

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Kevin Scott Karsjens, David Leroy Gamble,  
Jr., Kevin John DeVillion, Peter Gerard  
Lonergan, James Matthew Noyer, Sr.,  
James John Rud, James Allen Barber,  
Craig Allen Bolte, Dennis Richard Steiner,  
Kaine Joseph Braun, Christopher John  
Thuringer, Kenny S. Daywitt, Bradley Wayne  
Foster, Brian K. Hausfeld, and all others  
similarly situated,

Civil No. 11-3659 (DWF/JJK)

Plaintiffs,

v.

**ORDER**

Lucinda Jesson, Dennis Benson, Kevin  
Moser, Tom Lundquist, Nancy Johnston,  
Jannine Hébert, and Ann Zimmerman,  
in their official capacities,

Defendants.

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Daniel E. Gustafson, Esq., Karla M. Gluek, Esq., David A. Goodwin, Esq., Raina Borrelli,  
Esq., Lucia G. Massopust, Esq., and Eric S. Taubel, Esq., Gustafson Gluek PLLC, counsel  
for Plaintiffs.

Nathan A. Brennaman, Deputy Attorney General, Scott H. Ikeda, Adam H. Welle, and  
Aaron Winter, Assistant Attorneys General, Minnesota Attorney General's Office, counsel  
for Defendants.

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This matter came before the Court for a Fairness Hearing on August 10, 2015, upon  
Plaintiffs' Motion to Dismiss Counts IV, XI, XII, and XIII of the Third Amended Complaint  
(Doc. No. 925). All parties appeared through counsel.

Based upon the arguments of counsel, the files, record, and proceedings herein, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

**ORDER**

1. Plaintiffs' Motion to Dismiss Counts IV, XI, XII, and XIII of the Third Amended Complaint (Doc. No. [925]) is **GRANTED**.
2. The objections filed by Plaintiff Class Members (Doc. Nos. [993] & [994]) are respectfully **OVERRULED**.
3. Counts IV, XI, XII, and XIII of the Third Amended Complaint (Doc. No. [635]) are **DISMISSED WITH PREJUDICE**.

Dated: August 10, 2015

s/Donovan W. Frank  
DONOVAN W. FRANK  
United States District Judge