

Docket Sheet for 7:95-cv-122 USDC North Carolina Eastern District

CLOSED

U.S. District Court
Eastern District of North Carolina (Wilmington)

CIVIL DOCKET FOR CASE #: 95-CV-122

Securities & Exchang v. Pinckney, et al

Filed: 08/23/95

Assigned to: Judge W. Earl Britt

Demand: \$0,000

Nature of Suit: 850

Lead Docket: None

Jurisdiction: US Plaintiff

Dkt# in other court: None

Cause: 15:77 Securities Fraud

SECURITIES & EXCHANGE
COMMISSION
plaintiff

Edward G. Sullivan
[COR LD NTC]
U.S. Securities & Exchange
Commission
3475 Lenox Rd., N.E.
Suite 1000
Atlanta, GA 30326
404-842-7612

Peter J. Luiso
[COR LD NTC]
U. S. Securities & Exchange
Commission
3475 Lenox Rd., N.E.
Suite 1000
Atlanta, GA 30326
404-842-7612

v.

JEROME E. PINCKNEY
defendant
[term 05/09/97]

Auley McRae Crouch, III
[term 05/09/97]
[COR LD NTC]
P.O. Box 4
Wilmington, NC 28402
919-762-0595

RICHARD L. ARNOLD
defendant
[term 12/30/96]

Robert A. Singer
[term 12/30/96]
[COR LD NTC]
Brooks, Pierce, McLendon,
Humphrey & Leonard
P. O. Box 26000
Greensboro, NC 27420
919-373-8850

Richard L. Arnold
[term 12/30/96]
[COR LD NTC] [PRO SE]
5224 Inglewood Lane
Raleigh, NC 27609

DONALD E. ELDER
defendant
[term 03/27/97]

Donald E. Elder
[term 03/27/97]
[COR LD NTC] [PRO SE]
6994 Muirfield
Hilton Head, SC 29928

FERNANDO CRUZ
defendant
[term 02/28/97]

Fernando Cruz
[COR LD NTC] [PRO SE]
419 W. Blancke St.
Linden, NJ 07036

SHAUN K.R. MAXWELL
defendant
[term 04/28/97]

Shaun K.R. Maxwell
[term 04/28/97]
[COR LD NTC] [PRO SE]
c/o F. Thomas Eck, III
700 Franklin St.
Napa, CA 94559

ANTHONY BUKOVICH, JR.
defendant

L. Bruce McDaniel
[term 07/11/97]
[COR LD NTC]
P.O. Box 58186
Raleigh, NC 27658
919-872-3000

Anthony Bukovich, Jr.
[COR LD NTC] [PRO SE]
5 Country Club Dr.
Largo, FL 33771

SIX CAPITAL CORPORATION
defendant

L. Bruce McDaniel
[term 07/11/97]
(See above)
[COR LD NTC]

Six Capital Corporation
[COR LD NTC] [PRO SE]
5 Country Club Dr.
Largo, FL 33771

SECURITIES & EXCHANGE COMMISSION

plaintiff

v.

JEROME E. PINCKNEY; RICHARD L. ARNOLD; DONALD E. ELDER;
 FERNANDO CRUZ; SHAUN K.R. MAXWELL; ANTHONY BUKOVICH, JR.;
 SIX CAPITAL CORPORATION

defendant

Proceedings include all events

Date Filed	Doc. No.	Image	Description
08/23/1995	1	No	Complaint filed - securities fraud. [Date Entered: 08/24/95, By: js]
08/23/1995	2	No	Motion by Securities & Exchange for preliminary injunction [Date Entered: 08/24/95, By: js]
08/23/1995	3	No	Memorandum by Securities & Exchange in support of [2-1] motion for preliminary injunction (EXHIBITS 1-21 LOCATED IN EXPANDABLE FOLDER) [Date Entered: 08/24/95, By: js]
08/23/1995	--	No	Summons(es) issued for Jerome E. Pinckney, Richard L. Arnold, Donald E. Elder, Fernando Cruz, Shaun K.R. Maxwell, Anthony Bukovich Jr., Six Capital Corp. [Date Entered: 09/14/95, By: js]
09/11/1995	4	No	Motion by Jerome E. Pinckney to extend time to respond to motion for prel. inj. [Date Entered: 09/14/95, By: js]
09/11/1995	4	No	Order granting [4-1] motion to extend time to respond to motion for prel. inj. by deft. Jerome Pinckney, Response to motion reset to 9/25/95 for [2-1] motion for preliminary injunction for Jerome Pinckney signed by Caviness, deputyclerk. served. [Date Entered: 09/14/95, By: js]
09/14/1995	--	No	Motion hearing re: [2-1] motion for preliminary injunction at 1:00 10/3/95, Ctrm. #2, Raleigh, NC before Judge W. E. Britt. served. [Date Entered: 09/14/95, By: js]
09/18/1995	5	No	Motion by Anthony Bukovich Jr., Six Capital Corp. for Thomas E. Rodgers to appear pro hac vice [Date Entered: 09/20/95, By: js]
09/18/1995	6	No	Motion by Richard L. Arnold to extend time to answer the complaint [Date Entered: 09/20/95, By: js]
			Motion by Anthony Bukovich Jr., Six Capital Corp. to

