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**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:13-cv-06922-AJN**

Faig v. Bioscrip, Inc. et al
Assigned to: Judge Alison J. Nathan
Related Case: [1:13-cv-08175-AJN](#)
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 09/30/2013
Date Terminated: 06/16/2016
Jury Demand: Both
Nature of Suit: 850 Securities/Commodities
Jurisdiction: Federal Question

Lead Plaintiff

**Fresno County Employees' Retirement
Association**

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Plaintiff

Timothy Faig

*individually and on behalf of all other
 persons similarly situated*

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V.

Consolidated Plaintiff

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V.

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Objector

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Date Filed	#	Docket Text
09/30/2013	1	COMPLAINT against Bioscrip, Inc., Patricia Bogusz, Mary Jane Graves, Richard M. Smith, Hai V. Tran. (Filing Fee \$ 350.00, Receipt Number 1077865)Document filed by Timothy Faig.(laq) (jd). (Entered: 10/01/2013)
09/30/2013		SUMMONS ISSUED as to Bioscrip, Inc., Patricia Bogusz, Mary Jane Graves, Richard M. Smith, Hai V. Tran. (laq) (Entered: 10/01/2013)
09/30/2013		Magistrate Judge Frank Maas is so designated. (laq) (Entered: 10/01/2013)
09/30/2013		Case Designated ECF. (laq) (Entered: 10/01/2013)
09/30/2013	2	STANDING ORDER IN RE PILOT PROJECT REGARDING CASE MANAGEMENT TECHNIQUES FOR COMPLEX CIVIL CASES IN THE SOUTHERN DISTRICT OF NEW YORK (See M-10-468 Order filed November 1, 2011). This case is hereby designated for inclusion in the Pilot Project Regarding Case Management Techniques for Complex Civil Cases in the Southern District of New York (the Pilot Project), unless the judge to whom this case is assigned determines otherwise. This case is designated for inclusion in the Pilot Project because it is a class action, an MDL action, or is in one of the following Nature of Suit categories: 160, 245, 315, 355, 365, 385, 410, 830, 840, 850, 893, or 950. The presiding judge in a case that does not otherwise qualify for inclusion in the Pilot Project may nevertheless designate the case for inclusion in the Pilot Project by issuing an order directing that the case be included in the Pilot Project. The description of the Pilot Project, including

		procedures to be followed, is attached to this Order. (Signed by Judge Loretta A. Preska on 10/31/2011) (laq) (Entered: 10/01/2013)
10/02/2013	3	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for Friday, 12/13/2013 at 10:15 AM in Courtroom 906, 40 Centre Street, New York, NY 10007 before Judge Alison J. Nathan. Parties ordered to submit via email proposed case management plan and joint letter nine days before conference, and as further set forth in this document. (Signed by Judge Alison J. Nathan on 10/2/2013) (cd) (Entered: 10/03/2013)
11/04/2013	4	LETTER MOTION for Extension of Time addressed to Judge Alison J. Nathan from Jay P. Lefkowitz, P.C. dated November 4, 2013. Document filed by Bioscrip, Inc.. (Lefkowitz, Jay) (Entered: 11/04/2013)
11/06/2013	5	ORDER granting 4 Letter Motion for Extension of Time. The parties' above requests are granted and SO ORDERED with the following specifications. Plaintiff shall have until 2/4/2014, to file an amended complaint. If a motion to dismiss is filed, counsel must follow Rule 3.F of the Court's Individual Rule of Practice. This resolves Dkt No. 4. Amended Pleadings due by 2/4/2014. (Signed by Judge Alison J. Nathan on 11/6/2013) (cd) Modified on 11/13/2013 (cd). (Entered: 11/07/2013)
11/29/2013	6	MOTION to Consolidate Cases 1:13-cv-06922; 1:13-cv-08175., MOTION to Appoint Timothy Faig to serve as lead plaintiff(s)., MOTION to Appoint Counsel <i>Pomerantz Grossman Hufford Dahlstrom & Gross LLP</i> . Document filed by Timothy Faig. (Attachments: # 1 Text of Proposed Order)(Lieberman, Jeremy) (Entered: 11/29/2013)
11/29/2013	7	MEMORANDUM OF LAW in Support re: 6 MOTION to Consolidate Cases 1:13-cv-06922; 1:13-cv-08175. MOTION to Appoint Timothy Faig to serve as lead plaintiff(s). MOTION to Appoint Counsel <i>Pomerantz Grossman Hufford Dahlstrom & Gross LLP</i> . MOTION to Appoint Timothy Faig to serve as lead plaintiff(s).. Document filed by Timothy Faig. (Attachments: # 1 Exhibit A, Press Release, # 2 Exhibit B, Certification, # 3 Exhibit C, Loss Chart, # 4 Exhibit D, Firm Resume) (Lieberman, Jeremy) (Entered: 11/29/2013)
12/02/2013	8	MOTION to Appoint West Palm Beach Police Pension Fund to serve as lead plaintiff(s) , <i>approval of their selection of lead counsel.</i> , MOTION to Consolidate Cases 13-CV-06922; 13-CV-08175. Document filed by West Palm Beach Police Pension Fund.(Trinko, Curtis) (Entered: 12/02/2013)
12/02/2013	9	MEMORANDUM OF LAW in Support re: 8 MOTION to Appoint West Palm Beach Police Pension Fund to serve as lead plaintiff(s) , <i>approval of their selection of lead counsel.</i> MOTION to Consolidate Cases 13-CV-06922; 13-CV-08175. MOTION to Appoint West Palm Beach Police Pension Fund to serve as lead plaintiff(s) , <i>approval of their selection of lead counsel.</i> . Document filed by West Palm Beach Police Pension Fund. (Attachments: # 1 Text of Proposed Order)(Trinko, Curtis) (Entered: 12/02/2013)
12/02/2013	10	DECLARATION of Joseph E. White, III in Support re: 8 MOTION to Appoint West Palm Beach Police Pension Fund to serve as lead plaintiff(s) , <i>approval of their selection of lead counsel.</i> MOTION to Consolidate Cases 13-CV-06922; 13-CV-08175. MOTION to Appoint West Palm Beach Police Pension Fund to serve as lead plaintiff(s) , <i>approval of their selection of lead counsel.</i> . Document filed by West Palm Beach Police Pension Fund. (Attachments: # 1 Exhibit A First Notice, # 2 Exhibit B Certification, # 3 Exhibit C Loss Chart, # 4 Exhibit D Saxena White Notice, # 5 Exhibit E SW Firm Resume, # 6 Exhibit F Trinko Resume)(Trinko, Curtis) (Entered: 12/02/2013)

12/02/2013	11	MOTION to Appoint Fresno County Employees' Retirement Association to serve as lead plaintiff(s). Document filed by Fresno County Employees' Retirement Association.(Silk, Gerald) (Entered: 12/02/2013)
12/02/2013	12	MEMORANDUM OF LAW in Support re: 11 MOTION to Appoint Fresno County Employees' Retirement Association to serve as lead plaintiff(s).. Document filed by Fresno County Employees' Retirement Association. (Silk, Gerald) (Entered: 12/02/2013)
12/02/2013	13	DECLARATION of Gerald H. Silk in Support re: 11 MOTION to Appoint Fresno County Employees' Retirement Association to serve as lead plaintiff(s).. Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Silk, Gerald) (Entered: 12/02/2013)
12/18/2013	14	RESPONSE in Support of Motion re: 11 MOTION to Appoint Fresno County Employees' Retirement Association to serve as lead plaintiff(s). <i>and withdrawal of West Palm Beach Police Pension Fund's Motion For Appointment As Lead Plaintiff.</i> Document filed by West Palm Beach Police Pension Fund. (Trinko, Curtis) (Entered: 12/18/2013)
12/19/2013	15	NOTICE of of Withdrawal of Lead Plaintiff Motion re: 6 MOTION to Consolidate Cases 1:13-cv-06922; 1:13-cv-08175. MOTION to Appoint Timothy Faig to serve as lead plaintiff(s). MOTION to Appoint Counsel <i>Pomerantz Grossman Hufford Dahlstrom & Gross LLP</i> . MOTION to Appoint Timothy Faig to serve as lead plaintiff(s)., 7 Memorandum of Law in Support of Motion,. Document filed by Timothy Faig. (Lieberman, Jeremy) (Entered: 12/19/2013)
12/19/2013	16	MEMORANDUM OF LAW in Support re: 11 MOTION to Appoint Fresno County Employees' Retirement Association to serve as lead plaintiff(s).. Document filed by Fresno County Employees' Retirement Association. (Silk, Gerald) (Entered: 12/19/2013)
12/19/2013	17 R	MEMORANDUM & ORDER granting (6) Motion to Consolidate Cases 1:13-cv-6922 (as Lead Case) with 1:13-cv-8175; denying (6) Motion to Appoint ; denying (6) Motion to Appoint Counsel ; terminating (8) Motion to Appoint ; terminating (8) Motion to Consolidate Cases 1:13-cv-6922 (as Lead Case) with 1:13-cv-8175; granting (11) Motion to Appoint in case 1:13-cv-06922-AJN; terminating (4) Motion to Appoint ; terminating (4) Motion to Consolidate Cases 1:13-cv-6922 (as Lead Case) with 1:13-cv-8175 in case 1:13-cv-08175-AJN. For the foregoing reasons, the motions to consolidate and Fresno's motion for appointment as lead plaintiff and approval of its selection of lead counsel are granted, and Faig's motion for appointment as lead plaintiff and approval of his selection of lead counsel is denied. Pursuant to Federal Rule of Civil Procedure 42(a), any pending, subsequently filed, removed, or transferred actions that are related to the claims asserted in the captioned actions are consolidated for all purposes. The consolidated action shall be captioned "In re BioScrip, Inc. Securities Litigation," and the file shall be maintained under Master File No. 13-cv-06922. This resolves Docket Numbers 6, 8, and 11. (Signed by Judge Alison J. Nathan on 12/19/2013) Filed In Associated Cases: 1:13-cv-06922-AJN, 1:13-cv-08175-AJN (lmb) (Entered: 12/19/2013)
01/22/2014	18	NOTICE OF APPEARANCE by Hannah Elizabeth Ross on behalf of Fresno County Employees' Retirement Association. Filed In Associated Cases: 1:13-cv-06922-AJN, 1:13-cv-08175-AJN(Ross, Hannah) (Entered: 01/22/2014)
01/23/2014	19	LETTER MOTION for Extension of Time <i>to file a Consolidated Complaint</i> addressed to Judge Alison J. Nathan from Hannah G. Ross dated 01/23/2014. Document filed by

		Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit)Filed In Associated Cases: 1:13-cv-06922-AJN, 1:13-cv-08175-AJN(Ross, Hannah) (Entered: 01/23/2014)
01/23/2014	20	ORDER granting 19 Letter Motion for Extension of Time. Plaintiffs' request is granted and SO ORDERED with the following specifications. Plaintiffs' deadline to file the consolidated complaint is extended to February 19, 2014; Defendants' deadline to answer or otherwise respond to the complaint is extended to April 21, 2014; Plaintiffs' deadline to file an opposition to a motion to dismiss is extended to June 20, 2014; and Defendants' deadline to file reply briefs in further support of their motion is extended to July 21, 2014. If a motion to dismiss is filed, counsel must follow Rule 3.F of this Court's Individual Rules of Practice in Civil Cases. This resolves Dkt. No. 19. Motions to dismiss due by 4/21/2014. Reply to Response to Brief due by 7/21/2014. Responses to Brief due by 6/20/2014. (Signed by Judge Alison J. Nathan on 1/23/2014) (cd) (Entered: 01/23/2014)
01/23/2014		Set/Reset Deadlines: Bioscrip, Inc. answer due 4/21/2014; Patricia Bogusz answer due 4/21/2014; Mary Jane Graves answer due 4/21/2014; Richard M. Smith answer due 4/21/2014; Hai V. Tran answer due 4/21/2014. (cd) (Entered: 01/23/2014)
01/23/2014	21	SCHEDULING ORDER: Consolidated Complaint by Lead Plaintiff due by 2/19/2014. Motion due by 4/21/2014. Responses due by 6/20/2014. Replies due by 7/21/2014. (Signed by Judge Alison J. Nathan on 1/23/2014) (cd) (Entered: 01/27/2014)
01/23/2014		Set/Reset Deadlines: All Defendants answer due by 4/21/2014. (cd) (Entered: 01/27/2014)
02/19/2014	22 R	CONSOLIDATED CLASS ACTION COMPLAINT amending 1 Complaint against Bioscrip, Inc., Patricia Bogusz, Richard M. Smith, Hai V. Tran, Kohlberg & Co., LLC with JURY DEMAND. Document filed by Fresno County Employees' Retirement Association, West Palm Beach Police Pension Fund. Related document: 1 Complaint filed by Timothy Faig.(ja) (Entered: 02/21/2014)
03/03/2014	23	SUMMONS RETURNED EXECUTED Summons and Amended Complaint, Complaint served. Kohlberg & Co., LLC served on 2/21/2014, answer due 3/14/2014. Service was accepted by Alissa Belcastro, Authorized Agent. Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 03/03/2014)
03/28/2014	24	STIPULATION AND AGREED ORDER FOR SERVICE OF COMPLAINT AND SCHEDULE FOR RESPONSES THERETO: IT IS HEREBY STIPULATED AND AGREED, by and among the parties hereto, through their undersigned counsel, that: 1. The defense counsel identified below will accept service on behalf of the Underwriter Defendants of the Consolidated Class Action Complaint, and that the Underwriter Defendants shall not contest the sufficiency of process or service of process; provided, however, that this Stipulation does not constitute a waiver of any other defense, all of which are preserved; 2. The Underwriter Defendants are deemed to have been validly served with the Consolidated Class Action Complaint; and 3. The Underwriter Defendants are subject to the deadlines in the Scheduling Order entered in this case on January 23, 2014 (ECF No. 21). (Signed by Judge Alison J. Nathan on 5/28/2014) (djc) Modified on 3/28/2014 (djc). (Entered: 03/28/2014)
04/16/2014	25	NOTICE OF APPEARANCE by Bradley Jay Butwin on behalf of Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Butwin, Bradley) (Entered: 04/16/2014)

04/16/2014	26	NOTICE OF APPEARANCE by Ross Bradley Galin on behalf of Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Galin, Ross) (Entered: 04/16/2014)
04/16/2014	27	NOTICE OF APPEARANCE by William Joseph Sushon on behalf of Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Sushon, William) (Entered: 04/16/2014)
04/16/2014	28	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Dougherty Financial Group LLC for Dougherty & Company. Document filed by Dougherty & Company.(Sushon, William) (Entered: 04/16/2014)
04/16/2014	29	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Jefferies Group LLC, Other Affiliate Limestone Merger Sub, LLC, Other Affiliate Leucadia National Corporation for Jeffries LLC. Document filed by Jeffries LLC. (Sushon, William) (Entered: 04/16/2014)
04/16/2014	30	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Morgan Stanley Domestic Holdings, Inc., Other Affiliate Morgan Stanley Capital Management, LLC, Other Affiliate Morgan Stanley, Other Affiliate Mitsubishi UFJ Financial Group, Inc. for Morgan Stanley & Co. LLC. Document filed by Morgan Stanley & Co. LLC.(Sushon, William) (Entered: 04/16/2014)
04/16/2014	31	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Noble Financial Group, Inc. for Noble International Investments, Inc. Document filed by Noble International Investments, Inc.(Sushon, William) (Entered: 04/16/2014)
04/16/2014	32	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent SunTrust Banks, Inc. for SunTrust Robinson Humphrey, Inc. Document filed by SunTrust Robinson Humphrey, Inc.(Sushon, William) (Entered: 04/16/2014)
04/16/2014	33	LETTER MOTION for Extension of Time <i>for Defendants' to file their motions to dismiss the Consolidated Class Action Complaint</i> addressed to Judge Alison J. Nathan from William J. Sushon dated April 16, 2014. Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Attachments: # 1 Text of Proposed Order (Per Rule 1(D) of Judge Nathan's Individual Practices In Civil Cases)) (Sushon, William) (Entered: 04/16/2014)
04/17/2014	34	SCHEDULING ORDER: NOW, THEREFORE, the parties hereby submit this [Proposed] Scheduling Order for the above-captioned action: 1. Defendants shall have until April 28, 2014 (the "Response Deadline"), to move to dismiss or otherwise respond to the consolidated complaint. In the event Defendants file motions to dismiss by the Response Deadline: a. Lead Plaintiff shall have until June 27, 2014 to file any opposition to the motions to dismiss; b. Defendants shall have until July 28, 2014 to file reply briefs in further support of their motions to dismiss. Motions due by 4/28/2014. This resolves Dkt. No. 33. (Responses due by 6/27/2014 Replies due by 7/28/2014). (Signed by Judge Alison J. Nathan on 4/17/2014) (dj) (Entered: 04/17/2014)
04/21/2014	35	NOTICE OF APPEARANCE by Jonathan Rosenberg on behalf of Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Rosenberg, Jonathan) (Entered: 04/21/2014)
04/28/2014	36	NOTICE OF APPEARANCE by Shireen Anneke Barday on behalf of Bioscrip, Inc.,

		Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Barday, Shireen) (Entered: 04/28/2014)
04/28/2014	37	NOTICE OF APPEARANCE by Joseph Serino, JR on behalf of Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Serino, Joseph) (Entered: 04/28/2014)
04/28/2014	38	NOTICE OF APPEARANCE by Jay Philip Lefkowitz on behalf of Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Lefkowitz, Jay) (Entered: 04/28/2014)
04/28/2014	39	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Bioscrip, Inc..(Lefkowitz, Jay) (Entered: 04/28/2014)
04/28/2014	40	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Kohlberg & Co., LLC.(Lefkowitz, Jay) (Entered: 04/28/2014)
04/28/2014	41	MOTION to Dismiss <i>the Consolidated Amended Complaint</i> . Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Lefkowitz, Jay) (Entered: 04/28/2014)
04/28/2014	42	MEMORANDUM OF LAW in Support re: 41 MOTION to Dismiss <i>the Consolidated Amended Complaint</i> . . Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Lefkowitz, Jay) (Entered: 04/28/2014)
04/28/2014	43	DECLARATION of Shireen A. Barday in Support re: 41 MOTION to Dismiss <i>the Consolidated Amended Complaint</i> .. Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Attachments: # 1 Exhibits A through P)(Barday, Shireen) (Entered: 04/28/2014)
04/28/2014	44	LETTER addressed to Judge Alison J. Nathan from Jay P. Lefkowitz, P.C. dated April 28, 2014 re: Request for Oral Argument on Defendants Motion to Dismiss Plaintiffs Consolidated Amended Complaint and Memorandum of Law in Support. Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward.(Lefkowitz, Jay) (Entered: 04/28/2014)
04/28/2014	45	MOTION to Dismiss <i>Counts III and IV of the Consolidated Class Action Complaint</i> . Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc.(Rosenberg, Jonathan) (Entered: 04/28/2014)
04/28/2014	46	MEMORANDUM OF LAW in Support re: 45 MOTION to Dismiss <i>Counts III and IV of the Consolidated Class Action Complaint</i> . . Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International

		Investments, Inc, SunTrust Robinson Humphrey, Inc. (Rosenberg, Jonathan) (Entered: 04/28/2014)
04/28/2014	47	DECLARATION of William J. Sushon, Esq. in Support re: 45 MOTION to Dismiss <i>Counts III and IV of the Consolidated Class Action Complaint</i> .. Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Attachments: # 1 Exhibit A1, # 2 Exhibit A2, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G)(Rosenberg, Jonathan) (Entered: 04/28/2014)
04/28/2014	48	LETTER addressed to Judge Alison J. Nathan from Jonathan Rosenberg, Esq. dated April 28, 2014 re: Request for Oral Argument on Defendants Motion to Dismiss Plaintiffs Consolidated Amended Complaint and Memorandum of Law in Support. Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc.(Rosenberg, Jonathan) (Entered: 04/28/2014)
04/29/2014	49	ORDER: Pursuant to Rule 3.F of this Court's Individual Practices in Civil Cases, on or before May 8, 2014, Plaintiffs must notify the Court and their adversaries in writing whether (1) they intend to file an amended pleading and when they will do so or (2) they will rely on the pleading being attacked. If Plaintiffs elect not to amend their complaint, no further opportunities to amend will be granted and the motion to dismiss will proceed in the regular course. If Plaintiffs choose to amend, Defendants may then (a) file an answer; (b) file a new motion to dismiss; or (c) submit a letter stating that it relies on the initially-filed motion to dismiss. Nothing in this Order alters the time to amend, answer or move provided by the Federal Rules of Civil Procedure or Local Rules. SO ORDERED. (Signed by Judge Alison J. Nathan on 4/29/2014) (ama) (Entered: 04/29/2014)
05/08/2014	50	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 05/08/2014 Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 05/08/2014)
06/16/2014	51	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 06/16/2014 re: Requesting Leave to File Omnibus Brief. Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 06/16/2014)
06/16/2014	52	NOTICE OF APPEARANCE by Jai Kamal Chandrasekhar on behalf of Fresno County Employees' Retirement Association. (Chandrasekhar, Jai) (Entered: 06/16/2014)
06/16/2014	53	NOTICE OF APPEARANCE by Evan M Berkow on behalf of Fresno County Employees' Retirement Association. (Berkow, Evan) (Entered: 06/16/2014)
06/16/2014	54	MEMO ENDORSEMENT on re: 51 Letter filed by Fresno County Employees' Retirement Association. ENDORSEMENT: SO ORDERED. (Signed by Judge Alison J. Nathan on 6/16/2014) (dj) (Entered: 06/16/2014)
06/16/2014		***DELETED DOCUMENT. Deleted document number 55 ORDER. The document was incorrectly filed in this case. (dj) (Entered: 06/17/2014)
06/27/2014	55	MEMORANDUM OF LAW in Opposition re: 45 MOTION to Dismiss <i>Counts III and IV of the Consolidated Class Action Complaint</i> ., 41 MOTION to Dismiss <i>the Consolidated Amended Complaint</i> .. Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 06/27/2014)
06/27/2014	56	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 06/27/2014 re: Requesting Oral Argument on Motions to Dismiss. Document filed by Fresno

