

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/5/08  
Master File

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
IN RE J.P. MORGAN CHASE CASH BALANCE :  
LITIGATION :  
----- :  
THIS DOCUMENT RELATES TO: :  
 :  
All Actions :  
----- X

06 Civ. 732 (DLC)  
ORDER

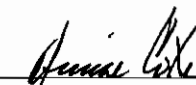
DENISE COTE, District Judge:

On October 23, 2008, defendants J.P. Morgan Chase Retirement Plan and JP Morgan Chase & Co.'s Director of Human Resources moved for partial judgment on the pleadings, seeking dismissal of Count I of the Complaint in the above-captioned matter pursuant to Rule 12(c), Fed. R. Civ. P. Plaintiffs do not oppose the requested relief. For the reasons stated in the Second Circuit's decision in Hirt v. The Equitable Retirement Plan for Employees, Managers, and Agents, 533 F.3d 102 (2d Cir. 2008), it is hereby

ORDERED that defendants' October 23, 2008 motion for partial judgment on the pleadings is granted and Count I of the Complaint is dismissed with prejudice.

SO ORDERED:

Dated: New York, New York  
December 4, 2008

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge