

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE LITERARY WORKS IN ELECTRONIC  
DATABASES COPYRIGHT LITIGATION

MDL No. 1379

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**ORDER GRANTING FINAL APPROVAL OF  
REVISED PROPOSED SETTLEMENT  
AND FINAL JUDGMENT**

This matter is before the Court pursuant to the motion of plaintiffs in the above-captioned action (“Action”) for final approval of a revised proposed class action settlement that plaintiffs reached with defendants The Dialog Corporation, now known as Dialog, LLC, Dow Jones & Company, Inc., Dow Jones Reuters Business Interactive, LLC, now known as Factiva, LLC, a wholly owned subsidiary of Dow Jones ~~Company~~ <sup>✚</sup> Company, Inc., EBSCO Industries, Inc., The Gale Group Inc., now known as Cengage Learning, Inc., Knight-Ridder, Inc., predecessor in interest to The McClatchy Company, Knight Ridder Digital, now known as McClatchy Interactive West, Mediasstream, Inc., Newsbank, Inc., The New York Times Company, ProQuest Company, now known as Voyager Learning Company, ProQuest Information and Learning Company, now known as ProQuest Information and Learning, LLC, Reed Elsevier Inc., The Thomson Corporation, now known as The Thomson Reuters Corporation, The Copley Press, Inc., and West Publishing Corporation d/b/a West Group, and with the non-party “Participating Publishers” listed in Exhibit A to the parties’ Revised Settlement Agreement dated as of November 13, 2013 (“Agreement”). (Defendants and the Participating Publishers shall be referred to herein as the “Defense Group.”) Having read and considered the Agreement, and having held a hearing on the fairness of the revised proposed settlement, at which objectors to the settlement could appear, and based upon familiarity with the files and proceedings in this

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matter, and with all defined terms herein having the meanings set forth in the Agreement, the Court finds that:

1. The Court preliminarily approved the Agreement by its Order Granting Preliminary Approval Of Revised Proposed Class Action Settlement, dated January 22, 2014 (“Preliminary Approval Order”).

2. Notice of the revised proposed settlement has been timely disseminated in accordance with the terms of the Preliminary Approval Order. Such notice was the best practicable notice under the circumstances, and satisfies the requirements of Rule 23 of the Federal Rules of Civil Procedure.

3. The issues as to liability and remedies in the Action are issues as to which there are substantial grounds for difference of opinion, and the proposed settlement of the Action constitutes a resolution of those issues that is fair, reasonable and adequate to the members of the Class certified herein.

Accordingly, it is hereby

ORDERED as follows:

4. The Agreement is approved as fair, reasonable, and adequate pursuant to Rule 23 of the Federal Rules of Civil Procedure and in the best interest of the Class, and the parties are directed to consummate the Agreement in accordance with its terms.

5. The following Class (the “Class”), provisionally certified in the Preliminary Approval Order, is now finally certified for purposes of this settlement only:

All persons who, individually or jointly, own a copyright under the United States copyright laws in an English language literary work that has been reproduced, displayed, adapted, licensed, sold and/or distributed in any electronic or digital format, without the person’s express authorization by a member of the Defense Group or any member's subsidiaries, affiliates, or licensees (a) at any time on or

after August 15, 1997 (regardless of when the work first appeared in an electronic database) or (b) that remained in circulation after August 15, 1997, even if licensed prior thereto, including English language works qualifying for U. S. copyright protection under an international treaty (hereinafter "Subject Work"). Notwithstanding anything in the immediately preceding sentence to the contrary, a copyrighted work created prior to January 1, 1978, is a Subject Work only if it (a) has been electronically or digitally reproduced, displayed, adapted, licensed, sold and/or distributed by a Participating Publisher without the person's express authorization, and (b) is from a publication whose pre-1978 works have not been excluded from this settlement, as indicated on Exhibit A to the Agreement. Included in the Class are all copyright owners of Subject Works who, after June 25, 2001, responded to The New York Times Company's Restoration Request website or print advertisements.

The Court also makes final its previously provisional certification of the Subclasses, consisting of all members of the Class to the extent that they own copyrights in Category A and B works ("A/B Subclass") and all members of the Class to the extent that they own copyrights in Category C Subject Works ("C Subclass"). The Court finds that (a) the Class and Subclasses are so numerous that joinder of all members is impracticable; (b) there are questions of law and fact common to the Class and Subclasses; (c) the claims of the A/B Plaintiffs are typical of the claims of the A/B Subclass, and the claims of the C Plaintiffs are typical of the claims of the C Subclass, and therefore the claims of the Representative Plaintiffs as a whole are typical of the claims of the Class as a whole; (d) the Representative Plaintiffs and their counsel have fairly and adequately protected and will fairly and adequately protect the interests of the Class and Subclasses; (e) common questions of law and fact predominate over questions affecting only individual members of the Class and Subclasses, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

6. The Action is hereby dismissed, with prejudice and without costs.

7. The releases contained in the Agreement are hereby effective, with the following provision: No claims shall be released with respect to works published in scientific or research-based medical journals.

8. There is no just reason for delay, and the judgment of dismissal with prejudice as to defendants shall be final.

9. The Agreement and any proceedings taken pursuant thereto are not, and should not in any event be: (a) offered or received as evidence of a presumption, concession or admission by any Released Party of any fact or matter; or (b) offered or received as evidence of a presumption, concession or admission of any liability, fault, wrongdoing or other dereliction of duty, or (except with written consent of the Released Party) in any way referred to for any reason in the Action, or in any other civil, criminal, bankruptcy, or administrative action or proceeding; provided, however, that reference may be made to the Agreement in such proceedings as may be necessary to effectuate the provisions of the Agreement.

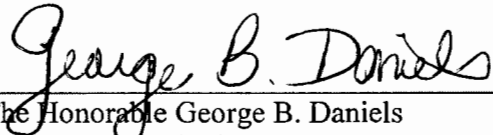
10. Consummation of the revised settlement shall proceed as described in the Agreement, and the Court hereby reserves jurisdiction over the subject matter and as to each party to the Agreement with respect to the interpretation, effectuation, and implementation of the Agreement for all purposes, including enforcement of any of the terms hereof at the instance of any party and resolution of any disputes that may arise relating in any way to, or arising from, the implementation of the Agreement or the implementation of this Order.

11. Attached hereto is a list of persons who timely excluded themselves from the Class and revised settlement. Those persons are not bound by any term of the Agreement or this Order.

12 Pursuant to the terms hereof, final judgment shall be entered as provided herein.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

JUN 10 2014

  
\_\_\_\_\_  
The Honorable George B. Daniels  
United States District Judge

## Exclusions

Count	Name
1	ADELE LANG
2	ADELE WOODYARD
3	ALAN CUMYN
4	ALAN DIPERNA
5	ALEX ROSLIN
6	ALEXANDRA BRETT
7	ALICE M. CHAPIN
8	ALISON LOHANS
9	AMANDA STRONG
10	AMBUJA ROSEN
11	AMY PEARE
12	AMY ROSE
13	ANDREA MUDRY
14	ANDREAS SCHROEDER
15	ANDREW ALLENTUCK
16	ANDREW IRVINE
17	ANIA SZADO
18	ANN CHANDLER
19	ANN CHARNEY
20	ANN DIAMOND
21	ANN WALSH
22	ANNABEL LYON
23	ANNE FAIRLEY
24	ANNE MONTAGNES
25	ANNE PUGH
26	ANSEL ASSOCIATES, INC.
27	ANTHONY DEBARTOLO
28	ARLENE WILLIAMS
29	ARMIN WEIBE
30	ARTHUR BRAY
31	AUBREY DAVIS
32	AURTHUR (ART) MONTAGUE
33	BADI@BADIOZAMANI.COM
34	BARB KROLL
35	BARBARA ADAMSKI
36	BARBARA GRAHAM
37	BARBARA HUTTMANN
38	BARBARA M. LAPATINE KATCHER
39	BARBARA WILLIAMS
40	BARRY LAZAR
41	BARRY NELSON
42	BEN CLASEN
43	BESS KAPLAN

Count	Name
44	BETTY DYKE
45	BETTY JANE WYLIE
46	BEVERLY AKERMAN
47	BEVERLY BIDERMAN
48	BEVERLY CLINE
49	BILL FREEMAN
50	BILL TEMPLEMAN
51	BIRK SPROXTON
52	BOBBIE BLYTHE
53	BRENDAN M IRELAND
54	BRIAN BRENNAN
55	BRIAN BRETT
56	BRIAN EVANS COOPER
57	BRIAN LATTIN
58	BRUCE LEDEWITZ
59	BRUCE BISHOP
60	BRUCE GILLESPIE
61	BRUCE GOLDBERG
62	BRUCE WILSON
63	CAMERON YOUNG
64	CARLENE MAREK
65	CAROL GIANGRANDE
66	CAROL KRENZ
67	CAROLINE PARRY
68	CAROLINE WALKER
69	CATHERIN DYBIEC HOLM
70	CATHERINE COCCHIO
71	CELIA GODKIN
72	CHARLA JONES
73	CHARLES PATTERSON
74	CHARMIAN CHRISTIE
75	CHESTER FINN
76	CHRIS TURNER
77	CHRISTENA BLEDSOE
78	CHRISTINE AMMER
79	CHRISTINE NILES
80	CHRISTOPHER MOORE
81	CHRISTOPHER P BAKER
82	CIRIAN DRIVER
83	CLAUDE LALUMIERE
84	CLEO PASKAL
85	CLINTON RICHMOND
86	COLETTE VAN HAAREN



