href="#">44</a> Motion for Gene M. Linkmeyer and Kimber Parker Schladweiler to Appear Pro Hac Vice. (Signed by Magistrate Judge Andrew J. Peck on 5/4/2010) Copies Faxed By Chambers. (tro) (Entered: 05/10/2010)
05/11/2010	<a href="#">46</a>	NOTICE OF APPEARANCE by Michael S. Re on behalf of Estate of P. Neill Petronella (Re, Michael) (Entered: 05/11/2010)
05/11/2010	<a href="#">47</a>	NOTICE OF APPEARANCE by Michael S. Re on behalf of Estate of P. Neill Petronella (Re, Michael) (Entered: 05/11/2010)
05/11/2010		Case Designated ECF. (ama) (Entered: 05/12/2010)
05/12/2010	48	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Jordan Group LLC. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Andrew J. Peck. (NOTE TO CLERK from the Chambers of Magistrate Judge Andrew J. Peck: Docket & File (Consent Form of Additional Intervenor Party- original parties previously consented and Judge Sand Approved)- AJP. (tro) Modified on 5/21/2010 (ad). Modified on 7/20/2010 (ad). (Entered: 05/12/2010)
05/12/2010	49	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Donna McBride. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Andrew J. Peck. (NOTE TO CLERK from the Chambers of Magistrate Judge Andrew J. Peck: Docket & File (Consent Form of Additional Intervenor Party- original parties previously consented and Judge Sand Approved)- AJP. Document filed by Jordan Group, LLC. (tro) Modified on 5/21/2010 (ad). Modified on 7/20/2010 (ad). (Entered: 05/12/2010)
05/12/2010	<a href="#">50</a>	NOTICE OF APPEARANCE by Leslie A Berkoff on behalf of Estate of P. Neill Petronella (Berkoff, Leslie) (Entered: 05/12/2010)
05/12/2010	<a href="#">51</a>	COMPLAINT IN INTERVENTION against Adrienne Vittadini, Bruce Slovin, Beacon Associates LLC I, Beacon Associates Management Corp., Joel Danziger, Harris Markhoff. Document filed by Jordan Group, LLC. (Attachments: # <a href="#">1</a> Exhibit 1, # <a href="#">2</a> Exhibit 2, # <a href="#">3</a> Exhibits 3-4)(ama) (Entered: 05/14/2010)
05/18/2010		CASHIERS OFFICE REMARK on <a href="#">44</a> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 05/04/2010, Receipt Number 902471. (jd) (Entered: 05/18/2010)
05/20/2010		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Oral Argument held on 5/20/2010 on motion re: correct method to value investors' shares on liquidation of the remaining (post-Madoff) assets of the fund. Brief from Jordan due 6/3; Reply due 6/10. (mro) (Entered: 05/24/2010)
06/02/2010	<a href="#">52</a>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION. IT IS HEREBY ORDERED that Gene M. Linkmeyer, Kimber Parker

		Schladweiler are admitted to practice pro hac vice as counsel for Jordan in the above-captioned case in the United States District Court for the Southern District of New York, and as further set forth. (Signed by Judge Leonard B. Sand on 6/2/10) (rjm) (Entered: 06/02/2010)
06/02/2010	53	TRANSCRIPT of proceedings held on 5/20/2010 before Magistrate Judge Andrew J. Peck. (tro) (Entered: 06/03/2010)
06/03/2010	<a href="#">54</a>	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - BRIEF in Support of Intervenor Jordan Group, LLC's Complaint for Declaratory Judgment & Exhibit with Declaration of Service. Document filed by Jordan Group, LLC. (Attachments: # <a href="#">1</a> Declaration of Service) (Schladweiler, Kimber) Modified on 6/4/2010 (KA). (Entered: 06/03/2010)
06/04/2010		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Kimber Parker Schladweiler to RE-FILE Document <a href="#">54</a> Brief. Use the event type Memorandum of Law in Support(non-motion) found under the event list Other Answers. (KA) (Entered: 06/04/2010)
06/04/2010	<a href="#">55</a>	MEMORANDUM OF LAW in Support of <i>Intervenor Jordan Group, LLC's Complaint for Declaratory Judgment &amp; Exhibit w/Declaration of Service</i> . Document filed by Jordan Group, LLC. (Attachments: # <a href="#">1</a> Declaration of Service)(Schladweiler, Kimber) (Entered: 06/04/2010)
06/07/2010	56	LETTER from Donna McBride dated 6/2/10 re: I am asking that the Judge grant me relief in the form of a return of my \$200, 000. (mro) (Entered: 06/08/2010)
06/08/2010	<a href="#">57</a>	STIPULATION AND ORDER REGARDING BEACON ASSOCIATES LLC I'S TIME TO RESPOND TO THE COMPLAINT OF INTERVENOR PLAINTIFF, JORDAN GROUP, LLC: The time for Defendant Beacon Associates LLC I to answer or otherwise move with respect to the Complaint is extended sine die. (Signed by Judge Leonard B. Sand on 6/8/2010) (tro) (Entered: 06/08/2010)
06/11/2010	<a href="#">58</a>	AFFIDAVIT of Arthur G. Jakoby re: <a href="#">55</a> Memorandum of Law in Support,. Document filed by Beacon Associates LLC I. (Attachments: # <a href="#">1</a> Exhibit A (part 1), # <a href="#">2</a> Exhibit A (part 2), # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F, # <a href="#">8</a> Affidavit of Service)(Jakoby, Arthur) (Entered: 06/11/2010)
06/17/2010	59	LETTER addressed to Magistrate Judge Andrew J. Peck from Arthur G. Jakoby dated 6/16/10 re: We write to address certain questions recently posed by your law clerk, Mr. Murphy, following the Fairness Hearing...held on 5/20/10. Document filed by Beacon Associates LLC I.(mro) (Entered: 06/17/2010)
06/28/2010	60	LETTER addressed to Magistrate Judge Andrew J. Peck from Kimber P. Schladweiler dated 6/22/10 re: We write to address Mr. Jacoby's follow-up letter to the May 20, 2010, fairness hearing, providing recent investor polling data, investor segmentation and other investor voting breakdown data to selected valuation methodologies. Document filed by Jordan Group, LLC.

		(mro) (Entered: 06/28/2010)
06/30/2010	<a href="#">61</a>	ORDER: The Court grants the requests for declaratory relief of plaintiffs Beacon Associates Management Corp. and the Fastenberg Intervenors that Beacon Associates must distribute Beacon's remaining assets using the "Valuation Method" as recommended by Beacon's accountants, that is, based on each member's capital account balance as of December 11, 2008 as a percentage of Beacon's assets after the write-downs for the Madoff Ponzi scheme losses. The Court denies the application of Intervenors Jordan and McBride that their respective September 2008 and December 2008 contributions to Beacon be returned to each of them in full; rather, those amounts will be treated as part of the capital account balances (less their shares of the Madoff theft loss) as of December 11, 2008. Beacon is ordered to maintain, and not distribute, (1) the litigation reserve, (2) the amount of money necessary to cover claims asserted by the Madoff Trustee, and (3) any money that otherwise would be distributed to Managing Members Joel Danziger and Harris Markhoff. The Court will issue a full Opinion explaining its reasoning at a later date (probably late July or August), but has issued this Order to allow a prompt distribution to Beacon's members. (Signed by Magistrate Judge Andrew J. Peck on 6/30/2010) Copies Faxed By Chambers. (jfe) (Entered: 07/01/2010)
07/26/2010	<a href="#">62</a>	ENDORSED LETTER addressed to Magistrate Judge Andrew J. Peck from Tab K. Rosenfeld dated 1/26/2010 re: Counsel respectfully request that such letter application be rejected in its entirety. ENDORSEMENT: Counsel for Jordan, Management (or any other party) shall identify any immediate family members of Danziger or Markhoff who are Beacon members (and their ownership percentage or dollar amount) and same re any entities that Danziger or Markhoff have an interest in that are Beacon members. Although Management's counsel is correct that the Court largely rejected the claim, but I would like to know what factually is concerned. So Ordered. (Signed by Magistrate Judge Andrew J. Peck on 7/26/2010) Copies Faxed By Chambers. (jfe) (Entered: 07/26/2010)
07/27/2010	<a href="#">63</a>	OPINION AND ORDER #99228 that the Fastenberg Intervenors' motion is GRANTED. A mandatory injunction is granted directing Beacon's Management to distribute, by 8/31/10, Beacon's remaining assets, including Jordan and McBride's contested contributions, in accordance with the Valuation Method, and as further set forth in this document. (Signed by Magistrate Judge Andrew J. Peck on 7/27/10) Copies sent by chambers(cd) Modified on 7/28/2010 (ajc). (Entered: 07/27/2010)
07/29/2010	<a href="#">64</a>	NOTICE OF APPEAL from <a href="#">61</a> Order on Motion for Declaratory Judgment,. Document filed by Jordan Group, LLC. Filing fee \$ 455.00, receipt number E 910661. (nd) (Entered: 07/29/2010)
07/29/2010		Transmission of Notice of Appeal to the District Judge re: <a href="#">64</a> Notice of Appeal. (nd) (Entered: 07/29/2010)
07/29/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <a href="#">64</a> Notice of Appeal. (nd) (Entered: 07/29/2010)

07/29/2010		<p>Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <a href="#">39</a> Response to Motion filed by Beacon Associates LLC I, <a href="#">21</a> Consent to Jurisdiction by US Magistrate Judge, filed by Beacon Associates LLC I, Bruce Slovin, Adrienne Vittadini, Beacon Associates Management Corp., <a href="#">24</a> MOTION for Declaratory Judgment. filed by David Fastenberg, <a href="#">50</a> Notice of Appearance filed by Estate of P. Neill Petronella, <a href="#">32</a> Declaration in Support of Motion, filed by Jordan Group, LLC, <a href="#">2</a> Rule 7.1 Corporate Disclosure Statement filed by Beacon Associates LLC I, <a href="#">16</a> Answer to Complaint, Counterclaim filed by Beacon Associates LLC I, <a href="#">57</a> Stipulation and Order, Set Deadlines,, <a href="#">47</a> Notice of Appearance filed by Estate of P. Neill Petronella, <a href="#">38</a> Declaration in Opposition to Motion filed by Joel Danziger, Harris Markhoff, Beacon Associates Management Corp., <a href="#">20</a> Order Referring Case to Magistrate Judge, <a href="#">46</a> Notice of Appearance filed by Estate of P. Neill Petronella, <a href="#">23</a> Answer to Intervenor Complaint filed by Beacon Associates Management Corp., <a href="#">7</a> Declaration in Support of Motion, filed by Beacon Associates Management Corp., <a href="#">4</a> Intervenor Complaint, filed by Brad Ward, Lyle D. Fassett, Greg Lancette, Timothy Rice, Patrick Carroll, James Rounds, <a href="#">43</a> Certificate of Service Other filed by Estate of P. Neill Petronella, <a href="#">61</a> Order on Motion for Declaratory Judgment,,,,, <a href="#">25</a> Memorandum of Law in Support of Motion filed by David Fastenberg, <a href="#">62</a> Endorsed Letter,, <a href="#">63</a> Memorandum &amp; Opinion, <a href="#">18</a> Intervenor Complaint, filed by David Fastenberg, <a href="#">41</a> Declaration in Opposition, filed by Estate of P. Neill Petronella, <a href="#">22</a> Answer to Intervenor Complaint filed by Beacon Associates LLC I, <a href="#">29</a> Endorsed Letter,,, <a href="#">17</a> Endorsed Letter, <a href="#">44</a> MOTION for Gene M. Linkmeyer and Kimber Parker Schladweiler to Appear Pro Hac Vice. filed by Jordan Group, LLC, <a href="#">12</a> Order on Motion to Dismiss, <a href="#">37</a> Answer to Intervenor Complaint filed by Joel Danziger, Harris Markhoff, Beacon Associates Management Corp., <a href="#">36</a> Order, Set Deadlines/Hearings,,,,, <a href="#">15</a> Stipulation and Order, Set Deadlines/Hearings,, <a href="#">52</a> Order, <a href="#">45</a> Order on Motion to Appear Pro Hac Vice, <a href="#">11</a> Stipulation and Order, <a href="#">9</a> Declaration in Opposition to Motion,,,,,, filed by Brad Ward, Lyle D. Fassett, Greg Lancette, Timothy Rice, Patrick Carroll, James Rounds, <a href="#">64</a> Notice of Appeal filed by Jordan Group, LLC, <a href="#">6</a> Memorandum of Law in Support of Motion filed by Beacon Associates Management Corp., <a href="#">5</a> MOTION to Dismiss <i>the Class Action Complaint in Intervention</i>. filed by Beacon Associates Management Corp., <a href="#">51</a> Complaint, filed by Jordan Group, LLC, <a href="#">34</a> Order, Set Motion and R&amp;R Deadlines/Hearings,,,,, <a href="#">1</a> Complaint filed by Beacon Associates Management Corp., <a href="#">26</a> Declaration in Support of Motion, filed by David Fastenberg, <a href="#">8</a> Memorandum of Law in Opposition to Motion,,,,, filed by Brad Ward, Lyle D. Fassett, Greg Lancette, Timothy Rice, Patrick Carroll, James Rounds, <a href="#">14</a> Stipulation and Order, Set Deadlines, <a href="#">58</a> Affidavit, filed by Beacon Associates LLC I, <a href="#">31</a> MOTION to Intervene [<i>Notice of Motion</i>]. filed by Jordan Group, LLC, <a href="#">55</a> Memorandum of Law in Support, filed by Jordan Group, LLC, <a href="#">40</a> Declaration, filed by Beacon Associates LLC I, <a href="#">42</a> Memorandum of Law in Opposition, filed by Estate of P. Neill Petronella, <a href="#">10</a> Reply Memorandum of Law in Support of Motion filed by Beacon Associates Management Corp., <a href="#">3</a> Notice of Case Assignment/Reassignment, <a href="#">33</a> Memorandum of Law in Support of Motion filed by Jordan Group, LLC were transmitted to the U.S. Court of Appeals. (nd) (Entered: 07/29/2010)</p>
07/29/2010	<a href="#">65</a>	ENDORSED LETTER addressed to Magistrate Judge Andrew Jay Peck from

		Tab K. Rosenfeld dated 7/29/2010 re: Plaintiff Beacon Associates Management Corp. respectfully requests permission to submit the information as set forth in this endorsed letter to the Court in camera. ENDORSEMENT: Approved (subject to being revisited after I see the information). (Signed by Magistrate Judge Andrew J. Peck on 7/29/2010) (ae) (Entered: 07/29/2010)
08/09/2010	<a href="#">66</a>	ENDORSED LETTER addressed to Magistrate Judge Andrew J. Peck from Tab K. Rosenfeld dated 8/9/10 re: The financial information provided to Your Honor in Camera on August 6, 2010 was calculated as of March 31,2010 -- which is the most recent date of calculation of the capital account balances for the Beacon Funds - It is our understanding that there have been no material changes to this information since March 31, 2010. ENDORSEMENT: 1. The Court does not intend to take any further action based on this information. 2. If any party anticipates any issue or problem re the 8/31 distribution, they should promptly contact my chambers. I do not want there to be any delay in this ordered distribution. (Signed by Magistrate Judge Andrew J. Peck on 8/9/10) Copies Faxed By Chambers. (db) (Entered: 08/09/2010)
08/26/2010	<a href="#">67</a>	ENDORSED LETTER addressed to Magistrate Judge Andrew J. Peck from Tab K. Rosenfeld dated 8/25/10 re: Counsel for plaintiff request that the Court adjourn this conference, presently scheduled for September 16, 2010, to September 23, 2010, so that he may attend.. ENDORSEMENT: 1. Conf. adjourned to 9/23 at 9:30 AM. 2. Counsel should consider whether all or some of the remaining issues in this case are better handled as part of the related case pending before Judge Sand. We will discuss this at the conf. (Signed by Magistrate Judge Andrew J. Peck on 8/26/10) Copies Faxed By Chambers. (pl) (Entered: 08/26/2010)
09/03/2010	<a href="#">68</a>	ORDER SCHEDULING STATUS CONFERENCE, that a Status Conference set for 9/21/2010 at 11:00 AM in Courtroom 20D, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Andrew J. Peck. (Signed by Magistrate Judge Andrew J. Peck on 9/3/10) Copies Faxed & ECF By Chambers. (pl) (Entered: 09/03/2010)
09/21/2010		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 9/21/2010. Parties to contact. (mro) (Entered: 09/24/2010)
10/12/2010	69	TRANSCRIPT of proceedings held on 9/21/2010 at 11:25 a.m. before Magistrate Judge Andrew J. Peck. (jn) (Entered: 10/13/2010)
12/01/2010		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 12/1/2010. Discovery and scheduling issues resolved-see transcript for rulings. 12/8 conference canceled. Next Conference set for 1/13/2010 at 02:00 PM before Magistrate Judge Andrew J. Peck. (mro) (Entered: 12/08/2010)
01/13/2011		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 1/13/2011. Next Status Conference set for 3/2/2011 at 03:00 PM before Magistrate Judge Andrew J. Peck. (mro) (Entered: 01/18/2011)
02/14/2011	<a href="#">70</a>	MANDATE of USCA (Certified Copy) as to <a href="#">64</a> Notice of Appeal filed by

		Jordan Group, LLC USCA Case Number 10-3050. Ordered that the appeal is DISMISSED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 02/11/2011. (nd) (Entered: 02/14/2011)
02/14/2011		Transmission of USCA Mandate/Order to the District Judge re: <a href="#">70</a> USCA Mandate,. (nd) (Entered: 02/14/2011)
04/26/2011	<a href="#">71</a>	NOTICE of Substitution of Attorney. Old Attorney: Leonard A. Rodes, New Attorney: Seth E. Lipner, Address: Deutsch & Lipner, 1325 Franklin Avenue, Garden City, New York, United States 11530, 516-294-8899. Document filed by Beacon Associates Management Corp.. (Lipner, Seth) (Entered: 04/26/2011)
05/25/2011	<a href="#">72</a>	NOTICE OF WITHDRAW OF COUNSEL, Kindly withdraw the appearances Gene M. Linkmeyer, Esq., and Kimber P. Schladweiler, Esq., on behalf of Intervenor-Plaintiff, Jordan Group, LLC, in the above captioned matter, pursuant to the attached Local Rule 1.4 Declaration and the April 26, 2011, Consent to Change Attorneys, a copy of which is attached hereto as Exhibit 1. Attorney Gene Matthew Linkmeyer and Kimber Parker Schladweiler terminated. (Signed by Magistrate Judge Andrew J. Peck on 5/25/11) (pl) Modified on 5/25/2011 (pl). Copies sent by ECF (Entered: 05/25/2011)
05/27/2011		CONSOLIDATED MEMBER CASE: Create association to 1:09-cv-00777-LBS -AJP. (rjm) (Entered: 05/27/2011)
05/27/2011	<a href="#">73</a>	PROTECTIVE ORDER regarding procedures to be followed that shall govern the handling of confidential material. (Signed by Magistrate Judge Andrew J. Peck on 5/27/11) Filed In Associated Cases: 1:09-cv-00777-LBS -AJP et al. Copies Sent By Chambers via ECF. (rjm) (Entered: 05/27/2011)
05/31/2011	<a href="#">74</a>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF DOCUMENT - MOTION for Leonard A. Rodes to Withdraw as Attorney. Document filed by Jordan Group, LLC. (Rodes, Leonard) Modified on 6/1/2011 (db). (Entered: 05/31/2011)
05/31/2011		***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <a href="#">74</a> HAS BEEN REJECTED. Note to Attorney Leonard Anthony Rodes : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (db) (Entered: 06/01/2011)
06/02/2011	<a href="#">75</a>	ENDORSED LETTER addressed to Magistrate Judge Andrew J. Peck from Leonard Rodes dated 5/31/11 re: Request that Trachetenburg Rodes & Friedberg LLP be allowed to withdraw from this case. ENDORSEMENT: So Ordered. (Signed by Magistrate Judge Andrew J. Peck on 6/1/11) Copies Sent By By ECF Chambers. (cd) (Entered: 06/02/2011)
06/03/2011	<a href="#">76</a>	ORDER PERMITTING TODD S. GARBER TO WITHDRAW AS COUNSEL FOR PLAINTIFFS: The Motion to Withdraw Todd S. Garber as Counsel for Plaintiffs, having been duly considered, it is so ORDERED that the Motion is granted and Todd S. Garber, individually, is permitted to



		withdraw from the above-captioned matter. Attorney Todd Seth Garber terminated. (Signed by Magistrate Judge Andrew J. Peck on 6/3/2011) Filed In Associated Cases: 1:09-cv-00777-LBS -AJP et al.(Inl) (Entered: 06/03/2011)
06/17/2011		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 6/17/2011 Re: Class certification. Plaintiffs' don't get deposition of defendant without specifying what they want it to show. Magistrate Judge Andrew J. Peck rejects plaintiff's list of keywords and tells parties to coordinate/cooperate and test keywords. Associated Cases: 1:09-cv-00777-LBS -AJP et al. (ft) (Entered: 06/20/2011)
07/29/2011	<a href="#">77</a>	REPLY to Response to Motion re: (68 in 1:10-cv-08000-LBS -AJP) MOTION to Stay <i>Magistrate Peck's June 28, 2011 Order Requiring Disclosure of documents from Other Investigations and Objections to that Order.</i> . Document filed by Hilda L. Solis. (Attachments: # <a href="#">1</a> Exhibit Declaration of Thomas Tso)Filed In Associated Cases: 1:09-cv-00777-LBS -AJP et al.(Hartman, Michael) (Entered: 07/29/2011)
08/12/2011		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 8/12/2011. (Status Conference set for 9/9/2011 at 09:30 AM before Magistrate Judge Andrew J. Peck.) Associated Cases: 1:09-cv-00777-LBS -AJP et al.(ft) (Entered: 08/22/2011)
09/09/2011		Minute Entry for proceedings held before Magistrate Judge Andrew J. Peck: Status Conference held on 9/9/2011. (Status Conference set for 10/4/2011 at 09:00 AM before Magistrate Judge Andrew J. Peck.) Associated Cases: 1:09-cv-00777-LBS -AJP et al.(ft) (Entered: 09/13/2011)
09/20/2011	<a href="#">78</a>	TRANSCRIPT of Proceedings re: Conference held on 9/9/2011 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Jerry Harrison, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/14/2011. Redacted Transcript Deadline set for 10/24/2011. Release of Transcript Restriction set for 12/22/2011.Filed In Associated Cases: 1:09-cv-00777-LBS -AJP et al. (McGuirk, Kelly) (Entered: 09/20/2011)
09/20/2011	<a href="#">79</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 9/9/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:09-cv-00777-LBS -AJP et al.(McGuirk, Kelly) (Entered: 09/20/2011)
10/11/2011	<a href="#">80</a>	TRANSCRIPT of Proceedings re: Conference held on 10/4/2011 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Andrew Walker, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the

		deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/4/2011. Redacted Transcript Deadline set for 11/14/2011. Release of Transcript Restriction set for 1/12/2012.Filed In Associated Cases: 1:09-cv-00777-LBS -AJP et al. (McGuirk, Kelly) (Entered: 10/11/2011)
10/11/2011	<a href="#">81</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 10/4/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:09-cv-00777-LBS -AJP et al.(McGuirk, Kelly) (Entered: 10/11/2011)
11/16/2011	<a href="#">82</a>	TRANSCRIPT of Proceedings re: Conference held on 11/9/2011 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Jerry Harrison, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/12/2011. Redacted Transcript Deadline set for 12/22/2011. Release of Transcript Restriction set for 2/17/2012.(McGuirk, Kelly) (Entered: 11/16/2011)
11/16/2011	<a href="#">83</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 11/9/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 11/16/2011)
12/07/2011	<a href="#">84</a>	TRANSCRIPT of Proceedings re: Conference held on 11/29/2011 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Guido Tascione, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/3/2012. Redacted Transcript Deadline set for 1/12/2012. Release of Transcript Restriction set for 3/9/2012.Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al. (McGuirk, Kelly) (Entered: 12/07/2011)
12/07/2011	<a href="#">85</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 11/29/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 12/07/2011)
12/21/2011	<a href="#">86</a>	TRANSCRIPT of Proceedings re: Conference held on 12/12/2011 before

		Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Ann Hairston, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/17/2012. Redacted Transcript Deadline set for 1/26/2012. Release of Transcript Restriction set for 3/23/2012. Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 12/21/2011)
12/21/2011	<a href="#">87</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 12/12/11 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 12/21/2011)
12/23/2011		***DELETED DOCUMENT. Deleted document number (392) STIPULATION AND ORDER REGARDING CLASS CERTIFICATION BRIEFING. The document was incorrectly filed in this case. (DUPLICATE OF DOC. #391) Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al. (ae) (Entered: 12/23/2011)
01/06/2012	<a href="#">88</a>	TRANSCRIPT of Proceedings re: Conference held on 12/12/2011 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Ann Hairston, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/30/2012. Redacted Transcript Deadline set for 2/9/2012. Release of Transcript Restriction set for 4/9/2012. Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 01/06/2012)
01/06/2012	<a href="#">89</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 12/12/2011 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 01/06/2012)
02/02/2012	<a href="#">90</a>	TRANSCRIPT of Proceedings re: Conference held on 1/25/2012 before Judge Leonard B. Sand. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 2/27/2012. Redacted Transcript Deadline set for 3/8/2012. Release of Transcript Restriction set for 5/7/2012. Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 02/02/2012)

02/02/2012	<a href="#">91</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 1/25/2012 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 02/02/2012)
02/08/2012	<a href="#">92</a>	TRANSCRIPT of Proceedings re: Conference held on 2/2/2012 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Vincent Bologna, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/5/2012. Redacted Transcript Deadline set for 3/15/2012. Release of Transcript Restriction set for 5/11/2012.(McGuirk, Kelly) (Entered: 02/08/2012)
02/08/2012	<a href="#">93</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 2/2/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 02/08/2012)
02/15/2012	<a href="#">94</a>	TRANSCRIPT of Proceedings re: Conference held on 1/25/2012 before Judge Leonard B. Sand. Court Reporter/Transcriber: Alena Lynch, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/12/2012. Redacted Transcript Deadline set for 3/22/2012. Release of Transcript Restriction set for 5/18/2012.Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 02/15/2012)
02/15/2012	<a href="#">95</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 1/25/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(McGuirk, Kelly) (Entered: 02/15/2012)
02/16/2012	<a href="#">96</a>	TRANSCRIPT of Proceedings re: Conference held on 2/2/2012 before Magistrate Judge Andrew J. Peck. Court Reporter/Transcriber: Vincent Bologna, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 3/12/2012. Redacted Transcript Deadline set for 3/22/2012. Release of Transcript Restriction set

		for 5/21/2012.(McGuirk, Kelly) (Entered: 02/16/2012)
02/16/2012	<a href="#">97</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 2/2/12 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 02/16/2012)
02/21/2012	<a href="#">98</a>	NOTICE OF WITHDRAWAL OF MARC I. MACHIZ AS ATTORNEY OF RECORD: Marc I. Machiz is no longer associated with the firm of Cohen Milstein Sellers & Toll PLLC. Cohen Milstein withdraws Mr. Machiz's appearance as attorney of record for Plaintiffs Patick J. Costello, Dennis J. McDermott, Kevin J. Crawford, Donald H. Morgan, James Engler, John S. Kogut, Carl Hibbard, Jr., Marilyn M. Oppedisano, David Henderson, Jr., Michael Blasczienski, William F. Shannon, Paul A. Castaldo, and Earl R. Hall in this action. (Signed by Judge Leonard B. Sand on 2/21/2012) Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al. (ab) (Entered: 02/21/2012)
02/23/2012	<a href="#">99</a>	ORDER: The Court hereby approves the Trustee Coordination Stipulation, and (2) To the extent applicable in this action, the Trustee Coordination Stipulation shall constitute an Order of this Court. (Signed by Magistrate Judge Andrew J. Peck on 2/23/2012) Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al. Copies Sent By ECF. (pl) (Entered: 02/27/2012)
03/13/2012	<a href="#">100</a>	ENDORSED LETTER addressed to Magistrate Judge Andrew J. Peck from Thomas Skelton dated 3/13/2012 re: We respectfully request that Your Honor So Order SDM Order No. 1, as modified as set forth in the letter. ENDORSEMENT: "SDM Order No.1" as modified by counsel's letter is APPROVED. The fact discovery cutoff date is extended to 7/11/12. Mr. Skelton shall provide a copy of this Order to Master Hughes., ( Fact Discovery due by 7/11/2012.) (Signed by Magistrate Judge Andrew J. Peck on 3/13/2012) Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(lmb) (Entered: 03/13/2012)
04/04/2012	<a href="#">101</a>	ORDER granting 338 MOTION to Certify Class. Plaintiffs' motion to certify the Investor Class and Jeanneret Investor Subclass pursuant to Rule 23(b)(3) is granted. Plaintiffs' motion to certify the ERISA Class and Jeanneret ERISA Subclass pursuant to Rule 23(b)(1) is also granted. Class counsel are appointed as indicated above. Originally filed March 14, 2012. Pages 37 and 40 amended: April 4, 2012. (Signed by Judge Leonard B. Sand on 4/4/2012) Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(ft) (Entered: 04/04/2012)
04/04/2012	<a href="#">102</a>	MEMORANDUM & ORDER: The Court, sua sponte, orders that the Memorandum & Order filed on March 14, 12, granting Plaintiffs' motion for class certification, be amended to delete the word "discretionary" from pages 37 and 40. (Signed by Judge Leonard B. Sand on 4/4/2012) Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(ft) (Entered: 04/04/2012)
11/30/2012	<a href="#">103</a>	PRELIMINARY APPROVAL ORDER PROVIDING FOR NOTICE AND

		<p>HEARING IN CONNECTION WITH PROPOSED SETTLEMENT: IT IS HEREBY ORDERED, this 30th day of November, 2012 that: The Court preliminarily finds the proposed Settlement set forth in the Stipulation to be fair, reasonable and adequate, subject to further consideration at the Fairness Hearing described below. Unless otherwise defined herein, all capitalized terms used herein have the meanings set forth and defined in the Stipulation as further set forth in this order. A fairness hearing pursuant to Rule 23(e) and Rule 23.1(c) of the Federal Rules of Civil Procedure is hereby scheduled to be held before the Honorable Colleen McMahon, United States District Judge, at the United States District Court, Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007-1312 on March 15, 2013, at 10 a.m. (the "Fairness Hearing") for the following purposes as further set forth in this order. The Court approves the form, substance and requirements of the: (a) Notice of Preliminary Approval of Settlement of Class and Derivative Actions and Notice of Certification of Settlement Classes (the "Rule 23(b)(3) Notice"), in substantially the form annexed hereto as Exhibit A -1; and (b) Notice of Preliminary Approval of Settlement of Class Actions and Notice of Certification of Settlement Classes (the "Rule 23(b)(1) Notice"), in substantially the form annexed hereto as Exhibit A-2. The Court approves the appointment of Garden City Group as the Claims Administrator to supervise and administer the notice procedure as well as the disbursement of the Net Settlement Fund as further set forth in this order., ( Fairness Hearing set for 3/15/2013 at 10:00 AM before Judge Colleen McMahon.), Motions terminated: (306 in 1:09-cv-03907-CM-AJP) MOTION for Settlement <i>Preliminary Approval of Settlement and Certification of Classes for Settlement Purposes</i> filed by Local 73 Health &amp; Welfare Fund, Board of Trustees of The Buffalo Laborers Security Fund, Local 267 Insurance Fund, Local 73 Annuity Fund, Local 73 Retirement Fund, Local 267 Pension Fund, Board of Trustees of The Buffalo Laborers Welfare Fund, Board of Trustees of The Buffalo Laborers Welfare Fund. (Signed by Judge Colleen McMahon on 11/30/2012) Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(lmb) (Entered: 11/30/2012)</p>
12/20/2012	<a href="#">104</a>	NOTICE OF CASE REASSIGNMENT to Judge Colleen McMahon. Magistrate Judge Andrew J. Peck is no longer assigned to the case. (pgu) (Entered: 12/20/2012)
01/30/2013	<a href="#">105</a>	Objection re: (67 in 1:10-cv-08077-LBS -AJP, 67 in 1:10-cv-08077-LBS -AJP, 67 in 1:10-cv-08077-LBS -AJP) Order, Set Hearings, Terminate Motions,,,,,,,,,,,,,,,,,,,,,,,,,,,,, Document filed by William Banfield, James Bodrato, Thomas Burke, Robert Carlino, Anthony Caropresso, Michael Conroy, Alan Ehl, John Fuchs, David Haines, Todd Helfrich, Kevin Hicks, Aaron Hilger, Frank Jones, Ron Kent, James Logan, William Maccione, James Malcome, John Marone, Lloyd Martin, Patrick Morin, John O'Hare, Gary Palladino, Anthony Putrelo, Ross Pepe, John Richards, Charles Rinoldo, John Schalk, John Simmons, Kevin Smith, William Smith, Dale Stuhlmiller, Larry Thayer, Gary Toth, William Weir, Francis Wirt. Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(Fisher, Eric) (Entered: 01/30/2013)
01/30/2013	<a href="#">106</a>	DECLARATION of Eric B. Fisher re: (68 in 1:10-cv-08077-LBS -AJP) Objection (non-motion), Objection (non-motion), Objection (non-motion),

