

CLOSED

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

EDWARD FOSS, on behalf of himself :
and all others similarly situated, SARAH :
CONDER, VINCENT R. LUCAS, :
Individually and on behalf of all others :
similarly situated, ARTHUR BERENDT, :
and ROBERT B. HOWARD :

Plaintiffs, :

v. :

LUCENT TECHNOLOGIES INC.; :
LUCENT RETIREMENT INCOME :
PLAN; and LUCENT TECHNOLOGIES, :
INC. EMPLOYEE BENEFITS :
COMMITTEE, :

Defendants. :

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No.03-CV-5017 (DMC)

_____ This matter coming before the Court upon motion by Defendants Lucent Technologies, Inc., Lucent Retirement Income Plan, Lucent Technologies Inc. Employee Benefits Committee, and AT&T Corporation pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure or for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure; and also upon Plaintiffs' motion to substitute a party; and oral argument having been heard on this matter on November 9, 2006; and the Court having further reviewed all submissions;

IT IS on this 27th day of November, 2006;

ORDERED that Defendant's motion to dismiss is **granted**; and it is further

ORDERED that Plaintiffs' motion to substitute a party is **denied** as moot.

S/ Dennis M. Cavanaugh
Dennis M. Cavanaugh, U.S.D.J.

Orig.: Clerk
cc: Counsel of Record
The Honorable Mark Falk, U.S.M.J.
File