

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:11-cv-10807-RGS**

Evergreen Partnering Group, Inc. et al v. Pactiv Corporation et al
Assigned to: Judge Richard G. Stearns
Demand: \$9,999,000
Case in other court: First Circuit, 12-01730
Cause: 15:1 Antitrust Litigation

Date Filed: 05/09/2011
Jury Demand: Both
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Evergreen Partnering Group, Inc.

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Thomas V. Urmy, Jr.
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V.

Defendant

Pactiv Corporation

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Defendant

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a corporation

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Defendant

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a Tekni-Plex Company a corporation

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Defendant

Dart Container
corporation

represented by **John M. Faust**
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Defendant

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Incorporated**
an association

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ATTORNEY TO BE NOTICED

Defendant**Polystyrene Foodservice Packaging Group***a business group within the American Chemistry Council*

TERMINATED: 01/31/2012

Defendant**Polystyrene Foodservice Packaging Group**

TERMINATED: 01/31/2012

Date Filed	#	Docket Text
05/09/2011	1	COMPLAINT against Dolco Packaging, Pactiv Corporation, Dart Container, Polystyrene Foodservice Packaging Group, American Chemistry Council Incorporated, Genpack, LLC, Solo Cup Company, filed by Evergreen Partnering Group, Inc. and Michael Forrest. (Attachments: # 1 Civil Cover Sheet and Category Form)(Paine, Matthew) (Entered: 05/09/2011)
05/09/2011		ELECTRONIC NOTICE of Case Assignment. Judge Richard G. Stearns assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Chief Magistrate Judge Judith G. Dein. (Abaid, Kimberly) (Entered: 05/09/2011)
05/09/2011		Summons Issued as to American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpack, LLC, Pactiv Corporation, Polystyrene Foodservice Packaging Group, Solo Cup Company. (Paine, Matthew) (Entered: 05/09/2011)
05/10/2011		Filing fee/payment: \$ 350.00, receipt number BST023979 for 1 Complaint, (Russo, Patricia) (Entered: 05/10/2011)
05/12/2011	2	NOTICE of Appearance by Charles E. Tompkins on behalf of Evergreen Partnering Group, Inc., Michael Forrest (Tompkins, Charles) (Entered: 05/12/2011)
05/12/2011	3	NOTICE of Appearance by Thomas V. Urmy, Jr on behalf of Evergreen Partnering Group, Inc., Michael Forrest (Urmy, Thomas) (Entered: 05/12/2011)
06/22/2011	4	MOTION to Withdraw : <i>Motion of Plaintiffs' Counsel to Withdraw</i> by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Affidavit of Charlres E. Tompkins)(Tompkins, Charles) (Entered: 06/22/2011)
06/24/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 4 Motion to Withdraw as Attorney for plaintiffs. Attorney Charles E. Tompkins and

		Thomas V. Urmey, Jr terminated. FURTHER, Evergreen Partnering Group, Inc. as a corporation may not represent itself and has 30 days (on or before July 25, 2011) to retain an attorney. SO ORDERED. (Seelye, Terri)cm to plaintiffs on 6/24/11 c/o Michael Forrest, 34 Westward Circle, North Reading, MA 01864 and by email. (Entered: 06/24/2011)
07/06/2011	5	Letter/request (non-motion) from Michael Forrest. (Attachments: # 1 Exhibit, # 2 Exhibit)(Flaherty, Elaine) (Entered: 07/06/2011)
07/08/2011	6	Letter/request (non-motion) from Michael Forrest to Judge Stearns requesting appointment of counsel, FILED. (Flaherty, Elaine) (Entered: 07/12/2011)
07/20/2011	7	NOTICE of Appearance by Robert J. Bonsignore on behalf of Evergreen Partnering Group, Inc., Michael Forrest (Bonsignore, Robert) (Entered: 07/20/2011)
07/28/2011	8	NOTICE of Appearance by Kristy S. Morgan on behalf of Dolco Packaging (Morgan, Kristy) (Entered: 07/28/2011)
07/28/2011	9	NOTICE of Appearance by Richard J. McCarthy on behalf of Dolco Packaging (McCarthy, Richard) (Entered: 07/28/2011)
07/28/2011	10	NOTICE of Appearance by Steven M. Cowley on behalf of Dolco Packaging (Cowley, Steven) (Entered: 07/28/2011)
08/02/2011	11	NOTICE of Appearance by Richard A. Sawin, Jr on behalf of Pactiv Corporation (Sawin, Richard) (Entered: 08/02/2011)
08/02/2011	12	NOTICE of Appearance by Richard E. Bennett on behalf of Pactiv Corporation (Bennett, Richard) (Entered: 08/02/2011)
08/03/2011	13	NOTICE of Appearance by David M. Glynn on behalf of Solo Cup Company (Glynn, David) (Entered: 08/03/2011)
08/03/2011	14	MOTION for Leave to Appear Pro Hac Vice for admission of Scott M. Mendel Filing fee: \$ 50, receipt number 0101-3526197 by Solo Cup Company. (Attachments: # 1 Exhibit Certificate, # 2 Exhibit Proposed Order)(Glynn, David) (Entered: 08/03/2011)
08/03/2011	15	MOTION for Leave to Appear Pro Hac Vice for admission of Michelle S. Taylon Filing fee: \$ 50, receipt number 0101-3526229 by Solo Cup Company. (Attachments: # 1 Exhibit Certificate, # 2 Exhibit Proposed Order)(Glynn, David) (Entered: 08/03/2011)
08/04/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 14 , 15 Motion for Leave to Appear Pro Hac Vice Added Scott M. Mendel & Michelle S. Taylon. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Flaherty, Elaine) Modified on 8/8/2011 (Flaherty, Elaine). Modified attorney names & to remove duplicate text on 8/10/2011 (Seelye, Terri). (Entered: 08/04/2011)
08/09/2011	16	

		NOTICE of Appearance by Timothy W. Mungovan on behalf of Genpak, LLC (Mungovan, Timothy) Modified on 8/9/2011 (Flaherty, Elaine). (Entered: 08/09/2011)
08/10/2011	17	NOTICE of Appearance by Joel Cavanaugh on behalf of Genpak, LLC (Cavanaugh, Joel) (Entered: 08/10/2011)
08/10/2011	18	NOTICE of Appearance by David Martland on behalf of Genpak, LLC (Martland, David) (Entered: 08/10/2011)
08/11/2011	19	Joint MOTION for Extension of Time to October 14, 2011 to File Answer <i>and complete service of Complaint</i> by Dolco Packaging.(Morgan, Kristy) (Entered: 08/11/2011)
08/12/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 19 Motion for Extension of Time to Answer. Plaintiffs will file their First Amended Complaint on or before August 19, 2011. Defendants will have until October 14, 2011, to answer or otherwise respond. (Zierk, Marsha) (Entered: 08/12/2011)
08/19/2011	20	AMENDED COMPLAINT against All Defendants, filed by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A-E, # 2 Attachment F-L, # 3 Attachment M-T)(Bonsignore, Robert) (Entered: 08/19/2011)
08/24/2011	21	NOTICE by Evergreen Partnering Group, Inc., Michael Forrest (Bonsignore, Robert) (Entered: 08/24/2011)
08/26/2011	22	NOTICE of Appearance by Benjamin M. McGovern on behalf of American Chemistry Council Incorporated (McGovern, Benjamin) (Entered: 08/26/2011)
08/26/2011	23	CORPORATE DISCLOSURE STATEMENT by American Chemistry Council Incorporated. (McGovern, Benjamin) (Entered: 08/26/2011)
08/26/2011	24	NOTICE of Appearance by Ralph T. Lepore, III on behalf of American Chemistry Council Incorporated (Lepore, Ralph) (Entered: 08/26/2011)
08/26/2011	25	NOTICE of Appearance by Michael T. Maroney on behalf of American Chemistry Council Incorporated (Maroney, Michael) (Entered: 08/26/2011)
08/30/2011	26	CORPORATE DISCLOSURE STATEMENT by Solo Cup Company. (Glynn, David) (Entered: 08/30/2011)
08/30/2011	27	SUMMONS Returned Executed American Chemistry Council Incorporated served on 8/17/2011, answer due 10/14/2011. (Bonsignore, Robert) (Entered: 08/30/2011)
08/30/2011	28	SUMMONS Returned Executed Dolco Packaging served on 8/17/2011, answer due 10/14/2011. (Bonsignore, Robert) (Entered: 08/30/2011)
08/30/2011	29	SUMMONS Returned Executed Pactiv Corporation served on 8/17/2011, answer due 10/14/2011. (Bonsignore, Robert) (Entered: 08/30/2011)
08/30/2011	30	SUMMONS Returned Executed Solo Cup Company served on 8/17/2011, answer due 10/14/2011. (Bonsignore, Robert) (Entered: 08/30/2011)

09/01/2011	31	CORPORATE DISCLOSURE STATEMENT by Pactiv Corporation identifying Corporate Parent Reynolds Group Holdings, Inc. for Pactiv Corporation.. (Sawin, Richard) (Entered: 09/01/2011)
09/01/2011	32	CORPORATE DISCLOSURE STATEMENT by Genpak, LLC identifying Corporate Parent The Jim Pattison Group for Genpak, LLC.. (Cavanaugh, Joel) (Entered: 09/01/2011)
09/08/2011	33	CORPORATE DISCLOSURE STATEMENT by Dolco Packaging identifying Corporate Parent Tekni-Plex, Inc. for Dolco Packaging.. (Morgan, Kristy) (Entered: 09/08/2011)
09/09/2011	34	AFFIDAVIT OF SERVICE Executed by Evergreen Partnering Group, Inc., Michael Forrest. Acknowledgement filed by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A, # 2 Attachment B, # 3 Attachment C, # 4 Attachment D)(Bonsignore, Robert) (Entered: 09/09/2011)
09/09/2011	35	AFFIDAVIT OF SERVICE Executed by Evergreen Partnering Group, Inc., Michael Forrest. Acknowledgement filed by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A, # 2 Attachment B, # 3 Attachment C)(Bonsignore, Robert) (Entered: 09/09/2011)
09/09/2011	36	AFFIDAVIT OF SERVICE Executed by Evergreen Partnering Group, Inc., Michael Forrest. Acknowledgement filed by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A, # 2 Attachment B, # 3 Attachment C, # 4 Attachment D)(Bonsignore, Robert) (Entered: 09/09/2011)
09/09/2011	37	AFFIDAVIT OF SERVICE Executed by Evergreen Partnering Group, Inc., Michael Forrest. Acknowledgement filed by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A, # 2 Attachment B, # 3 Attachment C)(Bonsignore, Robert) (Entered: 09/09/2011)
09/09/2011	38	AFFIDAVIT OF SERVICE Executed by Evergreen Partnering Group, Inc., Michael Forrest. Acknowledgement filed by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A)(Bonsignore, Robert) (Entered: 09/09/2011)
09/09/2011	39	AFFIDAVIT OF SERVICE Executed by Evergreen Partnering Group, Inc., Michael Forrest. Acknowledgement filed by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A, # 2 Attachment B, # 3 Attachment C)(Bonsignore, Robert) (Entered: 09/09/2011)
09/09/2011	40	MOTION for Extension of Time to 10/9/2011 to For Service on Defendant Dart Container Corporation by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A-E)(Bonsignore, Robert) (Entered: 09/09/2011)
09/09/2011	41	AFFIDAVIT OF SERVICE Executed by Evergreen Partnering Group, Inc., Michael Forrest. Acknowledgement filed by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Attachment A-C)(Bonsignore, Robert) (Entered: 09/09/2011)
09/13/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting in part and denying in part 40 Motion for Extension of Time. Plaintiffs will have until

		September 30, 2011 to make service on Dart. (Zierk, Marsha) (Entered: 09/13/2011)
09/22/2011	42	Joint MOTION for Extension of Time to October 14, 2011 to Respond to Amended Complaint by American Chemistry Council Incorporated, Dart Container, Evergreen Partnering Group, Inc., Michael Forrest.(McGovern, Benjamin) (Entered: 09/22/2011)
09/26/2011	43	SUMMONS Returned Executed Dart Container served on 9/16/2011, answer due 10/14/2011. (Bonsignore, Robert) (Entered: 09/26/2011)
09/30/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 42 Motion for Extension of Time until October 14, 2011 for American Chemistry Council and Dart Container Corporation to respond to amended complaint. (Seelye, Terri) (Entered: 09/30/2011)
09/30/2011		Set/Reset Answer Deadlines for American Chemistry Council Incorporated, Dart Container. (Seelye, Terri) (Entered: 09/30/2011)
09/30/2011	44	NOTICE of Scheduling Conference. Scheduling Conference set for 11/10/2011 at 3:00 PM in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 09/30/2011)
10/04/2011	45	NOTICE of Appearance by Kristy S. Morgan on behalf of Dolco Packaging (Morgan, Kristy) (Entered: 10/04/2011)
10/06/2011	46	Disclosure pursuant to Rule 26 by Evergreen Partnering Group, Inc., Michael Forrest.(Bonsignore, Robert) (Entered: 10/06/2011)
10/06/2011	47	MOTION to Withdraw as Attorney by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Declaration of Robert J. Bonsignore) (Bonsignore, Robert) (Entered: 10/06/2011)
10/07/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 47 Motion to Withdraw as Attorney. Attorney Robert J. Bonsignore terminated. However, "[t]he law in Massachusetts is clear. [C]orporations must appear and be represented in court, if at all, by attorneys. Driscoll v. T.R. White Co., Inc., 441 Mass. 1009, 1010 (2004), quoting Varney Enters, Inc. v. WMF, Inc., 402 Mass. 79, 82 (1998). Evergreen has 30 days to engage new counsel. Current counsel is responsible to promptly convey this Order to Evergreen. (Zierk, Marsha) (Entered: 10/07/2011)
10/07/2011	48	MOTION for Extension of Time to 11/14/2011 to File Answer re 20 Amended Complaint <i>and to Continue Initial Scheduling Conference Following Withdrawal of Counsel for Plaintiffs</i> by American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpak, LLC, Pactiv Corporation, Solo Cup Company.(Sawin, Richard) (Entered: 10/07/2011)
10/07/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 48 Motion for Extension of Time to Answer and canceling the 11/10/11 Scheduling Conference. Defendant's American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpak, LLC, Pactiv Corporation and Solo Cup Company answer due on or before 11/14/2011. FURTHER, the scheduling

		conference will be rescheduled, if necessary, at a later date. (Seelye, Terri) (Entered: 10/07/2011)
10/11/2011	49	Letter/request (non-motion) from Michael Forrest requesting reconsideration re: withdrawal of attorney, FILED.(Flaherty, Elaine) (Entered: 10/12/2011)
10/11/2011	50	Letter/request (non-motion) from Michael Forrest re: reconsideration of extension to respond to amended complaint, FILED. (Attachments: # 1 Exhibits)(Flaherty, Elaine) (Entered: 10/12/2011)
10/31/2011	51	Letter/request (non-motion) dated 10/31/11 from Michael Forrest to Judge Stearns requesting a meeting with the Judge, FILED. (no c/s). (Flaherty, Elaine) (Entered: 11/01/2011)
11/03/2011	53	MOTION for Leave to File Second Amended Complaint, FILED by Michael Forrest.(Flaherty, Elaine) (Entered: 11/04/2011)
11/03/2011	54	Proposed Document(s) submitted by Michael Forrest. Document received: second amended complaint. (Attachments: # 1 part two)(Flaherty, Elaine) (Entered: 11/04/2011)
11/04/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered. Treating the pro se individual plaintiff Michael Forrest's letters as motions, his request that the court reconsider its decision to permit Attorney Bonsignore to withdraw is DENIED. It is not the court's practice to mandate a counsel/client relationship. Nor does the court meet privately with litigants. The court will reschedule the Rule 16(b) scheduling conference as soon as defendants respond to the Amended Complaint (on 11/14) and Evergreen Partnering Group retains new counsel (11/8). It is not productive for the court to meet with the parties to set a schedule prior to those events. Also the court reminds Mr. Forrest that if he intends to represent himself, in the future all requests to the court must be filed in the form of a motion. The court will no longer entertain any requests raised in the body of a letter.(Zierk, Marsha) (Entered: 11/04/2011)
11/04/2011		Remark - A copy of the Order issued this day was sent via mail to Michael Forrest at his address listed on the docket. (Zierk, Marsha) (Entered: 11/04/2011)
11/04/2011		ELECTRONIC ENDORSEMENT/ORDER re 53 MOTION for Leave to File filed by Michael Forrest "Defendant has twenty one (21) days to respond to Forrest's Motion for Leave to File a Second Amended Complaint. The Court asks defendants to address Forrest's standing to file claims on behalf of Evergreen Partnering Group." copy of updated docket sheet mailed to Mr. Forrest this day indicating this ruling. (Flaherty, Elaine) (Entered: 11/04/2011)
11/08/2011		Set/Reset Deadlines as to 53 MOTION for Leave to File. Responses due by 11/25/2011 (Flaherty, Elaine) (Entered: 11/08/2011)
11/08/2011		ELECTRONIC NOTICE Canceling the 11/10/11 Scheduling Conference per the order entered 11/4/11; to be reset, if necessary, at a later date. (Seelye, Terri)cm Michael Forrest on 11/8/11. (Entered: 11/08/2011)
11/09/2011	55	NOTICE of Appearance by Sean M. Becker on behalf of Dart Container (Becker, Sean) (Entered: 11/09/2011)

11/09/2011	56	CORPORATE DISCLOSURE STATEMENT by Dart Container identifying Corporate Parent Dart Container Corporation for Dart Container.. (Becker, Sean) (Entered: 11/09/2011)
11/09/2011	57	MOTION for Leave to Appear Pro Hac Vice for admission of John M. Faust Filing fee: \$ 50, receipt number 0101-3666675 by Dart Container. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Declaration of John M. Faust)(Becker, Sean) (Entered: 11/09/2011)
11/09/2011	58	MOTION for Leave to Appear Pro Hac Vice for admission of Yousri H. Omar Filing fee: \$ 50, receipt number 0101-3666700 by Dart Container. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Declaration of Yousri Omar)(Becker, Sean) (Entered: 11/09/2011)
11/10/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 57 Motion for Leave to Appear Pro Hac Vice Added Omar. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. ; granting 58 Motion for Leave to Appear Pro Hac Vice Added Omar. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Flaherty, Elaine) (Entered: 11/10/2011)
11/11/2011	59	CERTIFICATE OF SERVICE pursuant to LR 5.2 by Dart Container to 58 . (Becker, Sean) Modified on 11/15/2011 (Flaherty, Elaine). (Entered: 11/11/2011)
11/14/2011	60	MOTION for Leave to Appear Pro Hac Vice for admission of William E. Lawler, III Filing fee: \$ 50, receipt number 0101-3670260 by Dart Container. (Attachments: # 1 Exhibit Certificate of Good Standing, # 2 Exhibit Declaration of Lawler)(Becker, Sean) (Entered: 11/14/2011)
11/14/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 60 Motion for Leave to Appear Pro Hac Vice Added Lawler. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Flaherty, Elaine) (Entered: 11/14/2011)
11/14/2011	61	Joint MOTION to Dismiss <i>Plaintiff's First Amended Complaint</i> by Dolco Packaging.(Cowley, Steven) (Main Document 61 replaced on 11/16/2011) (Flaherty, Elaine). (Entered: 11/14/2011)
11/14/2011	62	Joint MEMORANDUM in Support re 61 Joint MOTION to Dismiss <i>Plaintiff's First Amended Complaint</i> filed by Dolco Packaging. (Cowley, Steven) (Entered: 11/14/2011)
11/23/2011	63	Joint Opposition re 53 MOTION for Leave to File <i>Second Amended Complaint</i> filed by Dolco Packaging. (Morgan, Kristy) (Main Document 63 replaced on 12/9/2011) (Flaherty, Elaine). (Entered: 11/23/2011)

12/01/2011	64	Response by Michael Forrest to 63 Opposition to Motion. (Attachments: # 1 Exhibit)(Flaherty, Elaine) (Entered: 12/01/2011)
12/01/2011	66	Judge Richard G. Stearns: Memorandum and ORDER on Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint, entered denying 53 Motion for Leave to File Document ; granting 61 Motion to Dismiss "...The Clerk will enter an Order of Dismissal and close the case." (Flaherty, Elaine) (Entered: 12/01/2011)
12/01/2011	67	Judge Richard G. Stearns: ORDER DISMISSING CASE, ENTERED. cc: Mr. Forrest this day-along with 12/1/11 Memorandum and Order.(Flaherty, Elaine) (Entered: 12/01/2011)
12/01/2011		Civil Case Terminated. (Flaherty, Elaine) (Entered: 12/01/2011)
12/02/2011	68	MOTION to Appoint Counsel by Michael Forrest, FILED.(Flaherty, Elaine) (Entered: 12/02/2011)
12/05/2011		Judge Richard G. Stearns: ELECTRONIC ORDER entered denying 68 Motion to Appoint Counsel. While Forrest may represent himself (for "a motion to reconsider or appeal") the court has held that Evergreen Partnering Group, a corporation, must be represented by counsel. The court denied Forrest's proposed Second Amended Complaint because Forrest had simply repackaged the corporation's claims as his own -- which he lacks standing to do. (Zierk, Marsha) (Entered: 12/05/2011)
12/12/2011	69	MOTION for Reconsideration re 67 Order Dismissing Case by Michael Forrest, FILED.(Flaherty, Elaine) (Entered: 12/13/2011)
12/13/2011	70	Withdrawal of motion: 69 MOTION for Reconsideration re 67 Order Dismissing Case filed by Michael Forrest. (Attachments: # 1 Exhibit) (Flaherty, Elaine) (Entered: 12/14/2011)
12/29/2011	71	MOTION to Reopen Case and leave to file amended complaint, filed by Michael Forrest.(Flaherty, Elaine) (Entered: 12/30/2011)
12/29/2011	72	Plaintiff's AFFIDAVIT of Maxwell M. Blecher in Support re 71 MOTION to Reopen Case and file an amended complaint, filed. (Attachments: # 1 Exhibit) (Flaherty, Elaine) (Entered: 12/30/2011)
01/11/2012	73	Joint Opposition re 71 MOTION to Reopen Case <i>and Leave to File Amended Complaint</i> filed by Dolco Packaging. (Morgan, Kristy) (Entered: 01/11/2012)
01/12/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 71 Motion to Reopen Case "Allowed, contingent upon counsel filing a notice of appearance within the next ten (10) days." cc: Mr. Forrest this day. (Flaherty, Elaine) (Entered: 01/12/2012)
01/19/2012	74	NOTICE of Appearance by Christopher A. Kenney on behalf of Evergreen Partnering Group, Inc., Michael Forrest (Kenney, Christopher) (Entered: 01/19/2012)
01/19/2012	75	NOTICE of Appearance by Eric B. Goldberg on behalf of Evergreen Partnering Group, Inc., Michael Forrest (Goldberg, Eric) (Entered: 01/19/2012)

01/19/2012		Case Reopened per electronic order dated 1/12/12. (Duong, Diep) (Entered: 01/19/2012)
01/20/2012	76	MOTION for Leave to Appear Pro Hac Vice for admission of Maxwell M. Blecher Filing fee: \$ 50, receipt number 0101-3768226 by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Affidavit, # 2 Certificate of Good Standing)(Kenney, Christopher) (Entered: 01/20/2012)
01/20/2012	77	MOTION for Leave to Appear Pro Hac Vice for admission of Donald R. Pepperman Filing fee: \$ 50, receipt number 0101-3768282 by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Affidavit, # 2 Certificate of Good Standing)(Kenney, Christopher) (Entered: 01/20/2012)
01/20/2012	78	MOTION for Leave to Appear Pro Hac Vice for admission of Jordan L. Ludwig Filing fee: \$ 50, receipt number 0101-3768315 by Evergreen Partnering Group, Inc., Michael Forrest. (Attachments: # 1 Affidavit, # 2 Certificate of Good Standing)(Kenney, Christopher) (Entered: 01/20/2012)
01/20/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered. The case has been restored to the active docket. The court orders Evergreen to file its Amended Complaint no later than January 30, 2012. (Zierk, Marsha) (Entered: 01/20/2012)
01/23/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 78 Motion for Leave to Appear Pro Hac Vice Added Ludwig. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Flaherty, Elaine) (Entered: 01/23/2012)
01/23/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 77 Motion for Leave to Appear Pro Hac Vice Added Pepperman. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Flaherty, Elaine) (Entered: 01/23/2012)
01/23/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 76 Motion for Leave to Appear Pro Hac Vice Added Blecher. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Flaherty, Elaine) (Entered: 01/23/2012)
01/30/2012	79	AMENDED COMPLAINT against Dolco Packaging, American Chemistry Council Incorporated, Genpak, LLC, Pactiv Corporation, Dart Container, Solo Cup Company, filed by Evergreen Partnering Group, Inc.. (Attachments: # 1 Exhibits 1 and 2)(Blecher, Maxwell) (Entered: 01/30/2012)
02/07/2012	80	Assented to MOTION for Extension of Time to February 27, 2012 to File Response/Reply as to 79 Amended Complaint, by Dolco Packaging.(Morgan, Kristy) (Entered: 02/07/2012)

02/08/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 80 Motion for Extension of Time to File Response/Reply to amended complaint Responses due by 2/27/2012 for Dolco (Flaherty, Elaine) (Entered: 02/08/2012)
02/09/2012		Set/Reset Answer Deadlines for American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpak, LLC, Pactiv Corporation, Solo Cup Company to 2/27/12. (Flaherty, Elaine) (Entered: 02/09/2012)
02/17/2012	81	Joint MOTION for Leave to File <i>Consolidated Memorandum in Support of Motions to Dismiss and Extension of Time to File Opposition</i> by American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Evergreen Partnering Group, Inc., Genpak, LLC, Pactiv Corporation, Solo Cup Company. (McGovern, Benjamin) (Entered: 02/17/2012)
02/18/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 81 Motion for Leave to the parties to file consolidated Memoranda and Opposition, and to extend Evergreen's Opposition deadline until March 27, 2012. (Zierk, Marsha) (Entered: 02/18/2012)
02/21/2012		Set/Reset Deadlines as to Responses to motions to dismiss due by 3/27/2012 (Flaherty, Elaine) Modified on 2/21/2012 (Flaherty, Elaine). (Entered: 02/21/2012)
02/23/2012	82	NOTICE of Appearance by Kathleen E. Ceglarski on behalf of Genpak, LLC (Ceglarski, Kathleen) (Entered: 02/23/2012)
02/27/2012	83	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> by Pactiv Corporation.(Sawin, Richard) (Entered: 02/27/2012)
02/27/2012	84	MEMORANDUM in Support re 83 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Pactiv Corporation. (Sawin, Richard) (Entered: 02/27/2012)
02/27/2012	85	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> by Genpak, LLC.(Ceglarski, Kathleen) (Entered: 02/27/2012)
02/27/2012	86	Joint MEMORANDUM in Support re 83 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument - Consolidated Memorandum of Law in Support of Defendants' Motions to Dismiss the Second Amended Complaint</i> filed by American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpak, LLC, Pactiv Corporation, Solo Cup Company. (Sawin, Richard) (Entered: 02/27/2012)
02/27/2012	87	MEMORANDUM in Support re 85 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Genpak, LLC. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Ceglarski, Kathleen) (Entered: 02/27/2012)
02/27/2012	88	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> by Dolco Packaging.(Morgan, Kristy) (Entered: 02/27/2012)

02/27/2012	89	MEMORANDUM in Support re 88 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Dolco Packaging. (Morgan, Kristy) (Entered: 02/27/2012)
02/27/2012	90	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> by Solo Cup Company.(Glynn, David) (Entered: 02/27/2012)
02/27/2012	91	MEMORANDUM in Support re 90 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Solo Cup Company. (Glynn, David) (Entered: 02/27/2012)
02/27/2012	92	MOTION to Dismiss <i>The Second Amended Complaint</i> by Dart Container. (Omar, Yousri) (Main Document 92 replaced on 2/28/2012) (Flaherty, Elaine). (Entered: 02/27/2012)
02/27/2012	93	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> by American Chemistry Council Incorporated.(Lepore, Ralph) (Entered: 02/27/2012)
02/27/2012	94	MEMORANDUM in Support re 93 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by American Chemistry Council Incorporated. (Lepore, Ralph) (Entered: 02/27/2012)
02/27/2012	95	MEMORANDUM in Support re 92 MOTION to Dismiss <i>The Second Amended Complaint</i> filed by Dart Container. (Attachments: # 1 Exhibit Exhibit A to MOL, # 2 Exhibit Exhibit B to MOL, # 3 Exhibit Exhibit C to MOL, # 4 Exhibit Exhibit D to MOL)(Omar, Yousri) (Entered: 02/27/2012)
03/15/2012	96	NOTICE of Withdrawal of Appearance by Joel Cavanaugh (Cavanaugh, Joel) (Entered: 03/15/2012)
03/26/2012	97	NOTICE of Withdrawal of Appearance by Timothy W. Mungovan (Mungovan, Timothy) (Entered: 03/26/2012)
03/27/2012	98	MEMORANDUM in Opposition to re 86 Joint MEMORANDUM in Support re 83 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) Modified text & link on 3/27/2012 (Seelye, Terri). (Entered: 03/27/2012)
03/27/2012	99	MEMORANDUM in Opposition re 83 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 03/27/2012)
03/27/2012	100	MEMORANDUM in Opposition re 85 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 03/27/2012)
03/27/2012	101	MEMORANDUM in Opposition re 88 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 03/27/2012)
03/27/2012	102	

		MEMORANDUM in Opposition re 90 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 03/27/2012)
03/27/2012	103	MEMORANDUM in Opposition re 92 MOTION to Dismiss <i>The Second Amended Complaint</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 03/27/2012)
03/27/2012	104	MEMORANDUM in Opposition re 93 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 03/27/2012)
03/29/2012	105	NOTICE of Appearance by Jennifer Janeira Nagle on behalf of Solo Cup Company (Nagle, Jennifer) (Entered: 03/29/2012)
03/29/2012	106	NOTICE of Withdrawal of Appearance by David M. Glynn <i>on behalf of Solo Cup Company</i> (Glynn, David) (Entered: 03/29/2012)
04/06/2012		ELECTRONIC NOTICE Setting Hearing on Defendants' 85 , 83 , 93 , 90 , 92 , 88 MOTIONS TO DISMISS : Motion Hearing set for 5/15/2012 at 10:00 AM in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 04/06/2012)
04/06/2012	107	Joint MOTION for Leave to File <i>INDIVIDUAL REPLY MEMORANDA IN SUPPORT OF MOTIONS TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT</i> by Dart Container.(Omar, Yousri) (Entered: 04/06/2012)
04/06/2012		Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 107 Motion for Leave to File Individual Replies re: motions to dismiss; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (RGS, law1) (Entered: 04/06/2012)
04/11/2012	108	REPLY to Response to 90 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument (leave granted April 6, 2012)</i> filed by Solo Cup Company. (Nagle, Jennifer) (Entered: 04/11/2012)
04/11/2012	109	REPLY to Response to 85 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Genpak, LLC. (Ceglarski, Kathleen) (Entered: 04/11/2012)
04/11/2012	110	REPLY to Response to 83 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Pactiv Corporation. (Sawin, Richard) (Entered: 04/11/2012)
04/11/2012	111	REPLY to Response to 88 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Dolco Packaging. (Morgan, Kristy) (Entered: 04/11/2012)
04/11/2012	112	REPLY to Response to 92 MOTION to Dismiss <i>The Second Amended Complaint</i> filed by Dart Container. (Omar, Yousri) (Entered: 04/11/2012)
04/11/2012	113	

		REPLY to Response to 93 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by American Chemistry Council Incorporated. (McGovern, Benjamin) (Entered: 04/11/2012)
05/15/2012		ELECTRONIC Clerk's Notes for proceedings held before Judge Richard G. Stearns: Motion Hearing held on 5/15/2012 re 85 , 83 , 92 , 90 , 88 , 93 MOTIONS TO DISMISS. The court has taken this matter under advisement. (Court Reporter: James Gibbons at jmsgibbons@yahoo.com .) (Attorneys present: Eric Goldberg, Jordan Ludwig, and Maxwell Blecher for Evergreen; Richard Bennett and Richard Sawin for Pactiv, Steven Cowley for Dolco; Scott Mendel for Solo, John Faust and Yousri Omar for Dart, David Martland for Genpak, and Ralph Lepore for ACC) (RGS, law1) Modified text on 5/17/2012 (Seelye, Terri). (Entered: 05/15/2012)
06/07/2012	114	Judge Richard G. Stearns: MEMORANDUM AND ORDER entered granting 83 Motion to Dismiss for Failure to State a Claim; granting 85 Motion to Dismiss for Failure to State a Claim; granting 88 Motion to Dismiss for Failure to State a Claim; granting 90 Motion to Dismiss for Failure to State a Claim; granting 92 Motion to Dismiss; granting 93 Motion to Dismiss for Failure to State a Claim "For the foregoing reasons, defendants' motions to dismiss are ALLOWED with prejudice. The Clerk will enter judgment for defendants and close the case." (Flaherty, Elaine) (Entered: 06/07/2012)
06/07/2012	115	Judge Richard G. Stearns: JUDGMENT for defendants, ENTERED. (Flaherty, Elaine) (Entered: 06/07/2012)
06/07/2012		Civil Case Terminated. (Flaherty, Elaine) (Entered: 06/07/2012)
06/07/2012	116	NOTICE OF APPEAL as to 115 Judgment, 114 Order on Motion to Dismiss for Failure to State a Claim,,,,,,,,,,,,, by Evergreen Partnering Group, Inc. Filing fee: \$ 455, receipt number 0101-3977932 Fee Status: Not Exempt. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 6/27/2012. (Pepperman, Donald) (Entered: 06/07/2012)
06/08/2012	117	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re 116 Notice of Appeal, (Ramos, Jeanette) (Entered: 06/08/2012)
06/08/2012		USCA Case Number 12-1730 for 116 Notice of Appeal, filed by Evergreen Partnering Group, Inc. (Ramos, Jeanette) (Entered: 06/08/2012)
06/22/2012		TRANSCRIPT ORDER ACKNOWLEDGMENT FORM received from USCA and addressed to James Gibbons re 116 Notice of Appeal,,, Transcript order form filed in USCA on June 22, 2012. Transcript Ordered: 5/15/12 Motion to