		County Employees' Retirement Association.(Ross, Hannah) (Entered: 06/27/2014)
07/28/2014	57	REPLY MEMORANDUM OF LAW in Support re: 41 MOTION to Dismiss <i>the Consolidated Amended Complaint</i> . . Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Lefkowitz, Jay) (Entered: 07/28/2014)
07/28/2014	58	REPLY MEMORANDUM OF LAW in Support re: 45 MOTION to Dismiss <i>Counts III and IV of the Consolidated Class Action Complaint</i> . . Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Rosenberg, Jonathan) (Entered: 07/28/2014)
07/28/2014	59	DECLARATION of Ross Galin in Support re: 45 MOTION to Dismiss <i>Counts III and IV of the Consolidated Class Action Complaint</i> .. Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Attachments: # 1 Exhibit A) (Galin, Ross) (Entered: 07/28/2014)
08/05/2014	60	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 08/05/2014 Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit A)(Ross, Hannah) (Entered: 08/05/2014)
08/07/2014	61	LETTER addressed to Judge Alison J. Nathan from Jay P. Lefkowitz, P.C. dated August 7, 2014 re: Response to Plaintiffs August 5, 2014 letter. Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Lefkowitz, Jay) (Entered: 08/07/2014)
08/19/2014	62	NOTICE OF CHANGE OF ADDRESS by Joseph E. White, III on behalf of West Palm Beach Police Pension Fund. New Address: Saxena White P.A., 5200 Town Center Circle, Suite 601, Boca Raton, FL, USA 33486, 561-394-3399. (White, Joseph) (Entered: 08/19/2014)
03/26/2015	63	LETTER addressed to Judge Alison J. Nathan from Jay P. Lefkowitz, P.C. dated 03/26/2015 Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward.(Lefkowitz, Jay) (Entered: 03/26/2015)
03/26/2015	64	LETTER addressed to Judge Alison J. Nathan from Jonathan Rosenberg dated March 26, 2015 Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Rosenberg, Jonathan) (Entered: 03/26/2015)
03/27/2015	65	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 03/27/2015 re: BioScrip Defendants' and the Underwriter Defendants' March 26, 2015 letters to the Court. Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit A)(Ross, Hannah) (Entered: 03/27/2015)
03/30/2015	66	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 03/30/2015 re: Notice of Supplemental Authority. Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 03/30/2015)
03/31/2015	67	LETTER addressed to Judge Alison J. Nathan from Jay P. Lefkowitz, P.C. dated

		03/31/2015 re: Response to Plaintiffs' March 30, 2015 letter (Dkt. No. 66). Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward.(Lefkowitz, Jay) (Entered: 03/31/2015)
03/31/2015	68	MEMORANDUM & ORDER granting in part and denying in part 41 Motion to Dismiss; granting in part and denying in part 45 Motion to Dismiss. In sum, both motions to dismiss are GRANTED IN PART and DENIED IN PART. The motion to dismiss the Plaintiffs' Exchange Act claims under § 10(b) is DENIED as to the statements and omissions concerning the CID and BioScrip's legal compliance, but is GRANTED as to those statements concerning PBM Services. The motion to dismiss Plaintiffs' § 20(a) claims is GRANTED as to Kohlberg, but DENIED as to the Individual Exchange Act Defendants. The motion to dismiss Plaintiffs' § 11 claims under the Securities Act is GRANTED with respect to the PBM Services allegations related to the August 2013 offering, but otherwise DENIED. The motion to dismiss the Plaintiffs' § 12(a)(2) claims is DENIED with respect to Plaintiff West Palm's allegations as to the April 2013 offering, but GRANTED as to Plaintiff Fresno's allegations to the same offering. Similarly, the motion is GRANTED as to both Plaintiffs' allegations concerning the August 2013 offering. Finally, the motion to dismiss Plaintiffs' control person claims under § 15 of the Securities Act is DENIED as against the Individual Security Act Defendants, but GRANTED as to Kohlberg. An Initial Pretrial Conference will be scheduled by separate order. This resolves Dkt. Nos. 41 and 45. (Signed by Judge Alison J. Nathan on 3/31/2015) (kgo) Modified on 3/31/2015 (kgo). (Entered: 03/31/2015)
04/02/2015	69	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 4/24/2015 at 10:15 AM in Courtroom 906, 40 Centre Street, New York, NY 10007 before Judge Alison J. Nathan. Parties ordered to submit via ECF proposed case management plan and joint letter seven days before conference. (Signed by Judge Alison J. Nathan on 4/2/2015) (kgo) (Entered: 04/02/2015)
04/08/2015	70	LETTER addressed to Judge Alison J. Nathan from Jay P. Lefkowitz, P.C. dated 04/08/2015 re: Extension of Time to File Answer. Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward.(Lefkowitz, Jay) (Entered: 04/08/2015)
04/10/2015	71	LETTER MOTION for Extension of Time to File Answer <i>to Plaintiffs Consolidated Complaint</i> addressed to Judge Alison J. Nathan from Joseph Serino Jr., P.C. dated 04/10/2015. Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward.(Serino, Joseph) (Entered: 04/10/2015)
04/10/2015	72	MEMO ENDORSEMENT on re: 70 Letter re: Extension of Time to File Answer, filed by Kimberlee Seah, Bioscrip, Inc., Patricia Bogusz, Stuart A. Samuels, Richard M. Smith, Charlotte W. Collins, Hai V. Tran, Myron Z. Holubiak, Richard L. Robbins, Samuel P. Frieder, Gordon H. Woodward, David R. Hubers, Kohlberg & Co., LLC. ENDORSEMENT: The Defendant's request is GRANTED. Accordingly, their time to answer the consolidated complaint is extended until May 14, 2015. Furthermore, the Initial Pretrial Conference currently scheduled for April 24, 2015 is adjourned. Bioscrip, Inc. answer due 5/14/2015; Patricia Bogusz answer due 5/14/2015; Charlotte W. Collins answer due 5/14/2015; Samuel P. Frieder answer due 5/14/2015; Myron Z. Holubiak answer due 5/14/2015; David R. Hubers answer due 5/14/2015; Kohlberg &

		Co., LLC answer due 5/14/2015; Richard L. Robbins answer due 5/14/2015; Stuart A. Samuels answer due 5/14/2015; Kimberlee Seah answer due 5/14/2015; Richard M. Smith answer due 5/14/2015; Hai V. Tran answer due 5/14/2015; Gordon H. Woodward answer due 5/14/2015. (Initial Conference set for 6/5/2015 at 10:15 AM before Judge Alison J. Nathan.) Motions terminated: 71 LETTER MOTION for Extension of Time to File Answer to <i>Plaintiffs Consolidated Complaint</i> addressed to Judge Alison J. Nathan from Joseph Serino Jr., P.C. dated 04/10/2015, filed by Kimberlee Seah, Bioscrip, Inc., Patricia Bogusz, Stuart A. Samuels, Richard M. Smith, Charlotte W. Collins, Richard L. Robbins, Myron Z. Holubiak, Hai V. Tran, Samuel P. Frieder, Gordon H. Woodward, David R. Hubers, Kohlberg & Co., LLC. (Signed by Judge Alison J. Nathan on 4/10/2015) (kko) (Entered: 04/10/2015)
04/10/2015		Set/Reset Deadlines: Dougherty & Company answer due 5/14/2015; Jeffries LLC answer due 5/14/2015; Morgan Stanley & Co. LLC answer due 5/14/2015; Noble International Investments, Inc answer due 5/14/2015; SunTrust Robinson Humphrey, Inc answer due 5/14/2015. (kko) (Entered: 04/13/2015)
04/13/2015	73	NOTICE OF APPEARANCE by Kristin Ann Meister on behalf of Fresno County Employees' Retirement Association. (Meister, Kristin) (Entered: 04/13/2015)
04/13/2015	74	NOTICE OF CHANGE OF ADDRESS by Kristin Ann Meister on behalf of Fresno County Employees' Retirement Association. New Address: Bernstein Litowitz Berger & Grossmann LLP, 1285 Avenue of the Americas, New York, NY, New York 10019, 212-554-1901. (Meister, Kristin) (Entered: 04/13/2015)
04/14/2015	75	MOTION for Reconsideration re; 68 Order on Motion to Dismiss,,,,,,,,,,,,, . Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Dougherty & Company, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Jeffries LLC, Kohlberg & Co., LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, SunTrust Robinson Humphrey, Inc, Hai V. Tran, Gordon H. Woodward.(Lefkowitz, Jay) (Entered: 04/14/2015)
04/14/2015	76	MEMORANDUM OF LAW in Support re: 75 MOTION for Reconsideration re; 68 Order on Motion to Dismiss,,,,,,,,,,,,, . Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Dougherty & Company, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Jeffries LLC, Kohlberg & Co., LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, SunTrust Robinson Humphrey, Inc, Hai V. Tran, Gordon H. Woodward. (Lefkowitz, Jay) (Entered: 04/14/2015)
04/14/2015	77	LETTER addressed to Judge Alison J. Nathan from Jay P. Lefkowitz, P.C. dated 04/14/2015 re: Request for Oral Argument on Motion for Partial Reconsideration of the March 31, 2015 Memorandum & Order. Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward.(Lefkowitz, Jay) (Entered: 04/14/2015)
04/28/2015	78	MEMORANDUM OF LAW in Opposition re: 75 MOTION for Reconsideration re; 68 Order on Motion to Dismiss,,,,,,,,,,,,, . Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 04/28/2015)
05/08/2015	79	RESPONSE in Support of Motion re: 75 MOTION for Reconsideration re; 68 Order on Motion to Dismiss,,,,,,,,,,,,, . Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah,

		Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Lefkowitz, Jay) (Entered: 05/08/2015)
05/11/2015	80	LETTER MOTION for Extension of Time to File Answer re: 22 R Amended Complaint, (<i>Request for one-week extension of time to answer Plaintiffs' Consolidated Complaint on behalf of all defendants</i>) addressed to Judge Alison J. Nathan from Jonathan Rosenberg dated May 11, 2015. Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc.(Rosenberg, Jonathan) (Entered: 05/11/2015)
05/12/2015	81	ORDER granting 80 Letter Motion for Extension of Time to Answer. Defendants' request is GRANTED. Accordingly, their answer is now due by May 21, 2015. No further extensions shall be granted. Dougherty & Company answer due 5/21/2015; Jeffries LLC answer due 5/21/2015; Morgan Stanley & Co. LLC answer due 5/21/2015; Noble International Investments, Inc answer due 5/21/2015; SunTrust Robinson Humphrey, Inc answer due 5/21/2015. (Signed by Judge Alison J. Nathan on 5/12/2015) (kgo) (Entered: 05/12/2015)
05/21/2015	82	LETTER MOTION to Adjourn Conference <i>re Initial Pretrial Conference</i> addressed to Judge Alison J. Nathan from Jonathan Rosenberg dated May 21, 2015. Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc.(Rosenberg, Jonathan) (Entered: 05/21/2015)
05/21/2015	83	ANSWER to 22 R Amended Complaint, with JURY DEMAND. Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward.(Lefkowitz, Jay) (Entered: 05/21/2015)
05/21/2015	84	ANSWER to 22 R Amended Complaint, with JURY DEMAND. Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc.(Rosenberg, Jonathan) (Entered: 05/21/2015)
05/22/2015	85	ORDER granting 82 LETTER MOTION to Adjourn Conference re Initial Pretrial Conference addressed to Judge Alison J. Nathan from Jonathan Rosenberg dated May 21, 2015. Document filed by Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. The Underwriter Defendants' request is GRANTED. The Initial Pretrial Conference presently scheduled for June 5, 2015 is hereby adjourned until June 19, 2015 at 10:45 a.m. So ordered. (Initial Conference set for 6/19/2015 at 10:45 AM before Judge Alison J. Nathan). (Signed by Judge Alison J. Nathan on 5/22/2015) (rjm) (Entered: 05/26/2015)
06/05/2015	86 R	MEMORANDUM & ORDER denying 75 Motion for Reconsideration re: 68 Order on Motion to Dismiss. In sum, Defendants' motion for reconsideration is DENIED. This resolves Dkt. No. 75. An initial pretrial conference is presently scheduled for June 19, 2015 in this matter. See Dkt. No. 72. The parties are ordered to comply with the instructions provided in the Court's April 2, 2015 Notice of Initial Pretrial Conference. See Dkt. No. 69. (Signed by Judge Alison J. Nathan on 6/5/2015) (kl) (Entered: 06/05/2015)
06/12/2015	87	JOINT LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross, Jay P. Lefkowitz and Jonathan Rosenberg dated 06/12/2015 re: Proposed Civil Case Management Plan and Scheduling Order. Document filed by Fresno County

