

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **02-cv-35-JLK** (consolidated with 02-K-46, 02-K-64, 02-K-78, 02-K-137, 02-K-145, 02-K-146, 02-K-152, 02-K-161, 02-K-168, 02-K-304, and 02-K-351)

IN RE RHYTHMS SECURITIES LITIGATION

This document relates to: all actions

MINUTE ORDER

Judge John L. Kane **ORDERS**

Given the settlement, in principle, of these consolidated securities fraud class actions and the approaching Settlement Fairness hearing, a modicum of housekeeping is in order to clear out some of the Motions pending before settlement was reached. Accordingly, the following Motions are **DENIED**, without prejudice to their being refiled, if necessary, at a later date:

- Defendants' Motion to Exclude Expert Opinion of Scott D. Hakala (Doc. 158);
- Defendants' Motion for Summary Judgment (Doc. 164);
- Defendants' Motion to Exclude Expert Opinions of James A. Martens (Doc. 166);
- Plaintiff Brown's Motion to Exclude Expert Opinions of Matthew E. Davis (Doc. 195);
- Defendants' Motion to Strike Testimony of Dana Dewire and for Sanctions (Doc. 226);
and
- Defendants' Motion to Strike/to file Supplemental Brief re Summary Judgment (Doc. 269).

Thus the only remaining pending Motions in this case at the time of Friday's Settlement Fairness Hearing will be the Motion for Final Approval of Settlement and Settlement Allocation Plan (Doc. 278); the Motion for Attorney Fees and Reimbursement (Doc. 283); and the disputed Motion of Lead Counsel for Costs Pursuant to 15 U.S.C. § 78(u)-4(a)(4) (Doc. 286).

Dated: March 31, 2009