

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ MAY 11 2011 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

-----X  
CHRISTINE JOHNSON, Individually and on  
Behalf of All Others Similarly Situated,

JUDGMENT  
09-CV- 5310 (JG)

Plaintiff,

-against-

SIEMENS AG,

Defendant.  
-----X

A Memorandum and Order of Honorable John Gleeson, United States District Judge, having been filed on March 31, 2011, granting the motion to dismiss without leave to replead; dismissing lead plaintiff's claims under § 10(b) and Rule 10b-5 against Siemens pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim, as the Amended Complaint fails to allege facts giving rise to a strong inference of scienter as required under the PSLRA; ordering that in the absence of an alleged violation of § 10(b) or Rule 10b-5, lead plaintiff's claims against Loscher and Kaeser under § 20(a) are dismissed also pursuant to Rule 12(b)(6) for failure to state a claim; and dismissing the complaint on these grounds, the Court need not address Siemens' alternative arguments in support of its motion to dismiss; it is

ORDERED and ADJUDGED that the motion to dismiss is granted without leave to replead; that lead plaintiff's claims under § 10(b) and Rule 10b-5 against Siemens are dismissed pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim, as the Amended Complaint fails to allege facts giving rise to a strong inference of scienter as required under the PSLRA; that in the absence of an alleged violation of § 10b or Rule 10b-5, lead plaintiff's claims against Loscher and Kaeser under § 20(a) are dismissed also pursuant to Rule 12(b)(6)

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for failure to state a claim; and that the complaint is dismissed on these grounds, that the Court need not address Siemens' alternative arguments in support of its motion to dismiss.

Dated: Brooklyn, New York  
May 10, 2011

s/Robert C. Heinemann

ROBERT C. HEINEMANN  
Clerk of Court