

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PHILIP A. MURPHY, JR., ET AL.,)	
)	
Plaintiffs,)	
)	CIVIL ACTION NO.
VS.)	
)	3:09-CV-2262-G
VERIZON COMMUNICATIONS, INC.,)	
ET AL.,)	
)	
Defendants.)	

ORDER FOR CLASS CERTIFICATION

Plaintiffs’ motion for class certification (docket entry 42) is **GRANTED**.

The court hereby finds and orders the following:

1. The class proposed by the parties meets the requirements of Rule 23.

Accordingly, the court certifies a class pursuant to Rule 23(b)(2) in this action, defined as:

All former participants in Verizon’s pension plans who were transferred into Idearc’s pension plans in connection with a spin-off transaction occurring in November 2006 and who were retired or terminated from Verizon at the time of the spin-off, as well as any beneficiaries of such participants.

2. The class meets the requirements of Rule 23(a). The class consists of more than 1000 people, and is therefore so numerous that joinder of all members is

impracticable. There are common questions of law and fact, including, for example, whether the terms of the Verizon pension plans, as they existed on November 16, 2006, permitted the pension transfer at issue in this case. The claims of the class representatives are typical of the class because they, like the other class members, were transferred from Verizon pension plans to Idearc pension plans in connection with the spin-off transaction. The class representatives will fairly and adequately protect the interests of the class, they have no conflict of interest with the class, and they have retained competent counsel to represent the class.

3. This action may be maintained as a class action under Rule 23(b)(2) because the defendants have allegedly acted or refused to act on grounds generally applicable to the class, making final injunctive relief or corresponding declaratory relief appropriate for the class as a whole.

4. Pursuant to Rule 23(c)(1)(B), the class claims are defined as follows:

- a) Whether plaintiffs and the class are entitled to relief under ERISA § 502(a)(2) as a result of the transfer of plaintiffs and class members to Idearc pension plans.
- b) Whether plaintiffs and the class are entitled to “other appropriate equitable relief” under ERISA § 502(a)(3) as a result of the transfer of plaintiffs and class members to Idearc pension plans.
- c) Whether, pursuant to ERISA § 502(a)(1)(B), plaintiffs and the class are entitled to any pension benefits under the terms of any Verizon pension

plan that they did not receive as a result of the November 2006 spin-off transaction.

5. Based on the pleadings, motions, and other court filings in this case, including materials relating to proposed class counsel, the court has considered the following factors pursuant to Rule 23(g)(1): (1) the work plaintiffs' counsel have done in identifying and investigating potential class claims in this case, (2) their experience in handling class actions, other complex litigation, and claims of the type asserted in this action, (3) their knowledge of the applicable law, and (4) the resources counsel will commit to representing the class. Based on that review, the court concludes that plaintiffs' counsel will fairly and adequately represent the interests of the class. The court therefore appoints the following attorneys as class counsel pursuant to Rule 23(c)(1)(B) and Rule 23(g):

Curtis L. Kennedy
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SO ORDERED.

March 3, 2011.



A. JOE FISH
Senior United States District Judge