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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|--------------------------------|---|------------------------------|
| In re CELERA CORP. SEC. LITIG. |) | No. 5:10-cv-02604-EJD(HRL) |
| _____ |) | |
| This Document Relates To: |) | <u>CLASS ACTION</u> |
| ALL ACTIONS. |) | PROPOSED JUDGMENT |
| _____ |) | |

1 The Court having considered all papers filed and proceedings had herein, including the
2 November 20, 2015 Order Granting Motion for Final Approval of Class Action Settlement (Dkt. No.
3 197), Lead Plaintiff's April 29, 2015 motion for final approval of the settlement (Dkt. No. 180), and
4 the application of the parties for approval of the settlement set forth in the August 28, 2014
5 Stipulation of Settlement (the "Stipulation") (Dkt. No. 166), and good cause appearing therefore, IT
6 IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

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

10 2. This Court has jurisdiction over the subject matter of the Litigation and over all
11 parties to the Litigation, including all Members of the Class.

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

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

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

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

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

21 4. Accordingly, the Court authorizes and directs implementation and performance of all
22 the terms and provisions of the Stipulation, as well as the terms and provisions hereof. The Court
23 hereby dismisses the Litigation and all Released Claims of the Class with prejudice.

24 5. Upon the Effective Date as provided in ¶7.1 of the Stipulation, Lead Plaintiff and
25 each and every Class Member shall be deemed to have, and by operation of this Judgment shall
26 have, to the fullest extent permitted by law, fully, finally, and forever waived, released, relinquished,
27 settled, discharged, and dismissed each and every one of the Released Claims against each and every
28

1 one of the Released Persons, whether or not such Class Member executes and delivers the Proof of
2 Claim and Release form, and whether or not such Class Member shares in the Settlement Fund.

3 6. Lead Plaintiff and all Class Members are hereby forever barred and enjoined from
4 prosecuting any of the Released Claims against any of the Released Persons.

5 7. The person appearing on the list annexed hereto as Exhibit A has properly requested
6 exclusion from the Class, shall not be bound by this Judgment, nor shall they receive any benefit
7 thereunder.

8 8. Upon the Effective Date, and as provided in the Stipulation, each of the Released
9 Persons shall be deemed to have, and by operation of this Judgment shall have, fully, finally, and
10 forever released, relinquished, and discharged Lead Plaintiff, any plaintiff who filed a complaint,
11 each and all of the Class Members, Lead Counsel, Lead Plaintiff's counsel and counsel for any
12 plaintiff from all claims (including Unknown Claims) arising out of, relating to, or in connection
13 with the institution, prosecution, assertion, settlement or resolution of the Litigation or the Released
14 Claims.

15 9. The Notice of Proposed Settlement of Class Action given to the Class satisfied the
16 requirements of Federal Rule of Civil Procedure 23 and the requirements of due process.

17 10. The Court orders that Plaintiffs' Counsel shall be paid the sum of \$4,950,000 in
18 attorneys' fees and expenses of \$222,521.32 in accordance with the Court's November 20, 2015
19 Order Granting Motion for Final Approval of Class Action Settlement (Dkt. No. 197) and the
20 Stipulation of Settlement filed with the Court on August 29, 2014 (Dkt. No. 166).

21 11. The Plan of Allocation described in the Notice of Proposed Settlement of Class
22 Action (the "Notice") is adjudged to be fair, reasonable and adequate and is hereby
23 approved. Pursuant to Federal Rule of Civil Procedure 23, this Court hereby finds and concludes
24 that due and adequate notice was directed to Persons who are Class Members advising them of the
25 Plan of Allocation and of their right to object thereto, and a full and fair opportunity was accorded to
26 such Persons and entities who are Class Members to be heard with respect to the Plan of
27 Allocation. The Court hereby finds and concludes that the formula for the calculation of the claims
28 of Authorized Claimants, which is set forth in the Notice sent to Class Members, provides a fair and

1 reasonable basis upon which to allocate the proceeds of the Net Settlement Fund provided by the
2 Settlement among eligible Class Members, with due consideration having been given to
3 administrative convenience and necessity. The Court hereby finds and concludes that the Plan of
4 Allocation set forth in the Notice is in all respects fair and reasonable and the Court hereby approves
5 the Plan of Allocation.

6 12. Neither the Stipulation nor the settlement contained therein, nor any act performed or
7 document executed pursuant to or in furtherance of the Stipulation or the settlement: (a) is or may be
8 deemed to be or may be used as an admission of, or evidence of, the validity of any Released Claim,
9 or of any wrongdoing or liability of the Defendants or their respective Related Parties; or (b) is or
10 may be deemed to be or may be used as an admission of, or evidence of, any fault or omission of any
11 of the Defendants or their respective Related Parties; or (c) is or may be deemed to be or may be
12 used as an admission or evidence that any claims asserted by Lead Plaintiff were not valid in any
13 civil, criminal or administrative proceeding in any court, administrative agency or other tribunal.
14 The Defendants and/or their respective Related Parties may file the Stipulation and/or this Judgment
15 in any action that may be brought against them in order to support a defense or counterclaim based
16 on principles of *res judicata*, collateral estoppel, release, good faith settlement, judgment bar or
17 reduction, or any other theory of claim preclusion or issue preclusion or similar defense or
18 counterclaim.

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

24 14. The Court finds that during the course of the Litigation, the Settling Parties and their
25 respective counsel at all times complied with the requirements of Federal Rule of Civil Procedure
26 11.

27 15. In the event that an appeal from this Judgment is filed and settlement is nullified by
28 any court with jurisdiction, then this Judgment shall be rendered null and void to the extent provided

1 by and in accordance with the Stipulation. Further, in the event of such an order, all prior orders of
2 this Court entered and releases delivered in connection with the settlement shall be null and void in
3 accordance with the Stipulation.

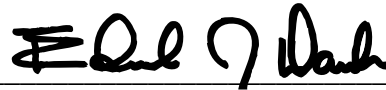
4 16. Without further order of the Court, the Settling Parties may agree to reasonable
5 extensions of time to carry out any of the provisions of the Stipulation.

6 17. This Judgment is a final judgment in the Litigation as to all claims among
7 Defendants, on the one hand, and the Lead Plaintiff and all Class Members, on the other. By reason
8 of the settlement, and approval hereof, this Judgment shall be deemed a final judgment pursuant to
9 Rule 54(b) of the Federal Rules of Civil Procedure.

10 18. The Court directs immediate entry of this Judgment ~~by the Clerk of the Court.~~
11 IT IS SO ORDERED. The Clerk shall close this file.

12
13 DATED: San Jose, California
14 _December 10_, 2015

BY:



EDWARD J. DAVILA
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2015, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed the foregoing document or paper via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 4, 2015.

s/ Willow E. Radcliffe
WILLOW E. RADCLIFFE

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Mailing Information for a Case 5:10-cv-02604-EJD In re: "Celera Corporation Securities Litigation."

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

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Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

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EXHIBIT A

In re Celera Corp. Sec. Litig.

No. 5:10-cv-02604-EJD(HRL)

**INDIVIDUALS WHO HAVE VALIDLY AND TIMELY REQUESTED EXCLUSION
FROM THE CLASS**

Daniel Curtis