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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE OPTICAL DISK DRIVE
ANTITRUST LITIGATION**

Case No. 3:10-md-02143 RS

MDL No. 2143

This Document Relates to:

DIRECT PURCHASER CLASS ACTIONS

**FINAL JUDGMENT OF DISMISSAL
WITH PREJUDICE AS TO DEFENDANTS
BENQ CORP. AND BENQ AMERICA
CORP.**

1 This matter has come before the Court to determine whether this Court should approve the
2 settlement with Defendants BenQ Corp. and BenQ America Corp. (“BenQ” or “Defendants”) set
3 forth in the Settlement Agreement (“BenQ Settlement Agreement”), dated June 15, 2015, relating
4 to the above-captioned litigation. The Court, after carefully considering all papers filed and
5 proceedings held herein and otherwise being fully informed in the premises, has determined (1)
6 that the settlement should be approved, and (2) that there is no just reason for delay of the entry of
7 this Final Judgment approving the BenQ Settlement Agreement. Accordingly, the Court directs
8 entry of Judgment which shall constitute a final adjudication of this case on the merits in
9 accordance with the terms of the BenQ Settlement Agreement. Good cause appearing therefor, it
10 is:

11 **ORDERED, ADJUDGED AND DECREED THAT:**

- 12 1. The Court has jurisdiction over the subject matter of the Action and over all parties
13 to the BenQ Settlement Agreement, including all members of the Class.
- 14 2. The definitions of terms set forth in the BenQ Settlement Agreement are
15 incorporated hereby as though fully set forth in this Judgment.
- 16 3. The Court hereby finally approves and confirms the settlement set forth in the BenQ
17 Settlement Agreement and finds that said settlement is, in all respects, fair, reasonable and
18 adequate to the Class pursuant to Rule 23 of the Federal Rules of Civil Procedure.
- 19 4. Pursuant to Fed. R. Civ. P. 23(g), Saveri & Saveri, Inc. is appointed as counsel for
20 the Class. This firm has and will fairly and competently represent the interests of the Class.
- 21 5. The persons/entities identified in Exhibit C to the Declaration of Rachel Christman
22 re Dissemination of BenQ, Pioneer, PLDS, QSI, Sony, TEAC, and TSST Notice to Class Members
23 and Claims Process, filed on March 24, 2016, have validly requested exclusion from the Class and,
24 therefore, are excluded. Such persons/entities are not included in or bound by this Final Judgment.
25 Such persons/entities are not entitled to any recovery of the settlement proceeds obtained through
26 the BenQ Settlement.
- 27 6. This Court hereby dismisses on the merits and with prejudice the Class Action in
28 favor of BenQ, with all parties to bear their own costs and attorneys’ fees.

1 7. The Releasees are hereby and forever released and discharged with respect to any
2 and all claims or causes of action which the Releasors had or have arising out of or related to any
3 of the Released Claims as defined in the BenQ Settlement Agreement.

4 8. Without affecting the finality of this Judgment in any way, this Court hereby retains
5 continuing jurisdiction over: (a) implementation of this settlement and any distribution to Class
6 Members pursuant to further orders of this Court; (b) disposition of the Settlement Fund; (c)
7 hearing and determining applications by Plaintiffs' counsel for attorneys' fees, costs, expenses, and
8 interest; (d) the Action until the Final Judgment contemplated hereby has become effective and
9 each and every act agreed to be performed by the parties all have been performed pursuant to the
10 BenQ Settlement Agreement; (e) hearing and ruling on any matters relating to the plan of
11 allocation of settlement proceeds; and (f) all parties to the Action and Releasors, for the purpose of
12 enforcing and administering the BenQ Settlement Agreement and the mutual releases and other
13 documents contemplated by, or executed in connection with the BenQ Settlement Agreement.

14 9. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules of Civil
15 Procedure, that this Final Judgment should be entered and further finds that there is no just reason
16 for delay in the entry of this Judgment, as a Final Judgment, as to the parties to the BenQ
17 Settlement Agreement. Accordingly, the Clerk is hereby directed to enter Judgment forthwith.

18
19 IT IS SO ORDERED.

20
21 Dated: _____

22 Hon. Richard Seeborg
23 United States District Judge