

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

WILLIAM DOUGLAS FULGHUM, *et al.*,

Plaintiffs,

v.

EMBARQ CORPORATION, *et al.*,

Defendants.

Civil Action No.: 07-CV-2602 (EFM/JPO)

**ORDER RESOLVING ALL REMAINING AND
UNADJUDICATED CONTRACTUAL VESTING CLAIMS**

The Court, having reviewed the Parties' Stipulation for Entry of Order Resolving All Remaining and Unadjudicated Contractual Vesting Claims (the "Stipulation") and the exhibits attached thereto ("Exhibits"), and being fully advised in the premises, hereby orders:

1. The Court incorporates herein the background information, defined terms, and stipulated facts set forth in the Stipulation.

2. Pursuant to the principles and rulings set forth in the Tenth Circuit's Opinion and the stipulated facts, defendants are entitled to judgment on the contractual vesting claims asserted by the class members identified in Exhibits 1-11 to the extent that these claims are based on SPDs 1, 4, 5, 19, 24-28 and 30-31.

3. Pursuant to the principles and rulings set forth in the 2015 Order and the stipulated facts, defendants are entitled to judgment on the contractual vesting claims asserted by the nonunionized class members identified in Exhibits 12-34 to the extent that these claims are based on SPDs 34, 36-37, 39, 41-42, 44, 48-49, 51, 54, 62-67, 69-70, 72-73, 75 and 80.

4. Pursuant to the principles and rulings set forth in the Tenth Circuit's Opinion and the 2013, 2014 and 2015 Orders and the stipulated facts, defendants are entitled to judgment on

the contractual vesting claims asserted by the class members identified in Exhibits 35-101 to the extent that these claims are based on SPDs 104-170 and, in the case of SPDs 140, 147, 150, and 155, based on the CBAs mapped to class members covered by these SPDs.

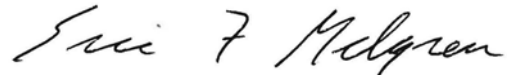
5. Pursuant to paragraph 4 of the Stipulation and for the reasons there stated by the parties, defendants are entitled to judgment on (a) the claims asserted by the class members identified in Exhibit 102 for vested medical benefits and (b) the claims asserted by the class members identified in Exhibit 103 for vested life insurance benefits.

6. SPDs 1-170 are the only SPDs identified in Defendants' Supplemented Mapping as SPDs under which class members retired. Because the Tenth Circuit's Opinion, the 2013, 2014 and 2015 Orders, and/or the principles and rulings set forth in these decisions lead to the conclusion that SPDs 1-170 create no vested retiree medical or life insurance benefits, defendants are entitled by virtue of the Stipulation to judgment on all remaining and unadjudicated contractual vesting claims asserted by all class members.

7. This Order and the Parties' Stipulation: (a) are without prejudice to plaintiffs' pending motion for reconsideration of certain portions of the 2015 Order as well as the Parties' rights to support or challenge in further appellate proceedings in this action any rulings in the Tenth Circuit's Opinion, the 2013, 2014 and/or 2015 Orders, or this Order; and (b) shall be null and void if any such rulings and orders are modified, vacated, reversed or otherwise altered as a result of such further proceedings. If any such rulings or orders are altered as set forth above, the Parties shall promptly confer in good faith regarding whether and to what extent the Stipulation should remain in force and, if they reach agreement regarding this issue, shall prepare and submit to the Court a revised stipulation and a revised proposed order reflecting any such agreed modifications.

IT IS THEREFORE ORDERED that judgment is **GRANTED** to defendants on all remaining and unadjudicated contractual vesting claims asserted by all class members, including without limitation the claims asserted by: (1) the class members identified in Exhibits 1-11 to the extent that these claims are based on SPDs 1, 4, 5, 19, 24-28 and 30-31; (2) the class members identified in Exhibits 12-34 to the extent that these claims are based on SPDs 34, 36-37, 39, 41-42, 44, 48-49, 51, 54, 62-67, 69-70, 72-73, 75 and 80; (3) the class members identified in Exhibits 35-101 to the extent that these claims are based on SPDs 104-170 and, in the case of SPDs 140, 147, 150, and 155, based on the CBAs mapped to class members covered by these SPDs; (4) the class members identified in Exhibit 102 for vested medical benefits; and (5) the class members identified in Exhibit 103 for vested life insurance benefits.

Dated this 27th day of July, 2015.



ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE