

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:09-cv-00816-SRC-MCA**

LAUTENBERG FOUNDATION, THE et al v. MADOFF
Assigned to: Judge Stanley R. Chesler
Referred to: Magistrate Judge Madeline C. Arleo
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 02/24/2009
Jury Demand: Defendant
Nature of Suit: 850
Securities/Commodities
Jurisdiction: Federal Question

Date Filed	#	Docket Text
02/24/2009	<u>1</u>	COMPLAINT against PETER MADOFF (Filing fee \$ 350 receipt number 240294.), filed by LAUTENBERG FOUNDATION, THE, JOSHUA LAUTENBERG, ELLEN LAUTENBERG. (Attachments: # <u>1</u> EXH A TO CMP, # <u>2</u> EXH B TO CMP, # <u>3</u> EXH C TO CMP, # <u>4</u> EXH D TO CMP, # <u>5</u> CIV COV SHT, # <u>6</u> SUMMONS)(dr,) (Entered: 02/25/2009)
02/24/2009	<u>2</u>	Summons Issued as to PETER MADOFF. Days Due – 20. mld to counsel(dr,) (Entered: 02/25/2009)
02/25/2009	<u>3</u>	NOTICE of Appearance by GREG TRIF on behalf of LAUTENBERG FOUNDATION, THE, JOSHUA LAUTENBERG, ELLEN LAUTENBERG (DD,) (Entered: 02/25/2009)
02/25/2009	<u>4</u>	NOTICE of Appearance by LOUIS A. MODUGNO on behalf of LAUTENBERG FOUNDATION, THE, JOSHUA LAUTENBERG, ELLEN LAUTENBERG (DD,) (Entered: 02/25/2009)
03/19/2009	<u>5</u>	WAIVER OF SERVICE Returned Executed by LAUTENBERG FOUNDATION, THE, JOSHUA LAUTENBERG, ELLEN LAUTENBERG. PETER MADOFF waiver sent on 3/16/2009, answer due 5/15/2009. (RICCIO, RONALD) (Entered: 03/19/2009)
03/31/2009	<u>6</u>	Letter from Ronald J. Riccio, Esq. requesting early pre-trial conference. (RICCIO, RONALD) (Entered: 03/31/2009)
04/06/2009		Set/Reset Hearings: Please be advised that an Initial Pretrial Conference is set for 4/15/2009 10:00 AM in Newark – Courtroom 2C before Magistrate Judge Michael A. Shipp. Plaintiff's counsel must notify counsel for Defendant. Thank you. (nm,) (Entered: 04/06/2009)
04/14/2009	<u>7</u>	NOTICE of Appearance by WILLIAM F. MADERER on behalf of PETER MADOFF (MADERER, WILLIAM) (Entered: 04/14/2009)
04/14/2009	<u>8</u>	NOTICE of Appearance by MICHAEL GROHS on behalf of PETER MADOFF (GROHS, MICHAEL) (Entered: 04/14/2009)
04/14/2009	<u>9</u>	APPLICATION/PETITION for Admission Pro Hac Vice for by PETER MADOFF. (Attachments: # <u>1</u> Certification in Support of Application for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order Granting Pro Hac Vice Admission)(MADERER, WILLIAM) (Entered: 04/14/2009)
04/14/2009	<u>10</u>	Letter from William F. Maderer re <u>6</u> Letter. (Attachments: # <u>1</u> Letter from Charles T. Spada)(MADERER, WILLIAM) (Entered: 04/14/2009)
04/15/2009		Minute Entry for proceedings held before Magistrate Judge Michael A. Shipp: Initial Pretrial Conference held on 4/15/2009. (nm,) (Entered: 04/15/2009)
04/20/2009		Remark: Defendant shall file his motion to dismiss by 5/4/09. Plaintiffs shall file their opposition by 5/18/09. Defendant shall file his reply by 5/26/09. The requested general information must be turned over to Plaintiffs by 5/4/09. Thank you. (nm,) (Entered: 04/20/2009)

04/21/2009	<u>11</u>	ORDER granting pro hac vice admission as to CHARLES T. SPADA, ESQ.. Signed by Magistrate Judge Michael A. Shipp on 4/20/09. (DD,) (Entered: 04/21/2009)
04/30/2009		Pro Hac Vice fee as to CHARLES T. SPADA, ESQ.: \$ 150, receipt number 373278 (DD,) (Entered: 04/30/2009)
04/30/2009	<u>12</u>	Notice of Request by Pro Hac Vice Charles T. Spada to receive Notices of Electronic Filings. (GROHS, MICHAEL) (Entered: 04/30/2009)
05/04/2009	<u>13</u>	MOTION to Dismiss <i>Plaintiffs' Complaint</i> by PETER MADOFF. Responses due by 5/18/2009 (Attachments: # <u>1</u> Brief In Support of Motion to Dismiss, # <u>2</u> Declaration of Charles T. Spada, # <u>3</u> Exhibit A (Part 1 of 2), # <u>4</u> Exhibit A (Part 2 of 2), # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Text of Proposed Order, # <u>11</u> Certificate of Service)(MADERER, WILLIAM) (Entered: 05/04/2009)
05/05/2009		Set Deadlines as to <u>13</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> . Motion set for 6/1/2009 before Judge Stanley R. Chesler. The motion will be decided on the papers. No appearances required unless notified by the court. (DD,) (Entered: 05/05/2009)
05/18/2009	<u>14</u>	BRIEF in Opposition re <u>13</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by LAUTENBERG FOUNDATION, THE, JOSHUA LAUTENBERG, ELLEN LAUTENBERG. (Attachments: # <u>1</u> Declaration of Ronald J. Riccio, # <u>2</u> Certificate of Service)(RICCIO, RONALD) (Entered: 05/18/2009)
05/21/2009	<u>15</u>	Letter from Michael J. Grohs requesting extension of time to file reply brief and permission to file an overlength reply brief. (GROHS, MICHAEL) (Entered: 05/21/2009)
05/28/2009	<u>16</u>	ORDER granting Def't's request to an overlength reply brief until 6/2/09.. Signed by Judge Stanley R. Chesler on 5/27/09. (DD,) (Entered: 05/28/2009)
06/02/2009	<u>17</u>	REPLY BRIEF to Opposition to Motion re <u>13</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by PETER MADOFF. (Attachments: # <u>1</u> Certificate of Service)(MADERER, WILLIAM) (Entered: 06/02/2009)
07/01/2009	<u>18</u>	Letter from Ronald J. Riccio, Esq., to the Honorable Stanley R. Chesler enclosing a copy of the Government's June 26, 2009, Sentencing Memorandum of Bernard Madoff. (RICCIO, RONALD) (Entered: 07/01/2009)
07/20/2009		Set Deadlines as to <u>13</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> . Motion set for 7/28/2009 09:30 AM before Judge Stanley R. Chesler. ALL PARTIES ARE TO APPEAR READY TO PROCEED. (tt,) (Entered: 07/20/2009)
07/21/2009		Set Deadlines as to <u>13</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> . Motion set for 8/11/2009 12:00 PM before Judge Stanley R. Chesler. ALL COUNSEL SHALL APPEAR READY TO PROCEED(tt,) (Entered: 07/21/2009)
08/11/2009	<u>19</u>	Minute Entry for proceedings held before Judge Stanley R. Chesler: Motion Hearing held on 8/11/2009 re <u>13</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by PETER MADOFF, Motions Taken Under Advisement: <u>13</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> . (Court Reporter/Recorder KASHMER.) (tt,) (Entered: 08/11/2009)
09/09/2009	<u>20</u>	OPINION. Signed by Judge Stanley R. Chesler on 9/9/09. (DD,) (Entered: 09/09/2009)
09/09/2009	<u>21</u>	ORDER granting in part and denying in part <u>13</u> Motion to Dismiss; that the claim for violation of Section 10(b) of the Securities Act, pled in Count One of the Cmp. is dismissed, w/out prejudice; that the claim for negligent misrepresentation, pled in Count Five of the Cmp., is dismissed, w/out prejudice; that Def't's motion to dismiss is denied as to all other claims. Signed by Judge Stanley R. Chesler on 9/9/09. (DD,) (Entered: 09/09/2009)
09/21/2009	<u>22</u>	Letter from defendant Peter Madoff regarding proposed Stipulation extending time to answer the Complaint. (Attachments: # <u>1</u> proposed Stipulation)(GROHS, MICHAEL) (Entered: 09/21/2009)

