IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Thomas G. Davis, *et al.*,	)	
Plaintiffs,	)	
v.	)	Civil Action No. 1:08-cv-01064 (FJS)
Pension Benefit Guaranty Corporation,	)	
Defendant.	)	

[redacted] ORDER DISMISSING CLAIM FIVE

Upon consideration of the Joint Motion to Dismiss Claim Five, this Court hereby finds and it is **ORDERED** that:

1. Claim Five of the Second Amended Complaint is dismissed, with prejudice.
2. The dismissal of Claim Five shall have no impact on the Plaintiffs' pending appeal to the D.C. Circuit Court of Appeals of this Court's judgment on Claims One through Four and Six through Twelve (*Davis, et al, v. PBGC*, Case No. 12-5274 (D.C. Cir.)).
3. To the extent that any Plaintiff in this case might become entitled to relief as a result of the pending litigation in *US Airline Pilots Ass'n, v. PBGC*, Case No. 09-01675 (FJS-JMF)), the dismissal of Claim 5 does not affect that relief. Dismissal of this claim closes this case.

IT IS SO ORDERED on this 28th day of January, 2013,

Senior United States District Court Judge
Frederick J. Scullin, Jr