

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SUPERMEDIA INC., ET AL.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.
VS.	)	
	)	3:12-CV-2034-G
LINTON BELL, ET AL.,	)	
	)	
Defendants.	)	

**AGREED ORDER TO DISMISS**

Before the court is the agreed motion to dismiss of plaintiffs SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD (collectively, “plaintiffs”) without prejudice all claims by plaintiffs against defendant Edwin Hanson (docket entry 69). Having considered the motion, all related filings, the arguments of counsel for each side, and the applicable legal authorities, the court is of the opinion that said motion should be in all respects granted.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that plaintiffs' motion is **GRANTED** in its entirety and that defendant Edwin Hanson is **DISMISSED** from the above-referenced matter without prejudice.

October 15, 2012.

  
\_\_\_\_\_  
A. JOE FISH  
Senior United States District Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SUPERMEDIA INC., ET AL.,**

**Plaintiffs,**

v.

**LINTON BELL, ET AL.,**

**Defendants.**

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**CIVIL ACTION NO.  
3:12-CV-2034-G**

**AGREED MOTION TO DISMISS DEFENDANT  
EDWIN HANSON**

SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD (collectively, “SuperMedia” or “Plaintiffs”) files this Agreed Motion to Dismiss without prejudice all claims by Plaintiffs against Defendant Edwin Hanson (“Hanson”) pursuant to Federal Rule of Civil Procedure 41.

On August 2, 2012, Plaintiffs filed their First Amended Complaint - Class Action for Declaratory Judgment (“Complaint”) (Docket No. 23), naming a number of defendants, including Hanson. Defendant Hanson was served with process on August 9, 2012 (Docket No. 29). Previously, Defendant Hanson submitted a Claim Form to SuperMedia, claiming that SuperMedia did not have the right to change or terminate retiree health and welfare benefits. *See* Hanson Claim Form, attached as Exhibit Z to the Complaint (Docket No. 23-46 at p. 4).

On September 11, however, Hanson sent an e-mail to counsel for SuperMedia stating, “I wish to withdrawal my objection and not dispute that SuperMedia has the right to enact the amendments and, generally, to modify, amend or terminate its retiree health and welfare benefits

at its discretion.” September 11, 2012 E-Mail from Edwin Hanson, a true and correct copy of which is attached hereto as Exhibit A.

As such, a substantial controversy between Plaintiffs and Defendant Hanson no longer exists. Neither Defendant Hanson nor the remaining parties will be prejudiced by his dismissal from this action.

WHEREFORE, premises considered, Plaintiffs and Defendant Hanson hereby request that the Court dismiss Defendant Hanson from this matter without prejudice to the re-filing of the same, pursuant to Federal Rule of Civil Procedure 41, and that any costs be borne by the party incurring them such that none of Plaintiffs’ costs shall be taxed against Defendant Hanson.

DATED: October 11, 2012

Respectfully submitted,

s/ Richard S. Krumholz

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**COUNSEL FOR PLAINTIFFS  
SUPERMEDIA INC., SUPERMEDIA LLC,  
SUPERMEDIA SERVICES INC.,  
SUPERMEDIA SALES INC.,  
SUPERMEDIA EMPLOYEE BENEFITS  
COMMITTEE, AND IDEARC INCEPTOR  
LTD**

**CERTIFICATE OF SERVICE**

I hereby certify that on October 11, 2012, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means. I served all other parties by certified mail, return receipt requested.

*s/ Richard S. Krumholz* \_\_\_\_\_

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SUPERMEDIA INC., ET AL.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.
VS.	)	
	)	3:12-CV-2034-G
LINTON BELL, ET AL.,	)	
	)	
Defendants.	)	

**AGREED ORDER DISMISSING DEFENDANTS  
MARTHA BOBO, DALE BURKS AND DENNIS CASSIDY**

On this day, the court considered plaintiffs’ (SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD) (collectively, “plaintiffs”) agreed motion to dismiss without prejudice all claims by plaintiffs against defendants Martha Bobo, Dale Burks and Dennis Cassidy (docket entry 66). Having considered the motion, all related filings, the arguments of counsel for each side, and the applicable legal authorities, the court is of the opinion that said motion should be granted in all respects.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that plaintiffs' motion is **GRANTED** in its entirety and that defendants Martha Bobo, Dale Burks and Dennis Cassidy are **DISMISSED** from the above-referenced matter without prejudice.

September 20, 2012.

  
\_\_\_\_\_  
A. JOE FISH  
Senior United States District Judge



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SUPERMEDIA INC., ET AL.,**

**Plaintiffs,**

v.

**LINTON BELL, ET AL.,**

**Defendants.**

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**CIVIL ACTION NO.  
3:12-CV-2034-G**

**AGREED MOTION TO DISMISS DEFENDANTS  
MARTHA BOBO, DALE BURKS AND DENNIS CASSIDY**

SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD (collectively, “SuperMedia” or “Plaintiffs”) and Defendants Martha Bobo (“Bobo”), Dale Burks (“Burks”) and Dennis Cassidy (“Cassidy”) file this Agreed Motion to Dismiss without prejudice all claims by Plaintiffs against Defendants Bobo, Burks and Cassidy pursuant to Federal Rule of Civil Procedure 41.

On August 2, 2012, Plaintiffs filed their First Amended Complaint - Class Action for Declaratory Judgment (“Complaint”) (Docket No. 23), naming a number of defendants, including Bobo, Burks and Cassidy. Defendant Bobo was served with process on August 10, 2012 (Docket No. 33). Defendant Burks was served with process on August 21, 2012 (Docket No. 43). Defendant Cassidy was served with process on August 19, 2012 (Docket No. 29).

Previously, Defendants Bobo, Burks and Cassidy each submitted a Claim Form to SuperMedia, claiming that SuperMedia did not have the right to change or terminate retiree health and welfare benefits. *See* Bobo Claim Form, attached as Exhibit AN to the Complaint (Docket No. 23-46 at p. 18); Burks Claim Form, attached as Exhibit AN to the Complaint

(Docket No. 23-46 at p. 8-9); Cassidy Claim Form, attached as Exhibit AN to the Complaint (Docket No. 23-46 at pp. 19-20).

On September 12, however, counsel for Bobo sent an e-mail to counsel for SuperMedia stating, "Please be advised that my client, named defendant retiree Martha Bobo who retired from Idearc in May 2007, does not wish to challenge SuperMedia's announced changes to her retiree welfare benefits. She no longer disputes that SuperMedia has the right, at is [sic] discretion, to enact the amendments and, generally, to modify, amend or terminate the plans providing her retiree health and welfare benefits." September 12, 2012 E-Mail from Curtis Kennedy, a true and correct copy of which is attached hereto as Exhibit A.

On September 14, 2012, counsel for Burks sent an e-mail to counsel for SuperMedia stating, "Please be advised that my client, named defendant retiree Dale Burks who retired from GTE in 1994 and resides in Lebanon, Tennessee, does not wish to challenge SuperMedia's announced changes to his retiree welfare benefits. Mr. Burks no longer disputes that SuperMedia has the right, at is [sic] discretion, to enact the amendments and, generally, to modify, amend or terminate the plans providing his retiree health and welfare benefits." September 14, 2012 E-Mail from Curtis Kennedy, a true and correct copy of which is attached hereto as Exhibit B.

On September 13, 2012, counsel for Cassidy sent an e-mail to counsel for SuperMedia stating, "Please be advised that my client, named defendant retiree Dennis Cassidy who retired from Idearc on December 18, 2008, does not wish to challenge SuperMedia's announced changes to his retiree welfare benefits. He no longer disputes that SuperMedia has the right, at is [sic] discretion, to enact the amendments and, generally, to modify, amend or terminate the plans

providing his retiree health and welfare benefits.” September 13, 2012 E-Mail from Curtis Kennedy, a true and correct copy of which is attached hereto as Exhibit C.

As such, a substantial controversy between Plaintiffs and Defendants Bobo, Burks and Cassidy no longer exists. Neither Defendants Bobo, Burks and Cassidy nor the remaining parties will be prejudiced by their dismissal from this action.

