

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 09-cv-01588-CMA-MEH

NORTEL NETWORKS INC., and  
NORTEL NETWORKS INC., in its capacity as Plan Sponsor and a Fiduciary of the  
Nortel Networks Long-Term Investment Plan and the Nortel Networks Retirement  
Income Plan,

Plaintiffs,

v.

KRISTIN T. DURGAN,  
BRUCE TRAEGDE, Conservator and Guardian of the Minors E. Durgan and A. Durgan,  
PATRICIA TRAEGDE, Conservator and Guardian of the Minors E. Durgan and  
A. Durgan, and  
LARRY DURGAN,

Defendants;

NORTEL NETWORKS INC., and  
NORTEL NETWORKS INC., in its capacity as Plan Sponsor and a Fiduciary of the  
Nortel Networks Long Term Investment Plan and the Nortel Networks Retirement  
Income Plan,

Plaintiffs and Counterclaim Defendants,

v.

BRUCE TRAEGDE, Conservator and Guardian of the Minors E. Durgan and A. Durgan,  
and Personal Representative of the Estate of James Durgan,  
PATRICIA TRAEGDE, Conservator and Guardian of the Minors E. Durgan and  
A Durgan, and Personal Representative of the Estate of James Durgan,

Defendants, Counterclaimants and Third-Party Plaintiffs,

v.

NORTEL NETWORKS LONG-TERM INVESTMENT PLAN, Effective July 1, 1979,  
as Amended and Restated Effective January 1, 2007, and  
NORTEL NETWORKS, INC. RETIREMENT INCOME PLAN, as Amended and  
Restated Effective January 1, 2007,

Third-Party Defendants.

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## **ORDER GRANTING STIPULATION OF DISMISSAL OF DEFENDANT LARRY DURGAN**

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On July 6, 2009, Plaintiffs Nortel Networks Inc. and Nortel Networks Inc., in its capacity as Plan Sponsor and a Fiduciary of the Nortel Networks Long-Term Investment Plan and the Nortel Networks Retirement Income Plan, commenced this interpleader action. (See Doc. # 1.) Larry Durgan (“Mr. Durgan”) was named as a Defendant. On August 6, 2009, a Waiver of Service form for Mr. Durgan (Doc. # 13) was filed. Counsel for Mr. Durgan has appeared before this Court.

On November 30, 2009, Mr. Durgan executed an Affidavit, Disclaimer, and Waiver of Any Claim for Benefits. He does not seek to assert any claims or seek any recovery or benefits in connection with this action, but rather through his counsel seeks to be dismissed with prejudice as a party. All of the other parties who have appeared and remain in this action consent to such dismissal of Mr. Durgan.

Therefore, pursuant to the parties’ Stipulated Motion for Entry of Order Dismissing Larry Durgan (Doc. # 40), the Court ORDERS as follows:

1. Any actual or potential claims which were or could have been asserted in this action by or for Defendant Larry Durgan (a) under the Nortel Networks Long-Term Investment Plan and/or the Nortel Networks Retirement Income Plan, and/or (b) against Nortel Networks Inc., the Nortel Networks Long-Term Investment Plan, and/or the Nortel Networks Retirement Income Plan arising out of or related to the death of James Glenn Durgan, are hereby DISMISSED with prejudice pursuant to Fed.R.Civ.P. 41(a) and (c);

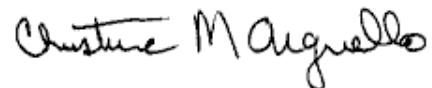
2. Defendant Larry Durgan, and anyone acting on his behalf, is permanently RESTRAINED and ENJOINED from instituting or prosecuting against Nortel Networks Inc., the Nortel Networks Long-Term Investment Plan, and/or the Nortel Networks Retirement Income Plan any claim(s) in any United States federal or state court (a) for 401(k), retirement and/or pension benefits, (b) for benefits provided by Nortel Networks Inc. under the Nortel Networks Long-Term Investment Plan and/or the Nortel Networks Retirement Income Plan, and/or (c) arising out of or related to the death of James Glenn Durgan;

3. Defendant Larry Durgan is hereby DISMISSED, and the caption on all subsequent filings shall reflect the removal of Larry Durgan as a Defendant in this case; and

4. Defendant Larry Durgan is to bear his own costs, attorney fees, and expenses of litigation.

DATED: December 17, 2009

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge