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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:17-cv-05987-AT**

Gregorio v. Premier Nutrition Corporation
Assigned to: Judge Analisa Torres
Demand: \$5,000,000
Cause: 28:1332dtp Diversity - Deceptive Trade Practices

Date Filed: 08/08/2017
Date Terminated: 01/17/2019
Jury Demand: Plaintiff
Nature of Suit: 370 Other Fraud
Jurisdiction: Diversity

Plaintiff

Joseph Gregorio
*individually and on behalf of all others
similarly situated*

represented by **Nick Suciu , III**
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V.

Defendant

Premier Nutrition Corporation

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ADR Provider**Dave Mager**

Date Filed	#	Docket Text
08/08/2017	1 R	COMPLAINT against Premier Nutrition Corporation. (Filing Fee \$ 400.00, Receipt Number 0208-13994023) Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 08/08/2017)
08/08/2017	2	CIVIL COVER SHEET filed. (Fraietta, Philip) (Entered: 08/08/2017)
08/08/2017	3	REQUEST FOR ISSUANCE OF SUMMONS as to Premier Nutrition Corporation, re: 1 R Complaint. Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 08/08/2017)
08/09/2017		***NOTICE TO ATTORNEY REGARDING PARTY MODIFICATION. Notice to attorney Philip Lawrence Fraietta. The party information for the following party/parties has been modified: Joseph Gregorio. The information for the party/parties has been modified for the following reason/reasons: party text was omitted. (kl) (Entered: 08/09/2017)
08/09/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Analisa Torres. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (kl) (Entered: 08/09/2017)
08/09/2017		Magistrate Judge Katharine H. Parker is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (kl) (Entered: 08/09/2017)
08/09/2017		Case Designated ECF. (kl) (Entered: 08/09/2017)
08/09/2017	4	ELECTRONIC SUMMONS ISSUED as to Premier Nutrition Corporation. (kl) (Entered: 08/09/2017)
08/09/2017	5 R	INITIAL PRETRIAL CONFERENCE ORDER: Initial Conference set for 10/5/2017 at 11:40 AM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres. (As further set forth in this Order.) (Signed by Judge Analisa Torres on 8/9/2017) (cf) (Entered: 08/09/2017)
08/09/2017	6	ORDER: To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge. If any party does not consent to conducting all further proceedings before the assigned Magistrate Judge,


		the parties must file a joint letter, by September 28, 2017, advising the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent. The parties are free to withhold consent without negative consequences. (As further set forth in this Order.) (Signed by Judge Analisa Torres on 8/9/2017) (cf) (Entered: 08/09/2017)
08/29/2017	7	WAIVER OF SERVICE RETURNED EXECUTED. Premier Nutrition Corporation waiver sent on 8/16/2017, answer due 10/16/2017. Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 08/29/2017)
08/30/2017	8	NOTICE OF APPEARANCE by Joshua Kent Leader on behalf of Premier Nutrition Corporation. (Leader, Joshua) (Entered: 08/30/2017)
08/30/2017	9	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Post Holdings, Inc. for Premier Nutrition Corporation. Document filed by Premier Nutrition Corporation.(Leader, Joshua) (Entered: 08/30/2017)
09/06/2017	10	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Sarah L. Brew to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14093131. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Premier Nutrition Corporation. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Text of Proposed Order)(Brew, Sarah) Modified on 9/6/2017 (bcu). (Entered: 09/06/2017)
09/06/2017		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 10 MOTION for Sarah L. Brew to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14093131. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): Attorney Affidavit/Declaration missing. Please Read Local Rule 1.3.; Re-file the motion as a Corrected Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (bcu) (Entered: 09/06/2017)
09/06/2017	11	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Aaron D. Van Oort to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14093358. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Premier Nutrition Corporation. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Text of Proposed Order)(Brew, Sarah) Modified on 9/6/2017 (ma). (Entered: 09/06/2017)
09/06/2017		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 11 MOTION for Aaron D. Van Oort to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14093358. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): MISSING AFFIDAVIT OR DECLARATION PURSUANT TO LOCAL RULE 1.3 AND ALL DOCUMENTS MUST HAVE THE ORIGINAL SIGNATURE OF THE ATTORNEY SEEKING TO APPEAR PRO HAC VICE.; Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (ma) (Entered: 09/06/2017)
09/06/2017	12 R	MOTION for Sarah L. Brew to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Premier Nutrition Corporation. (Attachments: # 1 R Affidavit Declaration of Sarah L. Brew, # 2 Exhibit