		Employees' Retirement Association. (Attachments: # 1 Exhibit)(Ross, Hannah) (Entered: 06/12/2015)
06/17/2015		**REMINDER** There is an Initial Pretrial Conference scheduled for Friday, June 19, 2015 at 10:45 AM in Courtroom 906 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York before the Honorable Alison J. Nathan, U.S.D.J. (snu) (Entered: 06/17/2015)
06/19/2015		Minute Entry for proceedings held before Judge Alison J. Nathan: Initial Pretrial Conference held on 6/19/2015. See transcript for details. (Court Reporter Eve Giniger) (snu) (Entered: 06/19/2015)
06/19/2015	88	CIVIL CASE MANAGEMENT PLAN AND SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial pursuant to 28 U.S.C. § 636(c). Motion for class certification due by 10/23/2015. Deposition due by 5/6/2016. Fact Discovery due by 1/29/2016. Expert Discovery due by 5/6/2016. This case is to be tried to a jury. Case Management Conference set for 2/19/2016 at 10:30 AM before Judge Alison J. Nathan, and as further set forth in this Order. (Signed by Judge Alison J. Nathan on 6/19/2015) (rjm) (Entered: 06/19/2015)
09/16/2015	89	STIPULATION AND PROTECTIVE ORDER RESTRICTING DISCLOSURE OF CONFIDENTIAL INFORMATION... regarding procedures to be followed that shall govern the handling of confidential material... It is ORDERED that this Order will be enforced by the sanctions set forth in Fed. R. Civ. P. 37(a) and any other sanctions as may be available to the presiding judge, including the power to hold Parties or other violators of this Order in contempt. All other remedies available to any person injured by a violation of this Order are fully reserved. Nothing in this agreement alters the parties' obligation to follow this Court's Individual Practice Rule 4.A regarding requests for sealing. So ordered. (Signed by Judge Alison J. Nathan on 9/16/2015) (rjm) (Entered: 09/16/2015)
10/21/2015	90	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 10/21/2015 Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 10/21/2015)
10/22/2015	91	MEMO ENDORSEMENT on re: 90 LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 10/21/2015 Document filed by Fresno County Employees' Retirement Association. ENDORSEMENT: So ordered. The following deadline(s) was terminated: Motions Deadline. (Signed by Judge Alison J. Nathan on 10/22/2015) (rjm). (Entered: 10/22/2015)
10/22/2015	92	ORDER: The deadline for Plaintiffs to file a motion for class certification, which was originally set for October 23, 2015, is hereby adjourned to November 6, 2015. Any parties wishing to update the Court on the status of this litigation are ordered to do so in writing no later than October 28, 2015. The Court reminds the parties that all written submissions to the Court must comply with the Court's Individual Practices in Civil Cases. This includes Rule 4.A., which governs the procedure for requesting to file any document under seal. (Motions due by 11/6/2015.) (Signed by Judge Alison J. Nathan on 10/22/2015) (tn) (Entered: 10/22/2015)
11/04/2015	93	TRANSCRIPT of Proceedings re: Conference held on 6/19/2015 before Judge Alison J. Nathan. Court Reporter/Transcriber: Eve Giniger, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/30/2015.

		Redacted Transcript Deadline set for 12/10/2015. Release of Transcript Restriction set for 2/5/2016.(Siwik, Christine) (Entered: 11/04/2015)
11/04/2015	94	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Conference proceeding held on 6/19/15 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...(Siwik, Christine) (Entered: 11/04/2015)
11/05/2015	95	SEALED DOCUMENT placed in vault.(mps) (Entered: 11/05/2015)
11/06/2015	96	ORDER. The deadline for Plaintiffs to file a motion for class certification, which was previously set for November 6, is hereby adjourned to December 4, 2015. So ordered. (Motions due by 12/4/2015.) (Signed by Judge Alison J. Nathan on 11/6/2015) (rjm) (Entered: 11/06/2015)
11/17/2015	97	NOTICE OF CHANGE OF ADDRESS by Hannah Elizabeth Ross on behalf of Fresno County Employees' Retirement Association. New Address: Bernstein Litowitz Berger & Grossmann LLP, 1251 Avwnue of the Americas, 44th floor, New York, New York, 10020, 212-554-1411. (Ross, Hannah) (Entered: 11/17/2015)
11/18/2015	98	NOTICE OF CHANGE OF ADDRESS by Jai Kamal Chandrasekhar on behalf of Fresno County Employees' Retirement Association. New Address: Bernstein Litowitz Berger & Grossmann LLP, 1251 Avenue of the Americas, 44th Floor, New York, New York, 10020, 212-554-1484. (Chandrasekhar, Jai) (Entered: 11/18/2015)
12/02/2015	99	LETTER MOTION for Extension of Time addressed to Judge Alison J. Nathan from Hannah G. Ross dated 12/02/2015. Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 12/02/2015)
12/02/2015	100	ORDER granting 99 LETTER MOTION for Extension of Time addressed to Judge Alison J. Nathan from Hannah G. Ross dated 12/02/2015. Document filed by Fresno County Employees' Retirement Association. So ordered. No further extensions. (Motions due by 12/18/2015). (Signed by Judge Alison J. Nathan on 12/2/2015) (rjm) (Entered: 12/03/2015)
12/18/2015	101	MOTION to Approve (I) PRELIMINARY APPROVAL OF SETTLEMENT, (II) PRELIMINARY CERTIFICATION OF THE SETTLEMENT CLASS AND (III) APPROVAL OF NOTICE TO THE SETTLEMENT CLASS . Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Ross, Hannah) (Entered: 12/18/2015)
12/18/2015	102	MEMORANDUM OF LAW in Support re: 101 MOTION to Approve (I) PRELIMINARY APPROVAL OF SETTLEMENT, (II) PRELIMINARY CERTIFICATION OF THE SETTLEMENT CLASS AND (III) APPROVAL OF NOTICE TO THE SETTLEMENT CLASS . . Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 12/18/2015)
01/27/2016	103	ORDER. The Court hereby ORDERS the following: 1. The parties are ORDERED to file the confidential supplemental agreement under seal with the Court by February 4, 2016, or, in the alternative, to show cause in writing by that same date why the agreement should not be filed with the Court. 2. If the parties wish to keep paragraph 27 in the Proposed Order, they are ORDERED to show cause in writing by February 4, 2016, why the Court has authority to place the restrictions outlined in the paragraph on would-be future litigants and why that paragraph does not belong in the Stipulation-to the extent it is not already covered by paragraph 42 of the Stipulation-