WHEREFORE, premises considered, Plaintiffs and Defendants Bobo, Burks and Cassidy hereby request that the Court dismiss Defendants Bobo, Burks and Cassidy from this matter without prejudice to the re-filing of the same, pursuant to Federal Rule of Civil Procedure 41, and that any costs be borne by the party incurring them such that none of Plaintiffs’ costs shall be taxed against Defendants Bobo, Burks or Cassidy.

DATED: September 20, 2012

Respectfully submitted,

s/ Richard S. Krumholz

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**COUNSEL FOR PLAINTIFFS  
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SUPERMEDIA SERVICES INC.,  
SUPERMEDIA SALES INC.,  
SUPERMEDIA EMPLOYEE BENEFITS  
COMMITTEE, AND IDEARC INCEPTOR  
LTD**

**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2012, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

*s/ Richard S. Krumholz*

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# **EXHIBIT A**

**From:** CurtisLKennedy@aol.com  
**Sent:** Wednesday, September 12, 2012 3:33 PM  
**To:** Drake, Scott; Krumholz, Richard; Ruth, Abby; Williams, Rachel; Miller, Mark; Coddington, Justin  
**Cc:** reg@kilgorelaw.com; ITalwani@segalroitman.com; marthabobo10@yahoo.com  
**Subject:** SuperMedia v. Bell / Dismissal of named-defendant Martha Bobo. . .

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**September 12, 2012**

Scott P. Drake, Esq.  
Richard S. Krumholz, Esq.  
Abby N. Ruth, Esq.  
Rachel Williams, Esq.  
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[jcoddington@fulbright.com](mailto:jcoddington@fulbright.com)

**Counsel,**

**Please be advised that my client, named defendant retiree Martha Bobo who retired from Idearc in May 2007, does not wish to challenge SuperMedia's announced changes to her retiree welfare benefits. She no longer disputes that SuperMedia has the right, at its discretion, to enact the amendments and, generally, to modify, amend or terminate the plans providing her retiree health and welfare benefits.**

**Accordingly, Martha Bob should be dismissed from the *SuperMedia, et al., v. Linton Bell, et al.*, case on the same terms as were applied to the three other retirees already dismissed from the case (i.e., Gallagher, Lindop and Gemmell).**

**Please prepare the same agreed motion for dismissal, together with an agreed proposed order of dismissal for us promptly to efile with the Dallas federal court.  
You have permission and authority to go forward with the necessary efilings.**

***Curtis***

**Curtis L. Kennedy**  
**Attorney-at-law**  
**8405 E. Princeton Ave.**  
**Denver, CO 80237-1741**  
**Tele: 303-770-0440**  
**[CurtisLKennedy@aol.com](mailto:CurtisLKennedy@aol.com)**

**c: Bob Goodman, Jr., Esq.**  
**Indira Talwani, Esq.**  
**Martha Bobo**



# **EXHIBIT B**

**From:** CurtisLKennedy@aol.com  
**Sent:** Friday, September 14, 2012 3:19 PM  
**To:** Drake, Scott; Krumholz, Richard; Ruth, Abby; Williams, Rachel; Miller, Mark; Coddington, Justin  
**Cc:** reg@kilgorelaw.com; ITalwani@segalroitman.com; daleburks@mac.com  
**Subject:** SuperMedia v. Bell / Dismissal of named-defendant Dale Burks. . .  
**Attachments:** SuperMedia Objection-Claim Form by Dale Burks.pdf

**September 14, 2012**

Scott P. Drake, Esq.  
Richard S. Krumholz, Esq.  
Abby N. Ruth, Esq.  
Rachel Williams, Esq.  
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[jcoddington@fulbright.com](mailto:jcoddington@fulbright.com)

**Counsel,**

**Please be advised that my client, named defendant retiree Dale Burks who retired from GTE in 1994 and resides in Lebanon, Tennessee, does not wish to challenge SuperMedia's announced changes to his retiree welfare benefits. Mr. Burks no longer disputes that SuperMedia has the right, at its discretion, to enact the amendments and, generally, to modify, amend or terminate the plans providing his retiree health and welfare benefits. He states emphatically, "I filled out THEIR form as requested [by SuperMedia] and got swept up in something I have no interest in." Please see SuperMedia's form which is Docket entry 23-46 at pp. 8-9 attached hereto. Mr. Burks was simply ambushed with a lawsuit with no advance warning and for many weeks this event has caused him and his family considerable unnecessary grief and turmoil.**

Accordingly, Dale Burks should be dismissed from the *SuperMedia, et al., v. Linton Bell, et al.*, case on the same terms as were applied to the three other retirees already dismissed from the case (i.e., Gallagher, Lindop and Gemmell).

Please prepare the same agreed motion for dismissal, together with an agreed proposed order of dismissal for us promptly to efile with the Dallas federal court.

You have permission and authority to go forward with the necessary efilings.

*Curtis*

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Attachment 2 pages Docket 23-46 at pp. 8-9

c: Robert E. Goodman, Jr., Esq.  
Indira Talwani, Esq.  
Dale Burks

# **EXHIBIT C**

**From:** CurtisLKennedy@aol.com  
**Sent:** Thursday, September 13, 2012 2:11 PM  
**To:** Drake, Scott; Krumholz, Richard; Ruth, Abby; Williams, Rachel; Miller, Mark; Coddington, Justin  
**Cc:** reg@kilgorelaw.com; ITalwani@segalroitman.com; dencass@verizon.net  
**Subject:** SuperMedia v. Bell / Dismissal of named-defendant Dennis Cassidy. . .

**September 13, 2012**

Scott P. Drake, Esq.  
Richard S. Krumholz, Esq.  
Abby N. Ruth, Esq.  
Rachel Williams, Esq.  
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[jcoddington@fulbright.com](mailto:jcoddington@fulbright.com)

**Counsel,**

**Please be advised that my client, named defendant retiree Dennis Cassidy who retired from Idearc on December 18, 2008, does not wish to challenge SuperMedia's announced changes to his retiree welfare benefits. He no longer disputes that SuperMedia has the right, at its discretion, to enact the amendments and, generally, to modify, amend or terminate the plans providing his retiree health and welfare benefits.**

**Accordingly, Dennis Cassidy should be dismissed from the *SuperMedia, et al., v. Linton Bell, et al.*, case on the same terms as were applied to the three other retirees already dismissed from the case (i.e., Gallagher, Lindop and Gemmell).**

**Please prepare the same agreed motion for dismissal, together with an agreed proposed order of dismissal for us promptly to efile with the Dallas federal court.**

**You have permission and authority to go forward with the necessary efilings.**

***Curtis***

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**c: Bob Goodman, Jr., Esq.**  
**Indira Talwani, Esq.**  
**Dennis Cassidy**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SUPERMEDIA INC., ET AL.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.
VS.	)	
	)	3:12-CV-2034-G
LINTON BELL, ET AL.,	)	
	)	
Defendants.	)	

**AGREED ORDER DISMISSING PATRICIA LINDOP**

On this day, the court considered plaintiffs SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD's (collectively, "plaintiffs") agreed motion to dismiss without prejudice all claims by plaintiffs against defendant Patricia Lindop (docket entry 48). Having considered the motion, all related filings, the arguments of counsel for each side, and the applicable legal authorities, the court is of the opinion that said motion should be granted in all respects.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that plaintiffs' motion is **GRANTED** in its entirety and that defendant Patricia Lindop is **DISMISSED** from the above-referenced matter without prejudice.

August 30, 2012.

  
\_\_\_\_\_  
A. JOE FISH  
Senior United States District Judge



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SUPERMEDIA INC., SUPERMEDIA  
LLC, SUPERMEDIA SERVICES INC.,  
SUPERMEDIA SALES INC.,  
SUPERMEDIA EMPLOYEE BENEFITS  
COMMITTEE, and  
IDEARC INCEPTOR LTD,**

