

Jodi F. Bouer
Kimberly Mack Rosenberg
BOUER LAW LLC
44 Church St.
White Plains, NY 10601
Tel. (917) 797 8033
jbouer@bouerlaw.com
kim@bouerlaw.com

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

K.B., by and through his parents and guardians,
A.B. and S.B., individually, on behalf of similarly
situated individuals,

Plaintiff,

v.

IBM MEDICAL AND DENTAL BENEFITS
PLAN FOR REGULAR FULL-TIME AND
REGULAR PART-TIME EMPLOYEES,
INTERNATIONAL BUSINESS MACHINES
("IBM") CORP., IBM OFFICE OF THE PLAN
ADMINISTRATOR, E. FLEMING AND
UNIDENTIFIED COMMITTEE MEMBERS,
IBM MEDICAL BENEFITS TRUST,

Defendants.

Civil Action No. 7:21-cv-01737-NSR

ORDER OF DISMISSAL

ECF CASE

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: <u>9/10/2021</u>

Pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that all claims by K.B., by and through his parents and guardians, A.B. and S.B., brought against Defendants IBM Medical and Dental Benefits Plan for Regular Full-Time and Regular Part-Time Employees, International Business Machines ("IBM") Corp., IBM Office of the Plan Administrator, and E. Fleming and Unidentified Committee Members are dismissed with prejudice and without cost. All claims by K.B., by and through his parents and guardians, A.B. and S.B., brought against the

IBM Medical Benefits Trust are dismissed without prejudice. The claims of the putative class against all defendants are dismissed without prejudice.

IT IS SO ORDERED

Dated : September 10, 2021

White Plains, NY



The Honorable Nelson S. Roman
United States District Judge

BOUER LAW LLC

s/ Jodi F. Bouer

Jodi F. Bouer (JB 2063)

Email: jbouer@bouerlaw.com

Kimberly Mack Rosenberg (KR 3325)

Email: kim@bouerlaw.com

44 Church St.

White Plains, NY 10601

Tel. (917) 797-8033

and

55 Phillips Ave.

Lawrenceville, NJ 08648

Tel. (609) 924-3990

SIRIANNI YOUTZ

SPOONEMORE HAMBURGER PLLC

s/ Eleanor Hamburger

Eleanor Hamburger, *Pro Hac Vice*

Email: ehamburger@sylaw.com

3101 Western Avenue, Suite 350

Seattle, WA 98121

Tel. (206) 223-0303; Direct (206) 838-1809

Attorneys for Plaintiff

JONES DAY

s/ Miguel Eaton

Miguel Eaton, *Pro Hac Vice*
Email: meaton@jonesday.com
51 Louisiana Ave., N.W.
Washington D.C. 2001
Tel. (202) 879-3939

Corey J. Russell, *Pro Hac Vice*
Email: coreyrussell@jonesday.com
77 West Wacker Drive
Chicago, IL 60601
Tel. (312) 782-3939

Amanda L. Dollinger
Email: adollinger@jonesday.com
250 Vesey Street
New York, NY 10281
Tel. (212) 326-3475

Attorneys for Defendants IBM Medical and Dental Benefits Plan for Regular Full-Time and Regular Part-Time Employees, International Business Machines (“IBM”) Corp. IBM Office of the Plan Administrator, E. Fleming and Unidentified Committee Members.