

**General Docket
Court of Appeals, 2nd Circuit**

Court of Appeals Docket #: 17-2662 Nature of Suit: 3850 STATUTES-Secur Comm Exchange Faig v. BioScrip, Inc. Appeal From: SDNY (NEW YORK CITY) Fee Status: Paid	Docketed: 08/25/2017 Termed: 05/23/2019
Case Type Information: 1) Civil 2) Private 3) -	
Originating Court Information: District: 0208-1 : 13-cv-6922 Trial Judge: Alison J. Nathan, U.S. District Judge Date Filed: 09/30/2013 Date Order/Judgment: 07/26/2017	
Prior Cases: None	
Current Cases: None	
Panel Assignment: Not available	

Timothy Faig, individually and on behalf of all other persons similarly situated Plaintiff West Palm Beach Police Pension Fund Plaintiff Fresno County Employees' Retirement Association Plaintiff - Appellee	Jai Kamal Chandrasekhar, Esq., - Direct: 212-554-1484 [COR NTC Retained] Bernstein Litowitz Berger & Grossmann LLP 44th Floor 1251 Avenue of the Americas New York, NY 10020 Hannah G. Ross, Esq., - Direct: 212-554-1411 [COR NTC Retained] Bernstein Litowitz Berger & Grossmann LLP 44th Floor 1251 Avenue of the Americas New York, NY 10020

Jeffries LLC Defendant	
Morgan Stanley & Co. LLC Defendant	
SunTrust Robinson Humphrey, Inc. Defendant	
Dougherty & Company Defendant	
Noble International Investments, Inc Defendant	

BioScrip, Inc.
Defendant

Richard M. Smith
Defendant

Hai V. Tran
Defendant

Patricia Bogusz
Defendant

Kohlberg & Co., LLC
Defendant

Myron Z. Holubiak
Defendant

Charlotte W. Collins
Defendant

Samuel P. Frieder
Defendant

David R. Hubers
Defendant

Richard L. Robbins
Defendant

Stuart A. Samuels
Defendant

Gordon H. Woodward
Defendant

Kimberlee Seah
Defendant

Isaacson/Weaver Family Trust
Objector - Appellant

Eric Alan Isaacson, Esq., -
Direct: 858-263-9581
[COR LD NTC Retained]
Law Office of Eric Alan Isaacson
6580 Avenida Mirola
La Jolla, CA 92037

Fresno County Employees' Retirement Association,

Plaintiff - Appellee,

v.

Isaacson/Weaver Family Trust,

Objector - Appellant.

- 08/25/2017 [1](#) 25 pg, 350.09 KB NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. [2111729] [17-2662] [Entered: 08/28/2017 03:40 PM]
- 08/25/2017 [2](#) PAYMENT OF DOCKETING FEE, on behalf of Appellant Isaacson/Weaver Family Trust, district court receipt # 0208-14054754, FILED.[2111736] [17-2662] [Entered: 08/28/2017 03:42 PM]
- 08/25/2017 [3](#) 49 pg, 2.08 MB DISTRICT COURT MEMORANDUM & ORDER, dated 07/26/2017, RECEIVED.[2111740] [17-2662] [Entered: 08/28/2017 03:44 PM]
- 08/25/2017 [4](#) 24 pg, 121.83 KB ELECTRONIC INDEX, in lieu of record, FILED.[2111743] [17-2662] [Entered: 08/28/2017 03:45 PM]
- 09/07/2017 [7](#) 2 pg, 97.07 KB ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 09/07/2017 by CM/ECF.[2119110] [17-2662] [Entered: 09/07/2017 02:04 PM]
- 09/07/2017 [8](#) FORM C, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 09/07/2017 by CM/ECF.[2119422] [17-2662] [Entered: 09/07/2017 04:10 PM]
- 09/07/2017 [9](#) 2 pg, 11.25 KB DEFECTIVE DOCUMENT, Form C [8], on behalf of Appellant Isaacson/Weaver Family Trust, FILED. [2119450] [17-2662] [Entered: 09/07/2017 04:23 PM]
- 09/07/2017 [10](#) 1 pg, 181.74 KB FORM D, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 09/07/2017 by CM/ECF.[2119486] [17-2662] [Entered: 09/07/2017 04:34 PM]
- 09/08/2017 [11](#) 2 pg, 280.4 KB ACKNOWLEDGMENT AND NOTICE OF APPEARANCE, on behalf of Appellee Fresno County Employees' Retirement Association, FILED. Service date 09/08/2017 by CM/ECF.[2120376] [17-2662] [Entered: 09/08/2017 02:38 PM]
- 09/08/2017 [12](#) 1 pg, 203.82 KB NOTICE OF APPEARANCE AS ADDITIONAL COUNSEL, on behalf of Appellee Fresno County Employees' Retirement Association, FILED. Service date 09/08/2017 by CM/ECF. [2120382] [17-2662] [Entered: 09/08/2017 02:42 PM]
- 09/11/2017 [13](#) ATTORNEY, Jai Kamal Chandrasekhar for Fresno County Employees' Retirement Association, in case 17-2662 , [12], ADDED.[2121282] [17-2662] [Entered: 09/11/2017 01:53 PM]
- 09/11/2017 [14](#) FORM C, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 09/11/2017 by CM/ECF.[2121435] [17-2662] [Entered: 09/11/2017 03:06 PM]
- 09/12/2017 [15](#) 2 pg, 12.39 KB DEFECTIVE DOCUMENT, Form C, [14], on behalf of Appellant Isaacson/Weaver Family Trust, FILED. [2122109] [17-2662] [Entered: 09/12/2017 10:04 AM]
- 09/12/2017 [16](#) 1 pg, 6.72 KB NOTICE, to Appellees BioScrip, Inc., Patricia Bogusz, Charlotte W. Collins, Dougherty & Company, Timothy Faig, 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, West Palm Beach Police Pension Fund and Gordon H. Woodward , for failure to file an appearance, SENT.[2122153] [17-2662] [Entered: 09/12/2017 10:19 AM]
- 09/12/2017 [17](#) 2 pg, 15.92 KB LETTER, on behalf of Appellee Jeffries LLC, Morgan Stanley & Co. LLC, Dougherty & Company, Noble International Investments, Inc and SunTrust Robinson Humphrey, Inc., the Underwriters will not be participating in this appeal, RECEIVED. Service date 09/12/2017 by CM/ECF.[2122255] [17-2662]--[Edited 09/12/2017 by TT] [Entered: 09/12/2017 11:09 AM]
- 09/12/2017 [18](#) 86 pg, 3.64 MB FORM C, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 09/12/2017 by CM/ECF.[2122304] [17-2662] [Entered: 09/12/2017 11:34 AM]
- 09/12/2017 [19](#) CURED DEFECTIVE FORM C [18], on behalf of Appellant Isaacson/Weaver Family Trust, FILED. [2122435] [17-2662] [Entered: 09/12/2017 12:48 PM]
- 09/12/2017 [20](#) 1 pg, 6.11 KB CAPTION, Jeffries LLC, Morgan Stanley & Co. LLC, SunTrust Robinson Humphrey, Inc., Dougherty & Company, Noble International Investments, Inc,'s designations have changed from Defendants-Appellees to Defendants, AMENDED.[2122436] [17-2662] [Entered: 09/12/2017 12:51 PM]
- 09/13/2017 [22](#) ATTORNEY, Shireen A. Barday for Patricia Bogusz, Charlotte W. Collins, Kohlberg & Co., LLC, BioScrip, Inc., David R. Hubers, Myron Z. Holubiak, Richard L. Robbins, Stuart A. Samuels, Richard M. Smith, Samuel P. Frieder, Timothy Faig, Hai V. Tran, Gordon H. Woodward and Kimberlee Seah, in case 17-2662 , [1], ADDED.[2123303] [17-2662] [Entered: 09/13/2017 11:16 AM]
- 09/13/2017 [23](#) LETTER, on behalf of Appellee 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 and Gordon H. Woodward, BioScrip Defendants are not parties to this appeal, RECEIVED. Service date 09/13/2017 by CM/ECF.[2123397] [17-2662]--[Edited 09/13/2017 by TT] [Entered: 09/13/2017 11:59 AM]
- 09/13/2017 [25](#) 2 pg, 12.28 KB DEFECTIVE DOCUMENT, Letter, [23], on behalf of 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 and Gordon H. Woodward, FILED.[2123922] [17-2662] [Entered: 09/13/2017 04:33 PM]

