

CONSOL,JURYDEMAND,PROTO

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #: 2:14-cv-00540-JCC

Barovic v. Ballmer et al
Assigned to: Judge John C Coughenour
Cause: 28:1332 Diversity

Date Filed: 04/11/2014
Jury Demand: Plaintiff
Nature of Suit: 160 Stockholders Suits
Jurisdiction: Diversity

Plaintiff

Kim Barovic
derivatively on behalf of Microsoft Corporation

represented by **Alfred G Yates , Jr**
LAW OFFICE OF ALFRED G.
YATES
519 ALLEGHENY BLDG
429 FORBES AVE
PITTSBURGH, PA 15219
412-391-5164
Email: yateslaw@aol.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Brett D. Stecker
WEISER LAW FIRM
22 CASSATT AVENUE
FIRST FLOOR
BERWYN, PA 19312
610-225-2677
Email: bds@weiserlawfirm.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Christopher J Orrico
BERNSTEIN LITOWITZ BERGER &
GROSSMANN (NY)
1285 AVENUE OF THE AMERICAS
38RD FLOOR
NEW YORK, NY 10019
212-554-1474
Email: christopher.orrico@blbglaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

David Wales

BERNSTEIN LITOWITZ BERGER &
GROSSMANN (NY)
1285 AVENUE OF THE AMERICAS
38RD FLOOR
NEW YORK, NY 10019
212-554-1409
Email: davidw@blbglaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gerald L Rutledge

LAW OFFICE OF ALFRED G YATES
JR
519 ALLEGHENY BLDG
429 FORBES AVE
PITTSBURGH, PA 15219
412-391-5164
Email: yateslaw@aol.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

James M Ficarò

WEISER LAW FIRM
22 CASSATT AVENUE
FIRST FLOOR
BERWYN, PA 19312
610-225-0206
Email: jmf@weiserlawfirm.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jeffrey J. Ciarlanto

WEISER LAW FIRM
22 CASSATT AVENUE
FIRST FLOOR
BERWYN, PA 19312
610-225-2677
Email: jjc@weiserlawfirm.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kathleen A. Herkenhoff

THE WEISER LAW FIRM PC
12707 HIGH BLUFF DRIVE

STE 200
SAN DIEGO, CA 92130
858-794-1441
Email: kah@weiserlawfirm.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Mark Lebovitch
BERNSTEIN LITOWITZ BERGER &
GROSSMANN (NY)
1285 AVENUE OF THE AMERICAS
38RD FLOOR
NEW YORK, NY 10019
212-554-1519
Email: markl@blbglaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Robert B Weiser
WEISER LAW FIRM
22 CASSATT AVENUE
FIRST FLOOR
BERWYN, PA 19312
610-225-2677
Email: rw@weiserlawfirm.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Duncan Calvert Turner
BADGLEY MULLINS TURNER
PLLC
19929 BALLINGER WAY NE, STE
200
SEATTLE, WA 98155
206-621-6566
Email: dturner@badgleyturner.com
ATTORNEY TO BE NOTICED

Plaintiff

Stephen Diphilipo
*derivatively on behalf of Microsoft
Corporation*

represented by **Alfred G Yates, Jr**
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Duncan Calvert Turner

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gerald L Rutledge
(See above for address)
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Katherine Ryan
RYAN & MANISKAS, LLP
995 OLD EAGLE SCHOOL RD.
STE 311
WAYNE, PA 19087
484-588-5516
Email: kryan@rmclasslaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Richard A Maniskas
RYAN & MANISKAS, LLP
995 OLD EAGLE SCHOOL RD
STE 311
WAYNE, PA 19087
484-588-5516
Email: rmaniskas@rmclasslaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

V.

Defendant

Steven A. Ballmer

represented by **Brendan Thomas Mangan**
DAVIS WRIGHT TREMAINE (SEA)
1201 THIRD AVENUE STE 2200
SEATTLE, WA 98101-3045
206-622-3150
Email: brendanmangan@dwt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
DAVIS WRIGHT TREMAINE (SEA)
1201 THIRD AVENUE STE 2200
SEATTLE, WA 98101-3045
206-622-3150

Email: steverummage@dwt.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
DAVIS WRIGHT TREMAINE (SEA)
1201 THIRD AVENUE STE 2200
SEATTLE, WA 98101-3045
206-757-8303
Email: candicetewell@dwt.com
ATTORNEY TO BE NOTICED

Defendant

Dina D. Dublon

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

William H. Gates III

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Maria M. Klawe

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Stephen J. Luczo

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

David F. Marquardt

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Charles H. Noski

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Helmut Panke

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John W. Thompson

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Peter S. Klein

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Brad Smith**

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**B. Kevin Turner**

represented by **Brendan Thomas Mangan**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Rummage
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Candice Tewell
(See above for address)
ATTORNEY TO BE NOTICED

Nominal Defendant**Microsoft Corporation**

represented by **Charles J Ha**
ORRICK HERRINGTON &
SUTCLIFFE LLP (SEA)
701 FIFTH AVENUE
STE 5600
SEATTLE, WA 98104
206-839-4300
Email: charlesha@orrick.com
ATTORNEY TO BE NOTICED

Daniel J Dunne , Jr.
ORRICK HERRINGTON &
SUTCLIFFE LLP (SEA)
701 FIFTH AVENUE
STE 5600
SEATTLE, WA 98104
206-839-4300

Fax: 839-4301
 Email: ddunne@orrick.com
 ATTORNEY TO BE NOTICED

George E Greer
 ORRICK HERRINGTON &
 SUTCLIFFE (WA)
 701 FIFTH AVE
 STE 5600
 SEATTLE, WA 98104-7097
 206-839-4300
 Fax: 206-839-4301
 Email: ggreer@orrick.com
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/11/2014	1	COMPLAINT against defendant(s) All Defendants (Receipt # 0981-3569448) Attorney Duncan Calvert Turner added to party Kim Barovic(pty:pla), filed by Kim Barovic. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Civil Cover Sheet, # 5 Summons)(Turner, Duncan) (Entered: 04/11/2014)
04/14/2014	2	APPLICATION OF ATTORNEY Brett D. Stecker FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Kim Barovic (Fee Paid) Receipt No. 0981-3570621. (Turner, Duncan) (Entered: 04/14/2014)
04/14/2014	3	APPLICATION OF ATTORNEY Jeffrey J. Ciarlanto FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Kim Barovic (Fee Paid) Receipt No. 0981-3570623. (Turner, Duncan) (Entered: 04/14/2014)
04/14/2014	4	APPLICATION OF ATTORNEY Kathleen A. Herkenhoff FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Kim Barovic (Fee Paid) Receipt No. 0981-3570625. (Turner, Duncan) (Entered: 04/14/2014)
04/14/2014		Judge John C Coughenour added. (MKB) (Entered: 04/14/2014)
04/14/2014	5	Summons Issued as to defendant Microsoft Corporation. (MKB) (Entered: 04/14/2014)
04/14/2014	6	ORDER re 2 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Brett D. Stecker for Kim Barovic, by William M. McCool. (No document associated with this docket entry, text only.)(DS) (Entered: 04/14/2014)
04/14/2014	7	ORDER re 3 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Jeffrey J. Ciarlanto for Kim Barovic, by William M. McCool. (No document associated with this docket entry, text only.)(DS) (Entered: 04/14/2014)
04/14/2014	8	ORDER re 4 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Kathleen A. Herkenhoff for Kim Barovic, by William M.

		McCool. (No document associated with this docket entry, text only.)(DS) (Entered: 04/14/2014)
04/14/2014	9	ORDER REGARDING DISCOVERY AND DEPOSITIONS by United States District Judge John C. Coughenour. (PP) (Entered: 04/14/2014)
04/18/2014	10	AFFIDAVIT of Service of Summons and Complaint on Caroline Little on 4/15/2014, filed by Plaintiff Kim Barovic. (Turner, Duncan) (Entered: 04/18/2014)
04/24/2014	11	NOTICE of Change of Address/Change of Name of Attorney Duncan Calvert Turner. Filed by Plaintiff Kim Barovic. (Turner, Duncan) Modified Address on 4/25/2014 (DS). (Entered: 04/24/2014)
04/28/2014	12	NOTICE of Appearance by attorney Daniel J Dunne, Jr on behalf of Nominal Defendant Microsoft Corporation. (Dunne, Daniel) (Entered: 04/28/2014)
04/28/2014	13	NOTICE of Appearance by attorney George E Greer on behalf of Nominal Defendant Microsoft Corporation. (Greer, George) (Entered: 04/28/2014)
04/28/2014	14	NOTICE of Appearance by attorney Charles J Ha on behalf of Nominal Defendant Microsoft Corporation. (Ha, Charles) (Entered: 04/28/2014)
04/29/2014	15	NOTICE of Appearance by attorney Candice Tewell on behalf of Defendants Steven A. Ballmer, Dina D. Dublon, William H. Gates III, Maria M. Klawe, Peter S. Klein, Stephen J. Luczo, David F. Marquardt, Charles H. Noski, Helmut Panke, Brad Smith, John W. Thompson, B. Kevin Turner. (Tewell, Candice) (Entered: 04/29/2014)
04/29/2014		Attorney Stephen M. Rummage,Brendan Thomas Mangan for Steven A. Ballmer,Stephen M. Rummage,Brendan Thomas Mangan for Dina D. Dublon,Stephen M. Rummage,Brendan Thomas Mangan for William H. Gates III,Stephen M. Rummage,Brendan Thomas Mangan for Maria M. Klawe,Stephen M. Rummage,Brendan Thomas Mangan for Peter S. Klein,Stephen M. Rummage,Brendan Thomas Mangan for Stephen J. Luczo,Stephen M. Rummage,Brendan Thomas Mangan for David F. Marquardt,Stephen M. Rummage,Brendan Thomas Mangan for Charles H. Noski,Stephen M. Rummage,Brendan Thomas Mangan for Helmut Panke,Stephen M. Rummage,Brendan Thomas Mangan for Brad Smith,Stephen M. Rummage,Brendan Thomas Mangan for John W. Thompson,Stephen M. Rummage,Brendan Thomas Mangan for B. Kevin Turner added; per 15 Notice of Appearance,. (ELS) (Entered: 04/29/2014)
05/20/2014	16	STIPULATION AND PROPOSED ORDER <i>Consolidating Related Actions, Appointing Co-Lead Counsel and Liaison Counsel and Related Matters</i> by parties. (Turner, Duncan) (Entered: 05/20/2014)
05/28/2014	17	STIPULATED ORDER OF CONSOLIDATION by Judge John C Coughenour. Case is consolidated with C14-586JCC. (CL) (Entered: 05/28/2014)
06/26/2014	18	NOTICE - <i>Verified Consolidated Shareholder Derivative Complaint</i> ; filed by Plaintiffs Kim Barovic, Stephen Diphilipo. (Turner, Duncan) (Entered: 06/26/2014)

08/11/2014	19	MOTION to Dismiss <i>Complaint</i> by Nominal Defendant Microsoft Corporation. (Attachments: # 1 Proposed Order) Noting Date 10/31/2014, (Dunne, Daniel) (Entered: 08/11/2014)
08/11/2014	20	DECLARATION of Daniel J. Dunne filed by Nominal Defendant Microsoft Corporation re 19 MOTION to Dismiss <i>Complaint</i> (Dunne, Daniel) (Entered: 08/11/2014)
08/11/2014	21	CORPORATE DISCLOSURE STATEMENT Filed pursuant to Fed.R.Civ.P 7.1. Filed by Microsoft Corporation (Dunne, Daniel) (Entered: 08/11/2014)
08/11/2014	22	CERTIFICATE OF SERVICE by Nominal Defendant Microsoft Corporation re 21 Corporate Disclosure Statement, 19 MOTION to Dismiss <i>Complaint</i> , 20 Declaration (Dunne, Daniel) (Entered: 08/11/2014)
08/11/2014	23	MOTION to Dismiss by Defendants Steven A. Ballmer, Dina D. Dublon, William H. Gates III, Maria M. Klawe, Peter S. Klein, Stephen J. Luczo, David F. Marquardt, Charles H. Noski, Helmut Panke, Brad Smith, John W. Thompson, B. Kevin Turner. (Attachments: # 1 Proposed Order) Noting Date 10/31/2014, (Rummage, Stephen) (Entered: 08/11/2014)
08/11/2014	24	DECLARATION of Stephen M. Rummage filed by Defendants Steven A. Ballmer, Dina D. Dublon, William H. Gates III, Maria M. Klawe, Peter S. Klein, Stephen J. Luczo, David F. Marquardt, Charles H. Noski, Helmut Panke, Brad Smith, John W. Thompson, B. Kevin Turner re 23 MOTION to Dismiss (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Rummage, Stephen) (Entered: 08/11/2014)
09/24/2014	25	STIPULATION AND PROPOSED ORDER EXTENDING BRIEFING SCHEDULE ON PENDING MOTIONS by parties re 17 Consolidation Order for Lead case only, 16 Stipulation (Turner, Duncan) Document filed in error, stricken per counsel. Text Modified on 9/25/2014 (TM). (Entered: 09/24/2014)
09/24/2014	26	STIPULATION AND PROPOSED ORDER <i>EXTENDING BRIEFING SCHEDULE ON PENDING MOTIONS</i> by parties re 17 Consolidation Order - for Lead case only, 16 Stipulation (Turner, Duncan) (Entered: 09/24/2014)
09/26/2014	27	MINUTE ORDER by Judge John C Coughenour re 26 Stipulation EXTENDING BRIEFING SCHEDULE ON PENDING MOTIONS. (LMK) (Entered: 09/26/2014)
09/30/2014	28	RESPONSE, by Plaintiffs Kim Barovic, Stephen Diphilipo, to 23 MOTION to Dismiss , 19 MOTION to Dismiss <i>Complaint</i> . (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D, # 5 Exhibit Exhibit E)(Turner, Duncan) (Entered: 09/30/2014)
10/30/2014	29	REPLY, filed by Defendants Steven A. Ballmer, Dina D. Dublon, William H. Gates III, Maria M. Klawe, Peter S. Klein, Stephen J. Luczo, David F. Marquardt, Charles H. Noski, Helmut Panke, Brad Smith, John W. Thompson, B. Kevin Turner, TO RESPONSE to 23 MOTION to Dismiss (Rummage, Stephen) (Entered: 10/30/2014)
10/30/2014	30	

		REPLY, filed by Nominal Defendant Microsoft Corporation, TO RESPONSE to 19 MOTION to Dismiss <i>Complaint</i> (Attachments: # 1 Exhibit A)(Dunne, Daniel) (Entered: 10/30/2014)
12/10/2014	31	ORDER Denying Defendant 19 Microsoft Corporation's Motion to Dismiss Complaint and Individual Defendants' 23 Motion to Dismiss, by Judge John C Coughenour.(TM) (Entered: 12/10/2014)
12/18/2014	32	STIPULATION AND PROPOSED ORDER <i>Extending Deadline for Microsoft and Individual Defendants to Answer Consolidated Complaint</i> by parties (Tewell, Candice) (Entered: 12/18/2014)
12/19/2014	33	MINUTE ORDER by U.S. District Judge John C Coughenour re 32 Stipulation. The Court EXTENDS the deadline for Microsoft and the Individual Defendants to answer the Verified Consolidated Shareholder Derivative Complaint to January 9, 2015. (LMK) (Entered: 12/19/2014)
01/09/2015	34	RESPONSE by Defendants Steven A. Ballmer, Dina D. Dublon, William H. Gates III, Maria M. Klawe, Peter S. Klein, Stephen J. Luczo, David F. Marquardt, Charles H. Noski, Helmut Panke, Brad Smith, John W. Thompson, B. Kevin Turner re 18 Notice-Other <i>Individual Defendants' Answer to Verified Consolidated Complaint</i> (Rummage, Stephen) (Entered: 01/09/2015)
01/09/2015	35	ANSWER to 1 Complaint, by Microsoft Corporation.(Dunne, Daniel) (Entered: 01/09/2015)
01/12/2015	36	<p>MINUTE ENTRY re: STATUS CONFERENCE.</p> <p>The attorney who will be responsible for trying the case should attend the conference and be prepared to discuss the following matters at the conference: 1. The nature of the case; 2. The status of matters which are presently set before the Court, e.g., hearings, motions, etc.; 3. The status of discovery and a time schedule for its completion; 4. A statement of any legal issues about which motions are contemplated and a possible briefing schedule; 5. An estimate of the number of days needed for trial; 6. Whether the case is jury or non-jury; 7. The date by which the case will be ready for trial; 8. Settlement probabilities; and 9. Whether the parties consent to proceed to trial before an assigned magistrate judge pursuant to 28 U.S.C. 636(c).</p> <p>Counsel do NOT need to file a Joint Status Report or Rule 26(f) Report in advance of the Status Conference. Counsel should plan on arriving 10-15 minutes early to check in with the Courtroom Deputy Clerk, as the Court's calendar begins promptly at 9:00 a.m. COUNSEL FOR THE PARTY WHO FILED THIS MATTER SHALL IMMEDIATELY NOTIFY ALL OTHER PARTIES OF THE DATE AND TIME OF THE SCHEDULED STATUS CONFERENCE.</p> <p>A Status Conference is set for 2/17/2015 at 9:00 AM in Courtroom 16206 before U.S. District Judge John C. Coughenour. (PP) (Entered: 01/12/2015)</p>
02/17/2015	37	

		<p>MINUTE ENTRY for proceedings held before U.S. District Judge John C. Coughenour; CRD: <i>Paul Pierson</i>; Plaintiff's Counsel: <i>NOT PRESENT</i>; Defense Counsel: <i>Stephen Rummage and Daniel Dunne, Jr.</i>; CR: <i>Andrea Ramirez</i>; Time of Hearing: <i>9:00 a.m.</i>; Courtroom: <i>16206</i>; Session #: <i>2</i>. Status Conference was NOT held on 2/17/2015 due to non-appearance of Plaintiff's counsel.</p> <p>The Court directed an ORDER TO SHOW CAUSE issue for the failure of Plaintiff's counsel to appear at today's Status Conference and the Response is due in 10 days.</p> <p>A Further Status Conference is set for 3/17/2015 at 9:00 AM in Courtroom 16206 before U.S. District Judge John C. Coughenour. (PP) (Entered: 02/17/2015)</p>
02/17/2015	38	RESPONSE TO ORDER TO SHOW CAUSE by Plaintiff Kim Barovic (Turner, Duncan) (Entered: 02/17/2015)
02/25/2015	39	Joint MOTION for Protective Order <i>Joint Motion for Stipulated Protective Order</i> by Nominal Defendant Microsoft Corporation. (Attachments: # 1 Exhibit A - Proposed Stipulated Protective Order, # 2 Exhibit B - Redline) Noting Date 2/25/2015, (Greer, George) (Entered: 02/25/2015)
03/02/2015	40	ORDER granting Parties 39 Motion for Protective Order, by U.S. District Judge John C Coughenour.(TM) (Entered: 03/02/2015)
03/05/2015	41	APPLICATION OF ATTORNEY Alfred G. Yates Jr FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Kim Barovic, Stephen Diphilipo (Fee Paid) Receipt No. 0981-3931741 (Turner, Duncan) (Entered: 03/05/2015)
03/05/2015	42	APPLICATION OF ATTORNEY Gerald L. Rutledge FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiffs Kim Barovic, Stephen Diphilipo (Fee Paid) Receipt No. 0981-3931765 (Turner, Duncan) (Entered: 03/05/2015)
03/05/2015	43	ORDER re 41 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Alfred G Yates, Jr for Plaintiffs Kim Barovic, and Stephen Diphilipo, by Clerk of Court, William M. McCool. (NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d)). (No document associated with this docket entry, text only.)(LMK) (Entered: 03/05/2015)
03/05/2015	44	ORDER re 42 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Gerald L Rutledge for Plaintiffs Kim Barovic, and Stephen Diphilipo, by Clerk of Court, William M. McCool.(NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d)). (No document associated with this docket entry, text only.)(LMK) (Entered: 03/05/2015)
03/17/2015	45	MINUTE ENTRY re: STATUS CONFERENCE held before United States District Judge John C. Coughenour; Courtroom Deputy Clerk Paul Pierson;

