

ECF

U.S. District Court
United States District Court for the Southern District of New York
(Foley Square)
CIVIL DOCKET FOR CASE #: 1:09-cv-04176-LAK

Kearse v. Kaplan, Inc.
Assigned to: Judge Lewis A. Kaplan
Cause: 15:1 Antitrust Litigation

Date Filed: 04/28/2009
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Corey Kearse
*on behalf of himself and all
similarly situated persons*

represented by **Joe R. Whatley , JR.**
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V.

Defendant

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a Delaware Corporation

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Date Filed	#	Docket Text
04/28/2009	1	COMPLAINT against Kaplan, Inc. (Filing Fee \$ 350.00, Receipt Number 686602) Document filed by Corey Kearse. (ama) (Entered: 05/04/2009)
04/28/2009		SUMMONS ISSUED as to Kaplan, Inc. (ama) (Entered: 05/04/2009)
04/28/2009		Magistrate Judge Theodore H. Katz is so designated. (ama) (Entered: 05/04/2009)
04/28/2009		Case Designated ECF. (ama) (Entered: 05/04/2009)
05/04/2009	2	CERTIFICATE OF SERVICE of Summons and Complaint. Kaplan, Inc. served on 4/29/2009, answer due 5/19/2009. Service was accepted by Aixa Flores, Agent for CT Corporation. Document filed by Corey Kearse. (Solomon, Dean) (Entered: 05/04/2009)
05/07/2009	3	MOTION for Richard P. Rouco to Appear Pro Hac Vice. Document filed by Corey Kearse. (dle) (Entered: 05/08/2009)
05/13/2009	4	MEMO ENDORSEMENT granting 3 Motion for Richard P. Rouco to Appear Pro Hac Vice. ENDORSEMENT: Granted. (Signed by Judge Lewis A. Kaplan on 5/12/09) (tro) (Entered: 05/13/2009)
05/13/2009		Transmission to Attorney Admissions Clerk. Transmitted re: 4 Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (tro) (Entered: 05/13/2009)
05/14/2009		CASHIERS OFFICE REMARK on 3 Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 05/07/2009, Receipt Number 687434. (jd) (Entered: 05/14/2009)
05/15/2009	5	NOTICE OF APPEARANCE by Gordon Schnell on behalf of Kaplan, Inc. (Schnell, Gordon) (Entered: 05/15/2009)
05/18/2009	6	STIPULATION CONCERNING TIME FOR DEFENDANT TO RESPOND TO THE COMPLAINT AND OTHER DATES: Kaplan will answer or otherwise respond to the Complaint on or before July 2, 2009. Kaplan, Inc. answer due 7/2/2009. (Signed by Judge Lewis A. Kaplan on 5/18/09) (db) (Entered: 05/18/2009)

05/19/2009	7	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying The Washington Post Company as Corporate Parent. Document filed by Kaplan, Inc..(Schnell, Gordon) (Entered: 05/19/2009)
06/29/2009	8	ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE: Initial Conference set for 7/23/2009 at 10:00 AM in Courtroom 12D, 500 Pearl Street, New York, NY 10007 before Judge Lewis A. Kaplan. (Signed by Judge Lewis A. Kaplan on 6/29/09) (tro) (Entered: 06/29/2009)
07/02/2009	9	MOTION to Dismiss <i>Notice of Motion by Kaplan to Dismiss Complaint with Prejudice.</i> . Document filed by Kaplan, Inc.. (Schnell, Gordon) (Entered: 07/02/2009)
07/02/2009	10	FILING ERROR - WRONG EVENT TYPE SELECTED FROM MENU (Memorandum) - MOTION to Dismiss <i>Memorandum of Law in Support of Motion by Kaplan to Dismiss the Complaint with Prejudice.</i> . Document filed by Kaplan, Inc..(Schnell, Gordon) Modified on 7/8/2009 (jar). (Entered: 07/02/2009)
07/02/2009	11	DECLARATION of David A. Scupp, Esq. in Support re: 9 MOTION to Dismiss <i>Notice of Motion by Kaplan to Dismiss Complaint with prejudice.</i> . Document filed by Kaplan, Inc.. (Attachments: # 1 Exhibit A, # 2 Exhibit B - Part 1, # 3 Exhibit B - Part 2, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I) (Schnell, Gordon) Modified on 7/8/2009 (Rivera, Jazmin). (Entered: 07/02/2009)
07/02/2009	12	CERTIFICATE OF SERVICE of Notice of Motion to Dismiss the Complaint, Memorandum of Law in Support of Motion to Dismiss the Complaint with Prejudice, and the Declaration of David A. Scupp in Support of Motion to Dismiss the Complaint with Prejudice with exhibits A - I served on Gary B. Friedman & Richard Paul Rouco on July 2, 2009. Document filed by Kaplan, Inc.. (Schnell, Gordon) (Entered: 07/02/2009)
07/02/2009		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - EVENT TYPE ERROR. Note to Attorney Gordon Schnell to RE-FILE Document 10 MOTION to Dismiss <i>Memorandum of Law in Support of Motion by Kaplan to Dismiss the Complaint with Prejudice.</i> . Use the event type Memorandum of Law in Support found under the event list Replies, Oppositions, Supporting Documents. Link document to correctly filed 9 Motion to Dismiss. (jar) (Entered: 07/08/2009)
07/07/2009	13	NOTICE OF APPEARANCE by David Alan Scupp on behalf of

		Kaplan, Inc. (Scupp, David) (Entered: 07/07/2009)
07/08/2009	14	MEMORANDUM OF LAW in Support re: 9 MOTION to Dismiss <i>Notice of Motion by Kaplan to Dismiss Complaint with Prejudice...</i> Document filed by Kaplan, Inc.. (Schnell, Gordon) (Entered: 07/08/2009)
07/13/2009	15	STIPULATION CONCERNING TIME FOR PLAINTIFF TO OPPOSE KAPLAN'S MOTION TO DISMISS AND KAPLAN'S TIME TO REPLY: Plaintiffs will oppose that motion by August 28, 2009 and Kaplan will reply to plaintiffs' opposition September 23, 2009. (Signed by Judge Lewis A. Kaplan on 7/10/2009) (jpo) (Entered: 07/13/2009)
08/28/2009	16	REPLY MEMORANDUM OF LAW in Opposition re: 9 MOTION to Dismiss <i>Notice of Motion by Kaplan to Dismiss Complaint with Prejudice...</i> Document filed by Corey Kearse. (Attachments: # 1 Certificate of Service)(Kitzman, Tracey) (Entered: 08/28/2009)
08/28/2009	17	DECLARATION of Richard P. Rouco in Opposition re: 9 MOTION to Dismiss <i>Notice of Motion by Kaplan to Dismiss Complaint with Prejudice...</i> Document filed by Corey Kearse. (Attachments: # 1 Exhibit A)(Kitzman, Tracey) (Entered: 08/28/2009)
09/23/2009	18	REPLY MEMORANDUM OF LAW in Support re: 9 MOTION to Dismiss <i>Notice of Motion by Kaplan to Dismiss Complaint with Prejudice...</i> Document filed by Kaplan, Inc.. (Schnell, Gordon) (Entered: 09/23/2009)
09/23/2009	19	CERTIFICATE OF SERVICE of Reply Memorandum of Law In Support of Kaplan's Motion to Dismiss With Prejudice served on Corey Kearse on September 23, 2009. Document filed by Kaplan, Inc.. (Schnell, Gordon) (Entered: 09/23/2009)
03/05/2010	20	ORDER. Plaintiff, on or before March 15, 2010, shall file an affidavit or declaration definitively stating whether he purchased a bar review course from BAR/BRI in the United States at any time from August 1, 1997 to and including July 31, 2006. (Signed by Judge Lewis A. Kaplan on 3/5/10) (djc) (Entered: 03/05/2010)
03/11/2010	21	NOTICE of Filing Declaration. Document filed by Corey Kearse. (Rouco, Richard) (Entered: 03/11/2010)
03/12/2010	22	MEMORANDUM OPINION re: #98664 9 MOTION to Dismiss <i>Notice of Motion by Kaplan to Dismiss Complaint with Prejudice.</i> filed by Kaplan, Inc. For the reasons set forth in

this Memorandum Opinion, defendant's motion to dismiss the complaint on the ground that it is barred by the statute of limitations is granted. As I cannot exclude the possibility that plaintiff could sufficiently allege fraudulent concealment, the dismissal is without prejudice to the filing, on or before March 25, 2010, of an amended complaint amending only the fraudulent concealment allegations. (Signed by Judge Lewis A. Kaplan on 3/12/2010) (tro) Modified on 3/15/2010 (ajc). (Entered: 03/12/2010)

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