

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

In Re: ELECTRICAL CARBON
PRODUCTS ANTITRUST LITIGATION

MDL No. 1514
Master Civil No. 03-2182 (JBS)

**FINAL JUDGMENT ORDER APPROVING
SETTLEMENTS WITH ALL NAMED DEFENDANTS**

The Court has considered Plaintiffs' Motion for Final Approval of Class Action Settlement with Defendants (1) The Morgan Crucible Company plc; Morganite Industries, Inc.; Morganite, Inc.; Morgan Advanced Materials and Technologies, Inc.; Morganite Electrical Carbon Ltd.; National Electrical Carbon Products, Inc. (collectively, the "Morgan Defendants"); (2) Le Carbone Lorraine, S.A.; Carbone Lorraine North America Corporation and Carbone of America Industries Corporation (collectively, the "Carbone Defendants"); (3) Ludwig Schunk Stiftung E.V.; Schunk GmbH; Schunk Kohlenstoff-Technik GmbH; Schunk of North America, Inc.; Schunk Graphite Technology LLC; Hoffmann and Co. Elektrokohle AG and Hoffman Carbon, Inc. (collectively, the "Schunk Defendants"); and (4) SGL Carbon, LLC (the "SGL Defendant") (the Morgan Defendants, the Carbone Defendants, the Schunk Defendants and the SGL Defendant are referred to collectively as the `Settling Defendants') and has held a duly-noticed final approval hearing on May 12, 2006; and for reasons stated in the Opinion of today's date;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. This Court certifies the following settlement class (the "Settlement Class"), pursuant to Fed.R.Civ.P. 23(a) and (b) (3):

All Persons (excluding federal government entities, Defendants, and their respective parents, subsidiaries and affiliates) who purchased Electrical Carbon Products in the United States, or from a facility located in the United States, directly from Defendants, their affiliates, subsidiaries or alleged co-conspirators, during the period January 1, 1990 through December 31, 1999.

For purposes of this Order, "Electrical Carbon Products" means: (1) carbon brushes used in consumer products, including fractional horsepower brushes; (2) carbon brushes and current collectors (including pantographs but excluding brush holders and commutators) for automotive and traction-transit applications; (3) carbon brushes used in battery-operated vehicles; and (4) mechanical carbon products for use in pump and compressor industries. The term "traction-transit applications" includes railroad applications.

2. The Court finds and concludes that:

a. The Settlement Class is so numerous that joinder of all members is impracticable, satisfying the requirement of Rule 23(a) (1);

b. There are questions of law or fact common to the Settlement Class, satisfying the requirements of Rule 23(a) (2), as identified in the accompanying Opinion at 10 n. 10;

c. The claims of the representative plaintiffs are typical of the claims of the Settlement Class, satisfying the requirement of Rule 23(a) (3);

d. The representative plaintiffs will fairly and adequately protect the interests of the Settlement Class, satisfying the requirements of Rule 23(a)(4);

e. Questions of law or fact common to the members of the Settlement Class predominate over questions affecting only individual members, and a class action is superior to other methods available for the fair and efficient adjudication of the controversy, satisfying the requirements of Rule 23(b)(3); and

f. The action is manageable as a class action.

3. The Court finds that due and adequate notice was provided pursuant to Rule 23 of the Federal Rules of Civil Procedure to all members of the Settlement Class, notifying the Settlement Class of, inter alia, the pendency of this action and the proposed settlements with the Settling Defendants. The notice provided was the best notice practicable under the circumstances and included individual notice by first class mail to all members of the Settlement Class who could be identified through reasonable effort, as well as notice published in the National Edition of The Wall Street Journal and publication on a Court-mandated internet website dedicated to information concerning this litigation (www.ElectricalCarbonProductsLitigation.com). The notice provided fully complied in all respects with the requirements of Rule 23 of the Federal Rules of Civil Procedure and due process.

4. The Court finds that the Settlement Class members identified on the schedule attached hereto as Exhibit A, and no others, have

timely and validly requested to be excluded from the Settlement Class and accordingly are not included in or bound by the final judgment being entered pursuant to this Order.

5. The Court finds that the Settlement Agreements between Class Plaintiffs and the Settlement Class, on the one hand, and, respectively, the Morgan Defendants, the Carbone Defendants, the Schunk Defendants and the SGL Defendant, on the other, are fair, reasonable and adequate to the Settlement Class within the meaning of Rule 23 of the Federal Rules of Civil Procedure. Each Settlement Agreement is hereby approved pursuant to Rule 23(e) of the Federal Rules of Civil Procedure.

6. All Released Claims (as defined in each Settlement Agreement) of Class Plaintiffs and the Settlement Class that were asserted against the Settling Defendants and the Releasees (as defined in each Settlement Agreement) in the Action are dismissed with prejudice, and, except as provided for in each Settlement Agreement, without costs. Nothing contained in this Order shall affect the claims of Class Plaintiffs and the Settlement Class against any defendants other than the Settling Defendants and any persons or entities related to the Settling Defendants who are defined as Releasees under each Settlement Agreement.

7. Without affecting the finality of this final judgment in any way, this Court hereby retains continuing jurisdiction for the purposes

of, inter alia, implementing and enforcing each Settlement Agreement (including any issue that may arise in connection with the formation and/or administration of the qualified settlement fund) and entering orders regarding the disbursement of the Settlement Amount (as defined in each Settlement Agreement) to the Settlement Class and to Plaintiffs' Class Counsel.

THIS the 30th day of August, 2006.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
United States District Judge

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EXHIBIT A

TO

**FINAL JUDGMENT ORDER APPROVING
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Company Opting Out Of ALL Settlements

1. Precision Machining

Companies Opting Out Of Carbone Settlement ONLY

1. Fasco Industries, Inc.
2. Robert Bosch GmbH and Robert Bosch Corp.
3. A.O. Smith Corporation
4. Valeo SA and Valeo Inc.
5. Emerson Electric Co.
6. Siemens Transportation Systems Inc.
7. Delphi Corporation
8. Baldor Electric Company
9. Rockwell Automation Inc.
10. Viacom Inc./CBS Corp.
11. Visteon Corporation
12. AB Electrolux