

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. SECURITIES,
DERIVATIVE & “ERISA” LITIGATION

MDL No. 1658 (SRC)
Civil Action No. 05-1151 (SRC) (CLW)
Civil Action No. 05-2367 (SRC) (CLW)

THIS DOCUMENT RELATES TO:
THE SECURITIES CLASS ACTION

JUDGMENT APPROVING CLASS ACTION SETTLEMENT

WHEREAS, a securities class action is pending in this Court entitled *In re Merck & Co., Inc. Sec., Derivative & “ERISA” Litig.*, MDL No. 1658 (SRC), Case No. 2:05-CV-01151-SRC-CLW (D.N.J.), Case No. 2:05-CV-02367-SRC-CLW (D.N.J.) (the “Action”);

WHEREAS, unless otherwise defined in this Judgment, the capitalized terms herein shall have the same meaning as they have in the Stipulation and Agreement of Settlement dated February 8, 2016 (the “Stipulation”);

WHEREAS, by Order dated January 30, 2013, the Court certified a class consisting of all persons and entities who, from May 21, 1999, to September 29, 2004, inclusive, purchased or otherwise acquired Merck Common Stock or Merck Call Options, or sold Merck Put Options (the “Certified Class”), and by Order dated August 6, 2013, directed that notice of the pendency of the class action be sent to potential members of the Certified Class (“Certified Class Notice”);

WHEREAS, the Certified Class Notice was sent to Certified Class Members beginning on September 4, 2013, and the Summary Notice of Pendency of Class Action was published once in *The Wall Street Journal* and transmitted once over the *PR Newswire* on September 12, 2013;

WHEREAS, the Certified Class Notice provided Certified Class Members with the opportunity to request exclusion from the Certified Class, stated that it was within the Court’s

discretion whether to permit a second opportunity to request exclusion if there is a settlement, and stated that Certified Class Members who choose to remain a member of the class “will be bound by all past, present and future orders and judgments in the Action, whether favorable or unfavorable”;

WHEREAS, certain persons and entities exercised their right to request exclusion from the Certified Class in response to the Certified Class Notice;

WHEREAS, (a) Lead Plaintiffs Public Employees’ Retirement System of Mississippi, Steven LeVan, Jerome Haber and Richard Reynolds (collectively, “Lead Plaintiffs”), on behalf of themselves and the Settlement Class (defined below); and (b) Merck Sharp & Dohme Corp., on behalf of its affiliates and subsidiaries, including defendant Merck & Co., Inc.¹ and defendants Edward M. Scolnick and Alise S. Reicin (collectively, the “Individual Defendants,” and together with Merck, “Defendants”), have entered into the Stipulation to settle all claims asserted against Defendants in this Action with prejudice on the terms and conditions set forth in the Stipulation, subject to approval of this Court (the “Settlement”);

WHEREAS, by Order dated February 10, 2016 (the “Preliminary Approval Order”), this Court: (a) preliminarily approved the Settlement; (b) certified the Settlement Class solely for ~~purposes of effectuating the Settlement; (c) ordered that notice of the proposed Settlement be~~ provided to potential Settlement Class Members, including that summary notice be published once in the national edition of *The Wall Street Journal* and be transmitted three times over internet newswires; (d) provided potential Settlement Class Members with the opportunity to (i) opt back into the Settlement Class if they previously submitted a request for exclusion from the Certified

¹ As used herein, “Merck” means Merck Sharp & Dohme Corp. and Merck & Co., Inc., the named defendant in this action, together with any of their subsidiaries and affiliates.

Class in connection with the Certified Class Notice, (ii) request exclusion from the Settlement Class if they were not a member of the Certified Class, or (iii) object to the proposed Settlement, Plan of Allocation and/or Co-Lead Counsel's motion for an award of attorneys' fees and reimbursement of Litigation Expenses; and (e) scheduled a hearing regarding final approval of the Settlement;

WHEREAS, Co-Lead Counsel have filed with the Court proof, by affidavit or declaration, of such mailing and publication of the Settlement Notice and Summary Settlement Notice of the proposed Settlement;

WHEREAS, due and adequate notice has been given to the Settlement Class;

WHEREAS, the Court conducted a hearing on June 28, 2016 (the "Settlement Hearing") to consider, among other things: (a) whether the terms and conditions of the Settlement are fair, reasonable, and adequate, and should therefore be approved; (b) whether a judgment should be entered dismissing the Action with prejudice as against all Defendants; (c) whether the proposed Plan of Allocation is fair and reasonable, and should be approved; and (d) whether Co-Lead Counsel's motion for attorneys' fees and reimbursement of Litigation Expenses should be approved;

WHEREAS, the Court has reviewed and considered the Stipulation, all papers filed and ~~proceedings held in connection with the Settlement~~, all oral and written comments received regarding the Settlement, and the record in the Action, and good cause appearing therefor;

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. **Jurisdiction** – The Court has jurisdiction over the subject matter of the Action and all matters relating to the Settlement, as well as personal jurisdiction over all of the Parties and each of the Settlement Class Members.

2. **Incorporation of Settlement Documents** – This Judgment incorporates and makes a part hereof: (a) the Stipulation filed with the Court on February 8, 2016, and the exhibits thereto; and (b) the Settlement Notice and the Summary Settlement Notice, both of which were filed with the Court on April 29, 2016.

3. **Class Certification for Settlement Purposes** – The Court hereby affirms its determinations in the Preliminary Approval Order certifying, for the purposes of the Settlement only, the Action as a class action pursuant to Rules 23(a) and (b)(3) of the Federal Rules of Civil Procedure on behalf of the Settlement Class consisting of all persons and entities who, from May 21, 1999, through October 29, 2004, inclusive (the “Settlement Class Period”), purchased or otherwise acquired Merck Common Stock or Merck Call Options, or sold Merck Put Options (the “Settlement Class”). Excluded from the Settlement Class are Defendants; the officers and directors of Merck at all relevant times; members of the Immediate Family of any excluded person; the legal representatives, heirs, successors, and assigns of any excluded person or entity; any entity in which any excluded person or entity has or had a controlling interest; and the Merck & Co., Inc. Employee Savings & Security Plan (now known as the Merck U.S. Savings Plan), the Merck and Co., Inc. Employee Stock Purchase & Savings Plan (now known as the MSD Employee Stock Purchase & Savings Plan), the Merck Puerto Rico Employee Savings & Security Plan (now known as the MSD Puerto Rico Employee Savings & Security Plan), and the Merck-Medco Managed Care, LLC 401(k) Savings Plan (and any successor or successors thereto). Also excluded from the Settlement Class are the persons and entities listed on Exhibit 1 hereto who or which are excluded from the Settlement Class pursuant to request.

4. **Adequacy of Representation** – Pursuant to Rule 23 of the Federal Rules of Civil Procedure, and for the purposes of the Settlement only, the Court hereby affirms its determinations

in the Preliminary Approval Order certifying Lead Plaintiffs as Class Representatives for the Settlement Class and appointing Co-Lead Counsel as Class Counsel for the Settlement Class. Lead Plaintiffs and Co-Lead Counsel have fairly and adequately represented the Settlement Class both in terms of litigating the Action and for purposes of entering into and implementing the Settlement and have satisfied the requirements of Federal Rules of Civil Procedure 23(a)(4) and 23(g), respectively.

5. **Settlement Notice** – The Court finds that the dissemination of the Settlement Notice and the publication of the Summary Settlement Notice: (a) were implemented in accordance with the Preliminary Approval Order; (b) constituted the best notice practicable under the circumstances; (c) constituted notice that was reasonably calculated, under the circumstances, to apprise potential Settlement Class Members of (i) the effect of the Settlement (including the Releases provided for therein), (ii) Co-Lead Counsel’s motion for an award of attorneys’ fees and reimbursement of Litigation Expenses, (iii) Settlement Class Members’ right to object to any aspect of the Settlement, the Plan of Allocation, and/or Co-Lead Counsel’s motion for attorneys’ fees and reimbursement of Litigation Expenses, (iv) their right to opt back into the Settlement Class if they previously submitted a request for exclusion from the Certified Class in connection with the Certified Class Notice, (v) their right to request exclusion from the Settlement Class if they are not a member of the previously certified Certified Class, and (vi) their right to appear at the Settlement Hearing; (d) constituted due, adequate, and sufficient notice to all persons or entities entitled to receive notice of the proposed Settlement; and (e) satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure, the United States Constitution (including the Due Process Clause), the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4(a)(7), and all other applicable laws and rules.

