

**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, and
PATRICIA TRAEGDE, Conservator and Guardian of the Minors E. Durgan and
A. 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.

ORDER GRANTING STIPULATION OF DISMISSAL OF DEFENDANT KRISTIN T. DURGAN

On July 6, 2009, Plaintiff 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.) Kristin T. Durgan ("Ms. Durgan") was named as a Defendant and served on or about July 27, 2009. (See Doc. # 11.)

On December 11, 2009, Ms. Durgan executed an Affidavit, Disclaimer, and Waiver of Any Claim for Benefits. She does not seek to assert any claims or seek any recovery or benefits in connection with this action, but rather consents to her dismissal with prejudice as a party . All of the other parties who have appeared and remain in this action consent to such dismissal of Ms. Durgan.

Therefore, pursuant to the parties' Stipulated Motion for Entry of Order Dismissing Kristin T. Durgan (Doc. # 47), 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 Kristin T. 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);

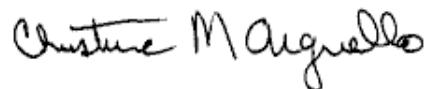
2. Defendant Kristin T. Durgan, and anyone acting on her behalf, is permanently RESTRAINED and ENJOINED from instituting or prosecuting against Nortel Networks Inc., the Nortel Networks Long-Term Investment Plan, and/or the Nortel Networks Retirement Income Plan any claim(s) in any United States federal 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 Kristin T. Durgan is hereby DISMISSED, and the caption on all subsequent filings shall reflect the removal of Kristin T. Durgan as a Defendant in this case; and

4. Defendant Kristin T. Durgan shall bear her own costs, attorney fees, and expenses of litigation, if any.

DATED: December 23, 2009

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge