

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CAROL CHESEMORE, DANIEL
DONKEL, THOMAS GIECK, MARTIN
ROBBINS, and NANETTE STOFLET, on
behalf of themselves, individually, and on
behalf of all others similarly situated,

Plaintiffs,

ORDER

v.

09-cv-413-wmc

ALLIANCE HOLDINGS, INC., DAVID B.
FENKELL, PAMELA KLUTE, JAMES
MASTRANGELO, STEPHEN W. PAGELOW,
JEFFREY A. SEEFELDT, TRACHTE
BUILDING SYSTEMS, INC. EMPLOYEE
STOCK OPTION PLAN, ALLIANCE HOLDINGS,
INC. EMPLOYEE STOCK OPTION PLAN,
A.H.I., INC., ALPHA INVESTMENT
CONSULTING GROUP, LLC, JOHN MICHAEL
MAIER, AH TRANSITION CORPORATION, and
KAREN FENKELL,

Defendants;

PAMELA KLUTE, JAMES MASTRANGELO,
and JEFFREY A. SEEFELDT,

Cross Claimants,

v.

ALLIANCE HOLDINGS, INC., and STEPHEN W.
PAGELOW,

Cross Defendants.

The court held a telephonic conference today. Plaintiffs appeared by Robert J. Barton, Andrew W. Erlandson and Monya M. Buch; Alliance defendants appeared by Charles C. Jackson and Emily A. Glunz; Fenkell defendants appeared by David R.

Johanson; Trustee defendants appeared by Patrick W. Spangler; and defendant Alliance ESOP appeared by Sarah A. Zumwalt. For the reasons provided during the conference,

IT IS ORDERED that:

- 1) The following motions are denied as moot subject to final approval of the partial settlement term sheet (dkt. #854):
 - a) defendants A.H.I, Inc., AH Transition Corporation, and Alliance Holdings, Inc.'s motion to dismiss Karen Fenkell's crossclaims (dkt. #846);
 - b) defendant Karen Fenkell's motion for reconsideration and clarification/modification of the October 23, 2013, scheduling order (dkt. #841); and
 - c) defendant Karen Fenkell's motion for reconsideration (dkt. #833).
- 2) A telephonic hearing is set for January 29, 2014, at noon on plaintiffs' motion for approval of proposed notice and questionnaire to subclass members, and request for payment of notice costs by defendants (dkt. #860). Plaintiffs shall initiate the conference call to the court at 608-264-5087.

Entered this 11th day of December, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge