

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 07-cv-00644-WDM-KLM

EDWARD J. KERBER,  
NELSON B. PHELPS,  
JOANNE WEST,  
NANCY A. MEISTER,  
THOMAS J. INGEMANN, JR.,  
MARTHA A. LENSINK,  
SAMUEL G. STRIZICH,  
Individually, and as Representative of plan participants  
and plan beneficiaries of the QWEST GROUP LIFE INSURANCE PLAN,

Plaintiffs,

v.

QWEST GROUP LIFE INSURANCE PLAN,  
QWEST EMPLOYEE BENEFITS COMMITTEE,  
QWEST PLAN DESIGN COMMITTEE,  
QWEST COMMUNICATIONS INTERNATIONAL INC.,

Defendants.

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JUDGMENT

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I. Pursuant to and in accordance with the Order on Motion to Dismiss (Docket No. 47), entered by Senior Judge Walker D. Miller on February 27, 2008, incorporated herein by reference, it is

ORDERED that Defendants' MOTION to Dismiss Under Fed. R. Civ. P. 12(b)(6) is GRANTED. Plaintiffs' claims asserting that Defendants are contractually barred or equitably estopped from reducing the life insurance benefit for either pre- or post-1991 retirees are dismissed with prejudice. Plaintiffs' claim asserting a right under the

doctrine of reasonable expectations is dismissed with prejudice.

II. Pursuant to and in accordance with the Order on Motions for Summary Judgment (Docket No. 152), entered by Senior Judge Walker D. Miller on March 31, 2009, incorporated herein by reference, it is

ORDERED that:

1. Defendants' Motion for Summary Judgment on Claims 1, 3, 4, and 5 (Docket No. 90) is granted with respect to Claims 3, 4, and 5 and denied as moot with respect to Claim 1.

2. Plaintiffs' Third, Fourth, and Fifth claims in the Second Amended Complaint (Docket No. 69) are dismissed with prejudice.

III. Pursuant to and in accordance with the Order on Motions for Summary Judgment (Docket No. 159) entered by Judge Miller on August 25, 2009, incorporated herein by reference, it is

ORDERED that:

1. Defendants' Motion for Summary Judgment on Plaintiffs' Second Claim for Relief (Docket No. 107), filed September 12, 2008, is granted.

2. Defendants' Motion for Summary Judgment on Plaintiffs' Sixth, Seventh, and Eighth Claims for Relief (Docket No. 108) is granted with respect to Plaintiffs' Sixth and Eighth Claims and denied as moot with respect to Plaintiffs' Seventh Claim.

3. Claims 2, 6, and 8 are dismissed with prejudice.

4. As no claims remain pending, the Second Amended Complaint and this

case are dismissed with prejudice.

5. Defendants shall have their costs by the filing of a Bill of Costs with the Clerk of this Court within ten days of the entry of judgment.

DATED at Denver, Colorado, this 27<sup>th</sup> day of August, 2009.

FOR THE COURT:

GREGORY C. LANGHAM, CLERK

By: s/ Edward P. Butler  
Edward P. Butler  
Deputy Clerk