09/23/2009	<u>23</u>	STIPULATION AND ORDER EXTENDING TIME for deft., PETER MADOFF to answer until 10/7/09.. Signed by Magistrate Judge Michael A. Shipp on 9/22/09. (DD,) (Entered: 09/23/2009)
09/23/2009		Update Answer Due Deadline as to deft., PETER MADOFF until 10/7/09. (DD,) (Entered: 09/23/2009)
09/25/2009	<u>24</u>	Letter from Ronald J. Riccio requesting a case management conference. (RICCIO, RONALD) (Entered: 09/25/2009)
09/28/2009		Set/Reset Hearings: An in-person Status Conference is set for 10/8/2009 11:00 AM in Newark – Courtroom 2C before Magistrate Judge Michael A. Shipp. (nm,) (Entered: 09/28/2009)
10/05/2009	<u>25</u>	Letter from Michael J. Grohs on behalf of defendant Peter Madoff regarding proposed Stipulation extending time to answer and requesting adjournment of in-person status conference. (Attachments: # <u>1</u> proposed Stipulation)(GROHS, MICHAEL) (Entered: 10/05/2009)
10/08/2009	<u>26</u>	STIPULATION/ORDER that deft Peter Madoff's time to answer is extended from 10/07/09 to 10/13/09. Signed by Magistrate Judge Michael A. Shipp on 10/07/09. (sr,) (Entered: 10/08/2009)
10/13/2009	<u>27</u>	ANSWER to Complaint with Jury Demand by PETER MADOFF. (Attachments: # <u>1</u> Certificate of Service)(MADERER, WILLIAM) (Entered: 10/13/2009)
10/19/2009	<u>28</u>	APPLICATION/PETITION for Admission Pro Hac Vice for by PETER MADOFF. (Attachments: # <u>1</u> Certification in Support of Application for Admission Pro Hac Vice, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service)(MADERER, WILLIAM) (Entered: 10/19/2009)
10/21/2009	<u>29</u>	Letter from Ronald J. Riccio, Esquire, to the Honorable Michael A. Shipp, U.S.M.J.. (RICCIO, RONALD) (Entered: 10/21/2009)
10/22/2009	<u>30</u>	ORDER OF RECUSAL. Judge Magistrate Judge Michael A. Shipp recused. Case reassigned to Judge Magistrate Judge Madeline C. Arleo for all further proceedings. Signed by Magistrate Judge Michael A. Shipp on 10/20/09. (DD,) (Entered: 10/22/2009)
10/26/2009	<u>31</u>	Letter from Ronald J. Riccio, Esquire, to Magistrate Judge Cox Arleo, USMJ. (RICCIO, RONALD) (Entered: 10/26/2009)
10/27/2009	<u>32</u>	LETTER ORDER scheduling Initial Conference for 11/5/2009 03:30 PM in Newark – Courtroom 2A before Magistrate Judge Madeline C. Arleo. JOINT DISCOVERY PLAN MUST BE SUBMITTED PRIOR TO THE CONFERENCE. CM/ECF IS MANDATORY FOR ALL FILINGS. Signed by Magistrate Judge Madeline C. Arleo on 10/27/2009. (kd) (Entered: 10/27/2009)
10/30/2009	<u>33</u>	ORDER granting re <u>28</u> Application/Petition to appear pro hac vice as to JEANNIE R. RUBIN, ESQ. filed by PETER MADOFF. Signed by Magistrate Judge Madeline C. Arleo on 10/28/09. (DD,) (Entered: 10/30/2009)
11/04/2009	<u>34</u>	ORDER AMENDING re <u>20</u> Opinion. Signed by Judge Stanley R. Chesler on 11/4/09. (DD,) (Entered: 11/04/2009)
11/05/2009		Minute Entry for proceedings held before Magistrate Judge Madeline C. Arleo: Scheduling Conference held on 11/5/2009 (Status Conference Call set for 1/6/2010 03:30 PM before Magistrate Judge Madeline C. Arleo.). (kd) (Entered: 11/16/2009)
11/06/2009	<u>36</u>	PRETRIAL SCHEDULING ORDER: Telephone Conference set for 1/7/2010 03:30 PM before Magistrate Judge Madeline C. Arleo. Amended Pleadings due by 2/10/2010. Fact Discovery due by 4/1/2010. Joinder of Parties due by 2/10/2010; etc.. Signed by Magistrate Judge Madeline C. Arleo on 11/6/09. (DD,) (Entered: 11/13/2009)
11/10/2009		Pro Hac Vice fee: \$ 150, receipt number 377995 re: Jeannie R. Rubin, Esq. (sr,) (Entered: 11/10/2009)

11/10/2009	<u>35</u>	Notice of Request by Pro Hac Vice Jeannie R. Rubin to receive Notices of Electronic Filings. (GROHS, MICHAEL) (Entered: 11/10/2009)
12/09/2009	<u>37</u>	Transcript of Proceedings (motions) held on 8/11/2009, before Judge Stanley R. Chesler. Court Reporter/Transcriber Jacqueline Kashmer, Telephone number 908 229-6496. NOTICE REGARDING REDACTION OF TRANSCRIPTS: 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 will be made remotely available in electronic format to the public without redaction after ninety(90) calendar days. The redaction policy is located on our website at www.njd.uscourts.gov. Transcripts 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 12/30/2009. Redacted Transcript Deadline set for 1/9/2010. Release of Transcript Restriction set for 3/9/2010. (mn,) (Entered: 12/10/2009)
01/06/2010	<u>38</u>	CONSENT ORDER, (Fact Discovery due by 6/30/2010., Motions to Amend due by 3/12/2010., Telephone/Status Conference set for 2/23/2010 02:30 PM before Magistrate Judge Madeline C. Arleo.); etc.. Signed by Magistrate Judge Madeline C. Arleo on 1/6/2010. (DD,) (Entered: 01/13/2010)
01/26/2010	<u>39</u>	Letter from Ronald J. Riccio, Esq, to the Honorable Madeline Cox Arleo requesting leave to file motion for sanctions. (Attachments: # <u>1</u> Exhibit A: November 6, 2009 Pretrial Scheduling Order, # <u>2</u> Exhibit B: Peter Madoff Deposition Transcript)(RICCIO, RONALD) (Entered: 01/26/2010)
01/26/2010	<u>40</u>	Letter from Charles T. Spada, Esq. to the Honorable Madeline Cox Arleo in response to Plaintiffs' request to file a motion for sanctions re <u>39</u> Letter,. (MADERER, WILLIAM) (Entered: 01/26/2010)
02/04/2010	<u>41</u>	LETTER-ORDER, (Status/Settlement Conference set for 2/24/2010 02:30 PM before Magistrate Judge Madeline C. Arleo.). The 2/23/2010 cnf. is adjourned.. Signed by Magistrate Judge Madeline C. Arleo on 2/4/10. (DD,) (Entered: 02/04/2010)
02/24/2010		Minute Entry for proceedings held before Magistrate Judge Madeline C. Arleo: Status/Settlement Conference held on 2/24/2010. (CD #10-02k, 4:51.) (kd) (Entered: 03/01/2010)
03/12/2010	<u>42</u>	MOTION for Summary Judgment <i>as to Count Three of Plaintiffs Complaint</i> by ELLEN LAUTENBERG, JOSHUA LAUTENBERG, LAUTENBERG FOUNDATION, THE. (Attachments: # <u>1</u> Brief, # <u>2</u> Statement of Material Facts, # <u>3</u> Declaration of Joshua S. Lautenberg, # <u>4</u> Declaration of Ellen Lautenberg, # <u>5</u> Declaration of Eleanor Rigolosi, # <u>6</u> Declaration of Ronald J. Riccio, # <u>7</u> Exhibits A-D to Declaration of Ronald J. Riccio, # <u>8</u> Exhibits E-G to Declaration of Ronald J. Riccio, # <u>9</u> Exhibits H-M to Declaration of Ronald J. Riccio, # <u>10</u> Exhibits N-P to Declaration of Ronald J. Riccio, # <u>11</u> Exhibits Q-S to Declaration of Ronald J. Riccio, # <u>12</u> Exhibits T-W to Declaration of Ronald J. Riccio, # <u>13</u> Text of Proposed Order, # <u>14</u> Certificate of Service)(GRIFFINGER, MICHAEL) (Entered: 03/12/2010)
03/15/2010		Set Deadlines as to <u>42</u> MOTION for Summary Judgment <i>as to Count Three of Plaintiffs Complaint</i> . Motion set for 4/19/2010 before Judge Stanley R. Chesler. The motion will be decided on the papers. No appearances required unless notified by the court. (DD,) (Entered: 03/15/2010)
03/24/2010	<u>43</u>	Letter from Michael J. Grohs enclosing proposed Stipulation extending the time for defendant to file opposition papers to plaintiffs' motion for summary judgment re Set/Reset Motion and RRDeadlines/Hearings,. (Attachments: # <u>1</u> Text of Proposed Order)(GROHS, MICHAEL) (Entered: 03/24/2010)
03/26/2010	<u>44</u>	STIPULATION AND ORDER EXTENDING TIME for deft., PETER MADOFF to file opposition to pltf's' motion for summary judgment from 4/5/10 to 4/19/10. Signed by Judge Stanley R. Chesler on 3/26/10. (DD,) (Entered: 03/26/2010)
04/15/2010	45	TEXT ORDER – Scheduling an In–Person Conference for APRIL 15, 2010 at 03:30 PM in Newark – Courtroom 2A before Magistrate Judge Madeline C. Arleo. Ordered by Magistrate Judge Madeline C. Arleo on 4/15/2010. (kd)

		(Entered: 04/15/2010)
04/15/2010	<u>46</u>	STIPULATION AND ORDER that Deft Peter Madoff's time to file opposition to Pltfs' motion for summary judgment is extended from 4/19/10, to and including 4/26/10. Signed by Magistrate Judge Madeline C. Arleo on 4/15/10. (jd,) (Entered: 04/17/2010)
04/21/2010	<u>47</u>	Letter from William F. Maderer to the Honorable Stanley R. Chesler requesting permission to combine page limits for two briefs and file one brief in opposition to the Rule 56 Motion and in support of the Stay Motion. (MADERER, WILLIAM) (Entered: 04/21/2010)
04/22/2010	<u>48</u>	ORDER re: brief in opposition to Rule 56 motion & in support of cross-motion for a stay. Signed by Judge Stanley R. Chesler on 4/22/10. (sr,) (Entered: 04/22/2010)