28

Lead Plaintiffs' Motion for Final Approval of Class Action Settlement ("Motion") duly came before the Court for hearing on September 27, 2010. The Court has considered the Motion and all supporting and other related materials, including the matters presented at the September 27, 2010 hearing. Due and adequate notice having been given to the Class as required by the Court's Order Preliminarily Approving Settlement, Providing for Notice and Scheduling Settlement Hearing (ECF No. 276), and the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the proceedings and good cause appearing therefor;

## NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 1. This Order incorporates by reference the definitions in the Stipulation, and all capitalized terms used, but not defined herein, shall have the same meanings as in the Stipulation.
- 2. This Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all members of the Class.
- 3. Pursuant to and in full compliance with Rule 23 of the Federal Rules of Civil Procedure, this Court hereby finds and concludes that due and adequate notice was directed to all persons and entities who are Class Members, advising them of the Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to all such persons and entities to be heard with respect to the Plan of Allocation.
- 4. The Court hereby finds and concludes that the formula for the calculation of the claims of Authorized Claimants which is set forth in the Notice of Pendency of Class Action and Proposed Settlement, Final Approval Hearing, and Motion for Attorneys' Fees and Reimbursement of Litigation Expenses (the "Notice") mailed to Class Members provides a fair and equitable basis upon which to allocate the proceeds of the Settlement Fund among the Class Members.
- 5. The court hereby finds and concludes that the Plan of Allocation set forth in the Notice is, in all respects, fair and equitable to the Class. Accordingly, the Court hereby approves the Plan of Allocation submitted by Lead Plaintiffs.

//

//

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

6. The finality of the Judgment entered with respect to the Settlement shall not be affected in any manner by this Order, or any appeal from this Order approving the Plan of Allocation.

IT IS SO ORDERED.

Dated: September 29, 2010

THE HONORABLE JAMES WARE UNITED STATES DISTRICT COURT JUDGE