

Nos. 09-56190, 09-56248

In the
United States Court of Appeals
for the Ninth Circuit

In Re COMPUTER SCIENCES CORP. ERISA LITIGATION

FEDERICO QUAN, WALTER GRAY, DON TYRONE BALLARD and
JEANINE L. SHAMALY, on Behalf of Themselves and All Others Similarly Situated,
Plaintiffs/Appellants/Cross-Appellees,

v.

COMPUTER SCIENCES CORPORATION, CSC RETIREMENT
PLANS COMMITTEE, LEON J. LEVEL, IRVING W. BAILEY, II,
F. WARREN MCFARLAN, THOMAS H. PATRICK, FREDERICK E. VOLLRATH,
DONALD G. DEBUCK, MICHAEL E. KEANE, and NATHAN SIEKIERKA,
Defendants/Appellees/Cross-Appellants,

and

VAN B. HONEYCUTT, HAYWARD D. FISK,
Defendants/Appellees.

Appeal from the United States District Court
for the Central District of California
Master File No. CV 08-02398 SJO (JWJx)

APPELLANTS' OPENING BRIEF

STULL, STULL & BRODY
PATRICE L. BISHOP
10940 WILSHIRE BOULEVARD
SUITE 2300
LOS ANGELES, CA 90024
Tel: (310) 209-2468

STULL, STULL & BRODY
EDWIN J. MILLS
MICHAEL J. KLEIN
6 EAST 45TH STREET
NEW YORK, NY 10017
TEL: (212) 687-7230

Counsel for Plaintiffs/Appellants/Cross-Appellees and the Certified Class

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I. STATEMENT OF JURISDICTION

This certified class action arises under ERISA §§ 409(a) and 502(a)(2), 29 U.S.C. §§ 1109(a) and 1132(a)(2). (CR 27/ER 1105:1-9.) The district court had subject matter jurisdiction pursuant to the Employee Retirement Income Security Act (“ERISA”), § 502(e)(1), 29 U.S.C. § 1132(e)(1). Pursuant to Fed. R. Civ. P. 56, on July 14, 2009, the district court entered an Order dismissing this action and issuing Judgment in favor of the Defendants. (CR 238, 239/ER 2-22.) This Court now has jurisdiction as an appeal from a final order under 28 U.S.C. § 1291. Plaintiffs timely filed their Notice of Appeal on July 28, 2009, pursuant to Fed. R. App. P. 4(a)(1)(A). (CR 240/ER 23-24.)

II. ISSUES PRESENTED FOR REVIEW

- A. Did the court err in ruling that Plaintiffs failed to raise a genuine issue of material fact that a prudent fiduciary would have acted differently than Defendants did act with respect to investing Plan assets in Computer Sciences Corporation (“CSC” or the “Company”) common stock. (*See* ER 9-10.)
- B. Did the court err in ruling that Plaintiffs failed to raise a genuine issue of material fact that a reasonable person’s investments decisions would have been affected by accurate information regarding

The balance of the brief has been eliminated for this sample. For a copy of the complete brief please call our office. Thank you.