		Objection (non-motion), (67 in 1:10-cv-08077-LBS -AJP, 67 in 1:10-cv-08077-LBS -AJP, 67 in 1:10-cv-08077-LBS -AJP) Order, Set Hearings, Terminate Motions,,,,,,,,,,,,,,,,,,,,,,,,,,,,, in Support of Objection to Proposed Class Action Settlement. Document filed by Frank Jones, Ron Kent, James Logan, William Maccione, James Malcome, John Marone, Lloyd Martin, Patrick Morin, John O'Hare, Gary Palladino, Ross Pepe, Anthony Putrelo, John Richards, Charles Rinoldo, John Schalk, John Simmons, Kevin Smith, William Smith, Dale Stuhlmiller, Larry Thayer, Gary Toth, William Weir, Francis Wirt, William Banfield, James Bodrato, Thomas Burke, Robert Carlino, Anthony Caropresso, Michael Conroy, Alan Ehl, John Fuchs, David Haines, Todd Helfrich, Kevin Hicks, Aaron Hilger. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Exhibit C, # <a href="#">4</a> Exhibit D, # <a href="#">5</a> Exhibit E, # <a href="#">6</a> Exhibit F, # <a href="#">7</a> Exhibit G, # <a href="#">8</a> Exhibit H)Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(Fisher, Eric) (Entered: 01/30/2013)
01/31/2013	108	Objection Of Howard M. Siegel to Plaintiffs' Motion for Awards of Attorneys' Fees and Expenses. Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(cd) (Entered: 02/06/2013)
02/01/2013	<a href="#">107</a>	NOTICE OF APPEARANCE by Eric B. Fisher on behalf of William Banfield, James Bodrato, Thomas Burke, Robert Carlino, Anthony Caropresso, Michael Conroy, Alan Ehl, John Fuchs, David Haines, Todd Helfrich, Kevin Hicks, Aaron Hilger, Ron Kent, James Logan, William Maccione, James Malcome, John Marone, Lloyd Martin, Patrick Morin, John O'Hare, Gary Palladino, Ross Pepe, Anthony Putrelo, John Richards, Charles Rinoldo, John Schalk, John Simmons, Kevin Smith, William Smith, Dale Stuhlmiller, Larry Thayer, Gary Toth, William Weir, Francis Wirt, Frank Jones Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(Fisher, Eric) (Entered: 02/01/2013)
02/08/2013	<a href="#">109</a>	MEMORANDUM OF LAW in Opposition re: (320 in 1:09-cv-03907-CM-AJP) MOTION for Settlement <i>Final Approval</i> . <i>Memorandum of Law in Opposition to Private Plaintiffs' Motion for Awards of Attorneys' Fees and Expenses</i> . Document filed by Andover Associates LLC I, Andover Associates Management Corp., Beacon Associates LLC I, Beacon Associates LLC II. Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(Jakoby, Arthur) (Entered: 02/08/2013)
02/08/2013	<a href="#">110</a>	DECLARATION of Arthur G. Jakoby in Opposition re: (320 in 1:09-cv-03907-CM-AJP) MOTION for Settlement <i>Final Approval</i> .. Document filed by Andover Associates LLC I, Andover Associates Management Corp., Beacon Associates LLC I, Beacon Associates LLC II. (Attachments: # <a href="#">1</a> Exhibit A to Jakoby Declaration, # <a href="#">2</a> Exhibit B to Jakoby Declaration)Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(Jakoby, Arthur) (Entered: 02/08/2013)
02/11/2013	111	Objection of Charles T. Mederrick to Class Plaintiffs' Motion for Awards of Attorneys' Fees and Expenses. Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(lmb) (Entered: 03/01/2013)
04/05/2013	<a href="#">112</a>	TRANSCRIPT of Proceedings re: CONFERENCE held on 3/7/2013 before Judge Colleen McMahon. Court Reporter/Transcriber: Michael McDaniel,

		(212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 4/29/2013. Redacted Transcript Deadline set for 5/9/2013. Release of Transcript Restriction set for 7/11/2013. Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(Rodriguez, Somari) (Entered: 04/05/2013)
04/05/2013	<a href="#">113</a>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 3/7/13 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al.(Rodriguez, Somari) (Entered: 04/05/2013)
05/09/2013	<a href="#">114</a>	DECISION AND ORDER APPROVING SETTLEMENT AND GRANTING PLAINTIFFS' COUNSELS' JOINT MOTION FOR AWARD OF ATTORNEYS' FEES in case 1:09-cv-00777-LBS-AJP; granting (320) Motion for Settlement in case 1:09-cv-03907-CM-AJP; granting <input type="checkbox"/> Motion for Settlement in case 1:09-cv-00777-LBS-AJP; granting <input type="checkbox"/> Motion for Settlement in case 1:09-cv-06910-CM; granting <input type="checkbox"/> Motion for Settlement in case 1:09-cv-08278-; granting <input type="checkbox"/> Motion for Settlement in case 1:09-cv-08362-LBS; granting <input type="checkbox"/> Motion for Settlement in case 1:10-cv-08000-LBS - AJP; granting <input type="checkbox"/> Motion for Settlement in case 1:10-cv-08077-LBS -AJP. For the reasons set forth below, the settlement, the Plan of Allocation, and the request for reimbursement of expenses are all granted without modification. The request for attorneys' fees is granted with one modification, explained below. The objections are disallowed. I ask Lead and Liaison Counsel to submit a Final Order, adjusting the attorneys' fee award in accordance with my decision and otherwise granting all motions and disallowing all objections that were not resolved prior to the hearing. I thank everyone for the amazing work that you did in resolving these matters. Your clients all of them have been well served, and as further set forth in this document. This constitutes the decision and order of the court. The Clerk of the Court is directed to remove all outstanding motions in any of the cases listed in the caption from the Court's list of pending motions, as they have all been disposed of, in one way or another, by this opinion. (Signed by Judge Colleen McMahon on 5/9/2013) Filed In Associated Cases: 1:09-cv-00777-LBS-AJP et al. Copies Mailed By Chambers(cd) (Attachment 2 replaced on 5/10/2013) (cd). (Entered: 05/10/2013)
05/15/2013	<a href="#">115</a>	AMENDED DECISION AND ORDER APPROVING SETTLEMENT AND GRANTING PLAINTIFFS' COUNSELS' JOINT MOTION FOR AWARD OF ATTORNEYS' FEES: I ask Lead and Liaison Counsel to submit a Final Order, adjusting the attorneys' fee award in accordance with my decision and otherwise granting all motions and disallowing all objections that were not resolved prior to the hearing. I thank everyone for the amazing work that you did in resolving these matters. Your clients all of them have been well served. I also express my appreciation to my colleagues in the New York State