**Plaintiffs,**

**v.**

**LINTON BELL, DALE BURKS,  
PAMELA BENNETT, MARTHA  
BOBO, DENNIS CASSIDY, CAROL  
FOY, JOSEPH GALLAGHER  
BEVERLY GEMMELL, EDWIN  
HANSON, CHRISTINE HARVEY,  
MARGARET KETZER, JOANIE KRAFT,  
THERESA LANE, SHARON LEYNES,  
PATRICIA LINDOP, ROBERT  
MENTZER, SANDRA NOE, CARL  
OHNSTAD, CLAIRE PALMER,  
STANLEY RUSSO, HOWARD SHAPSES,  
JOHN SULLIVAN, BERNARD ZENUS,  
COMMUNICATION WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1301,  
COMMUNICATION WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1302,  
and INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS, AFL-CIO, LOCAL 2213,**

**Defendants.**

**CIVIL ACTION NO.  
3:12-CV-2034-G**

**AGREED MOTION TO DISMISS DEFENDANT PATRICIA LINDOP**

SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD (collectively, “SuperMedia” or “Plaintiffs”) and Defendant Patricia Lindop (“Lindop”), file this Agreed

Motion to Dismiss without prejudice all claims by Plaintiffs against Defendant Lindop pursuant to Federal Rule of Civil Procedure 41.

On August 2, 2012, Plaintiffs filed their First Amended Complaint - Class Action for Declaratory Judgment (“Complaint”) (Docket No. 23) naming a number of defendants, including Defendant Lindop. Defendant Lindop was served with process on August 8, 2012 (Docket No. 28). Previously, on July 3, 2012, Lindop submitted her Claim Form to SuperMedia, claiming that SuperMedia does not have the right to change or terminate retiree health and welfare benefits. *See* Lindop Claim Form, attached as Exhibit AR to the Complaint (Docket No. 23-46 at p. 25). Defendant Lindop indicated her belief that “it is unlawful to terminate current retiree health benefits.” *Id.*

On August 23, 2012, however, Lindop filed and served her Answer and Response to Complaint by SuperMedia (“Lindop Answer”) (Docket No. 40), in which she stated that she “agree[s] that SuperMedia has the right to change the Benefits Program as desired.” As such, a substantial controversy between Plaintiffs and Defendant Lindop no longer exists. Neither Defendant Lindop nor the remaining parties will be prejudiced by the dismissal of Defendant Lindop from this action.

WHEREFORE, premises considered, Plaintiffs and Defendant Lindop hereby request that the Court dismiss Defendant Lindop from this matter without prejudice to the re-filing of the same, pursuant to Federal Rule of Civil Procedure 41, and that any costs be borne by the party incurring them such that none of Plaintiffs’ costs shall be taxed against Defendant Lindop.

DATED: August 29, 2012

Respectfully submitted,

s/ Richard S. Krumholz

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**COUNSEL FOR PLAINTIFFS  
SUPERMEDIA INC., SUPERMEDIA LLC,  
SUPERMEDIA SERVICES INC.,  
SUPERMEDIA SALES INC.,  
SUPERMEDIA EMPLOYEE BENEFITS  
COMMITTEE, AND IDEARC INCEPTOR  
LTD**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2012, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

*s/ Richard S. Krumholz*

---

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SUPERMEDIA INC, ET AL.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.
VS.	)	
	)	3:12-CV-2034-G
LINTON BELL, ET AL.,	)	
	)	
Defendants.	)	

**AGREED ORDER DISMISSING JOSEPH GALLAGHER**

On this day, the court considered plaintiffs SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD's (collectively, "plaintiffs") agreed motion to dismiss without prejudice all claims by plaintiffs against defendant Joseph Gallagher (docket entry 47). Having considered the motion, all related filings, the arguments of counsel for each side, and the applicable legal authorities, the court is of the opinion that said motion should be granted in all respects.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that plaintiffs' motion is **GRANTED** in its entirety and that defendant Joseph Gallagher is **DISMISSED** from the above-referenced matter without prejudice.

August 30, 2012.

  
\_\_\_\_\_  
A. JOE FISH  
Senior United States District Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SUPERMEDIA INC., SUPERMEDIA  
LLC, SUPERMEDIA SERVICES INC.,  
SUPERMEDIA SALES INC.,  
SUPERMEDIA EMPLOYEE BENEFITS  
COMMITTEE, and  
IDEARC INCEPTOR LTD,**

**Plaintiffs,**

**v.**

**LINTON BELL, DALE BURKS,  
PAMELA BENNETT, MARTHA  
BOBO, DENNIS CASSIDY, CAROL  
FOY, JOSEPH GALLAGHER  
BEVERLY GEMMELL, EDWIN  
HANSON, CHRISTINE HARVEY,  
MARGARET KETZER, JOANIE KRAFT,  
THERESA LANE, SHARON LEYNES,  
PATRICIA LINDOP, ROBERT  
MENTZER, SANDRA NOE, CARL  
OHNSTAD, CLAIRE PALMER,  
STANLEY RUSSO, HOWARD SHAPSES,  
JOHN SULLIVAN, BERNARD ZENUS,  
COMMUNICATION WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1301,  
COMMUNICATION WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1302,  
and INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS, AFL-CIO, LOCAL 2213,**

**Defendants.**

**CIVIL ACTION NO.  
3:12-CV-2034-G**

**AGREED MOTION TO DISMISS DEFENDANT JOSEPH GALLAGHER**

SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD (collectively, “SuperMedia” or “Plaintiffs”) and Defendant Joseph Gallagher (“Gallagher”), file this Agreed

Motion to Dismiss without prejudice all claims by Plaintiffs against Defendant Gallagher pursuant to Federal Rule of Civil Procedure 41.

On August 2, 2012, Plaintiffs filed their First Amended Complaint - Class Action for Declaratory Judgment (“Complaint”) (Docket No. 23) naming a number of defendants, including Defendant Gallagher. Defendant Gallagher was served with process on August 9, 2012 (Docket No. 29). Previously, on July 11, 2012, Gallagher submitted his Claim Form to SuperMedia, claiming that SuperMedia does not have the right to change or terminate retiree health and welfare benefits. *See* Gallagher Claim Form, attached as Exhibit AN to the Complaint (Docket No. 23-46 at p. 21). Defendant Gallagher indicated his belief that “contractual obligations remain”. *Id.*

On August 17, 2012, however, Gallagher filed his Answer to the Complaint, stating, “I no longer contest the actions concerning Idearc/SuperMedia’s sponsored retiree benefit plans.” Docket No. 39. As such, a substantial controversy between Plaintiffs and Defendant Gallagher no longer exists. Neither Defendant Gallagher nor the remaining parties will be prejudiced by the dismissal of Defendant Gallagher from this action.

WHEREFORE, premises considered, Plaintiffs and Defendant Gallagher hereby request that the Court dismiss Defendant Gallagher from this matter without prejudice to the re-filing of the same, pursuant to Federal Rule of Civil Procedure 41, and that any costs be borne by the party incurring them such that none of Plaintiffs’ costs shall be taxed against Defendant Gallagher.



DATED: August 29, 2012

Respectfully submitted,

s/ Richard S. Krumholz

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**COUNSEL FOR PLAINTIFFS  
SUPERMEDIA INC., SUPERMEDIA LLC,  
SUPERMEDIA SERVICES INC.,  
SUPERMEDIA SALES INC.,  
SUPERMEDIA EMPLOYEE BENEFITS  
COMMITTEE, AND IDEARC INCEPTOR  
LTD**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2012, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

*s/ Richard S. Krumholz*  
\_\_\_\_\_

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SUPERMEDIA INC., ET AL.,	)	
	)	
Plaintiffs,	)	
	)	CIVIL ACTION NO.
VS.	)	
	)	3:12-CV-2034-G
LINTON BELL, ET AL.,	)	
	)	
Defendants.	)	

**AGREED ORDER DISMISSING BEVERLY GEMMELL**

On this day, the court considered plaintiffs SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD's (collectively, "plaintiffs") agreed motion to dismiss without prejudice all claims by plaintiffs against defendant Beverly Gemmell (docket entry 46). Having considered the motion, all related filings, the arguments of counsel for each side, and the applicable legal authorities, the court is of the opinion that said motion should be granted in all respects.

It is therefore **ORDERED, ADJUDGED** and **DECREED** that plaintiffs' motion is **GRANTED** in its entirety and that defendant Beverly Gemmell is **DISMISSED** from the above-referenced matter without prejudice.

August 30, 2012.

  
\_\_\_\_\_  
A. JOE FISH  
Senior United States District Judge

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**SUPERMEDIA INC., SUPERMEDIA  
LLC, SUPERMEDIA SERVICES INC.,  
SUPERMEDIA SALES INC.,  
SUPERMEDIA EMPLOYEE BENEFITS  
COMMITTEE, and  
IDEARC INCEPTOR LTD,**

**Plaintiffs,**

**v.**

**LINTON BELL, DALE BURKS,  
PAMELA BENNETT, MARTHA  
BOBO, DENNIS CASSIDY, CAROL  
FOY, JOSEPH GALLAGHER  
BEVERLY GEMMELL, EDWIN  
HANSON, CHRISTINE HARVEY,  
MARGARET KETZER, JOANIE KRAFT,  
THERESA LANE, SHARON LEYNES,  
PATRICIA LINDOP, ROBERT  
MENTZER, SANDRA NOE, CARL  
OHNSTAD, CLAIRE PALMER,  
STANLEY RUSSO, HOWARD SHAPSES,  
JOHN SULLIVAN, BERNARD ZENUS,  
COMMUNICATION WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1301,  
COMMUNICATION WORKERS OF  
AMERICA, AFL-CIO, LOCAL 1302,  
and INTERNATIONAL  
BROTHERHOOD OF ELECTRICAL  
WORKERS, AFL-CIO, LOCAL 2213,**

**Defendants.**

**CIVIL ACTION NO.  
3:12-CV-2034-G**

**AGREED MOTION TO DISMISS DEFENDANT BEVERLY GEMMELL**

SuperMedia Inc., SuperMedia LLC, SuperMedia Services Inc., SuperMedia Sales Inc., SuperMedia Employee Benefits Committee, and Idearc Inceptor LTD (collectively, “SuperMedia” or “Plaintiffs”) and Defendant Beverly Gemmell (“Gemmell”), file this Agreed

Motion to Dismiss without prejudice all claims by Plaintiffs against Defendant Gemmell, pursuant to Federal Rule of Civil Procedure 41.

On August 2, 2012, Plaintiffs filed their First Amended Complaint - Class Action for Declaratory Judgment (“Complaint”) (Docket No. 23) naming a number of defendants, including Defendant Gemmell. Defendant Gemmell was served with process on August 8, 2012 (Docket No. 27). Previously, on July 5, 2012, Gemmell had submitted a Claim Form to SuperMedia, stating that she claimed SuperMedia did not have the right to change or terminate retiree health and welfare benefits. *See* Gemmell Claim Form, attached as Exhibit AO to Plaintiffs’ Amended Complaint (Docket No. 23-46 at p. 22).

On August 28, 2012, however, counsel for Gemmell responded in a written letter, stating, “Beverly Gemmell does not dispute that SuperMedia has the right to enact the amendments and, generally, to modify, amend, or terminate its retiree health and welfare benefits at its discretion.” Letter from C.D. Peebles, dated August 28, 2012, a true and correct copy of which is attached hereto as Exhibit A. As such, a substantial controversy between Plaintiffs and Defendant Gemmell no longer exists. Neither Defendant Gemmell nor the remaining parties will be prejudiced by the dismissal of Defendant Gemmell from this action.

WHEREFORE, premises considered, Plaintiffs and Defendant Gemmell hereby request that the Court dismiss Defendant Gemmell from this matter without prejudice to the re-filing of the same, pursuant to Federal Rule of Civil Procedure 41, and that any costs be borne by the party incurring them such that none of Plaintiffs’ costs shall be taxed against Defendant Gemmell.

DATED: August 29, 2012

Respectfully submitted,

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SUPERMEDIA SERVICES INC.,  
SUPERMEDIA SALES INC.,  
SUPERMEDIA EMPLOYEE BENEFITS  
COMMITTEE, AND IDEARC INCEPTOR  
LTD**

and

/s C.D. Peebles

C.D. Peebles

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**ATTORNEY FOR DEFENDANT  
BEVERLY GEMMELL**



**CERTIFICATE OF SERVICE**

I hereby certify that on August 29, 2012, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

*s/ Richard S. Krumholz*\_\_\_\_\_