6. **Final Settlement Approval and Dismissal of Claims** – Pursuant to, and in accordance with, Rule 23 of the Federal Rules of Civil Procedure, this Court hereby fully and finally approves the Settlement set forth in the Stipulation in all respects (including, without limitation, the amount of the Settlement; the Releases provided for therein, including the release of the Released Plaintiffs' Claims as against the Defendants and the Defendants' Releasees; the Plan of Allocation; and the dismissal with prejudice of claims against Defendants), and finds that the Settlement is in all respects fair, reasonable, and adequate. The Parties are directed to implement, perform, and consummate the Settlement in accordance with the terms and provisions contained in the Stipulation.

7. The Action and all of the claims against Defendants by Lead Plaintiffs and the other Settlement Class Members are hereby dismissed with prejudice. The Parties shall bear their own costs and expenses, except as otherwise expressly provided in the Stipulation.

8. **Binding Effect** – The terms of the Stipulation and of this Judgment shall be forever binding on and inure to the benefit of Defendants, Lead Plaintiffs, and all other Settlement Class Members (regardless of whether any individual Settlement Class Member submits a Claim Form or seeks or obtains a distribution from the Net Settlement Fund), and the Parties' respective Releasees, as well as their respective heirs, executors, administrators, predecessors, successors, affiliates and assigns. Any Person listed on Exhibit 1 hereto shall not be bound by the terms of the Stipulation or this Judgment.

9. **Releases** – The Releases as set forth in paragraphs 8 and 9 of the Stipulation, together with the definitions contained in paragraph 1 of the Stipulation relating thereto, are expressly incorporated herein in all respects. Accordingly, this Court orders that:

(a) Without further action by anyone, and subject to paragraphs 10 and 11 below, upon the Effective Date of the Settlement, Lead Plaintiffs, and each of the other Settlement Class Members, on behalf of themselves, their heirs, executors, administrators, predecessors, successors, affiliates and assigns, shall be deemed to have, and by operation of law and of this Judgment shall have, fully, finally and forever compromised, settled, released, resolved, relinquished, waived, discharged, and dismissed each and every Released Plaintiffs' Claim against the Defendants and all of the other Defendants' Releasees, and shall forever be barred and enjoined from prosecuting any or all of the Released Plaintiffs' Claims against any of the Defendants or any of the other Defendants' Releasees. This Release shall not apply to claims by any Person listed on Exhibit 1 hereto.

(b) Without further action by anyone, and subject to paragraphs 10, 11, and 12(d) below, upon the Effective Date of the Settlement, each of the Defendants, on behalf of themselves, their heirs, executors, administrators, predecessors, successors, affiliates and assigns, shall be deemed to have, and by operation of law and of this Judgment shall have, fully, finally and forever compromised, settled, released, resolved, relinquished, waived, discharged, and dismissed each and every Released Defendants' Claim against all of the Lead Plaintiffs, all of the ~~other Settlement Class Members, and all of the other Plaintiffs' Releasees,~~ and shall forever be barred and enjoined from prosecuting any or all of the Released Defendants' Claims against any of the Lead Plaintiffs, any of the other Settlement Class Members, or any of the other Plaintiffs' Releasees. This Release shall not apply to claims by Defendants or the other Defendants' Releasees against any Person listed on Exhibit 1 hereto.

10. Notwithstanding ¶¶ 9(a) – (b) above, nothing in this Judgment shall bar any action by any of the Parties to enforce or effectuate the terms of the Stipulation or this Judgment.

11. Notwithstanding ¶¶ 9(a) – (b) above, nothing in this Judgment shall release any of the Excluded Claims (as that term is defined within paragraph 1(vv) of the Stipulation).

12. **Complete Bar Order** –

(a) Except as provided below, any and all Persons are permanently barred, enjoined and restrained, to the fullest extent permitted by applicable law, from commencing, prosecuting, or asserting any claim for indemnity or contribution against any Defendants and any other Defendants' Releasees (or any other claim against any Defendants or any other Defendants' Releasees where the alleged injury to such Person is that Person's actual or threatened liability to the Settlement Class or a Settlement Class Member in the Action), based upon, arising out of, or related to the Released Plaintiffs' Claims or having to do with the Settlement, the Stipulation and its exhibits, and any action taken by anyone pursuant to, or under color of, the Stipulation including, without limitation, allocation and payment of settlement amounts, whether arising under federal, state, local, or foreign law, or equity, as claims, cross-claims, counterclaims, or third-party claims, whether asserted in the Action, in this Court, in any federal or state court, or in any other court, arbitration proceeding, administrative agency, or other forum in the United States or elsewhere.

~~(b) Except as provided below Defendants and each and every one of the other~~

Defendants' Releasees are hereby permanently barred, enjoined and restrained, to the fullest extent permitted by applicable law, from commencing, prosecuting, or asserting any claim for indemnity or contribution against any Person (or any other claim against any such Person where the alleged injury to such Defendant or other Defendants' Releasee is that Defendant's or other Defendants' Releasee's actual or threatened liability to the Settlement Class or a Settlement Class Member in the Action) based upon, arising out of, or related to the Released Plaintiffs' Claims or having to

do with the Settlement, the Stipulation and its exhibits, and any action taken by anyone pursuant to, or under color of, the Stipulation including, without limitation, allocation and payment of settlement amounts, whether arising under federal, state, local, or foreign law, or equity, as claims, cross-claims, counterclaims, or third-party claims, whether asserted in the Action, in this Court, in any other federal or state court, or in any other court, arbitration proceeding, administrative agency, or other forum in the United States or elsewhere.

(c) Nothing in this Complete Bar Order shall prevent any Person listed on Exhibit 1 hereto from pursuing any Released Plaintiffs' Claim against any Defendant or any of the other Defendants' Releasees. If any such Person pursues any such Released Plaintiffs' Claim against any Defendants or any of the other Defendants' Releasees, nothing in this Complete Bar Order or in the Stipulation shall operate to preclude such Defendants or other Defendants' Releasees from asserting any claim of any kind against such Person, including any Released Defendants' Claims (or seeking contribution or indemnity from any Person, including any Defendant in the Action, in respect of the claim of such Settlement Class Member who is excluded from the Settlement Class pursuant to a request for exclusion).

(d) Notwithstanding anything in this Judgment, nothing in the Stipulation or in ~~this Indement (including, but not limited to, paragraph 9(b)) shall operate to release any claim by~~ Defendants or the other Defendants' Releasees for insurance or reinsurance coverage, or otherwise preclude Defendants or the other Defendants' Releasees from asserting any claims against their own insurers or reinsurers.

13. **Rule 11 Findings** – The Court finds and concludes that the Parties and their respective counsel have complied in all respects with the requirements of Rule 11 of the Federal

Rules of Civil Procedure in connection with the commencement, maintenance, prosecution, defense, and settlement of the Action.

14. **Plan of Allocation Approved** – The Court hereby finds and concludes that the formula for the calculation of the claims of Claimants as set forth in the proposed Plan of Allocation set forth in the Settlement Notice provides a fair and reasonable basis upon which to allocate the proceeds of the Net Settlement Fund among Settlement Class Members with due consideration having been given to administrative convenience and necessity. The Court hereby finds and concludes that the Plan of Allocation proposed by Lead Plaintiffs is, in all respects, fair and reasonable to the Settlement Class Members, and approves the Plan of Allocation.

15. **Attorneys' Fees and Expenses** – On February 10, 2016 the Court appointed former United States District Judge Layn R. Phillips as Special Master to initially determine all issues related to the award of attorneys' fees and reimbursement of Litigation Expenses. Co-Lead Counsel and other counsel seeking awards of fees and expenses submitted to Judge Phillips copies of their detailed time and expense records as well as copies of all submissions made to the Court in support of the fee and expense application. On June 3, 2016, Judge Phillips issued a Report and Recommendation of the Special Master Relating to the Award of Attorneys' Fees and Expenses (ECF No. 1012) (the "Report & Recommendation"), recommending that the Court approve Co-Lead Counsel's motion for attorneys' fees and reimbursement of expenses and approve the motions of Lead Plaintiffs Public Employees' Retirement System of Mississippi and Jerome Haber for reimbursement of litigation expenses. There have been no objections to the Report and Recommendation. Following its own review, the Court adopts the findings and conclusions of the Report and Recommendation. Co-Lead Counsel are hereby awarded attorneys' fees in the amount of 20% of the combined Settlement Funds (that is, the Settlement Class Fund plus the Fee/Expense

Fund) and \$9,473,356.02 in reimbursement of litigation expenses, both to be paid from the Fee/Expense Fund, which sums the Court finds to be fair and reasonable. Co-Lead Counsel shall allocate the attorneys' fees awarded amongst counsel in a manner which they, in good faith, believe reflect the contributions of such counsel to the institution, prosecution, and settlement of the Action. Lead Plaintiffs Public Employees' Retirement System of Mississippi and Jerome Haber are hereby awarded \$98,712.50 and \$10,000.00, respectively, from the Fee/Expense Fund as reimbursement for their reasonable costs and expenses directly related to their representation of the Settlement Class.

16. In making this award of attorneys' fees and reimbursement of expenses, the Court has considered and found that: (a) the Settlement has created a Settlement Class Fund of \$830 million and a Fee/Expense Fund of \$232 million that have been funded into escrow pursuant to the terms of the Settlement, and that numerous Settlement Class Members who submit acceptable Claim Forms will benefit from the Settlement; (b) the fee sought by Co-Lead Counsel has been reviewed and approved as fair and reasonable by Lead Plaintiffs; (c) copies of the Settlement Notice were mailed to over 1.9 million potential Settlement Class Members and nominees stating that Co-Lead Counsel would apply for attorneys' fees in an amount not to exceed 20% of the Settlement Funds and reimbursement of Litigation Expenses in an amount not to exceed \$19 million; (d) Co-Lead Counsel have conducted the litigation and achieved the Settlement with skill, perseverance and diligent advocacy; (e) the Action raised numerous of complex issues; (f) had Co-Lead Counsel not achieved the Settlement there would remain a significant risk that Lead Plaintiffs and the other members of the Settlement Classes may have recovered less or nothing from the Defendants; (g) counsel submitted declarations attesting to devoting over 448,500 hours, with a lodestar value of approximately \$205.6 million, to achieve the Settlement; and (h) the amount of

attorneys' fees awarded and expenses to be reimbursed are fair and reasonable and consistent with awards in similar cases.

17. **Objections** – The Court has considered the objections received concerning the Settlement, Plan of Allocation and the motion for attorneys' fees and Litigation Expenses and has found them to be without merit for the reasons set forth in the Memorandum of Law in Support of Lead Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation (ECF No. 986-1); the Memorandum of Law in Support of Co-Lead Counsel's Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses (ECF No. 987-1); and the Reply Memorandum of Law in Further Support of: (1) Lead Plaintiffs' Motion for Final Approval of Settlement and Approval of Plan of Allocation; and (2) Co-Lead Counsel's Motion for Award of Attorneys' Fees and Reimbursement of Litigation Expenses (ECF No. 1001), and the reasons stated by Co-Lead Counsel at the hearing before this Court on June 28, 2016.

18. **No Admissions** – Except as set forth in paragraph 19 below, neither this Judgment, the superseded Term Sheet, the Stipulation (whether or not finally approved or consummated) and the exhibits and Supplemental Agreement thereto, nor any negotiations, proceedings, agreements, opinions, or orders related to the same, shall be offered or received against the Parties or other Releasees for any purpose, and particularly:

(a) ~~shall not be offered against Defendants or any of the other Defendants'~~
Releasees as evidence of, or construed as, or deemed to be evidence of any presumption, concession, or admission by Defendants or any of the other Defendants' Releasees with respect to the truth of any fact alleged by Lead Plaintiffs or the Settlement Class, or the validity of any claim that was or could have been asserted, or the deficiency of any defense that was or could have been

asserted in this Action or in any litigation, or of any liability, negligence, fault, damages or other wrongdoing of any kind of Defendants or any of the other Defendants' Releasees;

(b) shall not be offered against any of the Lead Plaintiffs, any of the other Settlement Class Members, or any of the other Plaintiffs' Releasees, as evidence of, or construed as, or deemed to be evidence of, any presumption, concession or admission with respect to any liability, negligence, fault or wrongdoing of any kind of the Lead Plaintiffs, any of the other Settlement Class Members, or any of the other Plaintiffs' Releasees;

(c) shall not be referred to for any reason against the Parties or other Releasees, in any civil, criminal, or administrative action or proceeding;

(d) shall not be construed against the Parties or other Releasees as an admission, concession, or presumption that the consideration given represents the amount which could be or would have been recovered after trial; and

(e) shall not be construed against the Lead Plaintiffs, the other Settlement Class Members, or the other Plaintiffs' Releasees as an admission, concession or presumption that any of their claims are without merit, that any of the Defendants or any of the other Defendants' Releasees had meritorious defenses, or that damages recoverable under the Sixth Amended Complaint would not have exceeded the Settlement Amounts.

19. Notwithstanding the foregoing, the Parties and other Releasees may file or refer to this Judgment, the Stipulation, and/or any Claim Form: (a) to effectuate the liability protections granted hereunder, including without limitation, 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; (b) to enforce the terms of the Stipulation and/or this Judgment; (c) as necessary by Merck in

connection with any tax proceedings; or (d) to effectuate the liability protections granted under any applicable insurance policies. The Parties and other Releasees submit to the jurisdiction of the Court for purposes of implementing and enforcing the Settlement.

20. **Retention of Jurisdiction** – Without affecting the finality of this Judgment in any way, this Court retains continuing and exclusive jurisdiction over: (a) the Parties for purposes of the administration, interpretation, implementation, and enforcement of the Settlement; (b) the disposition of the Settlement Fund; (c) any motion to approve the Class Distribution Order; and (d) the Settlement Class Members for all matters relating to the Action.

21. Any appeal from this Judgment or other proceeding seeking subsequent judicial review of the Judgment pertaining solely with respect to (i) attorneys' fees, costs or expenses to be paid solely from the Fee/Expense Fund, or (ii) the plan of allocation of the Net Settlement Fund, shall not in any way delay or preclude this Judgment becoming Final under the terms of the Stipulation.

22. **Modification of the Agreement of Settlement** – Without further approval from the Court, Lead Plaintiffs and Defendants are hereby authorized, subject to the terms of the Stipulation, to agree to and jointly adopt such amendments or modifications of the Stipulation or any exhibits attached thereto to effectuate the Settlement that: ~~(a) are not materially inconsistent~~ with this Judgment; and (b) do not materially limit the rights of Settlement Class Members in connection with the Settlement. Without further order of the Court, and subject to the terms of the Stipulation, Lead Plaintiffs and Defendants may agree to reasonable extensions of time to carry out any provisions of the Settlement.

23. **Confidentiality Orders** – The Court's orders entered during this Action relating to the confidentiality of information shall survive this Settlement.

