

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

OKLAHOMA FIREFIGHTERS PENSION AND)
RETIREMENT SYSTEM, et al.,)
)
Plaintiffs,)
)
v.)
)
DAVID L. CALHOUN, et al.,)
)
Defendants.)

1:24-cv-1200 (LMB/LRV)

ORDER

Before the Court is Defendants’ Motion to Dismiss (“Motion”). Because there is another pending derivative action in Delaware Chancery Court against the same defendants regarding similar allegations and, for the reasons stated in open court on December 19, 2024, the Delaware Chancery Court is a more appropriate venue to resolve plaintiffs’ Caremark claims. Nevertheless, the Court finds that plaintiffs have pled with particularity violations of Section 10(b) and 14(a) of the Securities and Exchange Act, and these claims are properly before this Court. Accordingly, the Motion [Dkt. No. 115] is **GRANTED IN PART** and **DENIED IN PART**; and it is hereby


ORDERED that Counts I and II be and are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that plaintiffs must show cause within fourteen (14) days of this Order as to why Counts III and IV should not be consolidated with In re The Boeing Company Securities Litigation, Case No. 1:24-cv-151.

The Clerk is directed to mail a copy of this Order to counsel of record.

Entered this 20th day of December, 2024.

Alexandria, Virginia



Leonie M. Brinkema
United States District Judge