		<p>Court Reporter Nicki Drury; Plaintiff's Counsel Duncan Turner; Defendants' Counsel Stephen Rummage and Daniel Dunne, Jr.</p> <p>The case was called and counsel made their appearance. The Court inquires of counsel concerning their desired trial date and time estimate for trial. Note that <u>all</u> depositions, discovery and perpetuation, must be completed before the discovery completion date.</p> <p>Jury instructions shall be electronically filed with the Clerk of Court and include an original version and 2 separate versions: 1 numbered sequentially and with citations; and, the other copy without numbering or citations. Counsel are advised that the Court will rely primarily upon the Manual of Model Jury Instructions for the Ninth Circuit in preparation of final instructions for submission to the jury.</p> <p>Counsel are advised that this case is one of several cases set for the week described below. Counsel shall be prepared to commence trial as scheduled, but understand that the trial may have to be continued. Counsel are directed to contact the Courtroom Deputy Clerk at paul_pierson@wawd.uscourts.gov 2-4 weeks in advance of the trial date regarding the Court's trial calendar.</p> <p>Case management dates are established as follows: 2-3 WEEKS FOR A JURY TRIAL SET ON 10/3/2016 @ 9:30 AM in Courtroom 16206 before U.S. District Judge John C. Coughenour. A Proposed Pretrial Order is due by 9/23/2016; Pleading amendment/3rd party action is/are due by 9/4/2015; Trial briefs and proposed voir dire/jury instructions are due by 9/29/2016; discovery cutoff is 120 days before trial, and the dispositive motion filing deadline is 90 days before trial.</p> <p>Counsel should attend Courtroom Technology Training at least ONE (1) MONTH in advance of the trial date in order to become familiar utilizing the A/V equipment now available in the courtroom. Training is held at 3:00 p.m. on the 1st and 3rd Wednesday of each month in Courtroom 18B. (PP) (Entered: 03/17/2015)</p>
05/01/2015	46	MOTION to Seal by Nominal Defendant Microsoft Corporation. (Attachments: # 1 Proposed Order Granting Motion to File Under Seal) Noting Date 5/15/2015, (Dunne, Daniel) (Entered: 05/01/2015)
05/01/2015	47	DECLARATION of Charles Ha filed by Nominal Defendant Microsoft Corporation re 46 MOTION to Seal (Dunne, Daniel) (Entered: 05/01/2015)
05/01/2015	48	UNREDACTED SEALED 47 Declaration, by Nominal Defendant Microsoft Corporation (Dunne, Daniel) (Entered: 05/01/2015)
05/01/2015	49	MOTION for Summary Judgment <i>re: Business Judgment Rule</i> by Nominal Defendant Microsoft Corporation. Oral Argument Requested. (Attachments: # 1 Proposed Order Granting Motion for Summary Judgment) Noting Date 5/29/2015, (Dunne, Daniel) (Entered: 05/01/2015)
05/01/2015	50	