- 09/13/2017 [26](#)
77 pg, 9.09 MB LETTER, on behalf of Appellee 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 and Gordon H. Woodward, BioScrip Defendants are not parties to this appeal, RECEIVED. Service date 09/13/2017 by CM/ECF.[2124025] [17-2662]--[Edited 09/15/2017 by TT] [Entered: 09/13/2017 05:26 PM]
- 09/15/2017 [27](#) CURED DEFECTIVE LETTER [\[26\]](#), on behalf of Appellees 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 and Gordon H. Woodward, FILED.[2126108] [17-2662] [Entered: 09/15/2017 04:12 PM]
- 09/15/2017 [28](#)
1 pg, 29.81 KB CAMP ORDER, Type of Conference: Telephonic, Scheduled Date of Conference: 10/12/2017, Start Time: 2:00 PM, Required Attendees: Counsel, with Dean W.M. Leslie, ENTERED.[2126184] [17-2662] [Entered: 09/15/2017 04:47 PM]
- 09/15/2017 [29](#)
1 pg, 6.1 KB CAPTION, changer per letters received on 9/12/17 and 9/13/17, AMENDED.[2126223] [17-2662] [Entered: 09/15/2017 04:59 PM]
- 09/20/2017 [30](#)
1 pg, 74.12 KB NOTICE, to Appellee Timothy Faig , for failure to file an appearance, SENT.[2129261] [17-2662] [Entered: 09/20/2017 11:20 AM]
- 09/21/2017 [31](#)
1 pg, 99.6 KB LETTER, on behalf of Appellee Fresno County Employees' Retirement Association, Bernstein Litowitz Berger & Grossman LLP will be briefing and arguing the appeal on behalf of Appellee Fresno, in response to notice issued to Timothy Faig, RECEIVED. Service date 09/21/2017 by CM/ECF.[2130371] [17-2662]--[Edited 09/26/2017 by TT] [Entered: 09/21/2017 11:17 AM]
- 09/26/2017 [32](#)
1 pg, 6.11 KB CAPTION, Timothy Faig and West Palm Beach Police Pension Fund's designation's have changed from Plaintiff-Appellees to Plaintiffs, AMENDED.[2133599] [17-2662] [Entered: 09/26/2017 01:48 PM]
- 09/28/2017 [35](#)
1 pg, 9.1 KB NEW CASE MANAGER, Jason Wang, ASSIGNED.[2135498] [17-2662] [Entered: 09/28/2017 11:53 AM]
- 09/28/2017 [37](#)
2 pg, 49.86 KB LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellant Isaacson/Weaver Family Trust, informing Court of proposed due date 12/06/2017, RECEIVED. Service date 09/28/2017 by CM/ECF.[2136034] [17-2662] [Entered: 09/28/2017 05:21 PM]
- 09/29/2017 [40](#)
1 pg, 39.25 KB SO-ORDERED SCHEDULING NOTIFICATION, setting Appellant Isaacson/Weaver Family Trust Brief due date as 12/06/2017. Joint Appendix due date as 12/06/2017, FILED.[2136120] [17-2662] [Entered: 09/29/2017 09:02 AM]
- 12/06/2017 [44](#)
134 pg, 7.54 MB BRIEF & SPECIAL APPENDIX, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 12/06/2017 by CM/ECF. [2188642] [17-2662] [Entered: 12/06/2017 11:46 PM]
- 12/06/2017 [45](#)
243 pg, 6.12 MB APPENDIX, volume 1 of 2, (pp. 1-241), on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 12/06/2017 by CM/ECF.[2188643] [17-2662] [Entered: 12/06/2017 11:51 PM]
- 12/06/2017 [46](#)
190 pg, 2.74 MB APPENDIX, volume 2 of 2, (pp. 242-429), on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 12/06/2017 by CM/ECF.[2188644] [17-2662] [Entered: 12/06/2017 11:53 PM]
- 12/19/2017 [48](#)
1 pg, 137.06 KB LR 31.2 SCHEDULING NOTIFICATION, on behalf of Appellee Fresno County Employees' Retirement Association, informing Court of proposed due date 03/07/2018, RECEIVED. Service date 12/19/2017 by CM/ECF.[2198055] [17-2662] [Entered: 12/19/2017 04:55 PM]
- 12/20/2017 [52](#)
1 pg, 39.26 KB SO-ORDERED SCHEDULING NOTIFICATION, setting Appellee Fresno County Employees' Retirement Association Brief due date as 03/07/2018, FILED.[2198224] [17-2662] [Entered: 12/20/2017 09:04 AM]
- 03/08/2018 [59](#)
74 pg, 446.14 KB BRIEF, on behalf of Appellee Fresno County Employees' Retirement Association, FILED. Service date 03/08/2018 by CM/ECF. [2251591] [17-2662] [Entered: 03/08/2018 08:44 AM]
- 03/12/2018 [62](#)
5 pg, 178.56 KB MOTION, to extend time, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 03/12/2018 by CM/ECF. [2255077] [17-2662] [Entered: 03/12/2018 11:21 PM]
- 03/13/2018 [65](#)
1 pg, 70.86 KB MOTION ORDER, granting motion to extend time [\[62\]](#) filed by Appellant Isaacson/Weaver Family Trust, FILED. [2255449][65] [17-2662] [Entered: 03/13/2018 11:56 AM]
- 04/03/2018 [66](#)
44 pg, 288.65 KB REPLY BRIEF, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 04/03/2018 by CM/ECF. [2271062] [17-2662] [Entered: 04/03/2018 10:01 PM]
- 04/03/2018 [67](#)
1 pg, 108.82 KB ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney Eric Alan Isaacson, Esq. for Appellant Isaacson/Weaver Family Trust, FILED. Service date 04/03/2018 by CM/ECF. [2271063] [17-2662] [Entered: 04/03/2018 10:30 PM]
- 04/04/2018 [69](#)
1 pg, 419.2 KB ORAL ARGUMENT STATEMENT LR 34.1 (a), on behalf of filer Attorney Hannah G. Ross, Esq. for Appellee Fresno County Employees' Retirement Association, FILED. Service date 04/04/2018 by CM/ECF.

[2271666] [17-2662] [Entered: 04/04/2018 01:16 PM]

- 05/24/2018 72 CASE CALENDARING, for the week of 08/27/2018, PROPOSED.[2310607] [17-2662] [Entered: 05/24/2018 11:36 AM]
- 06/22/2018 [73](#) LETTER, on behalf of Appellee Fresno County Employees' Retirement Association, in re: advising Court of dates counsel cannot argue, RECEIVED. Service date 06/22/2018 by CM/ECF.[2330499] [17-2662]-- [Edited 06/22/2018 by JW] [Entered: 06/22/2018 09:23 AM]
1 pg, 22.34 KB
- 07/06/2018 79 CASE CALENDARING, for the week of 10/01/2018, PROPOSED.[2339430] [17-2662] [Entered: 07/06/2018 10:42 AM]
- 07/22/2018 [82](#) LETTER, on behalf of Appellant Isaacson/Weaver Family Trust, Attorney notify the Court of dates not available to appear for argument, RECEIVED. Service date 07/22/2018 by CM/ECF.[2350062] [17-2662]-- [Edited 07/23/2018 by WD] [Entered: 07/22/2018 10:55 PM]
1 pg, 71.68 KB
- 08/29/2018 88 CASE CALENDARING, for the week of 11/13/2018, PROPOSED.[2378373] [17-2662] [Entered: 08/29/2018 01:57 PM]
- 09/12/2018 [89](#) LETTER, on behalf of Appellee Fresno County Employees' Retirement Association, in re: advising the Court dates counsel cannot argue, RECEIVED. Service date 09/12/2018 by CM/ECF.[2387827] [17-2662]-- [Edited 09/12/2018 by JW] [Entered: 09/12/2018 02:36 PM]
1 pg, 22.36 KB
- 09/20/2018 94 CASE CALENDARING, for argument on 11/15/2018, SET.[2393154] [17-2662] [Entered: 09/20/2018 09:24 AM]
- 09/20/2018 [95](#) ARGUMENT NOTICE, to attorneys/parties, TRANSMITTED.[2393807] [17-2662] [Entered: 09/20/2018 03:55 PM]
2 pg, 17.11 KB
- 09/20/2018 [96](#) NOTICE OF HEARING DATE ACKNOWLEDGMENT, on behalf of Appellant Isaacson/Weaver Family Trust, FILED. Service date 09/20/2018 by CM/ECF. [2394005] [17-2662] [Entered: 09/20/2018 10:42 PM]
1 pg, 117.43 KB
- 09/21/2018 [97](#) NOTICE OF HEARING DATE ACKNOWLEDGMENT, on behalf of Appellee Fresno County Employees' Retirement Association, FILED. Service date 09/21/2018 by CM/ECF. [2394410] [17-2662] [Entered: 09/21/2018 12:17 PM]
1 pg, 622.61 KB
- 11/15/2018 98 CASE, before DJ, RSP, RCW, HEARD.[2434526] [17-2662] [Entered: 11/15/2018 11:08 AM]
