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COTE/17

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE JP MORGAN CHASE CASH
BALANCE LITIGATION

Via ECF

Master File No. 06-cv-0732 (DLC)(DFE)

~~PROPOSED~~ ORDER

THIS DOCUMENT RELATES TO:
ALL ACTIONS

WHEREAS on February 27, 2009, Plaintiff John J. Berotti, Annette Falchetti, Terri Melli and Perry Shapiro (collectively, "Plaintiffs") moved this Court for an order dismissing with prejudice the certified notice claims;

WHEREAS this Court reviewed the parties' submissions, heard oral argument and considered the written objections or responses from class members;

WHEREAS on August 4, 2009, this Court conditionally granted Plaintiffs' motion for voluntary dismissal of the certified notice claims in this action, pending the distribution of notice to certain class members and the consideration of any objections submitted in response;

WHEREAS parties have issued the required notice to the class members;

WHEREAS, on October 8, 2009, Plaintiffs submitted their fourth supplemental memorandum of law in support of their motion for voluntary dismissal of the certified claims;

WHEREAS, Defendants request that a partial final judgment for voluntary dismissal be issued as to the certified notice claims pursuant to Fed. R. Civ. P. 54(b);

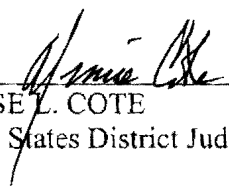
WHEREAS, Plaintiffs have no objection to Defendants' request, so long as Defendants will not use such judgment to oppose Plaintiffs' remaining claims in this action or the claims in the related *Bilello v. JPMorgan Chase Retirement Plan, et al.*, (07cv07379) action, and Defendants agreed that they would not; and

WHEREAS, the Court expressly determines that there is no just delay in the entry of partial final judgment and therefore directs entry pursuant to the provisions of Rule 54(b) of the Federal Rules of Civil Procedure;

IT IS HEREBY ORDERED that Plaintiffs' Motion for Voluntary Dismissal of Certified Claims is granted, the certified notice claims are dismissed with prejudice, and the Clerk is expressly directed to enter partial final judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

SO ORDERED:

Dated: New York, New York
October 19, 2009



DENISE L. COTE
United States District Judge