		Dismiss Hearing. Transcript due by 8/21/2012. (Scalfani, Deborah) (Entered: 06/22/2012)
08/20/2012	118	Transcript of Motion to Dismiss Hearing held on May 15, 2012, before Judge Richard G. Stearns. COA Case No. 12-1730. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: James Gibbons at jmsgibbons@yahoo.com Redaction Request due 9/10/2012. Redacted Transcript Deadline set for 9/20/2012. Release of Transcript Restriction set for 11/19/2012. (Scalfani, Deborah) (Entered: 08/20/2012)
08/20/2012		NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 08/20/2012)
06/19/2013	119	OPINION of USCA as to 116 Notice of Appeal filed by Evergreen Partnering Group, Inc.. We hold that Evergreen alleged sufficient facts to adequately plead its 1 claim. Since the district court summarily dismissed Evergreen's Massachusetts Chapter 93A claim because it "fail[ed] for the same reasons that the Sherman Act claim fails," we remand for the district court to reconsider this issue consistent with the strictures of this opinion. We thus vacate the district court's judgment and remand the case for further proceedings. Costs of the appeal awarded to plaintiff. VACATED and REMANDED. (Paine, Matthew) (Entered: 06/20/2013)
06/19/2013	120	USCA Judgment as to 116 Notice of Appeal filed by Evergreen Partnering Group, Inc. (Paine, Matthew) (Paine, Matthew). (Entered: 06/20/2013)
07/11/2013	121	MANDATE of USCA as to 116 Notice of Appeal filed by Evergreen Partnering Group, Inc.. Appeal 116 Terminated (Paine, Matthew) (Entered: 07/12/2013)
07/16/2013	122	NOTICE of Appearance by Gregg A. Rubenstein on behalf of Genpak, LLC (Rubenstein, Gregg) (Entered: 07/16/2013)
07/16/2013	123	NOTICE of Appearance by Danielle M. McLaughlin on behalf of Genpak, LLC (McLaughlin, Danielle) (Entered: 07/16/2013)
07/17/2013	124	Case Reopened per 121 (Duong, Diep) (Entered: 07/17/2013)
07/18/2013	125	Judge Richard G. Stearns: ELECTRONIC ORDER entered. Parties shall file a Joint Proposed Schedule containing a proposed pretrial schedule, <u>on or before 7/29/13</u> , which shall include: (1) A joint discovery plan scheduling the time and length for all discovery events that shall:(a) conform to the obligation to limit discovery set forth in Fed.R.Civ.P.26(b); (b) take into account the desirability of conducting phased discovery in which the first phase is limited to developing information needed for a realistic assessment of the case and, if the case does not settle, the second phase is directed to information needed to prepare for trial; (2) If appropriate, a proposed agreement governing the preservation and production of electronically stored information (ESI), including but not limited to, the extent and duration of the preservation

		<p>obligation and the format in which relevant ESI will be produced (native, tagged image file format (TIFF), or portable document format (PDF)). Parties contemplating ESI discovery may wish to consult Mark S. Sidoti and Phillip J. Duffy, ELECTRONIC DISCOVERY AGREEMENTS, New York Law Journal, Dec. 3, 2007, at S8. (3) A proposed schedule for the filing of motions; and (4) Certifications signed by counsel and an authorized representative of each party affirming that each party and that party's counsel have conferred: (a) with a view to establishing a budget for the costs of conducting the full course--and various alternative courses--of the litigation; (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in LR 16.4; and (5) If the proposed plan for discovery extends beyond 270 days, a statement of any exceptional circumstances justifying an enlargement of the time the Court will ordinarily permit for discovery and, where appropriate, the filing of dispositive motions. (6) In all patent cases, the parties are to consult the "Model Scheduling Order for Patent Cases" set out in LR 16.6. To the extent that all parties are able to reach agreement on a proposed pretrial schedule, they shall so indicate. To the extent that the parties differ on the pretrial schedule, they shall set forth separately the items on which they differ and indicate the nature of the disagreement. One purpose of the parties' proposed pretrial schedule or schedules is to advise the judge of the parties' best estimates of the amounts of time they will need to accomplish specified pretrial steps. THE PARTIES SHOULD BE AWARE THAT IT IS THE COURT'S PRACTICE NOT TO GRANT ENLARGEMENTS OF THE PRESCRIBED PRETRIAL SCHEDULE BEYOND THE DATE MANDATED FOR TRIAL OR FOR THE FILING OF DISPOSITIVE MOTIONS. The parties' proposed pretrial schedule or schedules, will be considered by the Court as advisory only.(Seelye, Terri) (Entered: 07/18/2013)</p>
07/29/2013	126	CERTIFICATION pursuant to Local Rule 16.1 of <i>Defendant Pactiv Corporation</i> . (Sawin, Richard) (Entered: 07/29/2013)
07/29/2013	127	CERTIFICATION pursuant to Local Rule 16.1 by Solo Cup Company.(Omar, Yousri) (Entered: 07/29/2013)
07/29/2013	128	CERTIFICATION pursuant to Local Rule 16.1 . (Rubenstein, Gregg) (Entered: 07/29/2013)
07/29/2013	129	CERTIFICATION pursuant to Local Rule 16.1 of <i>Plaintiff Evergreen Partnering Group, Inc.</i> . (Blecher, Maxwell) (Entered: 07/29/2013)
07/29/2013	130	JOINT STATEMENT re scheduling conference . (Cowley, Steven) (Entered: 07/29/2013)
07/30/2013	131	CERTIFICATION pursuant to Local Rule 16.1 by Dart Container.(Omar, Yousri) (Entered: 07/30/2013)
07/30/2013	132	CERTIFICATION pursuant to Local Rule 16.1 . (Cowley, Steven) (Entered: 07/30/2013)
08/01/2013	133	Judge Richard G. Stearns: ELECTRONIC ORDER entered adopting the 130 JOINT Proposed Schedule. The operative dates are as follows: Initial Disclosures due 8/23/13; Any Motion for Leave to Further Amend the Second

		Amended Complaint due on or before 8/30/13; Fact Discovery to be completed by 6/30/2014; Plaintiff's Expert Disclosures due 7/15/14; Defendants may depose Plaintiff's experts by 8/5/14; Defendants Expert Disclosures due 8/19/14; Plaintiff may depose Defendants' experts by 9/9/14; Dispositive Motions due by 10/31/2014. <u>Please see 130 Joint Proposed Schedule for further details.</u> (Seelye, Terri) (Entered: 08/01/2013)
08/02/2013	134	NOTICE of Withdrawal of Appearance by Christopher A. Kenney (Kenney, Christopher) (Entered: 08/02/2013)
08/13/2013	135	CERTIFICATION pursuant to Local Rule 16.1 . (McGovern, Benjamin) (Entered: 08/13/2013)
08/16/2013	136	NOTICE of Appearance by Jennifer Mikels on behalf of Dolco Packaging (Mikels, Jennifer) (Entered: 08/16/2013)
08/16/2013	137	NOTICE of Change of Address or Firm Name by Steven M. Cowley (Cowley, Steven) (Entered: 08/16/2013)
08/16/2013	138	NOTICE of Withdrawal of Appearance by Richard J. McCarthy (McCarthy, Richard) (Entered: 08/16/2013)
08/19/2013	139	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>) by Genpak, LLC.(Rubenstein, Gregg) (Entered: 08/19/2013)
08/19/2013	140	MEMORANDUM in Support re 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>) filed by Genpak, LLC. (Rubenstein, Gregg) (Entered: 08/19/2013)
08/19/2013	141	AFFIDAVIT in Support re 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>) filed by Genpak, LLC. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B)(Rubenstein, Gregg) (Entered: 08/19/2013)
08/19/2013	142	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of the Second Amended Complaint (Renewed)</i> by American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpak, LLC, Pactiv Corporation, Solo Cup Company. (Attachments: # 1 Exhibit A - Pactiv Memo Excerpt, # 2 Exhibit B - Consolidated Memo Excerpt, # 3 Exhibit C - Genpak Memo Excerpt, # 4 Exhibit D - Dolco Memo Excerpt, # 5 Exhibit E - Solo Memo Excerpt, # 6 Exhibit F - ACC Memo Excerpt, # 7 Exhibit G - Dart Memo Excerpt, # 8 Exhibit H - Solo Reply Excerpt, # 9 Exhibit I - Genpak Reply Excerpt, # 10 Exhibit J - Pactiv Reply Excerpt, # 11 Exhibit K - Dart Reply Excerpt, # 12 Exhibit L - ACC Reply Excerpt, # 13 Exhibit M - Hearing Transcript Excerpt)(Sawin, Richard) (Entered: 08/19/2013)
08/19/2013	143	Supplemental MEMORANDUM in Support re 90 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument</i> filed by Solo Cup Company. (Mendel, Scott) (Entered: 08/19/2013)
08/19/2013	144	Supplemental MEMORANDUM in Support re 92 MOTION to Dismiss <i>The Second Amended Complaint</i> filed by Dart Container. (Faust, John) (Entered: 08/19/2013)

08/20/2013	145	Joint MOTION for Extension of Time to 9/16/13 to File Response/Reply as to 142 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of the Second Amended Complaint (Renewed)</i> , 143 Memorandum in Support of Motion, 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>), 144 Memorandum in Support of Motion , Joint MOTION for Leave to File <i>Reply Memoranda in Support of Renewed Motions to Dismiss</i> (Responses due by 9/3/2013), Joint MOTION for Extension of Time to after rulings on renewed motions to dismiss for defendants to File Answer re 79 Amended Complaint, , Joint MOTION to Dismiss <i>Count II of the Second Amended Complaint 79</i> , <i>all filed jointly by Plaintiff and by all Defendants</i> (Responses due by 9/3/2013) by American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpak, LLC, Pactiv Corporation, Solo Cup Company.(Sawin, Richard) (Entered: 08/20/2013)
08/21/2013	146	Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 145 Motion for Extension of Time to File Response/Reply -- enlarging the time within which plaintiff may respond to the renewed motions to dismiss to September 16, 2013. Any Reply memoranda is due by September 30, 2013. Defendants Solo, Dart and Genpak will have until fourteen days after the courts ruling on the motions to dismiss to file an answer to the Second Amended Complaint. Similarly, defendants Genpak, Dolco and ACC will have fourteen days after the courts ruling on their renewed motion to dismiss Count III to file their Answer. By agreement of the parties, Count II of the Second Amended Complaint (violation of § 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)) is dismissed. (Zierk, Marsha) (Entered: 08/21/2013)
08/22/2013	147	NOTICE of Appearance by Yousri H. Omar on behalf of Solo Cup Company (Omar, Yousri) (Entered: 08/22/2013)
08/23/2013	148	Disclosure pursuant to Rule 26 by Dart Container.(Omar, Yousri) filed in error with the Court, per Attorney Omar telephone call to Court on 8/23/13 (Flaherty, Elaine). (Entered: 08/23/2013)
08/23/2013	149	Notice of correction to docket made by Court staff. Correction: docket entry 148 corrected because: to correct docket text per request of filing attorney. Document filed inadvertently with the Court. (Flaherty, Elaine) (Entered: 08/23/2013)
08/26/2013	150	ELECTRONIC NOTICE Setting Hearing on Motion 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>), 142 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of the Second Amended Complaint (Renewed)</i> : Motion Hearing set for 11/1/2013 01:00 PM in Courtroom 21 before Judge Richard G. Stearns. (RGS, law2) (Entered: 08/26/2013)
09/16/2013	151	Opposition re 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>) <i>EVERGREEN PARTNERING GROUP, INC.'S OPPOSITION TO GENPAK LLC'S RENEWED MOTION TO DISMISS THE SECOND AMENDED COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 09/16/2013)

09/16/2013	152	Opposition re 142 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of the Second Amended Complaint (Renewed) EVERGREEN PARTNERING GROUP, INC.'S OPPOSITION TO SOLO'S SUPPLEMENTAL MOTION TO DISMISS THE SECOND AMENDED COMPLAINT</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 09/16/2013)
09/16/2013	153	Opposition re 142 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of the Second Amended Complaint (Renewed) EVERGREEN PARTNERING GROUP, INC.'S OPPOSITION TO DART'S SUPPLEMENTAL MOTION TO DISMISS THE SECOND AMENDED COMPLAINT</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 09/16/2013)
09/16/2013	154	Opposition re 142 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of the Second Amended Complaint (Renewed) EVERGREEN PARTNERING GROUP, INC.'S OPPOSITION TO DEFENDANTS' RENEWED JOINT MOTION TO DISMISS COUNT III OF THE SECOND AMENDED COMPLAINT</i> filed by Evergreen Partnering Group, Inc.. (Blecher, Maxwell) (Entered: 09/16/2013)
09/30/2013	155	Supplemental MEMORANDUM in Support re 92 MOTION to Dismiss <i>The Second Amended Complaint</i> filed by Dart Container. (Omar, Yousri) (Entered: 09/30/2013)
09/30/2013	156	REPLY to Response to 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>) filed by Genpak, LLC. (Rubenstein, Gregg) (Entered: 09/30/2013)
09/30/2013	157	REPLY to Response to 90 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and Request for Oral Argument and Supplemental MEMORANDUM 143 in Support of MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM and Request for Oral Argument 143</i> filed by Solo Cup Company. (Mendel, Scott) (Entered: 09/30/2013)
09/30/2013	158	REPLY to Response to 142 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of the Second Amended Complaint (Renewed)</i> filed by American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpak, LLC, Pactiv Corporation, Solo Cup Company. (Sawin, Richard) (Entered: 09/30/2013)
10/23/2013	159	ELECTRONIC NOTICE Resetting Hearing, <u>AS TO TIME ONLY</u> , on Motions 139 , 142 TO DISMISS FOR FAILURE TO STATE A CLAIM : Motion Hearing set for 11/1/2013 at <u>12:00 PM</u> in Courtroom 21 before Judge Richard G. Stearns. (Seelye, Terri) (Entered: 10/23/2013)
10/30/2013	160	NOTICE: The Motion Hearing set for 11/1/2013 at 12:00 PM ONLY pertains to Motions 139 and 142 . (Seelye, Terri) (Entered: 10/30/2013)
10/31/2013	161	Judge Richard G. Stearns: ELECTRONIC ORDER entered denying 144 Memorandum in Support of Motion filed by Dart Container, 143 Memorandum in Support of Motion filed by Solo Cup Company. The court construes these memoranda as renewed motions to dismiss. Both motions are denied.

		<p>The First Circuit, in reversing this court's allowance of defendants' original motion to dismiss, held definitively that "Evergreen [had] alleged sufficient facts to adequately plead its § 1 claim." <i>Evergreen Partnering Grp., Inc. v. Pactiv Corp.</i>, 720 F. 3d 33, 51 (2013). The First Circuit's opinion specifically referenced allegations in the Second Amended Complaint relating to both Solo and Dart (who now renew their original motion to dismiss on the theory that the Complaint does not allege sufficient facts to tie these them to the alleged conspiracy). <i>See, e.g., id.</i> at 48 ("Solo refused to work with Evergreen..." and "Pactiv, Dart, and the ACC told their clients that..."). Given the absence of factual discovery relating to plaintiff's conspiracy allegations, this court sees no basis on which it could rule in defendants' favor as a matter of law at this time in light of the First Circuit's opinion. The motions are therefore denied.</p> <p>(RGS, law1) (Entered: 10/31/2013)</p>
11/01/2013	162	<p>ELECTRONIC Clerk's Notes for proceedings held before Judge Richard G. Stearns: Motion Hearing held on 11/1/2013 re 142 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>as to Count III of the Second Amended Complaint (Renewed)</i> filed by Genpak, LLC, Pactiv Corporation, Dart Container, American Chemistry Council Incorporated, Solo Cup Company, Dolco Packaging, 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>) filed by Genpak, LLC.</p> <p>The court has taken these matters under advisement. (Court Reporter: James Gibbons at jmsgibbons@yahoo.com.) (Attorneys present: Goldberg, Ludwig, Rubenstein, Bennett, Maroney) (RGS, law1) (Entered: 11/01/2013)</p>
11/04/2013	163	<p>MOTION for Leave to File <i>Supplemental Brief Addressing Promissory Undertakings in Support of Motion to Dismiss (Renewed)</i> by Genpak, LLC. (Attachments: # 1 Exhibit Proposed Supplemental Brief)(Rubenstein, Gregg) (Entered: 11/04/2013)</p>
11/04/2013	164	<p>Opposition re 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>) filed by Evergreen Partnering Group, Inc.. (Ludwig, Jordan) (Entered: 11/04/2013)</p>
11/04/2013	165	<p>Opposition re 163 MOTION for Leave to File <i>Supplemental Brief Addressing Promissory Undertakings in Support of Motion to Dismiss (Renewed)</i> filed by Evergreen Partnering Group, Inc.. (Ludwig, Jordan) (Entered: 11/04/2013)</p>
11/05/2013	166	<p>Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 163 Motion for Leave to File Document ; Counsel should now file the supplemental brief in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (date of order)- in the caption of the document. (RGS, law1) (Entered: 11/05/2013)</p>
11/05/2013	167	<p>Supplemental MEMORANDUM in Support re 139 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM (<i>RENEWED</i>) filed by Genpak, LLC. (Rubenstein, Gregg) (Entered: 11/05/2013)</p>
11/07/2013	168	<p>Transcript of Motion to Dismiss Hearing held on November 1, 2013, before Judge Richard G. Stearns. The Transcript may be purchased through the Court</p>

		Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: James Gibbons at jmsgibbons@yahoo.com Redaction Request due 11/28/2013. Redacted Transcript Deadline set for 12/9/2013. Release of Transcript Restriction set for 2/5/2014. (Scalfani, Deborah) (Entered: 11/07/2013)
11/07/2013	169	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 11/07/2013)
11/07/2013	170	Supplemental RESPONSE to Motion re 163 MOTION for Leave to File <i>Supplemental Brief Addressing Promissory Undertakings in Support of Motion to Dismiss (Renewed)</i> filed by Evergreen Partnering Group, Inc.. (Ludwig, Jordan) (Entered: 11/07/2013)
11/18/2013	171	STIPULATION <i>re Confidentiality and [Proposed] Protective Order Regarding Discovery Materials by Plaintiff and by American Chemistry Council Incorporated, Dart Container, Dolco Packaging, Genpak, LLC, Pactiv Corporation, Solo Cup Company.</i> (Sawin, Richard) (Entered: 11/18/2013)
11/25/2013	172	Judge Richard G. Stearns: ORDER entered. CONFIDENTIALITY STIPULATION AND PROTECTIVE ORDER re: Discovery Materials, ENTERED.(Flaherty, Elaine) (Entered: 11/26/2013)
01/17/2014	173	Judge Richard G. Stearns: ORDER entered denying 139 Motion to Dismiss for Failure to State a Claim (Zierk, Marsha) (Entered: 01/17/2014)
01/28/2014	174	Judge Richard G. Stearns: MEMORANDUM & ORDER entered granting 142 Motion to Dismiss Count III for Failure to State a Claim (RGS, law1) (Entered: 01/28/2014)
02/06/2014	175	NOTICE of Withdrawal of Appearance by Scott Mendel (Mendel, Scott) (Entered: 02/06/2014)
02/06/2014	176	NOTICE of Withdrawal of Appearance by Jennifer Janeira Nagle (Nagle, Jennifer) (Entered: 02/06/2014)
02/06/2014	177	NOTICE of Withdrawal of Appearance by Michelle S. Taylon <i>Lowery</i> (Taylon, Michelle) (Entered: 02/06/2014)
02/10/2014	178	Assented to MOTION for Extension of Time to February 14, 2014 to File Answer <i>to the Second Amended Complaint</i> by Genpak, LLC.(Ceglarski, Kathleen) (Entered: 02/10/2014)
02/11/2014	179	Judge Richard G. Stearns: ELECTRONIC ORDER entered granting 178 Assented-To Motion for Extension of Time to Answer Second Amended Complaint. American Chemistry Council Incorporated answer due 2/14/2014; Dart Container answer due 2/14/2014; Dolco Packaging answer due 2/14/2014; Genpak, LLC answer due 2/14/2014; Pactiv Corporation answer due 2/14/2014; Solo Cup Company answer due 2/14/2014. (RGS, law1) (Entered: 02/11/2014)

02/14/2014	180	ANSWER to 79 Amended Complaint, <i>and Jury Claim</i> by Pactiv Corporation. (Sawin, Richard) (Entered: 02/14/2014)
02/14/2014	181	ANSWER to 79 Amended Complaint, by Genpak, LLC.(Ceglarski, Kathleen) (Entered: 02/14/2014)
02/14/2014	182	ANSWER to 79 Amended Complaint, by Dart Container.(Omar, Yousri) (Entered: 02/14/2014)
02/14/2014	183	ANSWER to 79 Amended Complaint, by Solo Cup Company.(Omar, Yousri) (Entered: 02/14/2014)
02/14/2014	184	ANSWER to 79 Amended Complaint, by American Chemistry Council Incorporated.(Maroney, Michael) (Entered: 02/14/2014)
02/14/2014	185	ANSWER to 79 Amended Complaint, <i>with jury claim</i> by Dolco Packaging. (Cowley, Steven) (Entered: 02/14/2014)
