

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

Mark Berube,	)	
	)	
Plaintiff,	)	Civil Action No. 2:20-cv-01783
	)	
v.	)	
	)	
Rockwell Automation, Inc., the	)	
Rockwell Automation Employee	)	
Benefits Plan Committee, and	)	
John/Jane Does 1-20.	)	
	)	
Defendants.		

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**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES**

In accordance with Rule 56 of the Federal Rules of Civil Procedure, and Local Civil Rules 7.1 and 56, Rockwell Automation, Inc. and the Rockwell Automation Employee Benefits Plan Committee (collectively, "Defendants") file this Motion for Summary Judgment only on the issue of Plaintiff's failure to exhaust the Rockwell Automation, Inc. Pension Plan's administrative review procedure. In support of this Motion, Defendants file an accompanying Memorandum in Support, Proposed Statement of Undisputed Facts, and supporting declaration and attachments thereto.

For the reasons stated in the accompanying Memorandum in Support, Defendants respectfully request that the Court grant summary judgment in their favor and dismiss Plaintiff's lawsuit.

Submitted: May 28, 2021.

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and The Rockwell Automation Employee  
Benefits Plan Committee*

*/s/ Emily S. Costin*

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