

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

RONALD TUSSEY, et al.,

Plaintiffs,

v.

ABB, INC., et al.,

Defendants.

CIVIL ACTION
No. 06-CV-04305

(Judge Nanette K. Laughrey)

**FIDELITY DEFENDANTS' JOINDER TO ABB DEFENDANTS'
MOTION TO STAY PURSUANT TO FED. R. CIV. P. 62**

For the reasons set forth in the ABB Defendants' Suggestions of Law in Support of Motion to Stay Pursuant to Fed. R. Civ. P. 62 (ECF # 691), the Fidelity Defendants hereby join, in part, the ABB Defendants' Motion to Stay Pursuant to Fed. R. Civ. P. 62 (ECF # 690). Fidelity joins that motion to the extent it seeks a stay of that portion of the Court's March 31, 2012 Order stating that "[s]o long as it serves as a fiduciary to the Plan, ABB shall not use a PRISM recordkeeper to provide any corporate services to ABB." As ABB's brief explains, that injunctive remedy would require an immediate cessation of Fidelity's services to participants in employee benefit plans other than the PRISM Plans, which will necessarily cause a significant disruption in services for participants in non-PRISM plans. Fidelity therefore respectfully requests that the Court stay the foregoing portion of its order.

Fidelity does not seek a stay of the monetary judgment against Fidelity. Under Rule 62(d), Fidelity may obtain a stay of the monetary judgment pending appeal by posting a

supersedeas bond. Fidelity is making arrangements for a bond, which will be separately submitted to the Court for approval when it is obtained.

Dated: June 22, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 22th day of, June, 2012, the foregoing was filed and service made by the Court's Electronic Case Filing (ECF) system to:

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