

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

KICKHAM HANLEY P.C.,

Plaintiff,

DECISION AND ORDER

08-CV-6087L

v.


KODAK RETIREMENT INCOME PLAN,
TRUSTEE OF THE KODAK RETIREMENT INCOME PLAN,
KODAK RETIREMENT INCOME PLAN COMMITTEE,

Defendants.

On March 23, 2009, the Court of Appeals for the Second Circuit issued a mandate in this case, reversing this Court's grant of a preliminary injunction to plaintiff, on the grounds that the plaintiff's underlying claims are wholly barred by the anti-alienation provisions of the Employee Retirement Income Security Act of 1974 ("ERISA"). *See* 29 U.S.C. §1056(d)(1). The Court of Appeals directed that the complaint be dismissed. In accordance with that mandate, the plaintiff's claims must be dismissed, and it is hereby

ORDERED that the Complaint is dismissed, with prejudice.

IT IS SO ORDERED.



DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York
April 9, 2009.