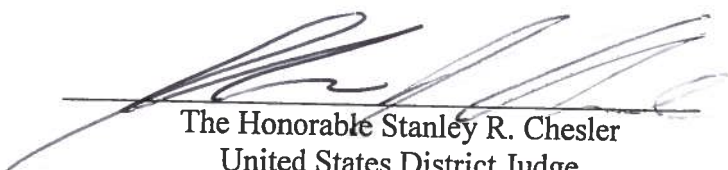
24. **Termination** – If the Effective Date does not occur, or the Settlement is terminated or cancelled as provided in the Stipulation, then this Judgment (other than paragraph 18) and any orders of the Court relating to the Settlement shall be vacated, rendered null and void, and be of no further force or effect, except as otherwise provided by the Stipulation. Within thirty (30) calendar days of such termination or cancellation, (i) any and all Settlement Funds advanced to and/or in possession of the Escrow Agent (including accrued net interest thereon and the funds to be received by Co-Lead Counsel pursuant to paragraph 22 of the Stipulation), less any expenses and any costs which have either been disbursed or incurred and chargeable to reasonable Notice and Administration Costs, less fees paid to the Special Master, and less any Taxes paid or due or owing, shall be refunded by the Escrow Agent to Merck and/or the entity(ies) that paid any portion of the Settlement Amounts in proportion to their contributions pursuant to instructions to be provided by Merck to Co-Lead Counsel (provided that any deductions from the refund for expenses and costs related to Notice and Administration Costs shall be deducted from Merck's proportional share of the contributions to the Settlement Amounts), and (ii) any and all Settlement Funds advanced or paid to Co-Lead Counsel pursuant to an award of attorneys' fees and Litigation Expenses in accordance with paragraph 22 of the Stipulation shall be refunded in full by Co-Lead Counsel to Merck and/or the entity(ies) that paid any portion of the Settlement Amounts in proportion to their contributions pursuant to instructions to be provided by Merck to Co-Lead Counsel. Such refunds shall be made in accordance with wiring instructions to be provided by Merck to Co-Lead Counsel.

25. The Court shall retain continuing jurisdiction over any disputes that arise regarding application of the Settlement concerning litigants who seek to rejoin the Settlement Class or the division of court-awarded attorneys' fees or Litigation Expenses. If any such disputes arise, the

parties shall submit the dispute first to Judge Layn Phillips for mediation, and, if unsuccessful, submit the dispute to Judge Phillips to issue a Report and Recommendation to the Court for binding resolution. As provided in paragraph 43 of the Stipulation, any dispute regarding the Supplemental Agreement shall be submitted directly to the Court and shall not be required to go to mediation with Judge Philips.

26. **Entry of Final Judgment** – There is no just reason to delay the entry of this Judgment as a final judgment in this Action. Accordingly, the Clerk of the Court is expressly directed to immediately enter this final judgment in this Action.

SO ORDERED this 28th day of June, 2016.



The Honorable Stanley R. Chesler
United States District Judge

950423

EXHIBIT 1

Persons Excluded from the Settlement Class Pursuant to Request

- | | |
|---|---|
| 1. Ellen A. Abrahamson
Glenview, IL | 7. [Opted Back Into Settlement Class] |
| 2. Herman Abrams (Dec'd)
by Judy Hockensos
Newton, NJ | 8. [Opted Back Into Settlement Class] |
| 3. Frederick Ackermann
Denton, TX | 9. [Opted Back Into Settlement Class] |
| 4. Melvin L. Adams
Federalsburg, MD | 10. Algoma Moneybags Investment
Club
Algoma, WI |
| 5. [Opted Back Into Settlement Class] | 11. Emilenan P. Allen
El Paso, TX |
| <hr/> | |
| 6. [Opted Back Into Settlement Class] | 12. Jeanne B. Allman
Tampa, FL |

- | | |
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| 13. Dina Brudenell Altman
DBA Dina Brudenell, MD
Niwot, CO | 20. [Opted Back Into Settlement Class] |
| 14. [Opted Back Into Settlement Class] | 21. Marion I. Bachelier
Penn Valley, CA |
| 15. Donald John Andersen
El Dorado Spg, MO | 22. Erma Ballard
Champaign, IL |
| 16. Patricia Andres
Bayside, NY | 23. Banca Finnat Euramerica S.p.A.
Rome, Italy |
| 17. [Opted Back Into Settlement Class] | 24. Banque Neuflyze OBC and
its subsidiaries
Neuflyze OBC Investissements,
Neuflyze Private Assets and
Neuflyze Vie
Paris, France |
| 18. William L. Arnold
Gahanna, OH | 25. Mary Helen Bass
Mary Helen Bass Revocable Trust
Mount Juliet, TN |
| 19. Anna H. Ashby
Churchville, VA | 26. Bob S. Beck
Janet L. Beck
Beck Family Trust dated
10/10/2000
San Diego, CA |

27. William J. Belcher
William J. Belcher IRA
Princeton, WV

34. Agustin B. Bigornia
Mildren G. Bigornia
Palm Bay, FL

28. Edmond F. Belz
Arlene L. Belz
San Antonio, TX

35. [Request for exclusion rescinded]

29. Willeen Tretheway, Personal
Representative
Estate of Hugh C. Benedict
Madison, WI

36. Frances S. Bishop
Hatfield, PA

30. [Opted Back Into Settlement Class]

37. Black Oak Investment Club
Notre Dame, IN

31. George A. Benton
Baltimore, MD

38. Richard E. Blankenship Estate
by Albert Insel, Trustee
Edgewood, WA

32. William G. Bertram
Barrie, Ontario, Canada

39. John William Blyth
Jacqueline K. Blyth
Windsor, CO

33. Charles K. Beyer
Wellesley, MA

40. Paul Boisvert
Charny, Quebec, Canada

41. Mary G. Bolton
Sammamish, WA

48. Wilbur Alvan Brittle
Trynie S. Brittle
Silver Spring, MD

42. Gertrude Bonnett-Smith
Gertrude Bonnett Tr UA 12/31/98
Gertrude Bonnett Trust
Lynn Haven, FL

49. Philomene A. Brizzi
Fort Lee, NJ

43. Anthony F. Bordogna, Jr.
Saipin Bordogna
Shalimar, FL

50. James N. Brooks
James N. Brooks IRA
Bartlesville, OK

44. Kenneth E. Boulware
Mary Ellen Boulware
Waupaca, WI

51. June Constance Brooks (Dec'd)
June Constance Brooks Rev
Intervivos Trust DTD 7/7/98
by James N. Brooks, Successor
Trustee
Bartlesville, OK

45. John Lee Bowers
Donna Maria Bowers
Durham, NC

52. Betty Ann Brown
Bettendorf, IA

46. Priscilla T. Breton
~~Laconia, NH~~

53. Thomas J. Brown
~~Judith J. Brown~~
Sun City, AZ

47. Joseph B. Brewer
Audrey M. Brewer
St. Louis, MO

54. John Browning
East Windsor, NJ

55. Virginia L. Buckley
Jack W. Buckley
Tallahassee, FL

62. Mark Caccavo
Quakertown, PA

56. James R. Bunten
Dorothy L. Bunten
Rantoul, IL

63. Robert R. Calvosa
Annandale, NJ

57. Margret Bürmann-de Jong
Hoofddorp, The Netherlands

64. Bartholomew Campanella
Virginia Campanella (Dec'd)
by Bartholomew Campanella
Paramus, NJ

58. Connie D. Burns
Provo, UT

65. Mary Esther Candee
Sunnyvale, CA

59. Lynda S. Busdeker
Bowling Green, OH

66. James W. Carey
Seaford, DE

60. William Darrell Bushman
Huntsville, TX

67. Joyce Carleton
West Hartford, CT

61. Butlerville Ladies Investment and
Stock Club
Blanchester, OH

68. Alan H. Carlson
Alan H. Carlson Trust
Highland, IN

- | | |
|---|---|
| 69. Nyla K. Carney
Knoxville, TN | 76. Katherine Walker Childs, Trustee
The Childs Family Trust
UA dtd 6/23/86
Kirkland, WA |
| 70. George W. Carter
George W. Carter Trust
Barbara J. Carter
Barbara J. Carter Trust
Tulsa, OK | 77. Kathryn K. Chizmar
Leesburg, FL |
| 71. Stanley J. Caylor, Trustee
Glueckler Family Trust
Cape Coral, FL | 78. Mooi Koi Chua
New York, NY |
| 72. CC Sales Corp.
Stanton, TX | 79. Jianhua Chuo
Astoria, NY |
| 73. Richard John Cegelski
Ventura, CA | 80. Isabel S. Cinnamon
Aurora, CO |
| 74. George Charbonneau
Loretta Charbonneau
Yardville, NJ | 81. Marion S. Clarkson
Cedar Hill, TX |
| 75. Ling-Fai Cheung
Memphis, TN | 82. Burton Clemens
by Nancy Clemens
Bristol, IN |