		Certificate of Good Standing, # 3 R Text of Proposed Order)(Brew, Sarah) (Entered: 09/06/2017)
09/06/2017	13 R	MOTION for Aaron D. Van Oort to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Premier Nutrition Corporation. (Attachments: # 1 R Affidavit Declaration of Aaron D. Van Oort, # 2 Exhibit Certificate of Good Standing, # 3 Text of Proposed Order)(Van Oort, Aaron) (Entered: 09/06/2017)
09/06/2017		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 12 R MOTION for Sarah L. Brew to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff., 13 R MOTION for Aaron D. Van Oort to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 09/06/2017)
09/07/2017	14	ORDER granting 12 R Motion for Sarah L. Brew to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (Torres, Analisa) (Entered: 09/07/2017)
09/07/2017	15	ORDER granting 13 R Motion for Aaron D. Van Oort to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (Torres, Analisa) (Entered: 09/07/2017)
09/12/2017	16	NOTICE OF APPEARANCE by Sarah L Brew on behalf of Premier Nutrition Corporation. (Brew, Sarah) (Entered: 09/12/2017)
09/12/2017	17	NOTICE OF APPEARANCE by Aaron Daniel Van Oort on behalf of Premier Nutrition Corporation. (Van Oort, Aaron) (Entered: 09/12/2017)
09/18/2017	18	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Nick Suciu III to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14136907. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Affidavit Affidavit, # 3 Text of Proposed Order Proposed Order)(Suciu, Nick) Modified on 9/18/2017 (ma). (Entered: 09/18/2017)
09/18/2017		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 18 MOTION for Nick Suciu III to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14136907. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): ALL THREE STATEMENTS MUST BE WRITTEN OUT ON THE AFFIDAVIT/DECLARATION. PLEASE REFER TO LOCAL RULE 1.3.;. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Proposed Order.. (ma) (Entered: 09/18/2017)
09/18/2017	19 R	MOTION for Nick Suciu III to Appear Pro Hac Vice <i>Corrected</i> . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Joseph Gregorio. (Attachments: # 1 Affidavit Affidavit, # 2 Exhibit Certificate of Good Standing, # 3 Text of Proposed Order Proposed Order)(Suciu, Nick) (Entered: 09/18/2017)
09/18/2017		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 19 R MOTION for Nick Suciu III to Appear Pro Hac Vice <i>Corrected</i>. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 09/18/2017)


09/18/2017	20 R	LETTER MOTION to Adjourn Conference <i>Extension of Time for Rule 26 Initial Disclosures and Discovery Plan and Adjournment of Pending Discovery Deadlines</i> addressed to Judge Analisa Torres from Joshua K. Leader, Esq. dated September 18, 2017. Document filed by Premier Nutrition Corporation.(Leader, Joshua) (Entered: 09/18/2017)
09/18/2017	21	ORDER denying 20 R Letter Motion to Adjourn Conference. DENIED. The initial pretrial conference and deadline to submit the Case Management Plan and Scheduling Order and Rule 26 initial disclosures shall remain as scheduled. The parties shall prepare a Case Management Plan and Scheduling Order assuming no stay of discovery. The Court does not generally stay discovery pending a motion to dismiss. However, Defendant may argue the propriety of a stay in the joint letter due by September 28, 2017, and in person at the initial conference.. (Signed by Judge Analisa Torres on 9/18/2017) (cf) (Entered: 09/18/2017)
09/20/2017	22	NOTICE OF CHANGE OF ADDRESS by Aaron Daniel Van Oort on behalf of Premier Nutrition Corporation. New Address: Faegre Baker Daniels LLP, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, Minnesota, United States 55402-3901, 612-766-8138. (Van Oort, Aaron) (Entered: 09/20/2017)
09/28/2017	23	JOINT LETTER addressed to Judge Analisa Torres from Philip L. Fraietta dated September 28, 2017 re: Initial Pretrial Conference. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit A)(Fraietta, Philip) (Entered: 09/28/2017)
10/03/2017	24	NOTICE OF APPEARANCE by Frederick John Klorczyk on behalf of Joseph Gregorio. (Klorczyk, Frederick) (Entered: 10/03/2017)
10/03/2017	25	NOTICE OF APPEARANCE by James Kenneth Leader on behalf of Premier Nutrition Corporation. (Leader, James) (Entered: 10/03/2017)
10/04/2017	26	ORDER granting 19 R Motion for Nick Suciu III to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (Torres, Analisa) (Entered: 10/04/2017)
10/05/2017	27	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a magistrate judge, including motions and trial. 28 U.S.C. § 636(c). This case is to be tried by a jury. Fact discovery shall be completed no later than July 2, 2018. Rolling document production shall begin by December 14, 2017. Substantial document production shall be made by March 5, 2018. Discovery will not be stayed pending a motion to dismiss. All parties consent to service by email. The next Case Management Conference is scheduled for July 23, 2018 at 11:00 a.m. (As further set forth in this Order.) Fact Discovery due by 7/2/2018. Case Management Conference set for 7/23/2018 at 11:00 AM before Judge Analisa Torres. (Signed by Judge Analisa Torres on 10/5/2017) (cf) Modified on 11/13/2017 (cf). (Entered: 10/05/2017)
10/05/2017		Minute Entry for proceedings held before Judge Analisa Torres: Initial Pretrial Conference held on 10/5/2017. (AA) (Entered: 11/02/2017)
10/16/2017	28 R	LETTER addressed to Judge Analisa Torres from Sarah Brew dated 10/16/2017 re: Pre-Motion Letter for Motion to Dismiss. Document filed by Premier Nutrition Corporation.(Brew, Sarah) (Entered: 10/16/2017)
10/23/2017	29	LETTER addressed to Judge Analisa Torres from Philip L. Fraietta dated October 23, 2017 re: Plaintiff's Opposition To Defendant's Premotion Letter re Motion To Dismiss. Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 10/23/2017)
10/25/2017	30 R	ORDER: Having considered the parties' letters dated October 16 and October 23,

		2017, ECF Nos. 28, 29, it is ORDERED that: 1. By November 27, 2017, Defendant shall submit its motion to dismiss; 2. By December 11, 2017, Plaintiff shall submit his opposition; and 3. By December 18, 2017, Defendant shall submit a reply, if any. (Motions due by 11/27/2017., Responses due by 12/11/2017, Replies due by 12/18/2017.) (Signed by Judge Analisa Torres on 10/25/2017) (mro) (Entered: 10/25/2017)
11/07/2017	31	STIPULATION CONCERNING PROTOCOL FOR PRODUCTION OF CERTAIN ELECTRONICALLY STORED INFORMATION: All Parties are bound by and subject to the terms of this ESI Protocol. By November 10, 2017, Plaintiff will disclose its sources of relevant ESI, such as email, cloud storage, purchase history information, or other information within Plaintiff's possession, custody, or control. (As further set forth in this Order.) If the Parties cannot reach agreement on any dispute, they may bring the issue to the Court pursuant to the applicable local and/or individual rules governing resolution of discovery disputes. (Signed by Judge Analisa Torres on 11/7/2017) (cf) (Entered: 11/07/2017)
11/07/2017	32	STIPULATED CONFIDENTIALITY AGREEMENT AND PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material...In accordance with Rule IV.A of the Court's Individual Practices, counsel must obtain prior Court approval before filing any document with redactions or under seal. (Signed by Judge Analisa Torres on 11/7/2017) (mro) (Entered: 11/08/2017)
11/27/2017	33	MOTION to Dismiss . Document filed by Premier Nutrition Corporation.(Leader, Joshua) (Entered: 11/27/2017)
11/27/2017	34	MEMORANDUM OF LAW in Support re: 33 MOTION to Dismiss . . Document filed by Premier Nutrition Corporation. (Leader, Joshua) (Entered: 11/27/2017)
12/11/2017	35	AMENDED COMPLAINT amending 1 R Complaint against Premier Nutrition Corporation with JURY DEMAND.Document filed by Joseph Gregorio. Related document: 1 R Complaint.(Fραιetta, Philip) (Entered: 12/11/2017)
01/02/2018	36	MOTION to Dismiss <i>Plaintiff's Amended Class Action Complaint</i> . Document filed by Premier Nutrition Corporation.(Leader, Joshua) (Entered: 01/02/2018)
01/02/2018	37	MEMORANDUM OF LAW in Support re: 36 MOTION to Dismiss <i>Plaintiff's Amended Class Action Complaint</i> . . Document filed by Premier Nutrition Corporation. (Leader, Joshua) (Entered: 01/02/2018)
01/15/2018	38	MEMORANDUM OF LAW in Opposition re: 36 MOTION to Dismiss <i>Plaintiff's Amended Class Action Complaint</i> . . Document filed by Joseph Gregorio. (Fραιetta, Philip) (Entered: 01/15/2018)
01/17/2018	39	NOTICE OF APPEARANCE by Alec Mitchell Leslie on behalf of Joseph Gregorio. (Leslie, Alec) (Entered: 01/17/2018)
01/22/2018	40	REPLY MEMORANDUM OF LAW in Support re: 36 MOTION to Dismiss <i>Plaintiff's Amended Class Action Complaint</i> . . Document filed by Premier Nutrition Corporation. (Leader, Joshua) (Entered: 01/22/2018)
01/23/2018	41 R	JOINT LETTER addressed to Judge Analisa Torres from Philip L. Fραιetta dated January 23, 2018 re: Notification of Class Action Settlement. Document filed by Joseph Gregorio.(Fραιetta, Philip) (Entered: 01/23/2018)
01/24/2018	42	MEMO ENDORSEMENT on re: 41 R Letter filed by Joseph Gregorio. ENDORSEMENT: GRANTED. The Court will defer ruling on the motion to dismiss. By March 1, 2018, Plaintiff shall submit his motion for preliminary approval of the

		settlement. SO ORDERED. (Motions due by 3/1/2018.) (Signed by Judge Analisa Torres on 1/24/2018) (anc) (Entered: 01/24/2018)
02/06/2018	43	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Anne Marie Barker to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14665654. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Joseph Gregorio. (Attachments: # 1 Affidavit Affidavit, # 2 Exhibit Exhibits to Affidavit, # 3 Text of Proposed Order Proposed Order)(Barker, Anne) Modified on 2/6/2018 (jc). (Entered: 02/06/2018)
02/06/2018		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. 43 MOTION for Anne Marie Barker to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14665654. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California. Re-file the motion as a Motion to Appear Pro Hac Vice - attach the correct signed PDF - select the correct named filer/filers - attach valid Certificates of Good Standing issued within the past 30 days - attach Attorney Affidavit - attach Proposed Order. (jc) (Entered: 02/06/2018)
02/08/2018	44	MOTION for L. Timothy Fisher to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14676844. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Joseph Gregorio. (Attachments: # 1 Affidavit Declaration of L. Timothy Fisher, # 2 Exhibit Certificate of Good Standing, # 3 Text of Proposed Order)(Fisher, L.) (Entered: 02/08/2018)
02/08/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 44 MOTION for L. Timothy Fisher to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14676844. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 02/08/2018)
02/13/2018	45	MOTION for Anne Marie Barker to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14693664. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Joseph Gregorio. Return Date set for 2/13/2018 at 05:00 PM. (Attachments: # 1 Affidavit, # 2 Exhibit Exhibits to Affidavit, # 3 Text of Proposed Order)(Barker, Anne) (Entered: 02/13/2018)
02/13/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 45 MOTION for Anne Marie Barker to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-14693664. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 02/13/2018)
02/14/2018	46	ORDER granting 45 Motion for Anne Marie Barker to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (Torres, Analisa) (Entered: 02/14/2018)
02/14/2018	47	ORDER granting 44 Motion for L. Timothy Fisher to Appear Pro Hac Vice (HEREBY ORDERED by Judge Analisa Torres)(Text Only Order) (Torres, Analisa) (Entered: 02/14/2018)
02/21/2018	48 R	JOINT LETTER MOTION for Extension of Time to <i>File Motion For Preliminary Approval</i> addressed to Judge Analisa Torres from Philip L. Fraietta dated February 21, 2018. Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 02/21/2018)
02/21/2018	49	ORDER granting 48 R Letter Motion for Extension of Time. By April 2, 2018, the parties shall file their preliminary approval settlement submissions. (HEREBY

