

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SUSAN E. BREDTHAUER, individually)
and on behalf of all others similarly)
situated, and JOHN F. DEAN,)

Plaintiffs,)

v.)

GILBERT G. LUNDSTROM, et al.)

Defendants.)

4:10CV3132

RONALD A. LAIRD, individually and on)
behalf of all others similarly situated,)
DEBORAH AYCOCK, LARRY KUBICK,)
JANIS MARYSKA, and JOHN F DEAN,)

Plaintiffs,)

v.)

GILBERT G. LUNDSTROM, et al.)

Defendants.)

4:10CV3139

SUSAN BARKER, individually and on)
behalf of all others similarly situated,)
and JOHN F. DEAN,)

Plaintiffs,)

v.)

SAMUEL P. BAIRD, et al.,)

Defendants.)

8:10CV326

ORDER

This matter is before the court on the suggestion of death of one of the defendants, Joyce Person Pocras, Filing No. 172 in case 4:10CV3132, Filing No. 159 in 4:10-cv-03139, Filing No. 130 in 8:10-cv-00326, and the plaintiffs' motion to dismiss, Filing No. 174 in case 4:10CV3132, Filing No. 161 in case 4:10-cv-03139, and Filing No. 132 in 8:10-cv-00326. These are consolidated cases for violations of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. §§ 1109 and 1132.

The plaintiffs were ordered to either file a motion for substitution of parties or a motion to voluntarily dismiss all claims against Joyce Person Pocras in this action. Filing No. 173 in case 4:10CV3132, Filing No. 160 in case 4:10-cv-03139, and Filing No. 131 in 8:10-cv-00326. Lead plaintiffs have filed a motion to dismiss. Filing No. 174 in case 4:10CV3132, Filing No. 161 in case 4:10-cv-03139, and Filing No. 132 in 8:10-cv-00326. No defendant has served an answer or a motion for summary judgment in this action. Accordingly, pursuant to Fed. R. Civ. P. 41, the court finds the motion should be granted.

IT IS ORDERED:

1. Lead plaintiffs' motion to dismiss (Filing No. 174 in 4:10-cv-03132; Filing No. 161 in 4:10-cv-03139; and Filing No. 132 in 8:10-cv-00326) is granted.
2. The plaintiffs' claims against defendant Joyce Person Pocras in each of these cases are dismissed, without prejudice, each party to bear its own costs.

DATED this 18th day of June, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge