

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

MICHAEL SCHULTZ, JOHN SCALA, HUUB
VAN ROOSMALEN, KIP KIRCHER, ROBERT
H. WAKE and LOUIS SPANBERGER, On Behalf
of Themselves and All Others Similarly Situated,

Plaintiffs,

vs.

08-cv-000314-SLC

TOMOTHERAPY INCORPORATED,
FREDERICK A. ROBERTSON, T. ROCKWELL
MACKIE, STEPHEN C. HATHAWAY, PAUL
RECKWERDT, MICHAEL J. CUDAHY, JOHN J.
MCDONOUGH, JOHN NEIS, CARY C. NOLAN,
CARLOS A PEREZ, M.D., SAM R. LENO and
FRANCES S. TAYLOR,

08-cv-000342-SLC

CLASS ACTION

Defendants.

ORDER APPROVING PLAN OF ALLOCATION

This matter came before the Court for hearing pursuant to the Order of this Court dated September 23, 2010, on the application of the parties for approval of the settlement set forth in the Stipulation of Settlement dated as of July 28, 2010 (the "Stipulation"). Due and adequate notice having been given to the Class as required in the Court's Order, and the Court having considered all papers filed and proceedings held herein and otherwise being fully informed in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED 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 Litigation and over all parties to the Litigation, including all members of the Class.
3. The Plan of Allocation is approved as fair and reasonable, and the Claims Administrator is directed to administer the Settlement Fund in accordance with its terms.

IT IS SO ORDERED.

DATED: March 18, 2011

Barbara B. Crabb
THE HONORABLE STEPHEN L. CROCKER
UNITED STATES ~~MAGISTRATE~~ JUDGE

Submitted by,
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