

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**THE KRAFT HEINZ COMPANY EMPLOYEE
BENEFITS ADMINISTRATION BOARD,
KRAFT HEINZ COMPANY GROUP
BENEFITS PLAN, and KRAFT HEINZ
COMPANY RETIREE GROUP BENEFITS
PLAN,**

Plaintiffs,

v.

AETNA LIFE INSURANCE COMPANY

Defendant.

Case No. 2:23-cv-00317-JRG

NOTICE OF DISMISSAL WITH PREJUDICE UNDER RULE 41(a)(1)(A)(i)

Pursuant to Rule 41(a)(1)(A)(i), the Kraft Heinz Company Employee Benefits Administration Board, the Kraft Heinz Company Group Benefits Plan, and the Kraft Heinz Company Retiree Group Benefits Plan (collectively, “Plaintiffs”), hereby voluntarily dismiss the above-captioned action against Aetna Life Insurance Company (“Defendant”) with prejudice to refile. The claims will be arbitrated.

Plaintiffs affirmatively represent that Defendant has not served upon Plaintiffs either an answer or motion for summary judgment. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).

Dated: December 14, 2023

Respectfully submitted,

/s/ Samuel F. Baxter

Samuel F. Baxter
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
Jennifer L. Truelove
Texas State Bar No. 24012906
jtruelove@mckoolsmith.com
MCKOOL SMITH, P.C.

104 East Houston Street Suite 300
Marshall, TX 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Jon Corey
(*pro hac vice* to be filed)
California State Bar No. 185066
jcorey@mckoolsmith.com
MCKOOL SMITH, PC
One California Plaza
300 South Grand Avenue, Suite 2900
Los Angeles, CA 90071
Telephone: (213) 694-1200
Facsimile: (213) 694-1234

Eric B. Halper
New York State Bar No. 3048360
ehalper@mckoolsmith.com
Radu A. Lelutiu
New York State Bar No. 4252656
rlelutiu@mckoolsmith.com
David I. Schiefelbein
(*pro hac vice* to be filed)
New York State Bar No. 4767398
dschiefelbein@mckoolsmith.com
Emily B. Tate
New York State Bar No. 5769153
etate@mckoolsmith.com
McKool Smith, PC
One Manhattan West
395 9th Avenue, 50th Floor
New York, NY 10001
Telephone: (212) 402-9400
Facsimile: (212) 402-9444

***Attorneys for Plaintiffs The Kraft Heinz
Company Employee Benefits Administration
Board, Kraft Heinz Company Group
Benefits Plan, and Kraft Heinz Company
Retiree Group Benefits Plan***