		ORDERED by Judge Analisa Torres)(Text Only Order) (Torres, Analisa) (Entered: 02/21/2018)
04/02/2018	50	FILING ERROR - DEFICIENT PLEADING - FRCP RULE 15 NON-COMPLIANCE SECOND AMENDED COMPLAINT amending 35 Amended Complaint against Premier Nutrition Corporation with JURY DEMAND.Document filed by Joseph Gregorio. Related document: 35 Amended Complaint.(Fraietta, Philip) Modified on 4/3/2018 (sj). (Entered: 04/02/2018)
04/02/2018	51	MOTION for Settlement <i>Preliminary Approval</i> . Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 04/02/2018)
04/02/2018	52	MEMORANDUM OF LAW in Support re: 51 MOTION for Settlement <i>Preliminary Approval</i> . . Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 04/02/2018)
04/02/2018	53	DECLARATION of Philip L. Fraietta in Support re: 51 MOTION for Settlement <i>Preliminary Approval</i> .. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E)(Fraietta, Philip) (Entered: 04/02/2018)
04/02/2018	54	DECLARATION of Hanny Kanafani in Support re: 51 MOTION for Settlement <i>Preliminary Approval</i> .. Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 04/02/2018)
04/02/2018	55	DECLARATION of Orran L. Brown, Sr. in Support re: 51 MOTION for Settlement <i>Preliminary Approval</i> .. Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 04/02/2018)
04/03/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Philip Lawrence Fraietta re: Document No. 50 Amended Complaint. The filing is deficient for the following reason(s): the pleading is amended more than 21 days after service of a motion under Rule 12; Court's leave has not been granted. File the Exhibit to Pleading event found under the event list Other Documents and attach either opposing party's written consent or Court's leave. (sj) (Entered: 04/03/2018)
04/04/2018	56	EXHIBIT TO PLEADING re: 50 Amended Complaint,. Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 04/04/2018)
04/05/2018		***NOTICE TO ATTORNEY REGARDING DEFICIENT PLEADING. Notice to Attorney Phillip Fraietta to RE-FILE Document No. 50 Amended Complaint,. The filing is deficient for the following reason(s): THE EXHIBIT TO PLEADING DOES NOT SHOW CONSENT. PLEASE REFILE WITH EITHER OPPOSING COUNSELS CONSENT OR COURT ORDER. Re-file the pleading using the event type EXHIBIT TO PLEADING. (laq) (Entered: 04/05/2018)
04/05/2018	57 	SECOND AMENDED COMPLAINT amending 35 Amended Complaint against Premier Nutrition Corporation with JURY DEMAND.Document filed by Joseph Gregorio. Related document: 35 Amended Complaint. (Attachments: # 1 Exhibit re Consent to Filing)(Fraietta, Philip) (Entered: 04/05/2018)
05/01/2018	58	ORDER. The preliminary settlement approval materials state that the parties will "provid[e] copies of the proposed email notice, postcard notice, and digital display ads" to the Court at a later date. Brown Decl. para. 15, ECF No. 55. However, the Court cannot determine whether notice is appropriate for the purpose of preliminary approval without reviewing the proposed notice and claim forms. Accordingly, by

		May 8, 2018, the parties shall file such forms on the public docket. (Signed by Judge Analisa Torres on 5/1/2018) (AA) (Entered: 05/01/2018)
05/08/2018	59	DECLARATION of Philip L. Fraietta in Support re: 51 MOTION for Settlement <i>Preliminary Approval</i> .. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit F - Claim Form, # 2 Exhibit G - Email Notice, # 3 Exhibit H - Postcard Notice, # 4 Exhibit I - Long-Form Notice, # 5 Exhibit J - Internet Banner Ads, # 6 Exhibit K - Press Release)(Fraietta, Philip) (Entered: 05/08/2018)
05/10/2018	60	ORDER re: 51 MOTION for Settlement <i>Preliminary Approval</i> filed by Joseph Gregorio. The Court believes the attached proposed order is appropriate. Before finalizing it, however, the Court would like to hear from the parties whether any dates should be adjusted in light of concerns about which the Court may not be aware. By May 14, 2018, the parties shall submit a letter if they have any concerns. (Signed by Judge Analisa Torres on 5/10/2018) (AA) (Entered: 05/10/2018)
05/14/2018	61	JOINT LETTER addressed to Judge Analisa Torres from Philip L. Fraietta dated May 14, 2018 re: The Court's Proposed Order (ECF No. 60). Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 05/14/2018)
05/14/2018	62	ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT, CERTIFYING SETTLEMENT CLASS, APPOINTING CLASS REPRESENTATIVE, APPOINTING CLASS COUNSEL, AND APPROVING NOTICE PLAN: The Court finds that, subject to the Final Approval Hearing, the Settlement Agreement is fair, reasonable, and adequate, within the range of possible approval, and in the best interests of the Settlement Class set forth below. The Final Approval Hearing shall be held before this Court on October 16, 2018, at 11:30 a.m. [suggested date of 120 days after entry of this Order] in Courtroom 15D at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York to determine (as further set forth in this Order.) For purposes of settlement only: (a) Bursor & Fisher, P.A. and Barbat, Mansour & Suci PLLC are appointed Class Counsel for the Settlement Class; and (b) Joseph Gregorio is named Class Representative. All further proceedings in the Action are ordered stayed until Final Judgment or termination of the Settlement Agreement, whichever occurs earlier, except for those matters necessary to obtain and/or effectuate final approval of the Settlement Agreement. (Status Conference set for 10/16/2018 at 11:30 AM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres.) (Signed by Judge Analisa Torres on 5/14/2018) (cf) (Entered: 05/14/2018)
05/14/2018		Case Stayed (cf) (Entered: 05/14/2018)
05/15/2018	63	ORDER denying as moot 33 Motion to Dismiss; denying as moot 36 Motion to Dismiss; granting 51 Motion for Settlement. On May 14, 2018, the Court granted the motion for preliminary approval of settlement. Motion, ECF No. 51; Order, ECF No. 62. In light of that order, the pending motions to dismiss at ECF No. 33 and 36 are DENIED as moot. The Clerk of Court is directed to terminate the motions at ECF Nos. 33, 36, and 51. (Signed by Judge Analisa Torres on 5/15/2018) (cf) (Entered: 05/15/2018)
05/23/2018	64	JOINT LETTER addressed to Judge Analisa Torres from Philip L. Fraietta dated May 23, 2018 re: Paragraph 12 of the Court's May 14, 2018 Order. Document filed by Joseph Gregorio. (Attachments: # 1 Affidavit Declaration of Orran L. Brown, Sr.) (Fraietta, Philip) (Entered: 05/23/2018)
05/31/2018	65	MEMO ENDORSEMENT on re: 64 Letter, filed by Joseph Gregorio. ENDORSEMENT: GRANTED. In light of the significant cost of mailing the notices,

		the Court approves e-mail notice for those class members whose e-mail addresses are known. (Signed by Judge Analisa Torres on 5/31/2018) (cf) (Entered: 05/31/2018)
07/05/2018	66	JOINT LETTER MOTION for Extension of Time <i>Of Deadlines In May 14, 2018 Order (ECF No. 62)</i> addressed to Judge Analisa Torres from Philip L. Fraietta dated July 5, 2018. Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 07/05/2018)
07/06/2018	67	ORDER granting 66 Letter Motion for Extension of Time: GRANTED. All deadlines in the Court's May 14, 2018 Order Granting Preliminary Approval of Class Action Settlement, Certifying Settlement Class, Appointing Class Representative, Appointing Class Counsel, and Approving Notice Plan, ECF No. 62, shall be extended by eight weeks. The parties are directed to submit a proposed amended order to Orders and Judgments which incorporates the new deadlines. The proposed amended order shall also incorporate the amendment to paragraph 12 so-ordered by the Court on May 31, 2018. ECF No. 65. The Final Approval Hearing shall be held before this Court on December 11, 2018, at 2:00 p.m. (HEREBY ORDERED by Judge Analisa Torres) (Text Only Order) (dcm) (Entered: 07/06/2018)
07/10/2018	68 	Vacated as per Judge's Order dated 9/10/2018, Doc. #70 AMENDED ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AGREEMENT, CERTIFYING SETTLEMENT CLASS, APPOINTING CLASS REPRESENTATIVE, APPOINTING CLASS COUNSEL, AND APPROVING NOTICE PLAN: The Final Approval Hearing shall be held before this Court on December 11, 2018, at 2:00 p.m. in Courtroom 15D at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York to determine (a) whether the proposed settlement of the Action on the terms and conditions provided for in the Settlement Agreement is fair, reasonable, and adequate and should be given final approval by the Court; as further set forth in this Order. Class Counsel shall file papers in support of their Fee Award and Class Representatives' Incentive Awards (collectively, the "Fee Petition") with the Court on or before October 19, 2018. Defendant may, but is not required to, file a response to Class Counsel's Fee Petition with the Court on or before November 2, 2018. Class Counsel may file a reply in support of their Fee Petition with the Court on or before November 9, 2018. Papers in support of final approval of the Settlement Agreement and any supplementation to the Fee Petition shall be filed with the Court on or before November 27, 2018. All further proceedings in the Action are ordered stayed until Final Judgment or termination of the Settlement Agreement, whichever occurs earlier, except for those matters necessary to obtain and/or effectuate final approval of the Settlement Agreement. (Status Conference set for 12/11/2018 at 02:00 PM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres.) (Signed by Judge Analisa Torres on 7/10/2018) (cf) Modified on 9/10/2018 (rjm). (Entered: 07/10/2018)
09/07/2018	69	JOINT LETTER addressed to Judge Analisa Torres from Philip L. Fraietta dated September 7, 2018 re: Request to Vacate the July 9, 2018 Preliminary Approval Order (ECF No. 68). Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 09/07/2018)
09/10/2018	70	MEMO ENDORSEMENT on re: 69 JOINT LETTER addressed to Judge Analisa Torres from Philip L. Fraietta dated September 7, 2018 re: Request to Vacate the July 9, 2018 Preliminary Approval Order (ECF No. 68). Document filed by Joseph Gregorio. ENDORSEMENT: GRANTED. The Amended Order Granting Preliminary Approval of Class Action Settlement Agreement, ECF No. 68, is hereby VACATED. It is hereby ORDERED that by September 14, 2018, Plaintiff shall move for preliminary approval of the First Amended Class Action Settlement Agreement. So

		ordered.(Motions due by 9/14/2018.) (Signed by Judge Analisa Torres on 9/10/2018) (rjm) (Entered: 09/10/2018)
09/13/2018	71	NOTICE OF CHANGE OF ADDRESS by Frederick John Klorczyk on behalf of Joseph Gregorio. New Address: Bursor & Fisher, P.A., 1990 N. California Blvd., Suite 940, Walnut Creek, California, United States 94596, (925) 300-4455. (Klorczyk, Frederick) (Entered: 09/13/2018)
09/13/2018	72	MOTION for Settlement <i>Preliminary Approval of First Amended Class Action Settlement</i> . Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 09/13/2018)
09/13/2018	73	DECLARATION of Philip L. Fraietta in Support re: 72 MOTION for Settlement <i>Preliminary Approval of First Amended Class Action Settlement</i> .. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit A - First Amended Class Action Settlement Agreement, # 2 Exhibit B - B&F Firm Resume, # 3 Exhibit C - BM&S Firm Resume)(Fraietta, Philip) (Entered: 09/13/2018)
09/13/2018	74	DECLARATION of Hanny Kanafani in Support re: 72 MOTION for Settlement <i>Preliminary Approval of First Amended Class Action Settlement</i> .. Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 09/13/2018)
09/13/2018	75	MEMORANDUM OF LAW in Support re: 72 MOTION for Settlement <i>Preliminary Approval of First Amended Class Action Settlement</i> . . Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 09/13/2018)
09/13/2018	76 R	PROPOSED ORDER. Document filed by Joseph Gregorio. Related Document Number: 72 . (Fraietta, Philip) Proposed Order to be reviewed by Clerk's Office staff. (Entered: 09/13/2018)
09/14/2018		***NOTICE TO COURT REGARDING PROPOSED ORDER. Document No. 76 R Proposed Order was reviewed and approved as to form. (km) (Entered: 09/14/2018)
09/14/2018	77 R	ORDER GRANTING PRELIMINARY APPROVAL OF FIRST AMENDED CLASS ACTION SETTLEMENT AGREEMENT, CERTIFYING SETTLEMENT CLASS, APPOINTING CLASS REPRESENTATIVE, APPOINTING CLASS COUNSEL AND APPROVING NOTICE PLAN granting 72 Motion for Settlement. IT IS HEREBY ORDERED: Terms and phrases in this Order shall have the same meaning as ascribed to them in the Amended Settlement Agreement. The Parties have moved the Court for an order approving the settlement of the Action in accordance with the Amended Settlement Agreement, which, together with the documents incorporated therein, sets forth the terms and conditions for a proposed settlement and dismissal of the Action with prejudice, and the Court having read and considered the Amended Settlement Agreement and having heard the parties and being fully advised in the premises, hereby preliminarily approves the Amended Settlement Agreement in its entirety subject to the Final Approval Hearing referred to in paragraph 5 of this Order. This Court finds that it has jurisdiction over the subject matter of this action and over all Parties to the Action. The Court finds that, subject to the Final Approval Hearing, the Amended Settlement Agreement is fair, reasonable, and adequate, within the range of possible approval, and in the best interests of the Settlement Class set forth herein. The Final Approval Hearing shall be held before this Court on December 13, 2018, at 1:00 p.m., in Courtroom 15D at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York to determine (a) whether the proposed settlement of the Action on the terms and conditions provided for in the Amended Settlement Agreement is fair, reasonable, and adequate and should be given final approval by the Court; (b) whether a judgment and order of dismissal with