		Supreme Court and in the state courts in Palm Beach County, Florida, whose support and cooperation permitted this matter to be resolved. The actions pending in those courts in which special appearances have been made by counsel for settlement purposes are now remitted to those courts for whatever final proceedings need to occur in light of today's decision and order. This constitutes the decision and order of the court. The Clerk of the Court is directed to remove all outstanding motions in any of the cases listed in the caption from the Court's list of pending motions, as they have all been disposed of, in one way or another, by this opinion. (Signed by Judge Colleen McMahon on 5/15/2013) Filed In Associated Cases: 1:09-cv-00777-LBS et al. Copies Sent By Chambers(cd) (Entered: 05/15/2013)
05/15/2013	<a href="#">116</a>	ORDER RESPONDING TO HERRICK FEINSTEIN LETTER: The court has received a letter, dated May 13, 2013, from the law firm of Herrick Feinstein, which I am treating as a motion for leave to amend the court's May 9, 2013 decision and order approving the settlement of these actions and granting plaintiffs' counsels' joint motion for an award of attorneys' fees, and as further set forth in this document. In light of Herrick's having signed the Stipulation of Settlement, I conclude that Herrick is not really a "stranger" to the litigation before me. I will, therefore, amend the opinion. A revised opinion (which, incidentally, corrects a few typographical errors) is deemed attached. (Signed by Judge Colleen McMahon on 5/15/2013) Filed In Associated Cases: 1:09-cv-00777-LBS et al. Copies Sent By ECF By Chambers. (cd) (Entered: 05/15/2013)
05/23/2013	<a href="#">117</a>	MEMO ENDORSEMENT on (389 in 1:09-cv-03907-CM-AJP) MOTION for Reconsideration. ENDORSEMENT: Motion for reconsideration, dkt. #389 is denied in view of the order signed on 5/15/13. (Signed by Judge Colleen McMahon on 5/23/2013) Filed In Associated Cases: 1:09-cv-00777-LBS et al.(cd) (Entered: 05/23/2013)
05/23/2013	<a href="#">118</a>	COURT LETTER TO ALL COUNSEL RE YOUR LETTERS OF MAY 22: I apologize for having to clarify my ruling. It was my intention that the five law firms whose hours I reduced would bear the entire brunt of that reduction. The agreement among yourselves said that if I did not award a 20% fee you would bear any reduction proportionally. So, if I had only awarded a 15% fee, it was my understanding that you would all share in the hit. But that is not what I did. I actually accepted the 20% fee, albeit on a reduced number of hours. The hours that were reduced could be and were assigned to specific firms. It was my intention that those firms bear the impact of what I deemed to be their overbilling. I did not understand that to upset the spirit of your agreement. I am sorry to have caused any confusion. Please make sure that I know which proposed form of judgment to sign. If we should require a third form of judgment, please send me one. (Signed by Judge Colleen McMahon on 5/23/2013) Filed In Associated Cases: 1:09-cv-00777-LBS et al.(cd) (Entered: 05/24/2013)
05/29/2013	<a href="#">119</a>	SECOND AMENDED FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE REGARDING SETTLEMENT AND RULES 23 AND 23.1 settling action. (Signed by Judge Colleen McMahon on 5/28/13) (Attachments: # <a href="#">1</a> Notice of Right to Appeal)Filed In Associated Cases: 1:09-

		cv-00777-LBS et al.(ml) (Entered: 05/30/2013)
05/29/2013	<a href="#">120</a>	ORDER AND FINAL JUDGMENT GRANTING PRIVATE PLAINTIFFS' COUNSELS' MOTION FOR AWARD OF ATTORNEYS' FEES awarding attorneys' fees in the total amount of \$38,832,806.00. (Signed by Judge Colleen McMahon on 5/28/13) (Attachments: # <a href="#">1</a> Notice of Right to Appeal) Filed In Associated Cases: 1:09-cv-00777-LBS et al.(ml) (Entered: 05/30/2013)
05/29/2013	<a href="#">121</a>	ORDER AND FINAL JUDGMENT GRANTING PLAINTIFFS' CLASS COUNSELS' MOTION FOR REIMBURSEMENT OF EXPENSES awarding reimbursement expenses in the total amount of \$1,721,111.20. (Signed by Judge Colleen McMahon on 5/28/13) (Attachments: # <a href="#">1</a> Notice of Right to Appeal) Filed In Associated Cases: 1:09-cv-00777-LBS et al.(ml) (Entered: 05/30/2013)

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