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U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:06-cv-00003-JPG-PMF

Donaldson et al v. Pharmacia Pension Plan et al
Assigned to: Judge J. Phil Gilbert
Referred to: Magistrate Judge Philip M. Frazier
Related Case: 3:04-cv-00436-JPG-PMF
Cause: 29:1002 E.R.I.S.A.: Employee Retirement

Date Filed: 01/03/2006
Date Terminated: 09/29/2009
Jury Demand: None
Nature of Suit: 791 Labor: E.R.I.S.A.
Jurisdiction: Federal Question

Plaintiff

Fred Donaldson

represented by **Jerome J. Schlichter**
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Plaintiff

Albert Walter, III

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ATTORNEY TO BE NOTICED

Matthew H. Armstrong
(See above for address)
LEAD ATTORNEY
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Plaintiff

Mary Clawson
*Individually and on behalf of all those
similarly situated*

represented by **Jerome J. Schlichter**
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Matthew H. Armstrong
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Plaintiff

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Plaintiff

Audrey Sokoloski

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Plaintiff

Carol Thomas

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V.

Intervenor Plaintiff

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Intervenor Plaintiff

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V.

Defendant

Pharmacia Pension Plan
TERMINATED: 03/14/2006

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Defendant

Pharmacia Cash Balance Pension Plan

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Mark B. Blocker
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Defendant

Pharmacia Corporation

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Defendant

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Defendant

Pfizer Inc

represented by **Anne E. Rea**
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ATTORNEY TO BE NOTICED

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Defendant

Monsanto Company Pension Plan, The

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Defendant

Monsanto Company

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*LEAD ATTORNEY
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Michael J. Nester
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/03/2006	<u>1</u>	COMPLAINT against all defendants (Filing fee \$ 250.00, receipt # 300 109310.) , filed by Fred Donaldson, Albert Walter, III, Mary Clawson. (Attachments: # <u>1</u> Civil Cover Sheet)(trb) (Entered: 01/04/2006)
01/03/2006	<u>2</u>	Summons Issued as to Pharmacia Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc. (trb) (Entered: 01/04/2006)
01/04/2006	<u>3</u>	Summons Issued as to Pharmacia Cash Balance Pension Plan. (trb) (Entered: 01/09/2006)
01/27/2006	<u>4</u>	SUMMONS Returned Executed by Fred Donaldson, Albert Walter, III, Mary Clawson. Pharmacia Corporation served on 1/17/2006, answer due 2/6/2006. (Armstrong, Matthew) (Entered: 01/27/2006)
01/27/2006	<u>5</u>	SUMMONS Returned Executed by Fred Donaldson, Albert Walter, III, Mary Clawson. Pfizer Inc served on 1/17/2006, answer due 2/6/2006. (Armstrong, Matthew) (Entered: 01/27/2006)
01/27/2006	<u>6</u>	SUMMONS Returned Executed by Fred Donaldson, Albert Walter, III, Mary Clawson. Pharmacia &Upjohn Company served on 1/17/2006, answer due 2/6/2006. (Armstrong, Matthew) (Entered: 01/27/2006)
01/31/2006	<u>7</u>	SUMMONS Returned Executed by Fred Donaldson, Albert Walter, III, Mary Clawson. Pharmacia Cash Balance Pension Plan served on 1/25/2006, answer due 2/14/2006. (Armstrong, Matthew) (Entered: 01/31/2006)
01/31/2006	<u>8</u>	SUMMONS Returned Executed by Fred Donaldson, Albert Walter, III, Mary Clawson. Pharmacia Pension Plan served on 1/25/2006, answer due 2/14/2006. (Armstrong, Matthew) (Entered: 01/31/2006)
02/06/2006	<u>9</u>	NOTICE of Appearance by Dawn A. Sallerson on behalf of Pharmacia Pension Plan, Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc (Sallerson, Dawn) (Entered: 02/06/2006)
02/06/2006	<u>10</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint by Pharmacia Pension Plan, Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc. (Sallerson, Dawn) (Entered: 02/06/2006)
02/08/2006	<u>11</u>	ORDER GRANTING <u>10</u> MOTION for Extension of Time to File Answer re <u>1</u> Complaint filed by Pfizer Inc, Pharmacia Corporation, Pharmacia &Upjohn Company, Pharmacia Pension Plan, Pharmacia Cash Balance Pension Plan. Pharmacia Pension Plan answer due 3/16/2006; Pharmacia Cash Balance Pension Plan answer due 3/16/2006; Pharmacia Corporation answer due 3/16/2006; Pharmacia &Upjohn Company answer due 3/16/2006; Pfizer Inc answer due 3/16/2006. Signed by Judge Donald G. Wilkerson on 2/8/06. (sgp) (Entered: 02/08/2006)
02/08/2006	<u>16</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney William F. Conlon for Pharmacia Pension Plan and Pharmacia Cash Balance Pension Plan. \$100.00 fee paid, receipt number 300 100149. (lmb) (Entered: 02/10/2006)
02/08/2006	<u>17</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Erin E. Kelly for Pharmacia Pension Plan and Pharmacia Cash Balance Pension Plan. \$100.00 fee paid, receipt number 300 110052. (lmb) (Entered: 02/10/2006)

