

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

NICHOLAS DANZA, individually  
and on behalf of defined  
contribution plans that used  
Defendants as their qualified  
domestic relations order  
service provider and all  
similarly situated  
beneficiaries of such ERISA-  
covered employee benefit  
plans,

Plaintiffs,

v.

FIDELITY MANAGEMENT TRUST  
COMPANY and FIDELITY  
INVESTMENTS INSTITUTIONAL  
OPERATIONS COMPANY,

Defendants.

HONORABLE JOSEPH E. IRENAS

CIVIL ACTION NO. 11-2893  
(JEI/KMW)

**ORDER GRANTING MOTION TO  
DISMISS (Dkt. No. 18)**

**APPEARANCES :**

SZAFERMAN, LAKIND, BLUMSTEIN, BLADER & LEHMANN, PC  
Arnold Carl Lakind, Mark A. Fisher and Robert Lawrence Lakind  
Quakerbridge Executive Center  
101 Grovers Mill Road  
Suite 200  
Lawrenceville, NJ 08648

and

LEVY PHILLIPS KONINGSBERG  
Danielle Disporto and Moshe Maimon  
101 Grovers Mill Road  
Suite 200  
Lawrenceville, NJ 08648  
Counsel for Plaintiffs

GRAHAM CURTIN, PA  
Thomas Curtin and George C. Jones  
4 Headquarters Plaza  
PO Box 1991

Morristown, NJ 07962  
Counsel for Defendants

**IRENAS**, Senior District Judge:

This matter having appeared before the Court upon Defendants' Motion to Dismiss (Dkt. Nos. 18); the Court having reviewed the parties' submissions; the Court having held oral argument on August 10, 2012; and for good cause appearing;

**IT IS** on this 20th day of August, 2012,

**ORDERED THAT:**

- (1) Defendant's Motion to Dismiss is hereby **GRANTED**.
- (2) Plaintiff is hereby granted leave to file a motion to amend the Complaint within 30 days. If Plaintiff chooses to file such a motion, he shall annex a copy of the proposed amendment thereto.
- (3) The Clerk of Court is directed to close this file.

\_\_\_\_\_/s/ Joseph E. Irenas\_\_\_\_\_  
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**JOSEPH E. IRENAS, S.U.S.D.J.**