

UNITED STATES DISTRICT COURT

for the

Northern District of Indiana

DANIEL R. SPEARS
JEFFREY YELTON
KATHERINE LANG
DANIEL MASSA
RAYMOND R. COMMERS
individually and on behalf of all others
similarly situated

Plaintiff

v.

METROPOLITAN LIFE INSURANCE COMPANY
d/b/a Metlife
METLIFE SECURITIES INC, d/b/a Metlife
ISTA FINANCIAL SERVICES CORPORATION
Defendant

Civil Action No. 2:07cv88

JUDGMENT IN A CIVIL ACTION

The court has ordered that (check one):

[] the plaintiff (name) recover from the defendant (name) the amount of dollars (\$), which includes prejudgment interest at the rate of % , plus postjudgment interest at the rate of % , along with costs.

[] the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (name) recover costs from the plaintiff (name)

[x] other: Metlife and ISTA Financial's Motions to Dismiss [DE 26, DE 29] are GRANTED and DENIES the Plaintiff's Motion to Take Judicial Notice [DE 127]. Accordingly, the Plaintiffs' Amended Complaint is DISMISSED.

This action was (check one):

[] tried by a jury with Judge presiding, and the jury has rendered a verdict.

[] tried by Judge without a jury and the above decision was reached.

[x] decided by Judge Joseph S. Van Bokkelen on motions [DE 26] and [DE 29] to dismiss filed by Metlife and ISTA Financial Services Corporation.

Date: August 4, 2009

CLERK OF COURT

STEPHEN R LUDWIG, CLERK BY: /s/ RMNagy

Signature of Clerk or Deputy Clerk