		DECLARATION of Susan S. Muck filed by Nominal Defendant Microsoft Corporation re 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> (Attachments: # 1 Exhibit 7 - 14)(Dunne, Daniel) (Entered: 05/01/2015)
05/01/2015	51	DECLARATION of Karol Paul Edward Lasok QC filed by Nominal Defendant Microsoft Corporation re 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> (Dunne, Daniel) (Entered: 05/01/2015)
05/08/2015	52	APPLICATION OF ATTORNEY Christopher J. Orrico FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Kim Barovic (Fee Paid) Receipt No. 0981-4010327 (Turner, Duncan) (Entered: 05/08/2015)
05/08/2015	53	APPLICATION OF ATTORNEY Robert B. Weiser FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Kim Barovic (Fee Paid) Receipt No. 0981-4010351 (Turner, Duncan) (Entered: 05/08/2015)
05/08/2015	54	APPLICATION OF ATTORNEY James M. Ficaro FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Kim Barovic (Fee Paid) Receipt No. 0981-4010358 (Turner, Duncan) (Entered: 05/08/2015)
05/08/2015	55	APPLICATION OF ATTORNEY Mark Lebovitch FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Kim Barovic (Fee Paid) Receipt No. 0981-4010364 (Turner, Duncan) (Entered: 05/08/2015)
05/08/2015	56	APPLICATION OF ATTORNEY David Wales FOR LEAVE TO APPEAR PRO HAC VICE for Plaintiff Kim Barovic (Fee Paid) Receipt No. 0981-4010367 (Turner, Duncan) (Entered: 05/08/2015)
05/08/2015	57	ORDER re 52 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Christopher J Orrico for Kim Barovic, by Clerk William M McCool. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (DS) (Entered: 05/08/2015)
05/08/2015	58	ORDER re 53 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Robert B Weiser for Kim Barovic, by Clerk William M McCool. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (DS) (Entered: 05/08/2015)
05/08/2015	59	ORDER re 54 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney James M Ficaro for Kim Barovic, by Clerk William M McCool. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the</i>

		<i>applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (DS) (Entered: 05/08/2015)
05/08/2015	60	ORDER re 55 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Mark Lebovitch for Kim Barovic, by Clerk William M McCool. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (DS) (Entered: 05/08/2015)
05/08/2015	61	ORDER re 56 Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney David Wales for Kim Barovic, by Clerk William M McCool. No document associated with this docket entry, text only. <i>NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d).</i> (DS) (Entered: 05/08/2015)
05/14/2015	62	Joint MOTION for Extension of Time <i>Joint Motion to Extend Briefing Schedule and for Leave to File Over-Length Briefs on Pending Motion</i> by Plaintiffs Kim Barovic, Stephen Diphilipo, Nominal Defendant Microsoft Corporation. (Attachments: # 1 Proposed Order) Noting Date 5/14/2015, (Dunne, Daniel) (Entered: 05/14/2015)
05/15/2015	63	MINUTE ORDER granting Parties' 62 Joint Motion for Extension of Time. Plaintiff's deadline to file opposition to Microsoft's Motion for Summary Judgment is extended to 6/25/2015; Microsoft's deadline to file a reply to Plaintiff's opposition is extended to 7/13/2015; Per chambers direction, Defendant Microsoft's 49 MOTION for Summary Judgment is renoted for 7/17/2015, by U.S. District Judge John C Coughenour.(TM) (Entered: 05/15/2015)
05/19/2015	64	NOTICE of Non-Opposition to Nominal Defendant Microsoft Corporation <i>Motion for Leave to File Document Under Seal</i> ; filed by Plaintiff Kim Barovic. (Turner, Duncan) (Entered: 05/19/2015)
06/16/2015	65	MOTION for Discovery (<i>Motion for Phased Discovery</i>) by Nominal Defendant Microsoft Corporation. Oral Argument Requested. (Attachments: # 1 Proposed Order Proposed Order Granting Motion for Phased Discovery) Noting Date 7/10/2015, (Dunne, Daniel) (Entered: 06/16/2015)
06/16/2015	66	DECLARATION of George E. Greer In Support of Microsoft's Motion for Staged Discovery filed by Nominal Defendant Microsoft Corporation re 65 MOTION for Discovery (<i>Motion for Phased Discovery</i>) (Dunne, Daniel) (Entered: 06/16/2015)
06/25/2015	67	RESPONSE, by Plaintiff Kim Barovic, to 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> . Oral Argument Requested. (Attachments: # 1 Proposed Order Denying Defendant msj)(Turner, Duncan) (Entered: 06/25/2015)

06/25/2015	68	DECLARATION of Brett D. Stecker filed by Plaintiff Kim Barovic re 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> (Turner, Duncan) (Entered: 06/25/2015)
06/25/2015	69	DECLARATION of Duncan C. Turner filed by Plaintiff Kim Barovic re 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> (Turner, Duncan) (Entered: 06/25/2015)
06/25/2015	70	Opposition to Nominal Defendant Microsoft Corporation's to 65 MOTION for Discovery (<i>Motion for Phased Discovery</i>) and CROSS MOTION TO COMPEL PRODUCTION OF MERITS DISCOVERY filed by Plaintiffs. Oral Argument Requested. (Turner, Duncan) Modified on 7/9/2015; turned Response into a Motion, as filer used incorrect event. (LMK). (Entered: 06/25/2015)
06/25/2015	71	PROPOSED ORDER (Unsigned) re 70 Response to Motion <i>Granting Cross Motion</i> (Turner, Duncan) (Entered: 06/25/2015)
06/25/2015	72	PROPOSED ORDER (Unsigned) re 70 Response to Motion <i>Denying Mtn for Phased Discovery</i> (Turner, Duncan) (Entered: 06/25/2015)
06/25/2015	73	DECLARATION of Brett D. Stecker filed by Plaintiff Kim Barovic re 65 MOTION for Discovery (<i>Motion for Phased Discovery</i>) (Turner, Duncan) (Entered: 06/25/2015)
06/29/2015	74	NOTICE of Joinder JOINING 65 MOTION for Discovery (<i>Motion for Phased Discovery</i>), by Defendants Steven A. Ballmer, Dina D. Dublon, William H. Gates III, Maria M. Klawe, Peter S. Klein, Stephen J. Luczo, David F. Marquardt, Charles H. Noski, Helmut Panke, Brad Smith, John W. Thompson, B. Kevin Turner. (Rummage, Stephen) (Entered: 06/29/2015)
07/02/2015	75	STIPULATION AND PROPOSED ORDER <i>SETTING BRIEFING SCHEDULE ON MOTIONS AND CROSS MOTION</i> by parties (Dunne, Daniel) (Entered: 07/02/2015)
07/06/2015	76	MINUTE ORDER re Stipulation and Proposed Order [#75] filed by Microsoft Corporation. The parties Stipulation Setting Briefing Schedule on Motions and Cross Motions (Dkt. No. 75) is GRANTED. The deadline for Microsoft and the Individual Defendants to file their Cross-Motion Oppositions is hereby extended to July 8, 2015. The deadline for Microsoft and the Individual Defendants to file their Phased Discovery Replies is hereby extended to July 13, 2015. The deadline for Plaintiffs to file their Cross-Motion Reply is hereby extended to July 13, 2015. The Motion on Phased Discovery (Dkt. No. 65) and Cross-Motion to Compel Production (Dkt. No. 70) are hereby RENOTED to July 17th, 2015, by U.S. District Judge John C. Coughenour. (PP) (Entered: 07/06/2015)
07/07/2015	77	Letter from Daniel J. Dunne re 70 Response to Motion, 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> , 65 MOTION for Discovery (<i>Motion for Phased Discovery</i>) <i>Requesting Combined Oral Argument</i> (Dunne, Daniel) (Entered: 07/07/2015)
07/08/2015	78	

		RESPONSE, by Nominal Defendant Microsoft Corporation, to Plaintiff's 70 Cross Motion to Compel Production . Oral Argument Requested. (Attachments: # 1 Proposed Order Denying Plaintiffs' Cross-Motion to Compel Production of Merits Discovery)(Ha, Charles) Modified text on 7/9/2015; Corrected link to Motion (LMK). (Entered: 07/08/2015)
07/08/2015	79	RESPONSE, by Defendants Steven A. Ballmer, Dina D. Dublon, William H. Gates III, Maria M. Klawe, Peter S. Klein, Stephen J. Luczo, David F. Marquardt, Charles H. Noski, Helmut Panke, Brad Smith, John W. Thompson, B. Kevin Turner, to Plaintiffs' 70 Cross MOTION to Compel Production (Rummage, Stephen) Modified link to Motion on 7/9/2015 (LMK). (Entered: 07/08/2015)
07/08/2015	80	DECLARATION of Stephen M. Rummage filed by Defendants Steven A. Ballmer, Dina D. Dublon, William H. Gates III, Maria M. Klawe, Peter S. Klein, Stephen J. Luczo, David F. Marquardt, Charles H. Noski, Helmut Panke, Brad Smith, John W. Thompson, B. Kevin Turner re Plaintiffs' 70 Cross MOTION to Compel Production. (Rummage, Stephen) Modified link to Motion on 7/9/2015 (LMK). (Entered: 07/08/2015)
07/09/2015		Noting Date Set/Reset re 70 Cross Motion to Compel Production. Noting Date 7/17/2015. Response turned into a Motion, as filer incorrectly used wrong event initially. (LMK) (Entered: 07/09/2015)
07/09/2015		NOTICE of Docket Text Modification re 70 Cross MOTION, 80 Declaration, 79 Response to Motion, 78 Response to Motion : Turned 70 into a Motion and Corrected links associated with Responses/Declarations. (LMK) (Entered: 07/09/2015)
07/13/2015	81	REPLY, filed by Plaintiff Kim Barovic, TO RESPONSE to 70 MOTION (Turner, Duncan) (Entered: 07/13/2015)
07/13/2015	82	REPLY, filed by Nominal Defendant Microsoft Corporation, TO RESPONSE to 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> (Dunne, Daniel) (Entered: 07/13/2015)
07/13/2015	83	DECLARATION of Susan S. Muck In Support of Microsoft's Reply Memorandum filed by Nominal Defendant Microsoft Corporation re 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> (Dunne, Daniel) (Entered: 07/13/2015)
07/13/2015	84	DECLARATION of George E. Greer in Support of Microsoft's Reply Memorandum filed by Nominal Defendant Microsoft Corporation re 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> (Dunne, Daniel) (Entered: 07/13/2015)
07/13/2015	85	REPLY, filed by Nominal Defendant Microsoft Corporation, TO RESPONSE to 65 MOTION for Discovery (<i>Motion for Phased Discovery</i>) (Dunne, Daniel) (Entered: 07/13/2015)
08/03/2015	86	MINUTE ORDER granting dfts' 46 Motion to Seal by U.S. District Judge John C Coughenour.(RS) (Entered: 08/03/2015)
09/04/2015	87	

