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Indirect Purchaser Class

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **OAKLAND DIVISION**

12 IN RE STATIC RANDOM ACCESS
MEMORY (SRAM) ANTITRUST
13 LITIGATION

Case No. 4:07-md-1819 CW
MDL No. 1819

**[PROPOSED] ORDER GRANTING FINAL
APPROVAL OF SETTLEMENTS
(MICRON, HYNIX, RENESAS-HITACHI-
MITSUBISHI, ETRON, TOSHIBA, NEC)**

14
15 This Document Relates to:

16 ALL INDIRECT PURCHASER ACTIONS

Hearing Date: September 30, 2010
Time: 2:00 p.m.
Courtroom: 2, 4th Floor
Judge: Hon. Claudia Wilken

19
20 Indirect Purchaser (“IP”) Plaintiffs’ request for final approval of the settlements entered into
21 with (a) Micron Technology, Inc. and Micron Semiconductor Products, Inc.; (b) Hynix
22 Semiconductor Inc. and Hynix Semiconductor America Inc.; (c) Renesas Technology Corp.,
23 Renesas Technology America, Inc., Hitachi Ltd., Hitachi Semiconductor (America), Inc.,
24 Mitsubishi Electric Corporation, and Mitsubishi Electric & Electronics USA, Inc.; (d) Etron
25 Technology, Inc. and Etron Technology America, Inc.; (e) Toshiba Corporation and Toshiba
26 America Electronic Components, Inc.; and (f) NEC Electronics Corporation and NEC Electronics
27 America, Inc. (collectively “Settling Defendants”) and preliminarily approved by this Court on June
28 10, 2010 (collectively, the “Settlements”) (*see* Docket Entry (“DE”) 1013) came on for hearing

1 before this Court (the “Hearing”). This Court has considered the relief requested, the supporting
2 papers, and all other arguments presented at the hearing. Due and adequate notice having been
3 given, and good cause appearing, the Court hereby finds that:

4 1. This Court has jurisdiction over the subject matter of the request and all matters
5 relating thereto, including all members of the Class.

6 2. For purposes of this Order, except as otherwise set forth herein, the Court adopts and
7 incorporates the definitions contained in each of the Settlements.

8 3. For settlement purposes only and pursuant to Federal Rule of Civil Procedure 23, the
9 Court certifies the following settlement class (the “Class”): All persons and entities residing in the
10 United States who, from November 1, 1996 through December 31, 2006, purchased SRAM in the
11 United States indirectly from Defendants. The Class excludes the following persons and entities:
12 the Defendants; the officers, directors or employees of any Defendant; any entity in which any
13 Defendant has a controlling interest; any affiliate, legal representative, heir or assign of any
14 Defendant; any federal, state or local entities; and any judicial officer presiding over this action and
15 the members of her immediate family and judicial staff.

16 4. The Court further finds that the prerequisites to a class action under Federal Rule of
17 Civil Procedure 23 are satisfied for settlement purposes in that:

18 (a) there are thousands of class members and therefore joinder of all members is
19 impracticable;

20 (b) there are questions of law or fact common to the class which predominate over
21 individual issues;

22 (c) the claims or defenses of the class plaintiffs are typical of the claims or defenses of
23 the class; and

24 (d) the class plaintiffs will fairly and adequately protect the interests of the class, and
25 have retained counsel experienced in complex antitrust class action litigation who have and will
26 continue to adequately represent the class.

27 5. Florbel Segura, Rob Formanek and Quantum Computers LLC dba Friendly
28 Computers have timely and validly requested exclusion from the Class and, therefore, are excluded.

1 6. Due and adequate notice of the Settlements was provided to the Class, including in
2 notice of the Settlements that was disseminated via direct mail as well as by publications in
3 newspapers, Sunday supplements, consumer magazines, internet campaign and press releases, as
4 well as postings on the website established for this case, www.indirectsramcase.com. Such notice
5 was given in accordance with this Court's order preliminarily approving the Settlements. *See* DE
6 1013. Such notice adequately advised the Class of the Settlements, of their right to exclude
7 themselves from the Class or to object to the Settlements. The manner of giving notice provided in
8 this case fully satisfies the requirements of Federal Rule of Civil Procedure 23 and due process,
9 constitutes the best notice practicable under the circumstances, and constituted due and sufficient
10 notice to all persons entitled thereto. A full and fair opportunity was provided to the members of
11 the Class to be heard regarding the Settlements.

12 7. Two objections to the Settlements were filed. All objections are hereby overruled on
13 the grounds that the purported objectors have failed to assert and/or establish that they are members
14 of the Class and the objections are otherwise without merit for the reasons set forth in IP Plaintiffs'
15 Memorandum in Support of Final Approval of Settlements (Micron, Hynix, Renesas-Hitachi-
16 Mitsubishi, Etron, Toshiba, NEC) and as argued at the Final Fairness Hearing. The objection of
17 Thompson to the Settlements is also overruled because it was not timely filed and served.

18 8. The Settlements are, in all respects, fair, adequate and reasonable to the Class.
19 Accordingly, the Court hereby grants final approval of the Settlements.

20
21 **IT IS SO ORDERED.**

22
23 Dated: _____, 2010

24 _____
25 The Honorable Claudia Wilken
26 Northern District of California
27 District Court Judge
28 Oakland Division

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