		instead. 3. Lead Plaintiff is ORDERED to file a revised copy of the Proposed Order and Stipulation, reflecting the changes identified herein, by February 4, 2016, or to indicate in writing by that same date why those changes should not be incorporated into the Court's order preliminarily approving the settlement and the attached Stipulation. So ordered. (Signed by Judge Alison J. Nathan on 1/27/2016) (rjm) (Entered: 01/27/2016)
01/27/2016		Transmission to Sealed Records Clerk. Transmitted re: 103 Order to Show Cause to the Sealed Records Clerk for the sealing or unsealing of document or case. (rjm) (Entered: 01/27/2016)
02/04/2016	104	LETTER addressed to Judge Alison J. Nathan from Jai Chandrasekhar dated 02/04/2016 re: The Court's Order Dated 1/27/2016. Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit A- Filed Under Seal, # 2 Exhibit B - Sample Preliminary Approval Orders, # 3 Exhibit C- Revised Proposed Order, # 4 Exhibit D - Revised Judgment, # 5 Exhibit E- Corrected Stipulation, # 6 Certificate of Service)(Chandrasekhar, Jai) (Entered: 02/04/2016)
02/04/2016	105	SEALED DOCUMENT placed in vault.(rz) (Entered: 02/05/2016)
02/11/2016	106	ORDER PRELIMINARILY APPROVING SETTLEMENT AND PROVIDING FOR NOTICE: re: 104 Letter filed by Fresno County Employees' Retirement Association. The Court hereby preliminarily approves the Settlement, as embodied in the Stipulation, as being fair, reasonable, and adequate to the Settlement Class, subject to further consideration at the Settlement Hearing to be conducted as described below. The Court will hold a settlement hearing (the "Settlement Hearing") pursuant to Federal Rule of Procedure 23(e) on June 13, 2016 at 10:00 am in Courtroom 906 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. And as set forth herein. SO ORDERED. (Signed by Judge Alison J. Nathan on 2/11/2016) (ama) Modified on 2/11/2016 (ama). (Entered: 02/11/2016)
02/11/2016		Set/Reset Hearings: Settlement Conference set for 6/13/2016 at 10:00 AM in Courtroom 906, 40 Centre Street, New York, NY 10007 before Judge Alison J. Nathan. (ama) (Entered: 02/11/2016)
05/09/2016	107	MOTION to Approve Class Action Settlement and Plan of Allocation . Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 05/09/2016)
05/09/2016	108	MEMORANDUM OF LAW in Support re: 107 MOTION to Approve Class Action Settlement and Plan of Allocation . . Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 05/09/2016)
05/09/2016	109 R	MOTION for Attorney Fees <i>Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses</i> . Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 05/09/2016)
05/09/2016	110	MEMORANDUM OF LAW in Support re: 109 R MOTION for Attorney Fees <i>Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses</i> . . Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 05/09/2016)
05/09/2016	111	DECLARATION of Hannah G. Ross in Support re: 109 R MOTION for Attorney Fees <i>Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses</i> ., 107 MOTION to Approve Class Action Settlement and Plan of Allocation .. Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 5A, # 7 Exhibit 5B, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11

		Exhibit 9, # 12 Exhibit 10, # 13 Exhibit 11, # 14 Exhibit 12, # 15 Exhibit 13, # 16 Exhibit 14, # 17 Exhibit 15)(Ross, Hannah) (Entered: 05/09/2016)
05/23/2016	112	MOTION for Eric Alan Isaacson to Appear Pro Hac Vice <i>for the Isaacson/Weaver Family Trust</i> . Filing fee \$ 200.00, receipt number 0208-12333926. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Isaacson/Weaver Family Trust. (Attachments: # 1 Supplement Certificate of Good Standing, # 2 Text of Proposed Order Proposed Order)Filed In Associated Cases: 1:13-cv-06922-AJN, 1:13-cv-08175-AJN(Isaacson, Eric) (Entered: 05/23/2016)
05/23/2016		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. (112 in 1:13-cv-06922-AJN, 11 in 1:13-cv-08175-AJN) MOTION for Eric Alan Isaacson to Appear Pro Hac Vice <i>for the Isaacson/Weaver Family Trust</i>. Filing fee \$ 200.00, receipt number 0208-12333926. Motion and supporting papers to be reviewed by Clerk's Office staff.<. The document has been reviewed and there are no deficiencies. Filed In Associated Cases: 1:13-cv-06922-AJN, 1:13-cv-08175-AJN(wb) (Entered: 05/23/2016)
05/23/2016	113	MEMORANDUM OF LAW in Opposition re: 109 R MOTION for Attorney Fees <i>Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses.</i> , 107 MOTION to Approve Class Action Settlement and Plan of Allocation . (<i>Objection to Fee Request</i>). Document filed by Isaacson/Weaver Family Trust. (Isaacson, Eric) (Entered: 05/23/2016)
05/23/2016	114	NOTICE OF APPEARANCE by Eric Alan Isaacson on behalf of Isaacson/Weaver Family Trust. (Isaacson, Eric) (Entered: 05/23/2016)
05/25/2016	115	LETTER MOTION for Extension of Time to File Response/Reply as to 106 Order,, (<i>Requesting Until June 1, 2016 to File Our Reply Brief</i>) addressed to Judge Alison J. Nathan from Hannah G. Ross dated 05/25/2016. Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 05/25/2016)
05/26/2016	116	ORDER granting in part and denying in part 115 Letter Motion for Extension of Time to File Response/Reply. Counsel's request to file one joint reply brief is DENIED. Counsel's request for an extension to file the reply briefs is GRANTED. Accordingly, the briefs shall be due no later than June 1, 2016. The Court will permit counsel to file a 15-page reply brief on the motion for attorneys' fees. Replies due by 6/1/2016. (Signed by Judge Alison J. Nathan on 5/26/2016) (mro) (Entered: 05/26/2016)
05/27/2016	117	ORDER granting 112 Motion for Eric Alan Isaacson to Appear Pro Hac Vice (HEREBY ORDERED by Judge Alison J. Nathan)(Text Only Order) (Nathan, Alison) (Entered: 05/27/2016)
06/01/2016	118	REPLY MEMORANDUM OF LAW in Support re: 107 MOTION to Approve Class Action Settlement and Plan of Allocation . . Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 06/01/2016)
06/01/2016	119	REPLY MEMORANDUM OF LAW in Support re: 109 R MOTION for Attorney Fees <i>Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses.</i> . Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 06/01/2016)
06/01/2016	120	DECLARATION of Hannah G. Ross in Support re: 109 R MOTION for Attorney Fees <i>Lead Counsel's Motion for an Award of Attorneys' Fees and Reimbursement of Litigation Expenses.</i> , 107 MOTION to Approve Class Action Settlement and Plan of Allocation .. Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7)(Ross, Hannah) (Entered: 06/01/2016)