02/09/2006	<u>12</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Chris K. Meyer for Pharmacia Pension Plan and Pharmacia Cash Balance Pension Plan. \$100.00 fee paid, receipt number 300 11080. (trb) (Entered: 02/09/2006)
02/09/2006	<u>13</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Anne E. Rea for Pharmacia Pension Plan and Pharmacia Cash Balance Pension Plan. \$100.00 fee paid, receipt number 30011080. (trb) (Entered: 02/09/2006)
02/09/2006	<u>14</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Ryan M. Sandroek for Pharmacia Pension Plan and Pharmacia Cash Balance Pension Plan. \$100.00 fee paid, receipt number 300 11080. (trb) (Entered: 02/09/2006)
02/10/2006	<u>15</u>	NOTICE of Appearance by Mark B. Blocker on behalf of all defendants (Blocker, Mark) (Entered: 02/10/2006)
02/13/2006	<u>18</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Priscilla E. Ryan for Pharmacia Pension Plan and Pharmacia Cash Balance Pension Plan. \$100.00 fee paid, receipt number 300 110186. (lmb) (Entered: 02/15/2006)
02/15/2006	<u>19</u>	NOTICE of Appearance by Erin E. Kelly on behalf of Pharmacia Pension Plan, Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc (Kelly, Erin) (Entered: 02/15/2006)
02/17/2006	<u>20</u>	NOTICE of Appearance by Anne E. Rea on behalf of Pharmacia Pension Plan, Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc (Rea, Anne) (Entered: 02/17/2006)
02/27/2006	<u>21</u>	NOTICE of Appearance by Ryan M. Sandroek on behalf of all defendants (Sandroek, Ryan) (Entered: 02/27/2006)
03/03/2006	<u>22</u>	NOTICE of Appearance by Chris K. Meyer on behalf of all defendants (Meyer, Chris) (Entered: 03/03/2006)
03/07/2006	<u>23</u>	CJRA TRACK D assigned: Bench Trial set for presumptive month of 10/2007 in East St. Louis Court House before Chief Judge G. Patrick Murphy. Signed by Judge G. Patrick Murphy on 3/7/06. (lmc) (Entered: 03/07/2006)
03/14/2006	<u>24</u>	STIPULATION of Dismissal of <i>Defendant Pharmacia Pension Plan</i> by Fred Donaldson, Albert Walter, III, Mary Clawson. (Armstrong, Matthew) (Entered: 03/14/2006)
03/16/2006	<u>25</u>	MOTION to Dismiss <i>Plaintiffs' Complaint</i> by Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc. Responses due by 4/18/2006 (Sallerson, Dawn) (Entered: 03/16/2006)
03/16/2006	<u>26</u>	MEMORANDUM in Support re <u>25</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc. (Attachments: # <u>1</u> Exhibit Exhibit A to Defs' Memo in Support# <u>2</u> Exhibit Group Exhibit B to Defs' Memo in Support)(Sallerson, Dawn) (Entered: 03/16/2006)
03/21/2006	27	NOTICE of Hearing on <u>25</u> MOTION to Dismiss Plaintiffs' Complaint: Motion Hearing set for 5/1/2006 at 02:00 PM in East St. Louis Court House before Chief Judge G. Patrick Murphy. (lmc)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/21/2006)
03/31/2006	28	ORDER: Due to a scheduling conflict on the court's calendar, <u>25</u> MOTION to Dismiss Plaintiffs' Complaint Hearing RESET for 5/8/2006 at 02:30 PM in East St. Louis Court House before Chief Judge G. Patrick Murphy. Signed by Judge G. Patrick Murphy on 3/31/06. (lmc)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 03/31/2006)
04/11/2006	<u>29</u>	MOTION to Intervene <i>For Purposes of Filing a Motion to Consolidate</i> by Jeffrey Scharringhausen, Doug Strahm. (Attachments: # <u>1</u> Exhibit A – Motion to Consolidate Cases)(Cueto, Christopher) (Entered: 04/11/2006)

04/18/2006	<u>30</u>	NOTICE of Hearing on <u>29</u> MOTION to Intervene: Motion Hearing set for 5/8/2006 at 02:30 PM in East St. Louis Court House before Chief Judge G. Patrick Murphy, along with the previously scheduled motion to dismiss.(lmc)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/18/2006)
04/18/2006	<u>31</u>	RESPONSE to Motion re <u>29</u> MOTION to Intervene <i>For Purposes of Filing a Motion to Consolidate</i> filed by Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc. (Sallerson, Dawn) (Entered: 04/18/2006)
04/18/2006	<u>32</u>	MEMORANDUM in Opposition re <u>25</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by Fred Donaldson, Albert Walter, III, Mary Clawson. (Attachments: # <u>1</u> Exhibit A– Richards v FleetBoston Opinion)(Armstrong, Matthew) (Entered: 04/18/2006)
04/24/2006	<u>33</u>	RESPONSE in Opposition re <u>29</u> MOTION to Intervene <i>For Purposes of Filing a Motion to Consolidate</i> filed by Fred Donaldson, Albert Walter, III, Mary Clawson. (Armstrong, Matthew) (Entered: 04/24/2006)
04/24/2006	<u>34</u>	NOTICE by Jeffrey Scharringhausen, Doug Strahm re <u>29</u> MOTION to Intervene <i>For Purposes of Filing a Motion to Consolidate Withdrawal of Petitioners' Motion to Intervene</i> (Cueto, Christopher) (Entered: 04/24/2006)
04/25/2006	<u>35</u>	MOTION to Withdraw <u>29</u> MOTION to Intervene <i>For Purposes of Filing a Motion to Consolidate</i> by Jeffrey Scharringhausen, Doug Strahm. (Cueto, Christopher) (Entered: 04/25/2006)
04/25/2006	<u>36</u>	MOTION to Appoint Counsel (<i>Interim Class Counsel</i>) by Fred Donaldson, Albert Walter, III, Mary Clawson. (Armstrong, Matthew) (Entered: 04/25/2006)
04/25/2006	<u>37</u>	MEMORANDUM in Support re <u>36</u> MOTION to Appoint Counsel (<i>Interim Class Counsel</i>) filed by Fred Donaldson, Albert Walter, III, Mary Clawson. (Attachments: # <u>1</u> Exhibit A – Delcaration of Jerry Schlichter# <u>2</u> Exhibit B – Declaration of Matthew Armstrong# <u>3</u> Exhibit C – Wilfong Order# <u>4</u> Exhibit D – Mister Order)(Armstrong, Matthew) (Entered: 04/25/2006)
04/28/2006	38	ORDER: GRANTING <u>35</u> MOTION to Withdraw <u>29</u> MOTION to Intervene filed by Jeffrey Scharringhausen, Doug Strahm. Signed by Judge G. Patrick Murphy on 4/28/06. (lmc)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/28/2006)
04/28/2006	39	NOTICE of Hearing on <u>36</u> MOTION to Appoint Counsel (<i>Interim Class Counsel</i>): Motion Hearing set for 5/8/2006 at 02:30 PM in East St. Louis Court House before Chief Judge G. Patrick Murphy, along with the previously scheduled hearing on the motion to dismiss. (lmc)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/28/2006)
05/01/2006	<u>40</u>	REPLY to Response to Motion re <u>25</u> MOTION to Dismiss <i>Plaintiffs' Complaint</i> filed by Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc. (Attachments: # <u>1</u> Exhibit Defendants' Group Exhibit A)(Sallerson, Dawn) (Entered: 05/01/2006)
05/08/2006	41	Minute Entry for proceedings held before Judge G. Patrick Murphy : Motion Hearing held on 5/8/2006. Motions Taken Under Advisement: <u>36</u> MOTION to Appoint Counsel (<i>Interim Class Counsel</i>), <u>25</u> MOTION to Dismiss Plaintiffs' Complaint. (Court Reporter Molly Clayton.) (lmc)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 05/08/2006)
05/10/2006	<u>42</u>	ORDER: DENYING <u>36</u> MOTION to Appoint Interim Class Counsel filed by Fred Donaldson, Albert Walter III, Mary Clawson. Signed by Judge G. Patrick Murphy on 5/10/06. (lmc) (Entered: 05/10/2006)
05/24/2006	<u>43</u>	Motion and Order to Appear Pro Hac Vice granting appearance of Attorney Neil H. Wyland for Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, and Pfizer, Inc. \$100.00 fee paid, receipt number 300 112161. (lmb) (Entered: 05/25/2006)