09/18/1995	7	No	extend time to answer the complaint [Date Entered: 09/20/95, By: js]
09/19/1995	8	No	Answer to Complaint by Donald E. Elder. w/attach. [Date Entered: 09/20/95, By: js]
09/19/1995	8	No	Response by Donald E. Elder to [2-1] motion for preliminary injunction [Date Entered: 09/20/95, By: js]
09/20/1995	--	No	Motion(s) submitted: [7-1] motion to extend time to answer the complaint submitted, [6-1] motion to extend time to answer the complaint submitted, [5-1] motion for Thomas E. Rodgers to appear pro hac vice submitted to Clerk on 9/20/95. [Date Entered: 09/20/95, By: js]
09/22/1995	9	No	Order granting [6-1] motion to extend time to answer the complaint, reset answer due for 10/2/95 for Richard L. Arnold signed by Daniel, Clerk. served. [Date Entered: 09/22/95, By: js]
09/22/1995	10	No	Order granting [7-1] motion to extend time to answer the complaint, reset answer due for 10/2/95 for Six Capital Corp., for Anthony Bukovich Jr. signed by Daniel, Clerk. served. [Date Entered: 09/22/95, By: js]
09/22/1995	11	No	Order denying [5-1] motion for Thomas E. Rodgers to appear pro hac vice signed by Daniel, Clerk. served. [Date Entered: 09/22/95, By: js]
09/25/1995	12	No	Motion by Jerome E. Pinckney to dismiss for failure to state a claim against him; insufficient facts; failure to allege facts sufficient to support the granting of injunctive or other relief. States it may be more appropriate to treat this motion as a motion for summary judgment. Copy to Judge Britt. [Date Entered: 09/27/95, By: ig]
09/25/1995	13	No	Memorandum by Jerome E. Pinckney in support of [12-1] motion to dismiss. Copy to Judge Britt. [Date Entered: 09/27/95, By: ig]
10/02/1995	14	No	Answer to Complaint by Anthony Bukovich Jr., Six Capital Corp. [Date Entered: 10/02/95, By: ig]
10/02/1995	15	No	Motion by Anthony Bukovich Jr., Six Capital Corp. to compel plaintiff to obtain and forward to defendants Anthony Bukovich, Jr. and Six Capital Corporation, copies of all those exhibit pages and documents missing that were set forth in Thomas E. Rodgers' letter of 9/14/95 and upon failure to comply, further sanctions imposed. [Date Entered: 10/02/95, By: ig]
			Motion by Richard L. Arnold to dismiss for failure to state a

10/02/1995	16	No	claim upon which relief can be granted and that this court is without subject matter jurisdiction over the claims asserted Copy to Judge Britt. [Date Entered: 10/02/95, By: ig]
10/02/1995	17	No	Memorandum by Richard L. Arnold in support of [16-1] motion to dismiss for failure to state a claim upon which relief can be granted and that this court is without subject matter jurisdiction over the claims asserted. Copy to Judge Britt. [Date Entered: 10/02/95, By: ig]
10/03/1995	--	No	Motion hearing re: [2-1] motion for preliminary injunction Motion hearing held before Judge W. E. Britt, in ctrm. #2, Sharon Kroeger, Court Reporter. Time:1.5 hours. Motion taken under advisement. [Date Entered: 11/01/95, By: ig]
10/10/1995	18	No	Stipulation and Consent to Preliminary Injunction by Shaun K.R. Maxwell. Copy to Judge Britt w/proposed order. [Date Entered: 10/10/95, By: ig]
10/10/1995	19	No	Motion by Securities & Exchange for entry of default as to Donald E. Elder with return of service of summons and complaint upon Donald E. Elder 8/29/95 attached thereto. (refers to return of service as affidavit of John Rowden) NOTE: Record shows answer was filed by Elder 9/19/95) Called Atty. Sullivan, counsel for EEOC, and was advised service of this answer was not served upon him. No certificate of service was attached to the answer by the pro se defendant. Copy of the answer and response to motion for preliminary injunction (one document) was mailed to Atty.Sullivan 10/31/95. [Date Entered: 10/10/95, By: ig]
10/10/1995	20	No	Motion by Securities & Exchange for entry of default as to Fernando Cruz w/return of service of summons and complaint 8/29/95 by process server Deuk Tarson. NOTE; (refers to Civil Process Return as affidavit of DeukTarson) [Date Entered: 10/10/95, By: ig]
10/16/1995	21	No	Response by Securities & Exchange in opposition to [16-1] motion to dismiss for failure to state a claim upon which relief can be granted and that this court is without subject matter jurisdiction over the claims asserted,[12-1] motion to dismiss [Date Entered: 10/18/95, By: ig]
10/25/1995	22	No	Reply by Jerome E. Pinckney to response to [16-1] motion to dismiss for failure to state a claim upon which relief can be granted and that this court is without subject matter jurisdiction over the claims asserted, [12-1] motion to dismiss [Date Entered: 10/30/95, By: ig]
10/30/1995	--	No	Case file retrieved from Judge Britt's chambers. [Date Entered: 10/31/95, By: ig]

10/31/1995	--	No	Motion(s) submitted: [15-1] motion to compel plaintiff to obtain and forward to defendants Anthony Bukovich, Jr. and Six Capital Corparation, copies of all those exhibit pages and documents missing that were set forth in Thomas E.Rodgers' letter of 9/14/95 and upon failure to comply, further sanctions imposed. submitted to Judge Mason, with proposed order. No response has been filed. [Date Entered: 10/31/95, By: ig]
10/31/1995	--	No	Motion(s) referred: referred [15-1] copy of motion to compel plaintiff to obtain and forward to defendants Anthony Bukovich, Jr. and Six Capital Corparation, copies of all exhibit pages and documents missing that were set forthin Thomas E. Rodgers' letter of 9/14/95 and upon failure to comply, further sanctions imposed. to USMJ William N. Mason with proposed order. [Date Entered: 10/31/95, By: ig]
10/31/1995	--	No	Motion(s) submitted: [18] Stipulation and Consent to Preliminary Injunction by Shaun K. R. Maxwell, with proposed order; [20-1] motion for entry of default as to Fernando Cruz submitted. Please note in this motionreferral to affidavit and determine if that referred to is acceptable as an affidavit re entry of default, or if the clerk should advise counsel to file his affidavit. [16-1] motion to dismiss for failure to state a claim upon which relief can be granted and that this court is without subject matter jurisdiction over the claims assertedsubmitted, [12-1] motion to dismiss for failure to state a claim against him, insufficient facts, failure to allege facts sufficient to support the granting of injunctive or other relief. States it may be more appropriate to treatthis motion as a motion for summary judgment;submitted to Judge Britt for ruling. Motions 12 and 16 are fully briefed. [Date Entered: 10/31/95, By: ig]
10/31/1995	23	No	Request for Discovery Plan: Discovery Plan due by 11/29/95 Mailed to counsel. [Date Entered: 10/31/95, By: ig]
11/03/1995	24	No	Order granting [15-1] motion to compel plaintiff to obtain and forward to defendants Anthony Bukovich, Jr. and Six Capital Corparation, copies of all those exhibit pages and documents missing that were set forth in Thomas E. Rodgers'letter of 9/14/95 and upon failure to comply, further sanctions imposed. signed by Mason. Served counsel. [Date Entered: 11/03/95, By: ig]
11/06/1995	25	No	Document filed by defendant Shaun K.R. Maxwell titled: Notice of Defendant Shaun K.R. Maxwell;s Order re Compliance of Section III. (This document was mailed to Judge Britt.) [Date Entered: 11/06/95, By: ig]

11/06/1995	26	No	Order granting in part, denying in part [2-1] motion for preliminary injunction - denying plaintiff's motion for preliminary injunction as to defendants Pinckney, Arnold, Bukovich and Six Capital and allowed as to defendants Cruz and Elder. signed by Britt, Judge. OB Ref: BR3, page 57 ccs. to counsel and pro se parties. [Date Entered: 11/07/95, By: ig]
11/06/1995	27	No	Order granting [2-1] motion for preliminary injunction against Shaun K.R. Maxwell, signed by Britt, Judge. OB Ref: BR3, page 58 cc. to counsel and pro se parties [Date Entered: 11/07/95, By: ig]
11/09/1995	28	No	Document filed by defendant Richard L. Arnold titled: Citation to Supplemental Authority. Copy was faxed to this office for Judge Britt. [Date Entered: 11/14/95, By: ig]
11/17/1995	29	No	Report of Planning Meeting by plaintiff and defendants Pinckney, Arnold, Bukovich and Six Capital. [Date Entered: 11/17/95, By: ig]
11/21/1995	30	No	Clerk's entry of default as to Fernando Cruz granting [20-1] motion for entry of default as to Fernando Cruz [Date Entered: 11/22/95, By: ig]
11/22/1995	31	No	Order denying [19-1] motion for entry of default as to Donald E. Elder it appearing to the court that the defendant Donald E. Elder filed answer on 9/19/95. signed by Daniel, Clerk. Copies mailed to counsel and pro se defendant. [Date Entered: 11/22/95, By: ig]
11/27/1995	--	No	Copy of Discovery Plan submitted to Judge Mason for order on scheduling. Please note attachments to this document and the last paragraph of the plan relating to service upon other defendants who did not participate in the preparation of this plan. [Date Entered: 11/27/95, By: ig]
11/27/1995	--	No	Motion(s) resubmitted: [16-1] motion to dismiss for failure to state a claim upon which relief can be granted and that court is without subject matter jurisdiction over the claims asserted submitted, [12-1] motion to dismiss submitted to Judge Britt for ruling. [Date Entered: 11/27/95, By: ig]
12/06/1995	32	No	Order on Scheduling by Magistrate Mason setting Discovery cutoff 5/15/96 Deadline for filing of all motions 6/14/96 Expert Witness List due on 3/15/96 by plaintiff and on 4/15/96 by defendants; Bench Trial scheduled for 11/12/96 before Judge Britt Place: Wilmington No. of Interrog. 25 and 50 request for admissions by each party; No. of Depositions 10 by plaintiff and 5 each by defendants. Copies mailed to counsel. [Date Entered: 12/06/95, By: ig]

01/16/1996	33	No	Motion by Securities & Exchange for default judgment against Fernando Cruz. original to J. Britt. [Date Entered: 04/15/96, By: js]
02/15/1996	34	No	Response by Jerome E. Pinckney to Pltf.'s First Set of Req. for Admission. original to J. Britt. [Date Entered: 04/15/96, By: js]
04/15/1996	35	No	Motion by Securities & Exchange to compel and for sanctions agst. Bukovich and Six Capital [Date Entered: 04/19/96, By: js]
04/15/1996	36	No	Memorandum by Securities & Exchange in support of [35-1] motion to compel and for sanctions agst. Bukovich and Six Capital. (LOCATED IN EXPANDABLE FOLDER) [Date Entered: 04/19/96, By: js]
04/22/1996	37	No	Order denying [33-1] motion for default judgment against Fernando Cruz signed by Britt, J. OB Ref: BR O. B. #4, 50. cys. served. [Date Entered: 04/25/96, By: js]
04/24/1996	38	No	Order denying [16-1] motion to dismiss for failure to state a claim upon which relief can be granted and that this court is without subject matter jurisdiction over the claims asserted, denying [12-1] motion to dismiss. MOTIONS CONVERTED TO SUMMARY JUDGMENT. signed by Britt, J. OB Ref: BR O. B. #4, p. 51. cys. served. [Date Entered: 04/25/96, By: js]
05/07/1996	39	No	Motion by Securities & Exchange to extend time of discovery for 90 days [Date Entered: 05/16/96, By: js]
05/09/1996	40	No	Motion by Jerome E. Pinckney for Sec. 1292 certification to appeal, to stay proceedings [Date Entered: 05/16/96, By: js]
05/09/1996	41	No	Memorandum by Jerome E. Pinckney in support of [40-1] motion for Sec. 1292 certification to appeal, [40-2] motion to stay proceedings [Date Entered: 05/16/96, By: js]
05/15/1996	42	No	Answer to Complaint by Jerome E. Pinckney [Date Entered: 06/12/96, By: js]
05/22/1996	43	No	Response by Jerome E. Pinckney to [39-1] motion to extend time of discovery for 90 days [Date Entered: 06/12/96, By: js]
05/22/1996	44	No	Response by Securities & Exchange to [40-1] motion for Sec. 1292 certification to appeal [Date Entered: 06/12/96, By: js]
05/22/1996	45	No	Response by Anthony Bukovich Jr., Six Capital Corp. to [35-1] motion to compel and for sanctions agst. Bukovich

			and Six Capital [Date Entered: 06/12/96, By: js]
05/28/1996	46	No	Response by Anthony Bukovich Jr., Six Capital Corp. to [39-1] motion to extend time of discovery for 90 days [Date Entered: 06/12/96, By: js]
06/03/1996	47	No	Reply by Securities & Exchange to response to [39-1] motion to extend time of discovery for 90 days [Date Entered: 06/12/96, By: js]
06/04/1996	48	No	Supplemental Memorandum by defendant Anthony Bukovich Jr., defendant Six Capital Corp. in support of [46-1] motion response [Date Entered: 06/12/96, By: js]
06/04/1996	49	No	Memorandum by Anthony Bukovich Jr., Six Capital Corp. in opposition to [44-1] motion response filed by the SEC. [Date Entered: 06/12/96, By: js]
06/04/1996	50	No	Supplemental Memorandum by defendant Anthony Bukovich Jr., defendant Six Capital Corp. in support of [45-1] motion response in opposition to motion to compel & sanctions. [Date Entered: 06/12/96, By: js]
06/12/1996	51	No	Memorandum by Anthony Bukovich Jr., Six Capital Corp. in opposition to [47-1] response reply filed by SEC regarding the 90 day ext. of disc. [Date Entered: 06/12/96, By: js]
06/12/1996	--	No	Motion(s) submitted: [40-1] motion for Sec. 1292 certification to appeal submitted, [40-2] motion to stay proceedings submitted to J. Britt on 6/12/96. [Date Entered: 06/12/96, By: js]
06/13/1996	52	No	Order granting [40-1] motion for Sec. 1292 certification to appeal, granting [40-2] motion to stay proceedings signed by Britt, J. OB Ref: BR O. B. #4, p. 103. served. [Date Entered: 06/13/96, By: js]
06/28/1996	--	No	Letter from 4th Circuit Court of Appeals - dated 6/25/96 to: Auley McRae Crouch, III, Esq.; Edward G. Sullivan, Esq. & Peter J. Luiso, Esq. - advising Mr. Pinckney's petition for permission to appeal under 28 U.S.C., Sec. 1292(b) on 6/25/96. The respondent may file an answer to petition. The answer must be in the office of the Clerk by 7/2/96. [Date Entered: 06/28/96, By: ag]
07/02/1996	--	No	Per telephone conversation with Debbie Davenport with 4th Circuit Court of Appeals - Attorney telephoned her today to advise he had just received this letter from 4th Circuit - and needed additional time to answer - she gave him the additional time to answer. [Date Entered: 07/02/96, By: ag]

07/25/1996	53	No	Order - Petitioner has filed a petition for permission to appeal an interlocutory order pursuant to 28 U.S.C., Sec. 1292(b). The court denies the petition for permission to appeal. Entered at the direction of Judge Michael, with the concurrence of Judge Hall and Judge Phillips signed by Bert M. Montague, Clerk USCA. lc: Judge Britt. [Date Entered: 07/26/96, By: ag]
08/20/1996	--	No	Motion(s) submitted: [39-1] motion to extend time of discovery for 90 days submitted, [35-1] motion to compel and for sanctions agst. Bukovich and Six Capital submitted on 8/20/96. [Date Entered: 08/20/96, By: js]
08/29/1996	54	No	Order requiring counsel to associate with local counsel with respect to defendants Bukovich and Six Capital Corp. signed by Mason, USMJ. served. [Date Entered: 09/16/96, By: js]
09/05/1996	55	No	Order granting [35-1] motion to compel and denying motion for sanctions agst. Bukovich and Six Capital. Defts. are to comply with disc. before 9/30/96. signed by Mason, USMJ. served. BR O. B. #5, p. 87. [Date Entered: 09/16/96, By: js]
09/05/1996	56	No	Order granting [39-1] motion to extend time of discovery for 90 days signed by Mason, USMJ. served. [Date Entered: 09/16/96, By: js]
09/05/1996	56	No	Order on Scheduling by Magistrate Judge Mason setting Discovery cutoff 12/3/96 Deadline for filing of all motions 1/3/97 Bench Trial scheduled for 5/19/97 before Judge Britt Place: Wilmington. served. [Date Entered: 09/16/96, By: js]
09/13/1996	57	No	Notice of attorney appearance for Anthony Bukovich Jr., Six Capital Corp. by Thomas Rodgers. CALLED BRUCE MCDANIEL ON 9/16/96 AND ASKED HIM TO FILE A NOTICE OF APPEARANCE AS 2.04 COUNSEL. [Date Entered: 09/16/96, By: js]
09/16/1996	58	No	Motion by Securities & Exchange to amend [55-1] order. cy. to USMJ Mason. [Date Entered: 09/16/96, By: js]
09/18/1996	59	No	Notice of attorney appearance for Anthony Bukovich Jr., Six Capital Corp. by L. Bruce McDaniel Mr. [Date Entered: 09/26/96, By: js]
10/04/1996	60	No	Order granting [58-1] motion to amend [55-1] order signed by Mason, USMJ. served. [Date Entered: 10/18/96, By: js]
10/08/1996	61	No	Corrected Order granting [35-1] motion to compel and for sanctions agst. Bukovich and Six Capital signed by Mason, USMJ. OB Ref: BR O. B. #5, p. 131. served. [Date Entered:

			10/18/96, By: js]
12/05/1996	62	No	Stipulation and Consent to Permanent Injunction by Securities & Exchang, Richard L. Arnold [Date Entered: 12/26/96, By: js]
12/20/1996	63	No	Motion by Securities & Exchang for Rule 37(d) sanctions against Fernando Cruz for failure to appear for deposition [Date Entered: 12/26/96, By: js]
12/20/1996	64	No	Memorandum by Securities & Exchang in support of [63-1] motion for Rule 37(d) sanctions against Fernando Cruz for failure to appear for deposition [Date Entered: 12/26/96, By: js]
12/26/1996	--	No	Motion(s) submitted: [63-1] motion for Rule 37(d) sanctions against Fernando Cruz for failure to appear for deposition and Consent Permanent Injunction submitted to J. Britt on 12/26/96. [Date Entered: 12/26/96, By: js]
12/30/1996	65	No	Consent judgment for Securities & Exchang against Richard L. Arnold signed by Britt, J. OB Ref: BR O. B. #6, p. 56. served. (case file still w/Judge). [Date Entered: 01/06/97, By: js]
01/03/1997	66	No	Motion by Jerome E. Pinckney with memorandum in support to continue the trial from 5/19/97. cy. to J. Britt. [Date Entered: 01/10/97, By: js]
01/03/1997	67	No	Motion by Jerome E. Pinckney with memorandum in support for separate trial. cy. to J. Britt. [Date Entered: 01/10/97, By: js]
01/16/1997	68	No	Response by Securities & Exchang to [66-1] motion to continue the trial from 5/19/97 [Date Entered: 01/24/97, By: js]
01/16/1997	69	No	Response by Securities & Exchang to [67-1] motion for separate trial [Date Entered: 01/24/97, By: js]
02/07/1997	--	No	Motion(s) submitted: [67-1] motion for separate trial submitted, [66-1] motion to continue the trial from 5/19/97 submitted, (RESUBMITTED) [63-1] motion for Rule 37(d) sanctions against Fernando Cruz for failure to appear for deposition to J. Britt on 2/7/97. [Date Entered: 02/07/97, By: js]
02/19/1997	70	Yes: 1 Page(s); 33 KB; PDF	Order denying [67-1] motion for separate trial, denying [66-1] motion to continue the trial from 5/19/97 signed by Britt, J. OB Ref: BR O. B. #7, p. 11. served. [Date Entered: 02/19/97, By: js]

02/20/1997	71	No	Application for Leave of Absence filed by Edward G. Sullivan for Securities & Exchange. [Date Entered: 02/26/97, By: js]
02/27/1997	74	Yes: 1 Page(s); 52 KB; PDF	Motion by Jerome E. Pinckney for reconsideration of [70-1] order denying continuance of trial. cy. to J. Britt. [Date Entered: 03/11/97, By: js]
02/28/1997	72	Yes: 4 Page(s); 181 KB; PDF	Order granting [63-1] motion for Rule 37(d) sanctions against Fernando Cruz for failure to appear for deposition Default Judg. permanent injunction agst. Fernando Cruz. signed by Britt, J. OB Ref: BR O. B. #7, p. 21. served. [Date Entered: 02/28/97, By: js]
02/28/1997	73	Yes: 2 Page(s); 84 KB; PDF	Default judgment - permanent injunction - against Fernando Cruz signed by Skinner, deputy clerk. OB Ref: BR O. B. #7, p. 22. served. [Date Entered: 02/28/97, By: js]
03/19/1997	75	No	Order denying [74-1] motion for reconsideration of [70-1] order denying continuance of trial signed by Britt, J. OB Ref: BR O. B. #7, p. 42. served. [Date Entered: 03/21/97, By: js]
03/25/1997	76	No	Stipulation and Consent to Permanent Injunction as to Donald Elder by Securities & Exchang, Donald E. Elder. Casefile to J. Britt w/prop. consent judg. [Date Entered: 03/25/97, By: js]
03/27/1997	77	Yes: 3 Page(s); 106 KB; PDF	Consent judgment for Securities & Exchang against Donald E. Elder. Clerk is directed to enter judg. signed by Britt, J. OB Ref: BR O. B. #7, p. 63. served. [Date Entered: 03/28/97, By: js]
03/28/1997	--	No	Pre-trial conference set at 10:30 a.m. on 5/5/97 in Ctrm. No. 2, Second Floor, Lennon Fed. Bldg., 2 Princess St., Wilmington, N.C., before USMJ William N. Mason. [Date Entered: 04/01/97, By: ac]
03/28/1997	--	No	Bench trial set at 9:00 a.m. on 5/19/97 in the U.S. Ctrm. No. 1, Second Floor, Lennon Fed. Bldg., 2 Princess St., Wilmington, N.C., before Judge W. E. Britt. [Date Entered: 04/01/97, By: ac]
04/24/1997	78	No	Motion by Anthony Bukovich Jr., Six Capital Corp. to continue the pretrial & trial. cy. to J. Britt. [Date Entered: 04/24/97, By: js]
04/25/1997	79	No	Stipulation by Securities & Exchang, Shaun K.R. Maxwell to Consent Permanent Injunction. [Date Entered: 04/30/97, By: js]
		Yes: 3 Page(s);	Consent judgment for Securities & Exchang against Shaun

04/28/1997	80	106 KB; PDF	K.R. Maxwell signed by Britt, J. OB Ref: BR O. B. #7, p. 117. served. [Date Entered: 04/30/97, By: js]
04/29/1997	81	No	Affidavit by Anthony Bukovich Jr., Six Capital Corp. Re: [78-1] motion to continue the pretrial & trial [Date Entered: 04/30/97, By: js]
04/29/1997	82	No	Response by Jerome E. Pinckney to [78-1] motion to continue the pretrial & trial [Date Entered: 04/30/97, By: js]
04/29/1997	82	No	Renewed Motion by Jerome E. Pinckney to bifurcate pretrial & trial [Date Entered: 04/30/97, By: js]
04/29/1997	83	No	Order granting [78-1] motion to continue the pretrial & trial, reset bench trial before Judge W. E. Britt for 10/6/97 in Wilmington signed by Britt, J. served. [Date Entered: 04/30/97, By: js]
04/30/1997	84	No	Response by Securities & Exchang to [82-1] motion to bifurcate pretrial & trial [Date Entered: 04/30/97, By: js]
05/01/1997	85	No	Order denying [82-1] motion to bifurcate pretrial & trial signed by Britt, J. served. [Date Entered: 05/09/97, By: js]
05/07/1997	86	No	Motion by Securities & Exchang to dismiss all claims agst. deft. Pinckney [Date Entered: 05/09/97, By: js]
05/09/1997	87	Yes: 1 Page(s); 34 KB; PDF	Order granting [86-1] motion to dismiss all claims agst. deft. Pinckney w/prej. Each side bear own costs. signed by Britt, J. OB Ref: BR O. B. #7, p. 132. served. [Date Entered: 05/09/97, By: js]
07/08/1997	88	No	Motion by Anthony Bukovich Jr., Six Capital Corp. for Bruce McDaniel to withdraw as attorney [Date Entered: 07/08/97, By: js]
07/08/1997	--	No	Motion(s) submitted: [88-1] motion for Bruce McDaniel to withdraw as attorney submitted on 7/8/97. [Date Entered: 07/08/97, By: js]
07/11/1997	89	No	Order granting [88-1] motion for Bruce McDaniel to withdraw as attorney (Terminated attorney L. Bruce McDaniel for Six Capital Corp., attorney L. Bruce McDaniel for Anthony Bukovich signed by Britt, J. served Sullivan,McDaniel & Bukovich/Six Capital. [Date Entered: 07/11/97, By: js]
07/11/1997	90	No	Application of Edward G. Sullivan for Leave of Absence filed by plaintiff Securities & Exchang [Date Entered: 07/15/97, By: js]
07/30/1997	91	No	Order, reset bench trial before Judge W. E. Britt for 10/20/97. Pretrial rescheduled accordingly. signed by

			Daniel, Clerk. served. [Date Entered: 07/30/97, By: js]
08/26/1997	--	No	Pre-trial conference set at 10:00 a.m. on 10/6/97 in Ctrm. No. 2, Second Floor, Lennon Fed. Bldg., Wilmington, N.C., before USMJ William N. Mason. [Date Entered: 08/27/97, By: ac]
08/26/1997	--	No	Bench trial set at 9:00 a.m. on 10/20/97 in the U.S. Ctrm. No. 1, Second Floor, Lennon Fed. Bldg., Wilmington, N.C., before Judge W. E. Britt. [Date Entered: 08/27/97, By: ac]
10/06/1997	92	No	Motion by Anthony Bukovich Jr., Six Capital Corp. for Thomas Rodgers to withdraw as attorney. cy. to J. Britt. [Date Entered: 10/06/97, By: js]
10/08/1997	93	No	Order granting [92-1] motion for Thomas Rodgers to withdraw as attorney for Bukovich & Six Capital. served, Bukovich, Rodgers & Sullivan. [Date Entered: 10/08/97, By: js]
10/08/1997	94	No	Pretrial Statement by Anthony Bukovich Jr., Six Capital Corp. [Date Entered: 10/08/97, By: js]
10/08/1997	95	No	Motion by Anthony Bukovich Jr., Six Capital Corp. to dismiss for lack of personal jurisdiction [Date Entered: 10/08/97, By: js]
10/08/1997	96	No	Motion by Anthony Bukovich Jr., Six Capital Corp. to dismiss for improper venue [Date Entered: 10/08/97, By: js]
10/08/1997	97	No	Motion by Anthony Bukovich Jr., Six Capital Corp. to dismiss for failure to state a claim [Date Entered: 10/08/97, By: js]
10/09/1997	--	No	Case file to J. Britt for review before trial [Date Entered: 10/09/97, By: js]
10/10/1997	98	No	Response by Securities & Exchange to [97-1] motion to dismiss for failure to state a claim, [96-1] motion to dismiss for improper venue, [95-1] motion to dismiss for lack of personal jurisdiction. cy. to J. Britt. [Date Entered: 10/10/97, By: js]
10/14/1997	99	Yes: 1 Page(s); 60 KB; PDF	Order denying [97-1] motion to dismiss for failure to state a claim signed by Britt, J. OB Ref: BR O. B. #9, p. 35. served. [Date Entered: 10/15/97, By: js]
10/14/1997	100	Yes: 1 Page(s); 50 KB; PDF	Order denying [96-1] motion to dismiss for improper venue signed by Britt, J. OB Ref: BR O. B. #9, p. 34. served. [Date Entered: 10/15/97, By: js]
10/14/1997	101	Yes: 1 Page(s); 60	Order denying [95-1] motion to dismiss for lack of personal jurisdiction signed by Britt, J. OB Ref: BR O. B. #9, p. 33.

		KB; PDF	served. [Date Entered: 10/15/97, By: js]
10/14/1997	102	No	Trial brief by Securities & Exchange. cy. to J. Britt. [Date Entered: 10/15/97, By: js]
10/14/1997	103	No	Pretrial order filed - ETT: 2 days. signed by Mason, USMJ. served. [Date Entered: 10/15/97, By: js]
10/17/1997	--	No	Case submitted to: Judge Britt for trial in Wilmington on 10/20/97. [Date Entered: 10/17/97, By: js]
10/20/1997	104	No	FILED IN OPEN COURT Notice of Filing by Securities & Exchange of depositions of Richard Salsburg & Bok Pon. [Date Entered: 10/22/97, By: js]
10/22/1997	--	No	Bench trial held before Judge W. E. Britt in Wilmington, NC Court Reporter: Stacey Schwinn, Courtroom Deputy-Susan Enyart. Evidence for the plaintiff begins at 4:00. The court recesses for the day at 4:36 p.m. and is to reconvene on 10/23/97 at 9:00 a.m. [Date Entered: 10/23/97, By: se]
10/23/1997	--	No	Bench trial continued before Judge W. E. Britt in Wilmington, NC . Court Reporter: Stacey Schwinn, Courtroom Deputy Susan Enyart. Evidence for the plaintiff continues. Plaintiff rested at 11:40. Evidence for the defendant. Defendant rested at 1:53. Being no further evidence for either side, the court rules that the evidence is hereby closed. The court makes its findings of fact and conclusion of law against the defendant. It will take under advisement the civil penalties. The court allowed the motion for injunctive relief. An order to follow. [Date Entered: 10/23/97, By: se]
11/04/1997	105	Yes: 10 Page(s); 335 KB; PDF	Findings of fact and conclusions of law - permanent injunction agst. Bukovich & Six Capital - no monetary penalties. signed by Britt, OB Ref: BR O. B. #9, p. 63. served. [Date Entered: 11/11/97, By: js]
11/04/1997	--	No	Case remains open until monetary penalties agst. other debts. resolved. (per Ed Sullivan) [Date Entered: 11/11/97, By: js]
12/02/1997	--	No	Called atty. Ed Sullivan on 12/2/97 to get status of case. The SEC must file an internal recommendation regarding the civil penalties as to the debts. which takes about 60 days to approve. Once approved, the motion for civil penalties will be filed. [Date Entered: 12/02/97, By: js]
12/23/1997	--	No	Transcript Filed - Bench Trial on 10/22/97 in Wilmington before Judge Britt Court Reporter - Stacy Schwinn [Date Entered: 12/26/97, By: js]

12/23/1997	--	No	Transcript Filed - Bench trial on 12/23/97 in Wilmington before Judge Britt Court Reporter - Stacy Schwinn [Date Entered: 12/26/97, By: js]
03/31/1998	--	No	Left message w/Ed Sullivan of SEC re update on this case. [Date Entered: 03/31/98, By: sc]
03/31/1998	--	No	Ed Sullivan returned my call - Washington has approved as of last week, his recommendation re the civil penalties and he expects that he will file the civil penalties motion by the end of next week. [Date Entered: 03/31/98, By: sc]
04/06/1998	106	No	Motion by Securities & Exchang to set civil penalty amounts/ sanctions as to defendants Cruz, Elder, and Maxwell [Date Entered: 04/06/98, By: sc]
04/06/1998	107	No	Memorandum by Securities & Exchang in support of [106-1] motion to set civil penalty amounts/sanctions as to Elder, Cruz, and Maxwell [Date Entered: 04/06/98, By: sc]
04/06/1998	108	No	Notice of Filing of Deposition of Shaun K. R. Maxwell by Securities & Exchang [Date Entered: 04/06/98, By: sc]
04/06/1998	--	No	DEPOSITION Transcript Filed - Court Reporter - Susan Gordon Miller [re: Shaun K. R. Maxwell] [Date Entered: 04/06/98, By: sc]
04/28/1998	109	No	Response/motion to deny civil penalties imposition by Donald E. Elder to [106-1] motion to set civil penalty amounts/ sanctions [Date Entered: 04/28/98, By: sc]
04/28/1998	109	No	Motion by Donald E. Elder to deny civil penalties imposition- response re SEC motion for sanctions. [Date Entered: 04/28/98, By: sc]
08/27/1998	--	No	The outstanding motions in this matter were sent to J. Britt on 6-17-98. [Date Entered: 08/27/98, By: sc]
08/27/1998	110	Yes: 5 Page(s); 207 KB; PDF	Order granting [109-1] motion to deny civil penalties imposition, granting in part, denying in part [106-1] motion to set civil penalty amounts/ sanctions signed by Britt, J. PLAINTIFF'S MOT. TO IMPOSE SECOND TIER PENALTIES ON ELDER & MAXWELL IS DENIED. SANCTIONS AS TO CRUZ IS ALLOWED IN THE AMT. OF \$5000.00. OB Ref: BR O. B. #12, p. 103. served. [Date Entered: 08/27/98, By: js]
08/27/1998	111	Yes: 2 Page(s); 83 KB; PDF	Judgment for Securities & Exchang against Fernando Cruz signed by Skinner, deputy clerk. OB Ref: BR O. B. #12, p. 104. served. [Date Entered: 08/27/98, By: js]
08/27/1998	--	No	Case closed - PERMANENT [Date Entered: 08/27/98, By:

			js]
12/21/1998	--	No	Case file shipped to Wilm office, via UPS, for storage in closed file room. [Date Entered: 12/21/98, By: ld]