06/07/2016	121	LETTER MOTION for Leave to File Supplemental Final Approval Hearing Brief of <i>Class Member Isaacson/Weaver Family Trust</i> addressed to Judge Alison J. Nathan from Eric Alan Isaacson dated June 7, 2016. Document filed by Isaacson/Weaver Family Trust. (Attachments: # 1 Proposed Supplemental Final-Approval Hearing Brief)(Isaacson, Eric) (Entered: 06/07/2016)
06/09/2016	122	NOTICE OF APPEARANCE by Nathaniel Owen Asher on behalf of Dougherty & Company, Jeffries LLC, Morgan Stanley & Co. LLC, Noble International Investments, Inc, SunTrust Robinson Humphrey, Inc. (Asher, Nathaniel) (Entered: 06/09/2016)
06/13/2016		Minute Entry for proceedings held before Judge Alison J. Nathan: Settlement Fairness Hearing held on 6/13/2016. See transcript for details. (Court Reporter Steve Greenblum) Associated Cases: 1:13-cv-06922-AJN, 1:13-cv-08175-AJN(snu) (Entered: 06/15/2016)
06/16/2016	123	ORDER APPROVING PLAN OF ALLOCATION OF NET SETTLEMENT FUND granting 107 Motion to Approve: This Order approving the proposed Plan of Allocation incorporates by reference the definitions in the Stipulation and Agreement of Settlement dated December 18, 2015 (ECF No. 104-5) (the "Stipulation") and all capitalized terms not otherwise defined herein shall have the same meanings as set forth in the Stipulation. The Court has jurisdiction to enter this Order approving the proposed Plan of Allocation, and over the subject matter of the Action and all parties to the Action, including all Settlement Class Members. The Court hereby finds and concludes that the Plan of Allocation is, in all respects, fair and reasonable to the Settlement Class, and as further set forth in this order. There is no just reason for delay in the entry of this Order, and immediate entry by the Clerk of the Court is expressly directed. (Signed by Judge Alison J. Nathan on 6/16/2016) (tn) (Entered: 06/16/2016)
06/16/2016	124	JUDGMENT APPROVING CLASS ACTION SETTLEMENT: This Judgment incorporates and makes a part hereof: (a) the Stipulation filed with the Court on December 18, 2015; and (b) the Notice and the Summary Notice, both of which were filed with the Court on May 9, 2016. The Court hereby finally certifies the Action as a class action pursuant to Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure on behalf of the Settlement Class consisting of all persons and entities who purchased BioScrip common stock during the period from November 9, 2012 through November 6, 2013, inclusive (the "Settlement Class Period"), and were damaged thereby, and as further set forth in this order. Pursuant to, and in accordance with, Rule 23 of the Federal Rules of Civil Procedure, this Court hereby fully and finally approves the Settlement set forth in the Stipulation in all respects (including, without limitation: the amount of the Settlement; the Releases provided for therein; and the dismissal with prejudice of the claims asserted against Defendants in the Action), and finds that the Settlement is, in all respects, fair, reasonable and adequate to the Settlement Class. The Parties are directed to implement, perform and consummate the Settlement in accordance with the terms and provisions contained in the Stipulation. The Action and all of the claims asserted against Defendants in the Action by Lead Plaintiff and the other Settlement Class Members are hereby dismissed with prejudice. The Parties shall bear their own costs and expenses, except as otherwise expressly provided in the Stipulation. There is no just reason to delay the entry of this Judgment as a final judgment in this Action. Accordingly, the Clerk of the Court is expressly directed to immediately enter this final judgment in this Action. (Signed by Judge Alison J. Nathan on 6/16/2016) (tn) (Entered: 06/16/2016)
06/16/2016		Terminate Transcript Deadlines (tn) (Entered: 06/16/2016)
06/27/2016	125	TRANSCRIPT of Proceedings re: CONFERENCE held on 6/13/2016 before Judge

		Alison J. Nathan. Court Reporter/Transcriber: Steven Greenblum, (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 7/21/2016. Redacted Transcript Deadline set for 8/1/2016. Release of Transcript Restriction set for 9/29/2016.(McGuirk, Kelly) (Entered: 06/27/2016)
06/27/2016	126	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 6/13/16 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: 06/27/2016)
11/03/2016	127	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 11/03/2016 re: Subsequent Authority. Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Ross, Hannah) (Entered: 11/03/2016)
03/21/2017	128	LETTER addressed to Judge Alison J. Nathan from Hannah Ross dated 03/21/2017 re: Status of the Settlement Claims Process. Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 03/21/2017)
06/05/2017	129	MOTION to Approve Distribution Plan . Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Text of Proposed Order)(Ross, Hannah) (Entered: 06/05/2017)
06/05/2017	130	MEMORANDUM OF LAW in Support re: 129 MOTION to Approve Distribution Plan . . Document filed by Fresno County Employees' Retirement Association. (Ross, Hannah) (Entered: 06/05/2017)
06/05/2017	131	DECLARATION of Eric Schachter in Support re: 129 MOTION to Approve Distribution Plan .. Document filed by Fresno County Employees' Retirement Association. (Attachments: # 1 Exhibit A - Sample Rejection Letter, # 2 Exhibit B - Sample Status Email, # 3 Exhibit C - Sample Status Spreadsheet, # 4 Exhibit D - Disputed Claim, # 5 Exhibit E - Timely Eligible Claims, # 6 Exhibit F - Late but Otherwise Eligible Claims, # 7 Exhibit G - Rejected Claims, # 8 R Exhibit H - A.B. Data Invoices)(Ross, Hannah) (Entered: 06/05/2017)
06/05/2017	132	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 06/05/2017 re: Motion to Approve Distribution Plan. Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 06/05/2017)
07/10/2017	133	LETTER addressed to Judge Alison J. Nathan from Hannah G. Ross dated 07/10/2017 re: Distribution Motion. Document filed by Fresno County Employees' Retirement Association.(Ross, Hannah) (Entered: 07/10/2017)
07/26/2017	134 R	MEMORANDUM & ORDER: In conclusion, the Court grants Lead Counsel's requested attorney's fee. The Court also grants Lead Counsel's request for litigation expenses and costs and expenses incurred by the Court-appointed Plaintiff. (Signed by Judge Alison J. Nathan on 7/26/2017) (mml) (Entered: 07/26/2017)
07/26/2017	135	ORDER APPROVING DISTRIBUTION PLAN granting 129 Motion to Approve Distribution Plan. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all Settlement Class Members. Lead Plaintiff's plan for distribution of the Net Settlement Fund to Authorized Claimants is

		APPROVED, as set forth in this Order. (Signed by Judge Alison J. Nathan on 7/25/2017) (mml) (Entered: 07/26/2017)
08/24/2017	136	NOTICE OF APPEAL from 134 R Order,. Document filed by Isaacson/Weaver Family Trust. Filing fee \$ 505.00, receipt number 0208-14054754. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Isaacson, Eric) (Entered: 08/24/2017)
08/25/2017		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 136 Notice of Appeal. (tp) (Entered: 08/25/2017)
08/25/2017		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for 136 Notice of Appeal filed by Isaacson/Weaver Family Trust were transmitted to the U.S. Court of Appeals. (tp) (Entered: 08/25/2017)
08/25/2017	137	NOTICE of of Withdrawal of Joseph Serino, Jr. Document filed by Bioscrip, Inc., Patricia Bogusz, Charlotte W. Collins, Samuel P. Frieder, Myron Z. Holubiak, David R. Hubers, Kohlberg & Co., LLC, Richard L. Robbins, Stuart A. Samuels, Kimberlee Seah, Richard M. Smith, Hai V. Tran, Gordon H. Woodward. (Serino, Joseph) (Entered: 08/25/2017)
08/29/2017	138	MEMO ENDORSEMENT on re: 137 Notice (Other), filed by Kimberlee Seah, Bioscrip, Inc., Patricia Bogusz, Stuart A. Samuels, Richard M. Smith, Charlotte W. Collins, Hai V. Tran, Myron Z. Holubiak, Richard L. Robbins, Samuel P. Frieder, Gordon H. Woodward, David R. Hubers, Kohlberg & Co., LLC. So Ordered., (Attorney Joseph Serino, JR terminated.) (Signed by Judge Alison J. Nathan on 8/28/17) (yv) (Entered: 08/29/2017)