

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ERIC SILVERMAN, On Behalf of Himself)	No. 1:07-cv-04507
and All Others Similarly Situated,)	(Consolidated)
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	Judge St. Eve
)	Magistrate Judge Mason
MOTOROLA, INC., et al.,)	
)	
Defendants.)	
)	
_____)	

FINAL JUDGMENT AND ORDER OF DISMISSAL WITH PREJUDICE

This matter came before the Court pursuant to the Order Preliminarily Approving Settlement and Providing for Notice (“Order”) dated February 16, 2012, on the application of the parties for approval of the settlement set forth in the Stipulation of Settlement dated as of January 31, 2012 (the “Stipulation”). Due and adequate notice having been given to the Class as required in said Order, and the Court having considered all papers filed and proceedings had herein and otherwise being fully informed in the premises and good cause appearing therefore, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. This Judgment incorporates by reference the definitions in the Stipulation, and all terms used herein shall have the same meanings as set forth in the Stipulation, unless otherwise set forth herein.

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. Pursuant to Federal Rule of Civil Procedure 23, the Court hereby approves the settlement set forth in the Stipulation and finds that:

(a) said Stipulation and the settlement contained therein, are, in all respects, fair, reasonable, and adequate and in the best interest of the Class;

(b) there was no collusion in connection with the Stipulation;

(c) the Stipulation was the product of informed, arm’s-length negotiations among competent, able counsel; and

(d) the record is sufficiently developed and complete to have enabled the Plaintiffs and the Defendants to have adequately evaluated and considered their positions.

4. Accordingly, the Court authorizes and directs implementation and performance of all the terms and provisions of the Stipulation, as well as the terms and provisions hereof. Except as to any individual claim of those Persons (identified in Exhibit 1 attached hereto) who have validly and

timely requested exclusion from the Class, the Court hereby dismisses the Litigation and all Released Claims of the Class with prejudice. The Settling Parties are to bear their own costs, except as and to the extent provided in the Stipulation and herein.

5. Upon the Effective Date, the Plaintiffs shall, and each of the Class Members shall be deemed to have, and by operation of this Judgment shall have, fully, finally, and forever released, relinquished, and discharged all Released Claims against the Released Persons, whether or not such Class Member executes and delivers the Proof of Claim and Release form or shares in the Settlement Fund. Claims to enforce the terms of the Stipulation are not released.

6. All Class Members are hereby forever barred and enjoined from prosecuting any of the Released Claims against any of the Released Persons.

7. Upon the Effective Date, each of the Released Persons shall be deemed to have, and by operation of this Judgment shall have, fully, finally, and forever released, relinquished, and discharged Plaintiffs, each and all of the Class Members, and Plaintiffs' counsel from all claims (including Unknown Claims) arising out of, relating to, or in connection with the institution, prosecution, assertion, settlement or resolution of the Litigation or the Released Claims. Claims to enforce the terms of the Stipulation are not released.

8. The Notice of Proposed Settlement of Class Action given to the Class was the best notice practicable under the circumstances, including the individual notice to all Members of the Class who could be identified through reasonable effort. Said notice provided the best notice practicable under the circumstances of those proceedings and of the matters set forth therein, including the proposed settlement set forth in the Stipulation, to all Persons entitled to such notice, and said notice fully satisfied the requirements of Federal Rule of Civil Procedure 23 and the requirements of due process.

9. Any Plan of Allocation submitted by Lead Counsel or any order entered regarding any attorneys' fee and expense application shall in no way disturb or affect this Final Judgment and shall be considered separate from this Final Judgment.

10. Neither the Stipulation nor the settlement contained therein, nor any act performed or document executed pursuant to or in furtherance of the Stipulation or the settlement: (a) is or may be deemed to be or may be used as an admission of, or evidence of, the validity of any Released Claim, or of any wrongdoing or liability of the Defendants or their respective Related Parties, or (b) is or may be deemed to be or may be used as an admission of, or evidence of, any fault or omission of any of the Defendants or their respective Related Parties in any civil, criminal, or administrative proceeding in any court, administrative agency, or other tribunal. The Defendants and/or their respective Related Parties may file the Stipulation and/or this Judgment from this action in any other action that may be brought against them in order to support a defense or counterclaim based on principles of *res judicata*, collateral estoppel, release, good faith settlement, judgment bar or reduction, or any theory of claim preclusion or issue preclusion or similar defense or counterclaim.

11. Without affecting the finality of this Judgment in any way, this Court hereby retains continuing jurisdiction over: (a) implementation of this settlement and any award or distribution of the Settlement Fund, including interest earned thereon; (b) disposition of the Settlement Fund; (c) hearing and determining applications for attorneys' fees, interest, and expenses in the Litigation; and (d) all parties hereto for the purpose of construing, enforcing, and administering the Stipulation.

12. The Court finds that during the course of the Litigation, the Settling Parties and their respective counsel at all times complied with the requirements of Federal Rule of Civil Procedure 11.

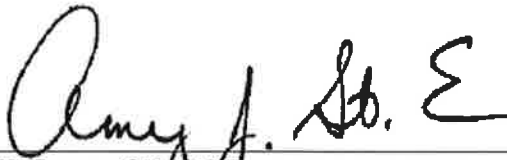
13. In the event that the settlement does not become effective in accordance with the terms of the Stipulation, or the Effective Date does not occur, or in the event that the Settlement

Fund, or any portion thereof, is returned to the Defendants' insurers, then this Judgment shall be rendered null and void to the extent provided by and in accordance with the Stipulation and shall be vacated and, in such event, all orders entered and releases delivered in connection herewith shall be null and void to the extent provided by and in accordance with the Stipulation.

14. Without further order of the Court, the Settling Parties may agree to reasonable extensions of time to carry out any of the provisions of the Stipulation.

IT IS SO ORDERED.

DATED: May 9, 2012



THE HONORABLE AMY J. ST. EVE
UNITED STATES DISTRICT JUDGE

Submitted by:

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Additional Counsel for Plaintiffs

Exhibit 1

**REQUESTS FOR EXCLUSION IN RESPONSE TO NOTICE OF PENDENCY OF
CLASS ACTION DATED NOVEMBER 2, 2011**

MOTOROLA 1	Name
EXCL 00001	Robert E. Deitrich (deceased) JoAnne C. Deitrich (POA)
EXCL 00002	Clark I. Anderson Judith Anderson
EXCL 00003	Mickey Franks
EXCL 00004	Fihua T. Chang Anna T. Chang
EXCL 00005	Celeena A. Murphy
EXCL 00006	Albert A. Ligon Doris W. Ligon
EXCL 00007	Betty Weaver
EXCL 00008	Emilio A. Vazquez Emilio A. Vazquez, Jr. Alejandro M. Vazquez
EXCL 00009	Loretta [?] Ann Anderson
EXCL 00010	Wilma McGee Canter
EXCL 00011	Frances K. Taylor & Richard A. Taylor, Jr. Ten.
EXCL 00012	William J. Hunt & Cathie M. Hunt, Jr. Ten.
EXCL 00013	Jerry R. Lewis Peggy M. Lewis
EXCL 00014	William M. Newman
EXCL 00015	P. Susan Steele
EXCL 00016	Joseph Russo Helene L. Oback-Russo
EXCL 00017	John C. Keisling Marian Keisling
EXCL 00018	David LaManna & M. LaManna (minor)
EXCL 00019	Joseph Kreit
EXCL 00020	Michael Zolik Sasha Zolik
EXCL 00021	Charles J. Steinhouse (deceased) Rosemarie Steinhouse TT
EXCL 00022	Charles J. Steinhouse (IRA)
EXCL 00023	Rosann Effroze

MOTOROLA 1	Name
EXCL 00024	John O. Scully
EXCL 00025	Lewis E. Peterson TTEE Sandra L. Peterson TTEE
EXCL 00026	Mary J. Nicholas
EXCL 00027	Robert A. Santos
EXCL 00028	Gail M. Newton
EXCL 00029	Angelo S. Vanoni
EXCL 00030	Louise M. Weyer
EXCL 00031	Emilenan P. Allen
EXCL 00032	Jane H. Anderson
EXCL 00033	Willard M. Berry
EXCL 00034	Marcia E. Sullivan for Henry F. Meilahn (deceased)
EXCL 00035	Vera D. LeForce
EXCL 00036	Edward S. Morris, Jr.
EXCL 00037	Mary C. Brandow
EXCL 00038	Martha K. Arterberry
EXCL 00039	Nathan E. Jackson
EXCL 00040	Ann M. Capasso
EXCL 00041	Ruth Martha Staudt
EXCL 00042	Perri Neal
EXCL 00043	Shanmukha Bollapragada
EXCL 00044	Daniel L. Eckert
EXCL 00045	Barry Curtis, Alice Curtis executors for Sarah Bigby (deceased)
EXCL 00046	Darryl Mitchell
EXCL 00047	Randal R. Taylor
EXCL 00048	Evelyn Pignataro
EXCL 00049	Edward A. Honeck Edith A. Honeck
EXCL 00050	Judy Etler (widow of Irvin A. Etler)
EXCL 00051	Geraldine A. Hanan

MOTOROLA 1	Name
EXCL 00052	Ayush Mehra
EXCL 00053	Michelle Mattenson
EXCL 00054	Michèle Sioen (for deceased Jean-Jacques Sioen)
EXCL 00055	John F. Anderson, Jr. Catherine P. Anderson, JT.
EXCL 00056	Margaret J. Coe
EXCL 00057	June E. Altizer
EXCL 00058	Alexander Slawuta
EXCL 00059	Pamela Rayl
EXCL 00060	Anne Arrowsmith
EXCL 00061	Suet Ching Go

LATE EXCLUSIONS

EXCL 80001	Yuvonna M. Mullins Verneda R. Claxton Jt Ten
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REQUESTS FOR EXCLUSION IN RESPONSE TO NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION DATED FEBRUARY 16, 2012

MOTOROLA 2	Name
EXCL 00001	Charles Goff
EXCL 00002	Corinne M. Stukel
EXCL 00003	Angelo S. Vanoni
EXCL 00004	Joseph Russo Helene L. Oback-Russo
EXCL 00005	John E. Morris & Doris M. Morris Trust
EXCL 00006	Dion Finnegan (deceased) Geraldine Finnegan
EXCL 00007	Nathan E. Jackson
EXCL 00008	Marcia E. Sullivan for Henry F. Melahn (deceased)
EXCL 00009	Geraldine Finnegan
EXCL 00010	Catherine Walp

MOTOROLA 2	Name
EXCL 00011	Curtis H. Rader
EXCL 00012	Sachin Biradar
EXCL 00013	Lee Haines Valerie Walsh-Haines
EXCL 00014	Geraldine Troitino
EXCL 00015	George B. Elder Billie E. Elder
EXCL 00016	Emilenan P. Allen
EXCL 00017	Robert E. Deitrich (deceased) JoAnne C. Deitrich POA
EXCL 00018	Carol Harrison
EXCL 00019	Kathleen C. Brafford
EXCL 00020	Joan Davis
EXCL 00021	Harold W. Wheeler Lucille E. Wheeler
EXCL 00022	Lorraine Straza Eleanor Straza (deceased)
EXCL 00023	Ken Lundgren
EXCL 00024	Emilio A. Vazquez Emilio A. Vazquez, Jr. Alejandro M. Vazquez
EXCL 00025	Renate Schwope-Alexander
EXCL 00026	Adriana De Leva
EXCL 00027	Marilyn A. Dyelle Floyd W. Dyelle
EXCL 00028	John O. Scully
EXCL 00029	Judy L. Scheibal
EXCL 00030	Perri Neal
EXCL 00031	Sandra Rayson Poon
EXCL 00032	H. Arno Seidelmann
EXCL 00033	Katherine McCook for Catherine Cragg (deceased)
EXCL 00034	Duane B. Heeren
EXCL 00035	Frida Brown De Rungs
EXCL 00036	Edward Neighbor Carolyn Neighbor

MOTOROLA 2	Name
EXCL 00037	Ernie Wacker for Clinton Pederson (deceased)
EXCL 00038	Katie Watson Monticone
EXCL 00039	Jerry Walters

LATE EXCLUSIONS

EXCL 80001	Muriel Don for James Alfred Don (deceased)
EXCL 80002	Harry Hewick, Marion Hewick, Erin Dawson, Steven Hewick
EXCL 80003	James D. Hammel Ilene Hammel