06/01/2006	<u>44</u>	NOTICE of Appearance by Neil H. Wyland on behalf of all defendants (Wyland, Neil) (Entered: 06/01/2006)
06/06/2006	<u>45</u>	TRANSCRIPT of All Pending Motions held on 5/08/2006 before Judge G. Patrick Murphy. Court Reporter: Molly N. Clayton. This is a text entry only – no document is attached. The transcript is available for review in the Clerk's Office. Please contact the court reporter listed above for copies. (myz) (Entered: 06/07/2006)
06/14/2006	<u>46</u>	ORDER: DENYING <u>25</u> MOTION to Dismiss Plaintiffs' Complaint filed by Pfizer Inc, Pharmacia Corporation, Pharmacia &Upjohn Company, Pharmacia Cash Balance Pension Plan. Signed by Judge G. Patrick Murphy on 6/14/06. (lmc) (Entered: 06/14/2006)
07/07/2006	<u>47</u>	AMENDED COMPLAINT against all defendants, filed by Sandra Bellon, Audrey Sokoloski, Carol Thomas, Fred Donaldson, Albert Walter, III, Mary Clawson.(Armstrong, Matthew) (Entered: 07/07/2006)
07/07/2006	<u>48</u>	Summons issued as to Monsanto Company Pension Plan, and Monsanto Company. (lmb) (Entered: 07/07/2006)
07/20/2006	<u>49</u>	MOTION to Consolidate Cases by Monsanto Company Pension Plan, The, Monsanto Company. (Flowe, Carol) (Entered: 07/20/2006)
07/20/2006	<u>50</u>	MEMORANDUM in Support re <u>49</u> MOTION to Consolidate Cases filed by Monsanto Company Pension Plan, The, Monsanto Company. (Attachments: # <u>1</u> Exhibit A – Schopp Declaration# <u>2</u> Exhibit B – Consolidation Chart# <u>3</u> Exhibit C – Marker Letter# <u>4</u> Exhibit D – Reimann Depostion# <u>5</u> Exhibit E – Schopp Depostion)(Flowe, Carol) (Entered: 07/20/2006)
07/24/2006	<u>51</u>	ANSWER to Amended Complaint by Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc.(Sallerson, Dawn) (Entered: 07/24/2006)
07/24/2006	<u>52</u>	Affirmative Defenses to <u>47</u> Amended Complaint by Pharmacia Cash Balance Pension Plan, Pharmacia Corporation, Pharmacia &Upjohn Company, Pfizer Inc. (Sallerson, Dawn) (Entered: 07/24/2006)
07/25/2006	<u>53</u>	SUMMONS Returned Executed by Doug Strahm, Sandra Bellon, Audrey Sokoloski, Carol Thomas, Fred Donaldson, Albert Walter, III, Mary Clawson. Monsanto Company served on 7/11/2006, answer due 7/31/2006. (Armstrong, Matthew) (Entered: 07/25/2006)
07/25/2006	<u>54</u>	SUMMONS Returned Executed by Sandra Bellon, Audrey Sokoloski, Carol Thomas, Fred Donaldson, Albert Walter, III, Mary Clawson. Monsanto Company Pension Plan, The served on 7/11/2006, answer due 7/31/2006. (Armstrong, Matthew) (Entered: 07/25/2006)
07/31/2006	<u>55</u>	MOTION for Extension of Time to File Answer re <u>47</u> Amended Complaint <i>Stipulated</i> by Monsanto Company Pension Plan, The, Monsanto Company. (Flowe, Carol) (Entered: 07/31/2006)
08/03/2006	<u>56</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>49</u> MOTION to Consolidate Cases by Sandra Bellon, Audrey Sokoloski, Carol Thomas, Fred Donaldson, Albert Walter, III, Mary Clawson. (Armstrong, Matthew) (Entered: 08/03/2006)
08/03/2006	<u>57</u>	NOTICE of Appearance by Michael J. Nester on behalf of Monsanto Company Pension Plan, The, Monsanto Company (Nester, Michael) (Entered: 08/03/2006)
08/04/2006	<u>58</u>	ORDER granting <u>56</u> Joint Motion for Extension of Time for Plaintiffs and Pharmacia Defendants to Respond to <u>49</u> Monsanto Defendants' Motion to Consolidate Cases. Responses due by 8/14/2006. Replies, if any, due by 8/21/2006. Signed by Judge G. Patrick Murphy on 08/04/2006. (njr)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 08/04/2006)
08/07/2006	<u>59</u>	ORDER GRANTING <u>55</u> MOTION for Extension of Time to File Answer re <u>47</u> Amended Complaint <i>Stipulated</i> filed by Monsanto Company, Monsanto Company

		Pension Plan, The. Monsanto Company Pension Plan, The answer due 8/18/2006; Monsanto Company answer due 8/18/2006. Signed by Judge Donald G. Wilkerson on 8/7/06. (sgp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 08/07/2006)
08/14/2006	<u>60</u>	RESPONSE to Motion re <u>49</u> MOTION to Consolidate Cases filed by Sandra Bellon, Audrey Sokoloski, Carol Thomas, Fred Donaldson, Albert Walter, III, Mary Clawson. (Armstrong, Matthew) (Entered: 08/14/2006)
08/18/2006	<u>61</u>	MOTION for Extension of Time to File Answer re <u>47</u> Amended Complaint <i>Stipulated</i> by Sandra Bellon, Audrey Sokoloski, Carol Thomas, Monsanto Company Pension Plan, The, Monsanto Company, Fred Donaldson, Albert Walter, III, Mary Clawson. (Flowe, Carol) (Entered: 08/18/2006)
08/22/2006	<u>62</u>	ORDER GRANTING IN PART <u>61</u> MOTION for Extension of Time to File Answer re <u>47</u> Amended Complaint <i>Stipulated</i> filed by Monsanto Company, Monsanto Company Pension Plan, The, Fred Donaldson, Albert Walter, III, Mary Clawson, Sandra Bellon, Audrey Sokoloski, Carol Thomas. Monsanto Company Pension Plan, The answer due 9/8/2006; Monsanto Company answer due 9/8/2006. No further extensions will be granted. Signed by Judge Donald G. Wilkerson on 8/22/06. (sgp)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 08/22/2006)
08/31/2006	<u>63</u>	ORDER REASSIGNING CASE. Case reassigned to Judge David R Herndon for all further proceedings. Judge G. Patrick Murphy no longer assigned to case. DENYING <u>49</u> MOTION to Consolidate Cases filed by Monsanto Company, Monsanto Company Pension Plan. Signed by Judge G. Patrick Murphy on 8/31/06. (lmc) (Entered: 08/31/2006)
09/01/2006	<u>64</u>	ORDER CONSOLIDATING Cases. See text of Order for specific instructions and briefing schedule. Signed by Judge David R Herndon on 9/1/2006. (seg) (Entered: 09/01/2006)
05/03/2007	<u>65</u>	ORDER OF RECUSAL. Judge David R Herndon recused. Case reassigned to Judge William D. Stiehl for all further proceedings. Signed by Judge David R Herndon on 5/3/07. (pab) (Entered: 05/03/2007)
05/08/2007	<u>66</u>	ORDER OF RECUSAL. Judge William D. Stiehl recused. Case reassigned to Judge J. Phil Gilbert for all further proceedings. Signed by Judge William D. Stiehl on 05/08/07. (jkb) (Entered: 05/08/2007)
05/23/2007	<u>67</u>	ORDER that Magistrate referral is reassigned from Judge Donald G. Wilkerson to Judge Philip M. Frazier for all further proceedings.Signed by Judge J. Phil Gilbert on 5/23/07. (bkl) (Entered: 05/23/2007)
06/01/2007		Set/Reset Hearings: Bench Trial set for 11/19/2007 at 09:00 AM in Benton Court House before Judge J. Phil Gilbert.,Final Pretrial Conference set for 11/2/2007 at 09:30 AM in Benton Court House before Judge J. Phil Gilbert. (by:kjr) (Entered: 06/01/2007)
09/29/2009	<u>68</u>	CLERK'S JUDGMENT (JF/djs) on Counts I, II, &III entered in favor of defendants and against plaintiffs; Counts IV, V &VI are dismissed without prejudice; Counts VII, VIII &IX are dismissed with prejudice; that Settlement in Count X defendants Monsanto Company Pension Plan and Monsanto Company shall pay compensation to Monsanto Defendants' Late Lump Sum Class &attorney's fees; Count X dismissed with prejudice. Approved by Judge J. Phil Gilbert on 9/29/09. (djs) (Entered: 09/29/2009)