

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:13-cv-06707-DLC**

National Credit Union Administration Board v. Bear, Stearns  
& CO., Inc. et al  
Assigned to: Judge Denise L. Cote  
Related Case: [1:11-cv-06739-DLC](#)  
Cause: 15:77 Securities Fraud

Date Filed: 09/23/2013  
Date Terminated: 12/17/2013  
Jury Demand: Plaintiff  
Nature of Suit: 850  
Securities/Commodities  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**National Credit Union Administration  
Board**

*As liquidating agent of Southwest  
corporate federal credit union and  
members united corporate federal credit  
union*

represented by **David Charles Frederick**  
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V.

**Defendant**

**J.P. Morgan Securities LLC**

**Defendant**

**J.P. Morgan Acceptance Corp. I**

**Defendant**

**Bear, Stearns & CO., Inc.**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/23/2013	<a href="#">1</a>	COMPLAINT against Bear, Sterns & CO., Inc., J.P. Morgan Acceptance Corp. I, J.P. Morgan Securities LLC. (Filing Fee \$ 350.00, Receipt Number 465401077426) Document filed by National Credit Union Administration Board. (jd) (Additional attachment(s) added on 9/26/2013: # <a href="#">1</a> complaint 2) (jd). (Entered: 09/25/2013)
09/23/2013		SUMMONS ISSUED as to Bear, Sterns & CO., Inc., J.P. Morgan Acceptance Corp. I, J.P. Morgan Securities LLC. (jd) (Entered: 09/25/2013)
09/23/2013		CASE REFERRED TO Judge Denise L. Cote as possibly related to 1:11-cv-6739. (jd) (Entered: 09/25/2013)
09/23/2013		Case Designated ECF. (jd) (Entered: 09/25/2013)
09/23/2013	<a href="#">2</a>	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) (jd) (Entered: 09/25/2013)
09/25/2013	<a href="#">3</a>	SUMMONS RETURNED EXECUTED Summons and Complaint served. J.P. Morgan Securities LLC served on 9/24/2013, answer due 10/15/2013. Document filed by National Credit Union Administration Board. (Tomlinson, Peter) (Entered: 09/25/2013)
09/25/2013	<a href="#">4</a>	SUMMONS RETURNED EXECUTED Summons and Complaint served. J.P. Morgan Acceptance Corp. I served on 9/24/2013, answer due 10/15/2013. Document filed by National Credit Union Administration Board. (Tomlinson, Peter) (Entered: 09/25/2013)
09/25/2013	<a href="#">5</a>	SUMMONS RETURNED EXECUTED Summons and Complaint served. Bear, Sterns & CO., Inc. served on 9/24/2013, answer due 10/15/2013. Document filed by National Credit Union Administration Board. (Tomlinson, Peter) (Entered: 09/25/2013)
09/30/2013		NOTICE OF CASE ASSIGNMENT to Judge Denise L. Cote. Judge Unassigned is no longer assigned to the case. (pgu) (Entered: 09/30/2013)
09/30/2013		Magistrate Judge James C. Francis IV is so designated. (pgu) (Entered: 09/30/2013)
09/30/2013		CASE ACCEPTED AS RELATED. Create association to 1:11-cv-06739-DLC. *** Accepted after consultation with the Assignment Committee. *** (pgu) (Entered: 09/30/2013)
10/01/2013	<a href="#">6</a>	STANDING ORDER M10-468: Stay of Certain Civil Cases Pending the Restoration of Department of Justice Funding. (Signed by Judge Loretta A. Preska on 10/1/2013) ***Original Standing Order docketed in case no. 1:13-mc-00334-LAP, document no. 2 on 10/1/2013.***(tro) (Entered: 10/01/2013)
10/01/2013	<a href="#">7</a>	SCHEDULING ORDER: The initial pretrial conference in these actions will be held at 2 p.m. on November 14, 2013. [Initial Conference set for 11/14/2013 at 02:00 PM in Courtroom 15B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote.] (See Scheduling Order for Judge Cote's procedures.) (Signed by Judge Denise L. Cote on 10/1/2013) (gr) (Entered: 10/01/2013)
10/08/2013	<a href="#">8</a>	STIPULATION AND ORDER EXTENDING TIME TO MOVE OR ANSWER as to All Defendants. Defendants' time to answer, move or otherwise respond to Plaintiff's Complaint shall be extended to and including the latter of: (i) November 13, 2013.... (Signed by Judge Denise L. Cote on 10/8/2013) (gr) (Entered: 10/08/2013)
10/09/2013	<a href="#">9</a>	LETTER addressed to Judge Denise L. Cote from Erik Haas dated October 9, 2013 re: designation of lead case. Document filed by National Credit Union Administration Board.(Haas, Erik) (Entered: 10/09/2013)
10/10/2013	<a href="#">10</a>	ENDORSED LETTER addressed to Judge Denise L. Cote from Erik Haas dated 10/9/2013 re: Of the nine pending matters, the NCUA proposes that Morgan