		prejudice should be entered; (c) whether to approve the payment of attorneys' fees, costs, and expenses to Class Counsel; and (d) whether to approve the payment of an incentive award to the Class Representative. The Court may adjourn the Final Approval Hearing without further notice to members of the Settlement Class. Class Counsel shall file papers in support of their Fee Award and Class Representatives' Incentive Awards (collectively, the "Fee Petition") with the Court on or before November 5, 2018. Defendant may, but is not required to, file a response to Class Counsel's Fee Petition with the Court on or before November 21, 2018. Class Counsel may file a reply in support of their Fee Petition with the Court on or before November 29, 2018. Papers in support of final approval of the Amended Settlement Agreement and any supplementation to the Fee Petition shall be filed with the Court on or before November 29, 2018. All further proceedings in the Action are ordered stayed until Final Judgment or termination of the Amended Settlement Agreement, whichever occurs earlier, except for those matters necessary to obtain and/or effectuate final approval of the Amended Settlement Agreement. (Signed by Judge Analisa Torres on 9/14/2018) (mro) (Entered: 09/17/2018)
09/14/2018		Set/Reset Deadlines: (Responses due by 11/21/2018, Replies due by 11/29/2018.), Set/Reset Hearings:(Fairness Hearing set for 12/13/2018 at 01:00 PM in Courtroom 15D, 500 Pearl Street, New York, NY 10007 before Judge Analisa Torres.) (mro) (Entered: 09/17/2018)
09/18/2018	78	JOINT LETTER MOTION to Adjourn Conference addressed to Judge Analisa Torres from Philip L. Fraietta dated September 18, 2018. Document filed by Joseph Gregorio.(Fraietta, Philip) (Entered: 09/18/2018)
09/18/2018	79	ORDER granting 78 Letter Motion to Adjourn Conference. The request is GRANTED. Accordingly, it is hereby ORDERED that: 1. The final approval hearing scheduled for December 13, 2018, Order paragraph 5, is ADJOURNED to January 17, 2019, at 2:00 p.m.; as further set forth in this Order. Fairness Hearing set for 1/17/2019 at 02:00 PM before Judge Analisa Torres. (Signed by Judge Analisa Torres on 9/18/2018) (cf) (Entered: 09/18/2018)
11/05/2018	80	MOTION for Attorney Fees , <i>Costs, Expenses, And Incentive Award</i> . Document filed by Joseph Gregorio. Return Date set for 1/17/2019 at 02:00 PM.(Fraietta, Philip) (Entered: 11/05/2018)
11/05/2018	81	DECLARATION of Philip L. Fraietta in Support re: 80 MOTION for Attorney Fees , <i>Costs, Expenses, And Incentive Award</i> .. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M)(Fraietta, Philip) (Entered: 11/05/2018)
11/05/2018	82	DECLARATION of Nick Suciu III in Support re: 80 MOTION for Attorney Fees , <i>Costs, Expenses, And Incentive Award</i> .. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Fraietta, Philip) (Entered: 11/05/2018)
11/05/2018	83	DECLARATION of Anne Barker in Support re: 80 MOTION for Attorney Fees , <i>Costs, Expenses, And Incentive Award</i> .. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Fraietta, Philip) (Entered: 11/05/2018)
11/05/2018	84	DECLARATION of Joseph Gregorio in Support re: 80 MOTION for Attorney Fees , <i>Costs, Expenses, And Incentive Award</i> .. Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 11/05/2018)

11/05/2018	85	MEMORANDUM OF LAW in Support re: 80 MOTION for Attorney Fees , <i>Costs, Expenses, And Incentive Award.</i> . Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 11/05/2018)
11/19/2018	86	LETTER addressed to Clerk of Court from Debra Vereen re: I believe the proposed settlement offer is not fair, reasonable, and/or adequate compensation. (cf) (Entered: 11/19/2018)
11/20/2018	89 R	OBJECTION OF PATRICK S. SWEENEY PRO SE TO PROPOSED SETTLEMENT & NOTICE OF INTENT NOT TO APPEAR AT FAIRNESS HEARING.Document filed by Patrick S. Sweeney. (sc) Modified on 11/23/2018 (sc). (Entered: 11/23/2018)
11/21/2018	87 R	JOINT LETTER MOTION for Discovery of <i>Objector Patrick S. Sweeney</i> addressed to Judge Analisa Torres from Philip L. Fraietta dated November 21, 2018. Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F)(Fraietta, Philip) (Entered: 11/21/2018)
11/21/2018	88 R	ORDER granting 87 R Letter Motion for Discovery. GRANTED. By December 4, 2018, the parties shall depose Patrick Sweeney. (Signed by Judge Analisa Torres on 11/21/2018) (cf) (Entered: 11/21/2018)
11/21/2018		Set/Reset Deadlines: Deposition due by 12/4/2018. (cf) (Entered: 11/21/2018)
12/10/2018	90 R	LETTER from Ursula and Michael Burkhalter re: Objection to proposed settlement. (cf) (Entered: 12/10/2018)
12/11/2018	91 R	NOTICE of Objection to Fee Motion re: 80 MOTION for Attorney Fees , <i>Costs, Expenses, And Incentive Award.</i> . Document filed by Dave Mager. (Cochran, George) (Entered: 12/11/2018)
12/28/2018	92	LETTER addressed to Protein Shake Settlement re: Claim form. (cf) (Entered: 12/28/2018)
01/03/2019	93 R	REPLY MEMORANDUM OF LAW in Support re: 80 MOTION for Attorney Fees , <i>Costs, Expenses, And Incentive Award.</i> . Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 01/03/2019)
01/03/2019	94 R	MOTION for Settlement <i>Final Approval of First Amended Class Action Settlement.</i> Document filed by Joseph Gregorio. Return Date set for 1/17/2019 at 02:00 PM. (Fraietta, Philip) (Entered: 01/03/2019)
01/03/2019	95	DECLARATION of Philip L. Fraietta in Support re: 94 R MOTION for Settlement <i>Final Approval of First Amended Class Action Settlement.</i> . Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D) (Fraietta, Philip) (Entered: 01/03/2019)
01/03/2019	96	DECLARATION of Orran L. Brown, Sr. in Support re: 94 R MOTION for Settlement <i>Final Approval of First Amended Class Action Settlement.</i> . Document filed by Joseph Gregorio. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15)(Fraietta, Philip) (Entered: 01/03/2019)
01/03/2019	97	MEMORANDUM OF LAW in Support re: 94 R MOTION for Settlement <i>Final Approval of First Amended Class Action Settlement.</i> . Document filed by Joseph Gregorio. (Fraietta, Philip) (Entered: 01/03/2019)
01/03/2019	98 R	PROPOSED JUDGMENT. Document filed by Joseph Gregorio. (Fraietta, Philip) Proposed Judgment to be reviewed by Clerk's Office staff. (Entered: 01/03/2019)

01/03/2019		***NOTICE TO COURT REGARDING PROPOSED JUDGMENT. Document No. 98 R Proposed Judgment was reviewed and approved as to form. (dt) (Entered: 01/03/2019)
01/03/2019	99	MEMORANDUM OF LAW in Support re: 94 R MOTION for Settlement <i>Final Approval of First Amended Class Action Settlement</i> . . Document filed by Premier Nutrition Corporation. (Van Oort, Aaron) (Entered: 01/03/2019)
01/11/2019	100 R	ORDER: The fairness hearing scheduled for January 17, 2019, at 2:00 p.m. is ADJOURNED to January 17, 2019, at 3:30 p.m. (Fairness Hearing set for 1/17/2019 at 03:30 PM before Judge Analisa Torres.) (Signed by Judge Analisa Torres on 1/11/2019) (cf) (Entered: 01/11/2019)
01/17/2019	101 R	FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE: The Court has also considered Plaintiffs Motion For Attorneys' Fees, Costs, Expenses, And Incentive Award, as well as the supporting memorandum of law and declarations (Dkts. 80-85), and adjudges that the payment of attorneys' fees and costs in the amount of \$3,000,000.00 is reasonable in light of the multi-factor test used to evaluate fee awards in the Second Circuit. See <i>Goldberger v. Integrated Resources, Inc.</i> , 209 F.3d 43, 50 (2d Cir. 2000). The Court adjudges that the payment of an incentive award in the amount of \$5,000 to Mr. Gregorio to compensate him for his efforts and commitment on behalf of the Settlement Class, is fair, reasonable, and justified under the circumstances of this case. Such payment shall be made pursuant to and in the manner provided by the terms of the Amended Settlement Agreement. (As further set forth in this Order.) (Signed by Judge Analisa Torres on 1/17/2019) (cf) (Entered: 01/17/2019)
01/28/2019	102	TRANSCRIPT of Proceedings re: CONFERENCE held on 1/17/2019 before Judge Analisa Torres. Court Reporter/Transcriber: Anita Trombetta, (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 2/19/2019. Redacted Transcript Deadline set for 2/28/2019. Release of Transcript Restriction set for 4/29/2019.(McGuirk, Kelly) (Entered: 01/28/2019)
01/28/2019	103	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 1/17/19 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: 01/28/2019)
02/02/2019	104	FILING ERROR - NO ORDER SELECTED FOR APPEAL - NOTICE OF APPEAL. Document filed by Dave Mager. Filing fee \$ 505.00, receipt number ANYSDC-16284783. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Cochran, George) Modified on 2/4/2019 (nd). (Entered: 02/02/2019)
02/04/2019		***NOTICE TO ATTORNEY REGARDING DEFICIENT APPEAL. Notice to attorney Cochran, George to RE-FILE Document No. 104 Notice of Appeal,.. The filing is deficient for the following reason(s): the order/judgment being appealed was not selected;. Re-file the appeal using the event type Corrected Notice of Appeal found under the event list Appeal Documents - attach the correct signed PDF - select the correct named filer/filers - select the correct order/judgment being appealed. (nd) (Entered: 02/04/2019)

02/06/2019	105	CORRECTED NOTICE OF APPEAL re: 104 Notice of Appeal, 101 R Judgment,,,. Document filed by Dave Mager. (Attachments: # 1 Exhibit Order Appealed)(Cochran, George) (Entered: 02/06/2019)
02/06/2019		Appeal Fee Paid electronically via Pay.gov: for 105 Corrected Notice of Appeal. Filing fee \$ 505.00. Pay.gov receipt number ANYSDC-16284783, paid on 2/2/2019. (tp) (Entered: 02/06/2019)
02/06/2019		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 105 Corrected Notice of Appeal. (tp) (Entered: 02/06/2019)
02/06/2019		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 105 Corrected Notice of Appeal filed by Dave Mager were transmitted to the U.S. Court of Appeals. (tp) (Entered: 02/06/2019)
02/22/2019	106	MANDATE of USCA (Certified Copy) as to 104 Notice of Appeal, filed by Dave Mager. USCA Case Number 19-321. The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to FRAP 42. The stipulation is hereby "So Ordered".. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 2/22/2019. (nd) (Entered: 02/22/2019)