- 01/08/2019 [99](#) FRAP 28(j) LETTER, dated 01/08/2019, on behalf of Appellee Fresno County Employees' Retirement Association, RECEIVED. Service date 01/08/2019 by CM/ECF.[2469991] [17-2662] [Entered: 01/08/2019 01:58 PM]
12 pg, 271.9 KB
- 01/14/2019 [101](#) FRAP 28(j) LETTER, dated 01/14/2019, on behalf of Appellant Isaacson/Weaver Family Trust, RECEIVED. Service date 01/14/2019 by CM/ECF.[2474860] [17-2662] [Entered: 01/14/2019 04:55 PM]
2 pg, 60.83 KB
- 05/02/2019 [103](#) FRAP 28(j) LETTER, dated 05/02/2019, on behalf of Appellee Fresno County Employees' Retirement Association, RECEIVED. Service date 05/02/2019 by CM/ECF.[2554292] [17-2662] [Entered: 05/02/2019 03:53 PM]
33 pg, 659.8 KB
- 05/23/2019 [107](#) NEW CASE MANAGER, Yenni Liu, ASSIGNED.[2570881] [17-2662] [Entered: 05/23/2019 09:07 AM]
1 pg, 9.08 KB
- 05/23/2019 [108](#) OPINION, affirming the district court judgment, by DJ, RSP, RCW, FILED.[2570932] [17-2662] [Entered: 05/23/2019 09:26 AM]
25 pg, 272.47 KB
- 05/23/2019 110 CAPTION, per opinion filed 05/23/2019, AMENDED.[2570943] [17-2662] [Entered: 05/23/2019 09:30 AM]
- 05/23/2019 [113](#) JUDGMENT, FILED.[2571074] [17-2662] [Entered: 05/23/2019 10:40 AM]
1 pg, 62.46 KB
- 05/28/2019 [114](#) NEW CASE MANAGER, Yenni Liu, ASSIGNED.[2572660] [17-2662] [Entered: 05/28/2019 08:40 AM]
1 pg, 9.09 KB
- 06/06/2019 [115](#) ITEMIZED BILL OF COSTS, on behalf of Appellee Fresno County Employees' Retirement Association, FILED. Service date 06/06/2019 by CM/ECF.[2582053] [17-2662] [Entered: 06/06/2019 05:08 PM]
3 pg, 1001.71 KB
- 06/25/2019 [118](#) STATEMENT OF COSTS, on behalf of Appellee Fresno County Employees' Retirement Association, FILED.[2593887] [17-2662] [Entered: 06/25/2019 10:23 AM]
1 pg, 59.92 KB
- 07/15/2019 [119](#) JUDGMENT MANDATE, ISSUED.[2608540] [17-2662] [Entered: 07/15/2019 12:24 PM]
25 pg, 832.54 KB
- 08/26/2019 [120](#) U.S. SUPREME COURT NOTICE of writ of certiorari filing, dated 08/23/2019, U.S. Supreme Court docket # 19-244, RECEIVED.[2640994] [17-2662] [Entered: 08/26/2019 03:14 PM]
1 pg, 55.83 KB
- 10/15/2019 [121](#) U.S. SUPREME COURT NOTICE, dated 10/15/2019, U.S. Supreme Court docket # 19-244, stating the petition for writ of certiorari is denied, RECEIVED.[2679881] [17-2662] [Entered: 10/15/2019 04:49 PM]
1 pg, 65.32 KB