

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JOHN TAYLOR, on behalf of himself and all others similarly situated,	:	
	:	
Plaintiff(s)	:	Civil Action No. 07-4059 (FSH)
	:	
v.	:	
	:	
JVC AMERICAS CORPORATION, a Delaware Corporation,	:	
	:	
Defendant(s)	:	

ORDER AND FINAL JUDGMENT

On the 2nd day of November, 2009, a hearing pursuant to Fed.

R. Civ. P. 23(e) having been held before this Court for the following purposes

a. to finally determine whether the Class satisfies the applicable prerequisites for certification for settlement purposes under Fed. R. Civ. P. 23(a) and (b);

b. to finally determine whether the proposed Settlement as reflected in the Stipulation and Agreement of Settlement dated May 21, 2009 (the "Stipulation") is fair, reasonable and adequate, and should be finally approved by the Court;

c. to determine whether the proposed Order and Final Judgment should be entered, and to determine whether the release by the Class, as set forth in the Stipulation, should be provided;

d. to consider Plaintiff's Counsel's application for an award of attorneys' fees and reimbursement of expenses; and

e. to rule upon such other matters as the Court may deem appropriate.

and for the reasons set forth in the opinion delivered on the record
**NOW, THEREFORE, IT IS HEREBY ORDERED, this 2nd day of *on November*
November **THAT:** *2, 2009***

1. The Court finds that the prerequisites for a class action under Fed. R. Civ. P. 23(a) and (b) have been satisfied in that: (a) the number of Class Members is so numerous that joinder of all members thereof is impracticable; (b) there are questions of law and fact common to the Class; (c) the claims of the Lead Plaintiff John Taylor are typical of the claims of the Class he seeks to represent; (d) Plaintiff and Plaintiff's Counsel have fairly and adequately represented the interests of the Class; (e) the questions of law and fact common to the members of the Class predominate over any questions affecting only individual members of the Class; and (f) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.


2. Pursuant to Fed. R. Civ. P. 23, this Court hereby finally certifies this action as a class action on behalf of all persons or entities who or otherwise acquired the following models of JVC televisions within the United States: LT-40FH96; HD-56FH96; HD56FH96Ai; HD-61FH96; HD-70FH96; LT-40FH97; LT-40FN97; LT-46FN97; LT-46FN^H97; HD-P61R1U; and HD-P70R1U. Excluded from the Class are Defendant, Defendant's parents, subsidiaries, affiliates, partners, officers, employees, directors, legal representatives, heirs, successors and assigns, and any entity in which Defendant has a controlling interest. Also excluded from the Class are the two persons who requested exclusion from the Class as listed on Exhibit 1 annexed hereto. ©

3. Pursuant to Fed. R. Civ. P. 23, this Court hereby finally certifies Plaintiff John Taylor as Class Representative.

4. Notice of the pendency of this Action as a class action and of the proposed Settlement was given to all Class Members who could be identified with reasonable effort. The form and method of notifying the Class of the pendency of the action as a class action and of the terms and conditions of the proposed Settlement met the requirements of Fed. R. Civ. P. 23, due process, and any other applicable law, constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

Plaintiff's Counsel has filed with the Court proof of mailing and e-mailing of the Notice and Proof of Claim and proof of publication of the Publication Notice.

5. The Settlement is approved as fair, reasonable, and adequate, and the Class Members and the parties are directed to consummate the Settlement in accordance with the terms and provisions of the Stipulation of Settlement.

All ^{valid claims} ~~claims~~ received as of November 2, 2009 shall be paid from the settlement fund, including Mr. Grant's claim. 

6. The obligations incurred pursuant to the Stipulation are in full and final disposition of the Action and any and all Settled Claims as against all Released Parties and any and all Settled Defendant's Claims.

7. The Complaint is hereby dismissed with prejudice as against Defendant.

8. Plaintiff and all Class Members on behalf of themselves, their heirs, executors, administrators, successors and assigns, hereby, with respect to each and every Settled Claim, release and forever discharges, and shall forever be enjoined from prosecuting, any Settled Claims against any of the Released Parties, whether or not such Plaintiff and Class Members execute and deliver a Proof of Claim.

9. Defendant on behalf of itself and the Released Parties with respect to each and every Settled Defendant's Claim, hereby releases and forever discharge and is forever enjoined from prosecuting any and all Settled Defendant's Claims.

10. Neither this Order and Final Judgment, the Stipulation, nor any of its terms and provisions, nor any of the negotiations or proceedings connected with it, nor any of the documents or statements referred to therein shall be:

(a) offered or received against Defendant as evidence of or construed as or deemed to be evidence of any presumption, concession, or admission by Defendant with respect to the truth of any fact alleged by any of the plaintiffs or the validity of any claim that has been or could have been asserted in the Action or in any litigation, or the deficiency of any defense that has been or could have been asserted in the Action or in any litigation, or of any liability, negligence, fault, or wrongdoing of Defendant;

(b) offered or received against Defendant as evidence of a presumption, concession or admission of any fault, misrepresentation or omission with respect to any statement or written document approved or made by Defendant;

(c) offered or received against Defendant as evidence of a presumption, concession or admission with respect to any liability, negligence, fault or wrongdoing, or in any way referred to for any other reason as against Defendant, in any other civil, ~~criminal or administrative~~ ^{LFJ} action or proceeding, other than such proceedings as may be necessary to effectuate the provisions of the

LFJ If this document is offered to be used in a criminal or administrative proceeding, the defendant shall be granted notice and an opportunity to be heard, unless notice or such an opportunity is otherwise precluded by law or court order.

Stipulation; provided, however, that Defendant may refer to it to effectuate the liability protection granted them hereunder;

(d) construed against Defendant as an admission or concession that the consideration to be given hereunder represents the amount which could be or would have been recovered after trial; or

(e) construed as or received in evidence as an admission, concession or presumption against Lead Plaintiff or any of the other Class Members that any of their claims are without merit, or that any defenses asserted by Defendant have any merit, or that damages recoverable under the Complaint would have exceeded the Gross Settlement Fund.

11. The Court finds that all parties and their counsel have complied with each requirement of the Federal Rules of Civil Procedure as to all proceedings herein.

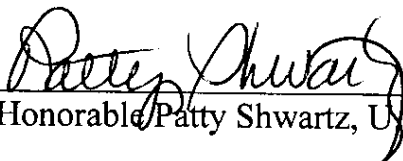
12. Plaintiff's Counsel are hereby awarded 33.33 % of the Gross Settlement Fund in attorneys' fees, or \$ 333,333.00, which sum the Court finds to be fair and reasonable, and \$ 8653 in reimbursement of expenses, which expenses shall be paid to Plaintiff's Counsel from the Gross Settlement Fund ⁽⁷⁾ ~~with interest from the date such Gross Settlement Fund was funded to the date of payment at the same net rate that the Gross Settlement Fund earns.~~ The

award of attorneys' fees shall be allocated among Plaintiff's Counsel in a fashion which, in the opinion of Plaintiff's Counsel, fairly compensates Plaintiff's Counsel for their respective contributions in the prosecution of the Action.

13. This Court retains jurisdiction over the parties and the Class Members for all matters relating to this Action, including the administration, interpretation, effectuation or enforcement of the Stipulation and this Order and Final Judgment.

IT IS SO ORDERED.

Dated: November 2, 2009



The Honorable Patty Shwartz, U.S.M.J.

Exhibit 1

Requests for Exclusion from the *John Taylor v. JVC Americas Corporation*
Settlement received as of 9/10/09:

1. Richard P. Beck
2. Ji-Liang Wann