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| 6 | | *E-FILED - 2/6/08* |
| 7 | UNITED STATES DI | STRICT COURT |
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| 10 |) | No. 06-CV-06304-RMW |
| 11 | In re TVIA INC. SECURITIES LITIGATION) | CLASS ACTION |
| 12 |) | [] ORDER APPROVING PLAN |
| 13 | This Document Relates To: | OF ALLOCATION |
| 14 | ALL ACTIONS. | |
| 15 |)) | |
| 16 |)) | |
| 17 |)) | |
| 18 | , | |
| 19 | ORDER | |
| 20 | WHEREAS, the Court has granted fina | al approval to the Settlement of the above- |
| 21 | referenced class action; | |
| 22 | | |
| 23 | Court as Class Counsel for the purposes of the Settlement have petitioned the Court for | |
| 24 | | |
| 25 | and | restriction and the supplies about |
| 26 | | |
| 27 | | |
| 28 | 1 | [] ORDER APPROVING PLAN OF ALLOCATION |

| 1 | WHEREAS, the Court has reviewed the application and supporting materials filed | |
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| 2 | therewith, and has heard the presentation made by Class Counsel during the final approval | |
| 3 | hearing, and due consideration having been had thereon. | |
| 4 | NOW, THEREFORE, it is hereby ordered: | |
| 5 | 1. For the purposes of this Order, the terms herein shall have the same meanings as | |
| 6 | set forth in the Stipulation of Settlement dated October 3, 2007 on file with the Court (the | |
| 7 | "Stipulation). | |
| 8 | 2. Pursuant to, an in full compliance with, Rule 23 of the Federal Rules of Civil | |
| 9 | Procedure and the PSLRA, this Court hereby finds and concluded that due and adequate notice | |
| 10 | was directed to all Persons and entities who are Members of the Class advising them of the | |
| 11 | Settlement, the Plan of Allocation, and other aspects of the Settlement, including their right to | |
| 12 | object thereto, and a full and fair opportunity was accorded to all Persons who are Members of | |
| 13 | the Class to be heard with respect to any respect to the Settlement. | |
| 14 | 3. The Court hereby finds and concludes that the formula for the calculation of the | |
| 15 | claims of Authorized Claimants, which is set forth in the Notice of Pendency and Proposed | |
| 16 | Settlement of Class Action (the "Notice") sent to Members of the Class, provides a fair and | |
| 17 | reasonable basis upon which to allocate the proceeds of the settlement fund established by the | |
| 18 | Stipulation among Class Members, with due consideration having been given to administrative | |
| 19 | convenience and necessity. | |
| 20 | 4. The Court hereby finds and concluded that the Plan of Allocation set forth in the | |
| 21 | Notice is in all respects fair reasonable and the Court hereby approves the Plan of Allocation. | |
| 22 | Dated 2/4/08 | |
| 23 | SO ORDERED: | |
| 24 | ρ | |
| 25 | HON. RONALD M. WHYTE | |
| 26 | UNITED STATES DISTRICT JUDGE | |
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