

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

IN RE: ELECTRICAL CARBON PRODUCTS	:	MDL NO.1514
ANTITRUST LITIGATION	:	MASTER CIVIL NO.
	:	03-2182 (JBS)

ORDER

WHEREAS, this matter came before the Court by joint request of the parties, and counsel for all parties having appeared before this Court on September 29, 2005; and

WHEREAS, by Order dated May 11, 2005 [Docket No. 179] the Court granted preliminary approval of proposed settlements between Class Plaintiffs and the Morgan defendants, the Carbone defendants, the Schunk defendants and defendant SGL in the aggregate amount of \$24.2 million and directed that notice of the same be disseminated by mail and publication to all potential members of the Settlement Class; and

WHEREAS, as of August 22, 2005, the final date for requests for exclusion from the settlement class, 13 persons or entities gave timely notice of their wish to "opt out," that is, to exclude themselves from the settlement class; and

WHEREAS, the respective settlement agreements between plaintiffs and the Carbone, Morgan and Schunk defendants permitted those defendants to terminate their respective settlement agreements if potential class members representing more than a specified threshold percentage of purchases elected to opt out; and

WHEREAS, following the August 22, 2005 opt out date, counsel for the Carbone, Morgan and Schunk defendants each represented to Class Counsel that, based on their calculations, the amount of purchases by opt outs from those defendants exceeded the threshold

percentages which would permit the Carbone, Morgan and Schunk defendants to terminate their respective settlement agreements with plaintiffs; and

WHEREAS, with one exception, all of the opt outs were substantial purchasers of Electrical Carbon Products represented by the Washington, D.C. law firm of Crowell & Mooring (hereafter "the Crowell opt-outs"); and

WHEREAS, by Order dated September 9, 2005 [Docket No. 185], the Court directed that any election by the Carbone, Morgan or Schunk defendants to withdraw from their respective settlement agreements was to be made by September 19, 2005; and

WHEREAS, by Order dated September 19, 2005 [Docket No. 186], the Court amended its prior order, extending the deadline for Carbone, Morgan and Schunk to exercise their options to terminate to September 30, 2005 and directing counsel for each of the parties to appear in Court for a conference on Thursday, September 29 at 11 a.m.; and

WHEREAS, at the September 29, 2005 conference, counsel for the parties asked the Court to again extend the date by which the Carbone, Morgan and Schunk defendants could terminate their respective settlement agreements to November 17, 2005 to allow the parties sufficient time to see if a resolution could be achieved which would permit the settlements to proceed.

AND NOW, upon consideration of the foregoing facts, and representations by Class Counsel, counsel for the Carbone, Morgan and Schunk defendants and counsel for the Crowell opt-outs that each was prepared to engage in good faith negotiations to preserve the Carbone, Morgan and Schunk settlements,

IT IS ON THIS 6th Day of October 2005, hereby ORDERED AND DECREED:

