



**ORDERED** that Plaintiff's claims based upon Defendants' alleged manipulation of expenses and alleged improper accounting for acquisitions and divestures are **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED** that Plaintiff's claims based on Defendants' forward-looking statements are **DISMISSED WITHOUT PREJUDICE**; and it is further

**ORDERED** that all claims against defendant Waldis are **DISMISSED WITHOUT PREJUDICE**.

/s/ Freda L. Wolfson  
Freda L. Wolfson  
U.S. Chief District Judge