		STIPULATION AND PROPOSED ORDER <i>Continuing Deadline To Amend Pleadings and/or Add Parties</i> by parties (Turner, Duncan) (Entered: 09/04/2015)
09/07/2015	88	MINUTE ORDER granting 87 Stipulated motion to continue deadline to amend pleadings and add parties; deadline continued from 9/4/2015 to 11/3/2015 by U.S. District Judge John C Coughenour. (PM) (Entered: 09/08/2015)
09/10/2015	89	MINUTE ORDER SCHEDULING Hearing on nominal deft Microsoft Corp's 49 MOTION for Summary Judgment; Motion Hearing set for 9/24/2015 at 10:00 AM before U.S. District Judge John C Coughenour by U.S. District Judge John C Coughenour. (PM) (Entered: 09/10/2015)
09/22/2015	90	STIPULATION AND PROPOSED ORDER by parties (Turner, Duncan) (Entered: 09/22/2015)
09/23/2015	91	MINUTE ORDER continuing hearing on Microsoft's 49 MOTION for Summary Judgment <i>re: Business Judgment Rule</i> : Motion Hearing continued to 10/23/2015 at 09:00 AM; parties to provide either a status update or stipulation of settlement by 10/15/15 by U.S. District Judge John C Coughenour. (RS) (Entered: 09/23/2015)
10/05/2015	92	MINUTE ORDER RE-NOTING deft Microsoft's 65 MOTION for phased discovery and plaintiff's 70 Cross-Motion to compel production of merits dicoverly; Motions re-noted for 10/23/2015, by U.S. District Judge John C Coughenour. (PM) (Entered: 10/05/2015)
10/15/2015	93	STIPULATION AND PROPOSED ORDER <i>and Status Report</i> by parties re 91 Order Setting Hearing on Motion, (Turner, Duncan) (Entered: 10/15/2015)
10/16/2015	94	MINUTE ORDER vacating 10/23/15 hearing and striking Microsoft's 49 Motion for Summary Judgment; striking Microsoft's 65 Motion for Discovery; striking pltf's' 70 Cross Motion to compel merits discovery; parties' Status Report due by 11/2/2015, by U.S. District Judge John C Coughenour.(RS) (Entered: 10/16/2015)
10/29/2015	95	MOTION Approval of Derivative Settlement by Plaintiffs Kim Barovic, Stephen Diphilipo. (Attachments: # 1 Proposed Order) Noting Date 11/13/2015, (Turner, Duncan) (Entered: 10/29/2015)
10/29/2015	96	DECLARATION of Duncan C. Turner filed by Plaintiffs Kim Barovic, Stephen Diphilipo re 95 MOTION Approval of Derivative Settlement (Attachments: # 1 Exhibit, # 2 Exhibit, # 3 Exhibit, # 4 Exhibit)(Turner, Duncan) (Entered: 10/29/2015)
11/02/2015	97	PRAECIPE re 95 MOTION Approval of Derivative Settlement by Plaintiffs Kim Barovic, Stephen Diphilipo (Turner, Duncan) (Entered: 11/02/2015)
11/24/2015	98	ORDER PRELIMINARILY APPROVING SETTLEMENT AND PROVIDING FOR NOTICE by U.S. District Judge John C Coughenour granting plaintiffs' unopposed 95 Motion for preliminary approval of derivative settlement. The Settlement Hearing shall be held before the Court on

		January 5, 2015 at 9 a.m. (PM) Modified on 11/25/2015 (PP). (Entered: 11/24/2015)
12/01/2015	99	Unopposed MOTION to Continue <i>Settlement Hearing</i> by Plaintiffs Kim Barovic, Stephen Diphilipo. (Attachments: # 1 Proposed Order) Noting Date 12/1/2015, (Turner, Duncan) (Entered: 12/01/2015)
12/01/2015	100	MINUTE ORDER by U.S. District Judge John C Coughenour granting plaintiff's uncontested 99 Motion to continue settlement hearing. Settlement hearing is continued to 1/12/2016 at 09:00 AM before U.S. District Judge John C Coughenour. (PM) (Entered: 12/01/2015)
