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FILED
CLERK, U.S. DISTRICT COURT
FEB 28 2007
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES
[Signature]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SHIRLEY WALDBUESSER, GARY
GRABEK, MARK A. GEUDER, DWITE
RUSSELL and JULIE SPICER, individually
and on behalf of all those similarly situated,

Plaintiffs,

v.

NORTHROP GRUMMAN
CORPORATION, et al.

Defendants.

Case No. 06-CV-06213 R (JCx)

~~PROPOSED~~ ORDER RE:
(1) DEFENDANTS' MOTION TO
DISMISS; AND (2) PLAINTIFFS'
MOTION FOR CLASS
CERTIFICATION

DATE: February 26, 2007
TIME: 10:00 A.M.
PLACE: Courtroom 8

Courtroom of the Honorable
Manuel L. Real

DOCKETED ON CM
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BY *[Signature]* 145

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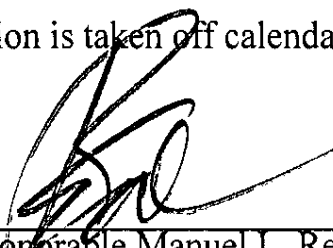
1 On February 26, 2007, at 10:00 a.m., defendants' Motion to Dismiss or
2 Alternatively to Strike Portions of Plaintiffs' Complaint (Docket No. 9), as well as
3 plaintiffs' Motion for Class Certification (Docket No. 17), came on regularly for
4 hearing before the Honorable Manuel L. Real, in Courtroom 8, United States
5 District Courthouse, located at 312 North Spring Street, Los Angeles, California.

6 Nancy Ross of MCDERMOTT WILL & EMERY LLP appeared on behalf of
7 defendants, and Jerry Schlichter of SCHLICHTER, BOGARD & DENTON appeared
8 on behalf of plaintiffs.

9 Having considered all papers, argument, and evidence presented, and good
10 cause appearing, IT IS HEREBY ORDERED that defendants' Motion to Dismiss is
11 GRANTED, and plaintiffs' Motion for Class Certification is moot. The Court
12 further finds and orders as follows:

- 13 1. Plaintiff Shirley Waldbuesser lacks standing under ERISA to bring her
14 claims and her claims are dismissed with prejudice.
- 15 2. The remainder of the Complaint is hereby dismissed without prejudice
16 in its entirety for the reasons set forth in defendants' brief and plaintiffs shall have
17 twenty (20) days leave to file an amended pleading.
- 18 3. Defendants' motion to strike the jury demand is granted.
- 19 4. Plaintiffs' motion for class certification is taken off calendar as moot.

20
21 DATED: Feb. 28, 2007



The Honorable Manuel L. Real
United States District Court Judge

22
23 ORC 408304-1 071494.0013

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 18191 Von Karman, Suite 400, Irvine, CA 92612.

SCANNED

On February 28, 2007, I served the foregoing document described as

[PROPOSED] ORDER RE: (1) DEFENDANTS' MOTION TO DISMISS; AND (2) PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

on the interested parties in this action as follows:

by placing true copies thereof enclosed in sealed envelopes addressed as stated on the attached service list.

X BY MAIL. These documents are being served via United States Mail. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. Postal Service, on that same day with postage thereon fully prepaid at Irvine, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

 BY FACSIMILE The above-referenced document was transmitted via facsimile transmission to the parties described on the attached Service List; the transmission was reported as completed and without error. Pursuant to C.R.C. 2009(i), a copy of the facsimile transmission report is attached hereto.

 BY PERSONAL DELIVERY As follows: I caused such envelope to be hand delivered to the offices of the addressee.

 BY FEDERAL EXPRESS I am readily familiar with the practice of McDermott Will & Emery LLP for collection and processing of correspondence for overnight delivery and know that the document(s) described herein will be deposited in a box or other facility regularly maintained by Federal Express for overnight delivery.

I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 28, 2007, at Irvine, California.



LINDA MARIE DOMINIC

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