83. Dale C. Cochran
Nancy L. Cochran
Milton, PA

90. Lawrence E. Cook
Craig, CO

84. Hester M. Cochran Revocable Trust
UA 3-29-91
by Susan Cochran Krieg,
Successor Trustee
Tucson, AZ

91. Mary Ann C. Cordone
Lithia, FL

85. Eugenia E. Coffey
James K. Coffey (Dec'd)
by Eugenia E. Coffey
New Rochelle, NY

92. David H. Covey
Yorba Linda, CA

86. Patricia A. Coffey
Odessa, MO

93. Neil P. Cox
Moscow, ID

87. Cynthia Collins-Sonnefeld
Royersford, PA

94. Rex B. Cox
Madison, NC

88. Clarice Colvin
Dillon, MI

95. Margaret Caroline Cullum
Memphis, TN

89. Henry Marvin Connolly
Charlotte, NC

96. Harriet C. Curry
Ventura, CA

97. Hongyue Dai
Chestnut Hill, MA

104. James A. Diltz
Betty J. Diltz
Knoxville, TN

98. [Opted Back Into Settlement Class]

105. Donna Dipasquale
Las Vegas, NV

99. Jaime E. Davila and Ann L. Davila,
Trustees, or their successors in
trust, under the Jaime and Ann
Davila Living Trust, DTD 10/3/02
Milwaukee, WI

106. Louis V. Donato
Medford, NJ

100. [Opted Back Into Settlement Class]

107. Theresa E. Dorsey
Pittsburgh, PA

101. [Opted Back Into Settlement Class]

108. Edith P. Drost, Executrix
Estate of Ida E. Drost
Stratford, CT

102. Burton H. Dietz
~~Raleigh, NC~~

109. Joanne C. Duncan
~~Ravenna, OH~~

103. James J. DiFilipantonio
Pittsgrove, NJ

110. Robert E. Duvall
Springfield, MO

111. Nancy A. Eckard
Cogan Station, PA

112. Eugene I. Edie
Minneapolis, MN

113. [Opted Back Into Settlement Class]

114. Douglas W. Eibert
Donna W. Eibert
Dighton, KS

115. Rex L. Eikum
Jacqueline M. Eikum
Howard, OH

116. Barbara Ann Eckhardt
~~Barbara Eckhardt IRA~~
Oklahoma City, OK

117. Barbara P. Elkins
Oakland, CA

118. Julieto P. Eltanal
Marlyn S. Eltanal

Marlyn Sy Eltanal
Rossana Sy Eltanal
Unif. Gift Min Act. AZ

Marlyn Sy Eltanal
Riva Sy Eltanal
Unif. Gift Min Act. AZ

Ronald Sy Eltanal

Ryan Sy Eltanal

Scottsdale, AZ

119. Joan M. Erickson
Willoughby, OH

120. [Opted Back Into Settlement Class]

121. Imogene M. Erwin
~~Connie M. Erwin~~
Cape Coral, FL

122. Jeanne B. Espinola
Urbana, IL

123. Diane Favoriti
Rahway, NJ

130. Florence A. FitzGerald
Pepper Pike, OH

124. Dolores Favoriti
Rahway, NJ

131. Donna C. Fitzpatrick
Washington, IN

125. Craig Filippelli
Saddle Brook, NJ

132. Michael J. Fitzpatrick
Earlsville, VA

126. Dorothy L. Fillingham
Dorothy L. Fillingham, Trustee
Dorothy L. Fillingham Trust UA 7-
23-93
Leesburg, FL

133. Johnny L. Fletcher
Judy M. Fletcher
Concord, NC

127. Karen L. Fisher
Luray, VA

134. Eleanor R. Flowers
Hamden, CT

128. Marion Elizabeth Fisher
~~Sydney, Australia~~

135. David Ford
~~Hayling Island, England~~

129. Frances Fittipaldi
Frank J. Fittipaldi (Dec'd)
by Frances Fittipaldi
Mt. Laurel, NJ

136. Judith F. Ford
Chattanooga, TN

137. Daniel W. Forshee
Everett, WA

144. Patricia A. Gawarecki
Lansdale, PA

138. Foundation Insurance (Capital
Redemptions) Limited
Moulsoe, England

145. [Opted Back Into Settlement Class]

139. John G. Fowler
Frankfort, IL

146. Genesis Group
Addison, IL

140. Ramon Francisco
Gloria Francisco
Auckland, New Zealand

147. Robert J. Gentner
Barbara J. Gentner
Allen Park, MI

141. Sandra A. Gaines
Henrietta, TX

148. Donald W. George
Elizabeth J. George
Dunlap, IL

142. David A. Galloway
~~Rosemarie E. Galloway~~
Philadelphia, PA

149. James Gerardi
~~Rocky Point, NY and~~
N. Ft. Myers, FL

143. Rodney Cecil Gardner
Bristol, England

150. Melvin H. Getzoff
Mount Laurel, NJ

- | | |
|---|---|
| 151. [Opted Back Into Settlement Class] | 158. LaVerne M. Gregory
Batesville, AR |
| 152. Carole L. Gmeindl
Carole L. Gmeindl - Traditional
IRA
Chagrin Falls, OH | 159. Antoinette M. Gretler
Tustin, CA |
| 153. Ellen M. Goldsmith
Boca Raton, FL | 160. Helen J. Grinnell
Broomfield, CO |
| 154. Beverley C. Gomez
Donald Gomez (Dec'd)
by Beverley C. Gomez
Sacramento, CA | 161. Ronald W. Grosso
Crawford, NJ |
| 155. Mary E. Gourlie
Mary Esther, FL | 162. Constance M. Gryczko Trust
Constance M. Gryczko TTEE
U/A DTD 11/20/01
Haslett, MI |
| 156. Valerie D. Greenstein
Roseville, MN | 163. Frank M. Gunby, Jr.
Winchester, MA |
| 157. Sarah L. Gregg
Sarah L. Gregg TR UA 021397
Sarah L. Gregg Trust
Gainesville, FL | 164. Pauline S. Hall
Trenton, NJ |

165. Dorothy W. Hamil
Ridgefield, CT

172. Victor G. Hart
Stuart, FL

166. Vernon J. Hansen
Manitowoc, WI

173. Donald E. Hattin
Bloomington, IN

167. Linda B. Harding
Swoyersville, PA

174. Edith T. Haygood
Albany, GA

168. [Opted Back Into Settlement Class]

175. Patricia A. Hefner
Fairborn, OH

169. Joseph C. Harper
Beverly Hills, FL

176. Alan Hennes
Schertz, TX

170. Beatrice Mary Latham and
Mary Patricia Chapman, Personal
Representatives of
Dr. Robert Francis Enright
Harrington (Dec'd)
c/o Joseph A. Jones & Co.
Solicitors
Lancaster, England

177. Lucy Ann Hicks
Cape Carteret, NC

171. Jerome R. Harris
Laguna Woods, CA

178. Louise M. Hill
Lancaster, PA

179. Robert Himmelmann
Surprise, AZ

186. Regina B. Holmes
Philadelphia, PA

180. Conard W. Hoak
Luray, VA

187. [Opted Back Into Settlement Class]

181. Esther Hoffman Living Trust
by Patrice Rogers
Smithville, OK

188. [Opted Back Into Settlement Class]

182. Rolf Hofmann
Ettlingen, Germany

189. Michael Hori
Auburn, WA

183. Darlene M. Holben
Highlands Ranch, CO

190. Eloise J. Horn
Bellevue, OH

184. Darlene M. Holben, Executor
Estate of Harlan H. Holben
Highlands Ranch, CO

191. Mary H. Hornbuckle
John W. Hornbuckle
Belleair Beach, FL

185. Annette B. Holmes
Wendell A. Holmes (Dec'd),
by Annette B. Holmes
Dixon, IL

192. Benjamin F. Hotchkiss II
June A. Hotchkiss (Dec'd)
by Benjamin F. Hotchkiss II
Jefferson, MD

193. Mallory K. Hinkley
Sliedrecht, The Netherlands

200. Alice Pierson Irvin
Albuquerque, NM

194. Craig W. Hunter
Hillsborough, NJ

201. Fred Ivans, Sr.
Boynton Beach, FL

195. John Hurley
Pamela Hurley
Eagle Point, OR

202. Richard A. Jacobs
Marieta A. Jacobs
Ocean Pines, MD

196. Penelope W. Illingworth
Rochester, NY

203. Nancy L. Jacobson
Northglenn, CO

197. [Opted Back Into Settlement Class]

204. Arnold James
Vancouver, WA

198. [Opted Back Into Settlement Class]

205. [Opted Back Into Settlement Class]

199. [Opted Back Into Settlement Class]

206. [Opted Back Into Settlement Class]

207. [Opted Back Into Settlement Class]

214. [Opted Back Into Settlement Class]

208. [Opted Back Into Settlement Class]

215. Doris J. Jensen
Beaverton, OR

209. [Opted Back Into Settlement Class]

216. John Ella Johnson
Englewood, CO

210. [Opted Back Into Settlement Class]

217. Joyce C. Johnson
Darlene Johnson
Wanamingo, MN

211. [Opted Back Into Settlement Class]

218. Paul C. Johnson
Kiyoko Johnson
Placerville, CA

212. [Opted Back Into Settlement Class]

219. Robert Johnson
~~Guardian Dorothy M. Diller~~
Williamsport, PA

213. [Opted Back Into Settlement Class]

220. Joyce C. Jones
Joyce C. Jones Rev. Trust
U/A DTD March 2, 1993
George F. Jones (Dec'd)
by Joyce C. Jones
Baltimore, MD

221. Mary Jonic
Fairview Park, OH

228. [Opted Back Into Settlement Class]

222. Jean Jordan
San Antonio, TX

229. Darrell D. Keese
Brady, TX

223. James R. Justin
Frances E. Justin
Clarks Summit, PA

230. Marvin R. Kelchner
Nancy L. Kelchner
Bloomsburg, PA

224. Richard H. Kamimura
Marilyn Y. H. Kamimura
Whittier, CA

231. Kelford Baptist Church
Kelford, NC

225. Nile Kamp
Woodsfield, OH

232. Aileen W. Kelly
Keswick, VA

226. Sharon V. Kamphaus
James F. Kamphaus
Everett, WA

233. Millard M. Kent IRA
~~by Millard M. Kent~~
Midland, MI

227. The K-B Investment Club
A Partnership
Altoona, PA

234. Millard M. Kent - Trust UA DTD
1/6/00
by Millard M. Kent
Midland, MI

235. Paul Kent
Oshawa, Ontario, Canada

242. Lowell H. Knight
Robins, IA

236. James R. Kibelstis
Lisa G. Kibelstis
Sicklerville, NJ

243. Corinne E. Kohler
Dewey, IL

237. Thomas E. Kienzle
Debra L. Kienzle
Bartlett, TN

244. [Opted Back Into Settlement Class]

238. Robert E. Kimm
Marcellus, NY

245. Jacob Kratt, Jr.
Joyce C. Kratt
Spokane, WA

239. Ruth F. Kivitz
Springfield, PA

246. Margaret L. Krueger
Dongola, IL

240. Wilbur E. Kline
~~Marian A. Kline~~
Whitehall, PA

247. [Opted Back Into Settlement Class]

241. Katherine L. Knepp
Dadeville, AL

248. Henry W. Kuzminski
Esther E. Kuzminski
Ephrata, PA

249. Barrie David Lacey
Hoddesdon, England

256. Sidney S. Lechter
Maxie Ellen Lechter
Scottsdale, AZ

250. [Opted Back Into Settlement Class]

257. Estate of Janet H. Lengeman
by Alan Lengeman, Executor
Milford, MI

251. Walter Langhart
San Jose, CA

258. George Leone, Trustee
U/A DTD 5/15/1996
George Leone Revocable Living
Trust
Port Orange, FL

252. Susan D. Lewis LaVoe
Oriskany, NY

259. George Leone IRA
Port Orange, FL

253. Betty A. Learned
Norton, MA

260. M. Judith Leone IRA
Port Orange, FL

254. Betty A. Learned, Cust.
~~Autumn J. Learned~~
Norton, MA

261. Estate of Bernard D. Levine
~~by Millicent Stronheim~~
Cincinnati, OH

255. Lorraine Leavell
Houston, TX

262. Margaret J. Lewis
Delwyn L. Lewis (Dec'd)
by Margaret J. Lewis
Abilene, TX

263. Mildred L. Lewis
Troy, OH

270. [Opted Back Into Settlement Class]

264. Joey Liu
Newbury Park, CA

271. [Opted Back Into Settlement Class]

265. Margene West Lloyd
Houston, TX

272. [Opted Back Into Settlement Class]

266. Maria Suzanne LoBianco
Lutherville, MD

273. [Opted Back Into Settlement Class]

Estate of Alice Louise Basile
Bel Air, MD

267. Grant G. Long
Jane B. Long
Northumberland, PA

274. [Opted Back Into Settlement Class]

268. [Opted Back Into Settlement Class]

275. [Opted Back Into Settlement Class]

269. [Opted Back Into Settlement Class]

276. [Opted Back Into Settlement Class]

277. [Opted Back Into Settlement Class]

284. Suthep Mahautmr, Cust.
Jenvara J. Mahautmr
Unif Gift Min Act TN
Bartlett, TN

278. Myrna J. Luke
Anderson, IN

285. Suthep Mahautmr, Cust.
Kontip Connie Mahautmr
Unif Gift Min Act TN
Bartlett, TN

279. Masahiro Machida
Kanagawa, Japan

286. Suthep Mahautmr, Cust.
Panrapee J. Mahautmr
Unif Gift Min Act TN
Bartlett, TN

280. Edith Mackler
Wynnewood, PA

287. Suthep Mahautmr, Cust.
Penden Patti Mahautmr
Unif Gift Min Act TN
Bartlett, TN

281. John MacNeill
Niagara-on-the-Lake, Ontario,
Canada

288. Susan Manchester IRA
Brenham, TX

282. Albert J. Madrick (Dec'd)
Anne Marie Madrick (Dec'd)
by John Madrick, Successor
Trustee
Yorba Linda, CA

289. Daniel J. Manning
Jupiter, FL

283. [Opted Back Into Settlement Class]

290. Andrew F. Markus and Bernadine
P. Markus Rev LG TR UAD
4/10/96
Aviston, IL

291. Uwe F. Mayer
Jennifer A. Souders
Encinitas, CA

298. John McEvoy
John J. McEvoy, Jr.
John J. McEvoy, Jr. IRA
Riverside, CT

292. Anne B. Mayo
Bronx, NY

299. Kenneth L. McFate
Olathe, KS

293. Catherine Mayo TTE
U/A DTD 5/30/12
Catherine Mayo REV Trust
Columbia, MO

300. Lucille McHugh
James A. McHugh (Dec'd)
by Lucille McHugh
Lansdale, PA

294. Anne McCaw
Van L. McCaw (Dec'd)
by Anne McCaw
Butler, PA

301. Onari McKelvey
Randy McKelvey
Paragould, AR

295. Betty L. McCubbin
Hagerstown, MD

302. Violet Finholt McKenzie
Woodbury, MN

296. Willis L. McCuiston
~~Fran McCuiston~~
Tucson, AZ

303. William E. McKinzie, Jr. Tr.
~~Rosemary E. McKinzie Tr.~~
William E. McKinzie, Jr. and
Rosemary E. McKinzie Tr. UA
06 01 90
Sedalia, MO

297. Alice McElwee
El Paso, TX

304. Nancy M. McNear
Peoria Heights, IL

305. Virginia Mackenzie McNear
Peoria Heights, IL

312. Jeanne H. Metzger
Everett, WA

306. James E. McWilliams
Donna L. McWilliams
Wichita Falls, TX

313. [Opted Back Into Settlement Class]

307. Paul F. Mehuys
Moline, IL

314. Cecil C. Midkiff
Ft. Myers, FL

308. Walter A. Meller
Abilene, TX

315. Mary S. Midkiff
Mary S. Midkiff Trust
Mary S. Midkiff TTEE UA DTD
Ft. Myers, FL

309. Robert D. Mengel
Mary Beth Mengel
Springdale, PA

316. Thomas E. C. Mees
Canandaigua, NY

310. Eric S. Merrifield
Katherine R. Merrifield
Seattle, WA

317. Juanita L. Miller
Stuttgart, AR

311. Jean Mertinooke, Trustee
Jean Mertinooke & Andrew J.
Mertinooke Trust UA 09-23-92
Kensington, NH

318. Peggy A. Mobberley, individually
and as Trustee of WR & Winona
Hackbarth Grantor Living Trust
Boise, ID

Pamela K. MacGuffie, individually
and as Trustee of WR & Winona
Hackbarth Grantor Living Trust
Orofino, ID

WR & Winona Hackbarth Grantor
Living Trust
Boise, ID

319 Sam Amato Trust
by Sharon Monson, Former
Trustee
Greeley, CO

320. William F. Mooney
William F. Mooney Fidelity
Rollover Account
Haverhill, MA

321. John F. Morehead
Jacqueline Morehead (Dec'd)
by John F. Morehead
Warrensburg, MO

324. Charles Movalli
Gloucester, MA

325. Muff Family Trust
Honolulu, HI

326. Lelia Jane Murek, Trustee
Lelia Jane Murek Trust
Arlington, VA

327. Catherine F. Nagareda
El Cerrito, CA

328. James F. Naugle
Cottage Grove, OR

329. Koy L. Neeley (Dec'd)
~~by Kenneth Neeley~~
Amarillo, TX

322. Edward A. Morton
Linda A. Morton
Naples, FL

330. Eugene R. Newberry
Oak Park, IL

323. Estate of Francis G. Rockwell
by Carol Moulton
Rio Rancho, NM

331. Ming Kee Ng
Northbrook, IL

338. [Opted Back Into Settlement Class]

332. Tong Pang Ng
Johor Bahru, Malaysia

339. [Opted Back Into Settlement Class]

333. Donald A. Nickel
Harriet E. Nickel
Wild Rose, WI and Lakeland, FL

340. [Opted Back Into Settlement Class]

334. Bente Nielsen
Copenhagen, Denmark

341. Eileen O'Brien
Homer Glen, IL

335. Peggy S. Nieschlag Trust and
Henry J. Nieschlag Trust
by Peggy S. Nieschlag, Trustee
Metamora, IL

342. Arshag Ohanian
Alice Ohanian
Wenham, MA

336. Joanne C. Noble
Vincent A. Noble (Dec'd)
by Joanne C. Noble
Mount Union, PA

343. Oil Investment Corporation Ltd. &
~~Oil Casualty Investment~~
Corporation Ltd.
Hamilton, Bermuda

337. Ted W. Noland
Fort Meade, FL

344. Rosemary Onderko
Hillsborough, NJ

345. John D. Opie Irrevocable Trust
N. Ruanne Opie, Trustee
Christopher P. Opie, Trustee (by
N. Ruanne Opie)
Thomas L. Opie, Trustee (by
N. Ruanne Opie)
Timothy J. Opie, Trustee (by
N. Ruanne Opie)
Birmingham, MI
346. [Opted Back Into Settlement Class]
347. Jack O'Shea
Clonmel, County Tipperary, Ireland
348. Gilbert H. Oswald
Thayne, WY
349. Brian R. Pabst
Baldwin, MD
350. Robert L. Pabst
Baldwin, MD
351. Evelyn Page (Dec'd)
by Madeleine Donaldson
Philadelphia, PA
352. Rita Pagenkopf
Flushing, NY
353. John R. Pankovich, Jr.
Collinsville, VA
354. Virginia R. Paraiso
Antonio Paraiso (Dec'd)
by Virginia R. Paraiso
and related Merrill Lynch IRA
Richmond, IN
355. Jayne L. Parks
Jayne L. Parks IRA
Clemmons, NC
356. H.W. Parlour
~~S.F. Parlour~~
Great Glen, Leicester, England
357. Marilyn L. Parsons
Portland, OR

358. Edwin H. Paulus
Nazareth, PA

365. Mary A. Perry
Mountain View, MO

359. Penn View Investment Club
Hilltown, PA

366. [Opted Back Into Settlement Class]

360. Lorena Penner
Millersburg, IN

367. [Opted Back Into Settlement Class]

361. Abbie Mason Penwell
Raleigh, NC

368. [Opted Back Into Settlement Class]

362. Georgann Perrotto
Philadelphia, PA

369. [Opted Back Into Settlement Class]

363. Elmer L. Perry, Jr.
~~Augusta, GA~~

370. Charles S. Pirog
~~Elmwood Park, NJ~~

364. Margaret M. Perry
Middletown, MD

371. Martin L. Ploussard
Pewaukee, WI

372. John K. Plutro
Mary I. Plutro
Fairmont, WV

379. Mary A. Radocha
Michael J. Radocha (Dec'd)
by Mary A. Radocha
Greenfield, WI

373. Joanne M. Poole
Lancaster, PA

380. Maryanne Connor Randall
Tampa, FL

374. Lorraine M. Privat
Paul Privat (Dec'd)
by Lorraine M. Privat
Prescott, AZ

381. Susan M. Ratica
Pittsburgh, PA

375. Bruce M. Proske, Sr.
Blairsville, GA

382. Robert E. Ratner
Dearfield Beach, FL

376. Purchasing Partners Investment
Club
Phillipsburg, KS

383. John R. Reidenbach
Blaine, MN

377. Joen L. Puz
St. Maries, ID

384. Robert P. Reilly
Langhorne, PA

378. Larry Quinlan, Trustee
Larry R. Quinlan Cust.
Tyler S. Quinlan
UDR WY UNI TRF TO MIN
Billings, MT

385. Cliff Reinert
Sandy Reinert
Boyertown, PA

386. Clifford F. Reiss
Joyce M. Reiss
Dodge City, KS

393. Rowe Family Trust
by Vincent Rowe
Laguna Hills, CA

387. Patricia J. Reistroffer
Sioux Falls, SD

394. Roy Charitable Unitrust
by Stanley P. Gold, Trustee
Burbank, CA

388. James M. Rice
Marjorie Anne Rice
Plantation, FL

395. Marjorie M. Royce
Portola Valley, CA

389. Ruth A. Ridenour
Pasadena, CA

396. Barbara Rusinik
Wayne, NJ

390. Robert W. Riggs
Reba L. Riggs
Beaumont, TX

397. Christine Ryals
Dean Ryals (Dec'd) Rollover IRA
by Christine Ryals
Wauwatosa, WI

391. Mildred Maxine Robertson
~~William F. Robertson~~
Fallon, NV

398. Raymond S. Ryan
~~Wellington, New Zealand~~

392. Edward L. Robinson
Peoria, AZ

399. Walter R. Sabo
Elizabeth Sabo Pauza
Short Hills, NJ

400. Anita Sabulsky
Delray Beach, FL

407. William R. Schaffer
Austin, MN

401. Carol Sadich
West Linn, OR

408. [Opted Back Into Settlement Class]

