

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEVON IT, INC., et al.,

Plaintiffs,

v.

IBM CORP., et al.,

Defendants.

CIVIL ACTION
NO. 10-2899

ORDER

AND NOW, this 21st day of November 2013, upon consideration of the Motion of Mitts Milavec LLC for the Application of an Attorney's Charging Lien or, In the Alternative the Imposition of a Constructive Trust (Doc. No. 144), Devon's Responses in Opposition (Doc. Nos. 156, 157, 217), the Motions to Intervene (Doc. Nos. 179, 195, 196, 203), Responses to the Motions to Intervene (Doc. Nos. 186, 188, 190, 201, 204), the Intervenor's Complaints (Doc. Nos. 271, 272, 273, 276), Devon's Answers (Docs. No. 286, 287, 288), related filings (Doc. Nos. 292, 293, 295, 296, 297, 298, 299), and the testimony and exhibits introduced during the six days of evidentiary hearings, and in accordance with the Opinion of the Court issued this day, it is **ORDERED** that:

1. The Motion of Mitts Milavec LLC for the Application of an Attorney's Charging Lien or, In the Alternative the Imposition of a Constructive Trust (Doc. No. 144) is **DENIED**.
2. The claims of the Intervenor's in their Complaints (Doc. Nos. 271, 273, 276) are **GRANTED** and the Intervenor's will be paid for services rendered from December 27, 2011 to March 2012 when the Intervenor's ceased working on behalf of Devon.

3. Within fourteen days of the date of this Order, the Intervenors are directed to file a Notice with the Court of the amount of fees and costs they are entitled to for services rendered from December 27, 2011 to March 2012.⁴³
4. The Clerk of Court is directed to hold the \$4.1 million in escrow pending the resolution of the amount due to the Intervenors. A future final Order will be entered directing the Clerk of Court to distribute the \$4.1 million in escrow funds to the Intervenors and Devon after the amount due to the Intervenors is finalized.

BY THE COURT:

/s/ Joel H. Slomsky
JOEL H. SLOMSKY, J.

⁴³ The Court encourages Devon and the Intervenors to jointly determine the correct amount due to the Intervenors in accordance with this Order and the Opinion of the Court. If no agreement can be reached, then the Court will decide the matter based upon the Notice filed by the Intervenors and any opposing filings by Devon.