

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PHILIP A. MURPHY, JR.	§	
SANDRA R. NOE, and	§	
CLAIRE M. PALMER, et al.	§	
Plaintiffs,	§	
	§	Civil Action No. 3:09-cv-2262-G
v.	§	
	§	
VERIZON COMMUNICATIONS,	§	
INC., et al.	§	
Defendants.	§	

STIPULATION OF DISMISSAL OF DEFENDANT IDEARC, INC., n/k/a SUPERMEDIA, INC. UNDER FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(ii)

WHEREAS, Defendant SuperMedia, Inc. f/k/a Idearc, Inc. (“Defendant”) is the plan sponsor of the defined benefit plans to which Plaintiffs are presently enrolled as plan participants; and

WHEREAS, Plaintiffs contend that Defendant is a necessary party to this litigation under Federal Rule of Civil Procedure 19(a) because complete relief cannot be afforded Plaintiffs without the issuance of a restraining order or injunction to Defendant;

NOW THEREFORE, IT IS STIPULATED AND AGREED:

1. Defendant is dismissed without prejudice from this action pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii).

2. Plaintiffs stipulate that Defendant is not liable to them for monetary damages arising from the facts alleged in this case.

3. Notwithstanding the fact that Defendant is no longer a party to the action, in the event the District Court concludes that one or more of the defendant pension plan administrators has breached its/their duties to Plaintiffs under the Employee Retirement Income Securities Act

of 1974, 29 U.S.C. § 1001-1461 (“ERISA”), Defendant agrees that it shall be subject to the jurisdiction of the Court and become bound by any equitable judicial relief entered herein only as is necessary for the effectuation of any remedial order of the District Court relating to Defendant’s role as plan sponsor, but not to the extent that such order awards any monetary damages against Defendant.

4. Upon the entry of an injunction or order granting equitable relief and/or in the event information is necessary to effectuate a remedy in favor of the Plaintiffs and/or a certified class, Defendant shall provide to Plaintiffs’ counsel, documents sufficient for Plaintiffs’ counsel to determine the individuals properly entitled to relief in this lawsuit, assuming such documents: i) are not in the possession or control of one or more of the other named defendants, and ii) are, in fact, in the possession or control of Defendant. Nothing herein shall be construed to require Defendant to prepare or create the documents requested.

5. In the event that any party, or the Court, determines that it is necessary for Defendant to be a party in this action, no party shall raise timeliness or delay as a basis for opposing a motion to name Defendant as a party.

6. Notice is deemed complete by service of papers upon the undersigned counsel for Defendant (or such other counsel as may be substituted for Defendant in the future) in the same manner and time as would be good service upon Defendant if it were still a party to this action, or in such other manner as is directed by the Court. Notice should also be sent to Joe A. Garza, Jr. at SuperMedia at the following address:

**SuperMedia LLC
P.O. Box 619810
Dallas, Texas 75261**

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a true and correct copy of the foregoing document was served upon the following by the Court's electronic case filing system pursuant to Miscellaneous Order No. 61 of the U.S. District Court for the Northern District of Texas and by facsimile on this 9th day of February, 2010.

Curtis L. Kennedy
8405 E. Princeton Avenue
Denver, Colorado 80237-1741
Facsimile (303) 843-0360

Robert E. Goodman, Jr.
James N. Francis
FRANCIS GOODMAN PLLC
8750 N. Central Expressway, Suite 1000
Dallas, Texas 75231
Facsimile (214) 368-3974

Christopher L. Kurzner
KURZNER PC
1700 Pacific Avenue, Suite 3800
Dallas, Texas 75201
Facsimile (214) 442-0851

Jeffrey G. Huvelle, Esq.
Christian J. Pisitlli
COVINGTON & BURLING LLP
1201 Pennsylvania Avenue, NW
Washington, DC 20004-2401
Telephone: 202-662-5526
Facsimile: 202-778-5526

Also, a copy of the same was delivered via U.S. Mail to Plaintiffs directly at the request of Plaintiffs' counsel as follows:

Philip A. Murphy, Jr.
25 Bogastow Circle
Mills, MA 02054-1039
phil.murphy@polimortgage.com (Philip A. Murphy, Jr.)

Sandra R. Noe
72 Mile Lane
Ipswich, MA 01938-1153
capsan@comcast.net (Sandra R. Noe)

Claire M. Palmer
26 Crescent Street
West Newton, MA 02465-2008
priesing@aol.com (Claire M. Palmer)

/s/ David P. Whittlesey
David P. Whittlesey