402. Ronald Salvo
Ronald Salvo Fidelity Investments
IRA Brokerage Account
Massapequa, NY

409. Randal J. Schlater
Sidney, OH

403. Dorothy D. Sands, Trustee
Dorothy D. Sands Trust UA 11-09-
1992
Los Altos, CA

410. Mary Ann Schleicher
Traverse City, MI

404. Melinda Condon Sattler
Essex, MT

411. John Schmitz
Evelyn Schmitz
John W. & Evelyn R. Schmitz Rev
Trust U/A DTD 4/21/08
Sycamore, IL

405. Jeannine M. Scates
Sugar Land, TX

412. Marion F. Schroeder
~~William F. Schroeder~~
San Antonio, TX

406. Fred J. Schaeffler
Stacey Schaeffler
Huntingdon Valley, PA

413. Richard M. Schulman
Mount Vernon, NY

414. Carrie Elizabeth Shultz
Carrie Elizabeth Watson (maiden
name)
Wilmington, NC

421. Charles V. Shedd (Dec'd)
by Virginia E. Shedd
Peabody, MA

415. Ingeborg Schuster
Dresher, PA

422. Florence D. Shelley
New Rochelle, NY

416. Ursula Schuster
Dresher, PA

423. William E. Shelley
New Rochelle, NY

417. Shirley Ann Scott
Aurora, CO

424. Joan L. Sibson
Franklin Lakes, NJ

418. Robert J. Sears
Belleville, MI

425. Donald L. Siegrist
Cherry Hill, NJ

419. Patrick Hugh Seibold
Groves, TX

426. Edwin A. Silver
~~Elaine B. Silver~~
Silver Spring, MD

420. Doreen L. Semler
Frederick, MD

427. John B. Simms
Springfield, KY

428. [Opted Back Into Settlement Class]

435. Sally P. Snodgrass, Trustee
U/A DTD 7/11/90
Donald Blaine Snodgrass and
Sally Patricia Snodgrass Trust
Los Osos, CA

429. [Opted Back Into Settlement Class]

436. Edward V. Soderland
Mt. Laurel, NJ

430. Judith W. Slykhouse
Midland, MI

437. Nancy M. Solari, Trustee
Nancy M. Solari Revocable Trust
U/A DTD 7/24/98
Sebastian, FL

431. Barbara L. Smith
Centerville, OH

438. Claire W. Sollars
Foster, KY

432. Janet Smith
Ontario, NY

439. Rudolf H. Stahlberg
Rudolf H. Stahlberg IRA
Novi, MI

433. Mary Lynn Smith TTEE
~~Mary Lynn Smith Trust~~
U/A DTD 1/10/96
Jackson, MI

440. Joan R. Stearns
~~Lakewood, WA~~

434. David Smolinski
Coleen Smolinski
Ludlow, MA

441. Julia P. Sterling
Nescopeck, PA

442. [Opted Back Into Settlement Class]

449. Mary Suchenko
Vineland, NJ

443. Nina Stiglitz
Daniel Stiglitz
Louisville, KY

450. Ronald H. Suermann and
Joan V. Suermann REV LIV TR
U/A DTD 12-9-1999
Joan V. Suermann TTEE

444. Clifford Stillinger
C.W. Brantley
Austin, TX

Joan V. Suermann IRA
Joan V. Suermann
St. Charles, MO

451. Patricia A. Supplitt
Naples, FL

445. Carlton D. Stolle
Sandra F. Stolle
Bryan, TX

452. Colin S. Swain
Kingston, Ontario, Canada

446. Stanley A. Stringer
Falls Church, VA

453. [Opted Back Into Settlement Class]

447. June H. Stripling
Athens, AL

454. Ward C. Swift, Jr.
Lancaster, OH

448. Katie Stroh
Brea, CA

455. Manny Tabackman
San Diego, CA

456. Howard T. Terry
Irene M. Terry
W. Carrollton, OH

463. Regina T. Underhill
Regina T. Underhill TR
UA 01-09-02 Underhill Trust
Princeton, NJ

457. Michael Tesori
Floral Park, NY

464. Allen Underwood
Grand Junction, MI

458. [Opted Back Into Settlement Class]

465. [Opted Back Into Settlement Class]

459. George A. Tsougarakis
Eva M. Poneris
Englewood, NJ

466. Gerald A. Vackar
Bay City, TX

460. Irene S. Tunia
Oceanside, CA

467. Beverly Van Alst
Holiday Island, AR

461. Yvonne Turner
~~David Turner (Dec'd)~~
by Yvonne Turner
Auburn, CA

468. Karel van Ooyen
~~Paula van Ooyen~~
Shelby, OH

462. T. Edward Umphres
Lillian G. Umphres
Creve Coeur, MO

469. Estate of Sue D. Vasan
by Sonia Vasan, Executrix
Kingwood, TX

470. Harriet Vincent
Marietta, GA

477. Patrick Ware
Amarillo, TX

471. Walter Raymond Waddell, Jr.
Verona, VA

478. William James Ware
Amarillo, TX

472. Phylis A. Wagner
Ozark, MO

479. Ralph W. Weaver
Mary L. Weaver
Bainbridge, GA

473. Sidney Waldman
Great Neck, NY

480. Jerome Eldon Weber
Belfair, WA

474. Jacqueline E. Walker
Houston, TX

481. John Wells
Corinne C. Wells
Wells Family Tr. U/A DTD 11-14-
1994
Newport Beach, CA

475. Herbert Smedley Walters Trust
~~by Herbert Smedley Walters~~
Bradenton, FL

482. Wesley Hunt Wells
~~Irene M. Wells~~
Hillsborough, NH

476. Rachel F. Wang
Thomas Y. Wang
Sunnyvale, CA

483. Ernest J. Wesolowski
Omaha, NE

484. Eleonore Whiting
Bells, TX

491. Edward Williams
Marilyn Williams
Centreville, MD

485. Susan S. Whitney
Gray, ME

492. Beverly A. Wimmer
Baraboo, WI

486. Virginia M. Whorf
Derwood, MD

493. Robert Windhorst
Palm Harbor, FL

487. [Opted Back Into Settlement Class]

494. Warren W. Witt
Waterloo, IA

488. Gregory J. Wightman
Santa Fe, NM

495. Elaine W. Woodman
Ayden, NC

489. Cornella R. Wilder
~~Delray Beach, FL~~

496. Rosa B. Wu
~~Yonkers, NY~~

490. Janice LuAnn Wilder
Clearwater, FL

497. Janice M. Yarbrough
Montrose, CO

498. Bernita J. Zygmunt, Cust.
Kelly A. Zygmunt
Unif Trf Min Act MO
Loveland, CO

499. Billie Jane Blankinship
Healdsburg, CA

500. [Opted Back Into Settlement Class]

501. Jeanette Beckmann
Jeanette Beckmann TTEE
Beckmann Family Trust
Davenport, IA

502. Homi Billimoria
Mississauga, Ontario, Canada

503. Donald Brooks
Dolly Brooks
La Habra, CA

504. Dortha M. Cox
Oklahoma City, OK

505. Evelyn P. Delmarsh Trust Quantum
Value Account
Evelyn P. Demarsh TTEE UA DTD
08/10/92
by Pamela Barrett
Kamloops, BC, Canada

506. Robert Kungl (Dec'd)
by Kathryn Kungl
Hornby Island, BC, Canada

507. Assumpta O'Mahony
Co. Kilkenny, Ireland

508. Paul R. Putnam and
Mona Putnam, individually and as
Trustees of the Putnam Family
Trust
Putnam Family Trust
Escondido, CA

509. Stefan Ruchser
Gerhard Ruchser
Karlsruhe, Germany

510. Ruth Ann Waters Trust
by Ruth Ann Waters, Trustee
San Diego, CA

511. Elizabeth O. Woodburne (Dec'd)
by Cathy Woodburne
Seattle, WA

- 512. Tang Kuan Yul
Singapore
- 513. St. Andrew's Episcopal Church
by Louis Clapper, Treasurer
Nogales, AZ
- 514. James J. Dorman Trust
by Lois E. Victoria, Trustee
Mission Viejo, CA
- 515. James O. Browning
Albuquerque, NM
- 516. Martha L. Rebar (Dec'd)
by Shirley E. Harris
Shirley E Harris
St. Petersburg, FL
- 517. Gregory L. Armstrong
Leeds, AL
- 518. Doris L. McCunn (Deceased)
by Thomas H. McCunn, Jr.
New Kensington, PA