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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA

19 IN RE DYNAMIC RANDOM ACCESS
20 MEMORY (DRAM) ANTITRUST
21 LITIGATION

Master File No. M-02-1486-PJH
MDL No. 1486

22 This Document Relates To:

23 All Direct Purchaser Actions
24

**[PROPOSED] ORDER APPROVING JOINT
NOTICE TO CLASS REGARDING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENTS WITH ELPIDA,
NEC, WINBOND AND MICRON
DEFENDANTS**

25 Time: 9:00 a.m.
Date: February 14, 2007
26 Judge: Hon. Phyllis J. Hamilton
Courtroom: 3, 17th Floor
27

1 The Court, having approved the four settlement agreements ("Settlements") entered into
2 between (i) plaintiffs and defendants Elpida Memory, Inc. and Elpida Memory (USA) Inc. (collectively
3 "Elpida"); (ii) plaintiffs and defendant NEC Electronics America, Inc. ("NEC"); (iii) plaintiffs and
4 defendants Winbond Electronics Corporation and Winbond Electronics Corporation America
5 (collectively "Winbond"); and (iv) Micron Technology, Inc., and Micron Semiconductor Products, Inc.,
6 through its Crucial Technology division, (collectively "Micron") (collectively "Settling Defendants"),
7 and having issued its order certifying the Class for litigation purposes on June 5, 2006, hereby

8 **ORDERS:**

9 1. The Court will hold a Fairness Hearing pursuant to Federal Rule of Civil Procedure 23(e)
10 on April 18, 2007. The Fairness Hearing will be held to determine the following:

- 11 (a) Whether each of the proposed Settlements is fair, reasonable and adequate and should be
12 granted final approval by the Court pursuant to Federal Rule of Civil Procedure 23(e);
13 (b) Whether final judgments should be entered dismissing the claims of the Class against the
14 Settling Defendants with prejudice as required by each of the Settlements; and
15 (c) Such other matters as the Court may deem appropriate.

16 2. By February 23 2007, Class Notice, substantially in the form attached hereto as
17 Exhibit "A" shall be sent by the Class Administrator via first class U.S. mail or email, postage
18 prepaid, to all members of the Class at their last known address and/or email address as reflected in the
19 records of Settling Defendants and the non-settling defendants. By February 21, 2007, summary
20 notice substantially in the form of Exhibit "B" hereto shall be published in the national edition of The
21 Wall Street Journal. Class Counsel shall also cause a copy of the Notice and the Settlements to be posted
22 on the Internet at a readily accessible website to be created and maintained by the Class Administrator.

23 3. The Court finds that this manner of giving notice fully satisfies the requirements of
24 Federal Rule of Civil Procedure 23 and due process, constitutes the best notice practicable under
25 the circumstances, and shall constitute due and sufficient notice to all persons entitled thereto.

26 4. Plaintiffs' Class Counsel shall file, not later than 14 days before the Fairness
27 Hearing, proof of compliance with paragraph 2 of this Order.

28 5. All Class Members shall upon final approval of the Settlements, be bound by all the terms

1 and provisions of the Settlements so approved, including but not limited to the releases, waivers, and
2 covenants described in the Settlements, whether or not such person or entity objected to the Settlements
3 and whether or not such person or entity made a claim upon the settlement funds.

4 6. As provided by the Class Notice, each Class Member shall have the right to object
5 to the Settlements by filing written objections with the Court not later than March 26, 2007, copies
6 of which shall be served on all counsel listed in the Class Notice.

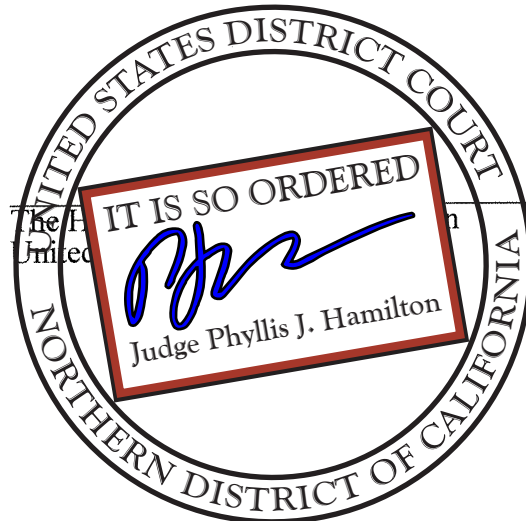
7 7. All briefs, memoranda, and supporting papers in support of final approval of the
8 Settlements shall be filed not later than April 5, 2007.

9 8. All further class proceedings as to the Settling Defendants are hereby stayed
10 except for any actions required to effectuate the Settlements.

11 9. The Court retains exclusive jurisdiction over this action to consider all further
12 matters arising out of or connected with the Settlements.

13 **IT IS SO ORDERED.**

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16 Dated February 14, 2007



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