		Stanley be designated as the lead case....Designating Morgan Stanley as the lead case would therefore promote efficiency in adjudicating the issues raised in all of the NCUA's complaints, an approach that will benefit the parties and the Court. ENDORSEMENT: The defendants shall respond to this proposal by Friday, October 18, 2013. (Signed by Judge Denise L. Cote on 10/10/2013) (gr) (Entered: 10/10/2013)
10/17/2013	<a href="#">11</a>	MOTION for David C. Frederick to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8983234. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by National Credit Union Administration Board. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Text of Proposed Order) (Frederick, David) (Entered: 10/17/2013)
10/17/2013		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <a href="#">11</a> MOTION for David C. Frederick to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8983234. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu)</b> (Entered: 10/17/2013)
10/17/2013	<a href="#">12</a>	MOTION for Wan J. Kim to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8983853. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by National Credit Union Administration Board. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Text of Proposed Order)(Kim, Wan) (Entered: 10/17/2013)
10/17/2013		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <a href="#">12</a> MOTION for Wan J. Kim to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8983853. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 10/17/2013)
10/17/2013	<a href="#">13</a>	MOTION for Gregory G. Rapawy to Appear Pro Hac Vice. Filing fee \$ 200.00. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by National Credit Union Administration Board. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B, # <a href="#">3</a> Text of Proposed Order)(Rapawy, Gregory) (Entered: 10/17/2013)
10/17/2013		<b>&gt;&gt;&gt;NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. <a href="#">13</a> MOTION for Gregory G. Rapawy to Appear Pro Hac Vice. Filing fee \$ 200.00. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Filing fee not paid. Pay the filing fee by selecting the Pro Hac Vice Fee Payment event from the Other Documents menu item. (wb)</b> (Entered: 10/17/2013)
10/17/2013		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <a href="#">13</a> MOTION for Gregory G. Rapawy to Appear Pro Hac Vice. Filing fee \$ 200.00. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 10/17/2013)
10/17/2013		Pro Hac Vice Fee Payment: for <a href="#">13</a> MOTION for Gregory G. Rapawy to Appear Pro Hac Vice. Filing fee \$ 200.00. <b>Motion and supporting papers to be reviewed</b>

		<b>by Clerk's Office staff.</b> Filing fee \$ 200.00, receipt number 0208-8984659. (Rapawy, Gregory) (Entered: 10/17/2013)
10/18/2013	<a href="#">14</a>	LETTER addressed to Judge Denise L. Cote from James P. Rouhandeh dated October 17, 2013 re: Response to the October 9, 2013 Letter Filed by Plaintiff National Credit Union Administration Board. Document filed by Bear, Stearns & CO., Inc., J.P. Morgan Acceptance Corp. I, J.P. Morgan Securities LLC. (Attachments: # <a href="#">1</a> Exhibit A, # <a href="#">2</a> Exhibit B)(Paskin, Michael) (Entered: 10/18/2013)
10/21/2013	15	ORDER granting <a href="#">11</a> Motion for David C. Frederick to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) (Cote, Denise) (Entered: 10/21/2013)
10/21/2013	16	ORDER granting <a href="#">12</a> Motion for Wan J. Kim to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) (Cote, Denise) (Entered: 10/21/2013)
10/21/2013	17	ORDER granting <a href="#">13</a> Motion for Gregory G. Rapawy to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) (Cote, Denise) (Entered: 10/21/2013)
10/22/2013	<a href="#">18</a>	LETTER addressed to Judge Denise L. Cote from Wan J. Kim dated 10/22/2013 re: Defendants' Joint Letter dated 10/17/2013. Document filed by National Credit Union Administration Board.(Haas, Erik) (Entered: 10/22/2013)
10/23/2013	<a href="#">19</a>	ORDER. By letter of October 9, 2013, plaintiff National Credit Union Administration Board ("NCUA") requests that one of these nine actions -- the one brought against lead defendant Morgan Stanley & Co. ("Morgan Stanley") -- be designated the lead case for purposes of briefing any motion to dismiss. For the following reasons, the application is granted (See Order). The defendants in 13 Civ. 6705 must answer or otherwise respond to the complaint by November 13, 2013. IT IS FURTHER ORDERED that the time to answer in each of the other seven actions is stayed pending further order of this Court. IT IS FURTHER ORDERED that the motion by Goldman, Sachs & Co. et al. in 13 Civ. 6721 to compel arbitration shall be filed by November 13, 2013. IT IS FURTHER ORDERED that the conference of November 14, 2013 will proceed as scheduled in all actions except 13 Civ. 6730 (Signed by Judge Denise L. Cote on 10/23/2013) (gr) (Entered: 10/23/2013)
10/24/2013	<a href="#">20</a>	MOTION for Stephen M. Tillery to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-9006188. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by National Credit Union Administration Board. (Attachments: # <a href="#">1</a> Exhibit Certificates of Good Standing, # <a href="#">2</a> Exhibit Proposed Order)(Tillery, Stephen) (Entered: 10/24/2013)
10/24/2013		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <a href="#">20</a> MOTION for Stephen M. Tillery to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-9006188. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 10/24/2013)
10/25/2013	21	ORDER granting <a href="#">20</a> Motion for Stephen M. Tillery to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) (Cote, Denise) (Entered: 10/25/2013)

11/06/2013	<a href="#">22</a>	MOTION for George A. Zelcs to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-9054399. <b>Motion and supporting papers to be reviewed by Clerk's Office staff.</b> Document filed by National Credit Union Administration Board. (Attachments: # <a href="#">1</a> Exhibit A Certificates of Good Standing, # <a href="#">2</a> Exhibit B Order)(Zelcs, George) (Entered: 11/06/2013)
11/06/2013		<b>&gt;&gt;&gt;NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <a href="#">22</a> MOTION for George A. Zelcs to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-9054399. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb)</b> (Entered: 11/06/2013)
11/07/2013	<a href="#">23</a>	INITIAL REPORT OF PARTIES BEFORE PRETRIAL CONFERENCE. Document filed by National Credit Union Administration Board.(Haas, Erik) (Entered: 11/07/2013)
11/07/2013	<a href="#">24</a>	<b>FILING ERROR - ELECTRONIC FILING OF NON-ECF DOCUMENT - STATUS REPORT.</b> ( <i>Joint Electronic Discovery Submission and [Proposed] Order</i> ) Document filed by National Credit Union Administration Board.(Haas, Erik) Modified on 11/8/2013 (ka). (Entered: 11/07/2013)
11/08/2013		<b>***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF DOCUMENT ERROR. Note to Attorney Erik Haas to E-MAIL to judgments@nysd.uscourts.gov., Document No. <a href="#">24</a> Joint Electronic Discovery Submission and [Proposed] Order. This document is not filed via ECF. (ka)</b> (Entered: 11/08/2013)
11/14/2013	25	ORDER granting <a href="#">22</a> Motion for George A. Zelcs to Appear Pro Hac Vice. (HEREBY ORDERED by Judge Denise L. Cote)(Text Only Order) (Cote, Denise) (Entered: 11/14/2013)
11/14/2013		Minute Entry for proceedings held before Judge Denise L. Cote: Initial Pretrial Conference held on 11/14/2013. (Court Reporters Khris Sellin and Briget Lombardozzi) (gr) (Entered: 11/15/2013)
11/20/2013	<a href="#">26</a>	LETTER addressed to Judge Denise L. Cote from Erik Haas dated 11/20/2013 re: stay of all proceedings until NCUA dismisses the action. Document filed by National Credit Union Administration Board.(Haas, Erik) (Entered: 11/20/2013)
11/21/2013	<a href="#">27</a>	LETTER addressed to Judge Denise L. Cote from Erik Haas dated November 21, 2013 re: NCUA will not amend the complaint. Document filed by National Credit Union Administration Board.(Haas, Erik) (Entered: 11/21/2013)
11/21/2013	<a href="#">28</a>	ENDORSED LETTER addressed to Judge Denise L. Cote from Erik Haas dated 11/20/2013 re: Letter informing the Court that NCUA and J.P. Morgan have entered into a settlement agreement that the parties expect will result in the dismissal of this action by the second week of December 2013. The parties request that the Court stay all proceedings in this case until NCUA dismisses this action. ENDORSEMENT: Granted. The action is stayed. (Signed by Judge Denise L. Cote on 11/21/2013) (gr) (Entered: 11/21/2013)
11/21/2013		Case Stayed (gr) (Entered: 11/21/2013)
11/21/2013	<a href="#">29</a>	SCHEDULING ORDER: Pursuant to the initial pretrial conference held on

		November 14, 2013, the following schedule shall govern the further conduct of pretrial proceedings in these cases excluding 13 Civ. 6707 and 13 Civ. 6730, which are stayed: (See Scheduling Order). (Signed by Judge Denise L. Cote on 11/21/2013) (gr) (Entered: 11/21/2013)
12/17/2013	<a href="#">30</a>	STIPULATION OF VOLUNTARY DISMISSAL It is hereby stipulated and agreed by and between the parties and/or their respective counsel(s) that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) Bear, Stearns & CO., Inc., J.P. Morgan Acceptance Corp. I, J.P. Morgan Securities LLC and without costs to either party pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure. Document filed by National Credit Union Administration Board.(Tomlinson, Peter) (Entered: 12/17/2013)
12/17/2013	<a href="#">31</a>	NOTICE AND STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE: It is hereby stipulated and agreed by and between the parties and/or their respective counsels that the above-captioned action is voluntarily dismissed, with prejudice against the defendants and without costs to either party pursuant to Rule 41(a)(1)(A)(i)(ii) of the Federal Rules of Civil Procedure. (Signed by Judge Denise L. Cote on 12/17/2013) (gr) (Entered: 12/17/2013)

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