87	CONNIE ADAIR
88	CONSTANCE YOUNG
89	COOK AND COMPANY
90	CORNWELL ENTERPRISES, INC.
91	CRAIG SILVERMAN
92	CYNTHIA A CONLEY
93	DALE KERR
94	DANNY KUCHARSKY
95	DARRELL GUDMUNDSON
96	DAVE MARGOSHES
97	DAVID BERCUSON
98	DAVID BIRD
99	DAVID C. RUBIN
100	DAVID DOBRIN
101	DAVID HAYES
102	DAVID HELWIG
103	DAVID HOMEL
104	DAVID KOULACK
105	DAVID ROBINSON
106	DAVID SEICHKO
107	DAVID T MCNAB
108	DEBBIE GAMBLE-ARSENAULT
109	DEBORAH CARR
110	DEBRA LETCHWORTH
111	DECARLA LIVERS
112	DENNIS FOON
113	DENNIS SMITH
114	DEREK LUNDY
115	DERRYL MURPHY
116	DESMOND KENNEDY
117	DIANE BAKER MASON
118	DIANE K. SHAH
119	DICK BOWEN
120	DON MEREDITH
121	DON SUMMERHAYES
122	DONALD H. PARKER
123	DONNA MCMAHON
124	DOREEN PENDRACS
125	DOROTHY PEDERSEN
126	DOUG SYMONS
127	DOUGLAS LINTULA
128	DOUGLAS SMYTH
129	E RUSSELL SMITH
130	EDWARD HOUSBROUCK
131	EDWARD L MARK

132	EDWARD LEE
133	EDWARD ROEDER
134	ELAINE KALMAN NAVES
135	ELAINE SHATENSTEIN
136	ELIZABETH ABBOTT
137	ELIZABETH CUNNINGHAM
138	ELIZABETH SCOTT
139	ELLE ANDRA-WARNER
140	ELLEN D'ARCY
141	ELLEN-JOAN WAGNER
142	EMRU TOWNSEND
143	ERATO SAHAPOGLU
144	ERNA PARIS
145	EVA STACHNIAK
146	EVE DROBOT
147	EVE KRAKOW
148	EVIL EYE, LLC
149	FLORENCE WEEKES
150	FRAN PODULKA
151	FRANCES BACKHOUSE
152	FRANCES ITANI
153	FRANCIS HAMMIT
154	FRANKLIN E. ZIMRING
155	FREDRICK REA OKEEFE
156	GARY NELSON
157	GARY SUTORIUS
158	GEORGE A MATIASZ
159	GEORGE JONAS
160	GERALD HANNON
161	GERALD JOHN BART
162	GERALD L. WARREN
163	GERRY SHIKATANI
164	GILLIAN CHAN
165	GLORIA VARLEY
166	GORDON GRAHAM
167	GRAEME GIBSON
168	GRANT GULOVSON
169	GREG GATENBY
170	GREG HOLLINGSHEAD
171	GREG JACKSON-DAVIS
172	GREGORY COOK
173	GREGORY FRANKSON
174	HARLAN ELLISON
175	HEATHER MALLICK
176	HEATHER MENZIES

177	HEATHER PENGELLEY
178	HEATHER ROBERTSON
179	HELEN MARGARET WILKIE
180	HELENA KATZ
181	HENRY D. MCCOY II
182	HONOURABLE PAT CARNEY, PC
183	HYLE FOX
184	IAN MARSHMAN
185	IRENE DAVIS
186	IRIS NOWELL
187	JACQUELINE LOUIE
188	JAMES RICHARDSON
189	JAMES (JIM) LITTLE
190	JAMES E LUKASZEWSKI
191	JAMES LORIMER
192	JAMES MCNAMEE
193	JAMES RAFFAN
194	JAMES SMEDLEY
195	JAN FRAZIER
196	JAN PURNELL
197	JANE LIND
198	JANET MONEY
199	JANICE MACDONALD
200	JANIS RAPOPORT
201	JARED MITCHELL
202	JEANNE GARDE
203	JEANNE SAWYER
204	JEANNETTE TIMMERMAN
205	JEFF BRADLEY
206	JEFF CARRUTHERS
207	JEFF DEWSBURY
208	JEFFREY DA PONSFORD
209	JENNIFER HAYDEN
210	JERRARD GAERTNER
211	JERRY AMERNIC
212	JILL HERBERT
213	JIM HOUGAN
214	JIM POLING
215	JIM SALT
216	JIM STEINHART
217	JIM WILKIE
218	JOAN RZADKIEWICZ
219	JOAN THOMAS
220	JOANNE SIEGEL
221	JOANNE CARNEGIE

222	JOANNE MILLER
223	JOEL YANOFSKY
224	JOHANNA BERTIN
225	JOHN BART GERALD
226	JOHN COURT
227	JOHN GARDNER
228	JOHN GILMORE
229	JOHN HARRIS
230	JOHN RATHER
231	JOHN ROBERT COLOMBO
232	JOHN SEWELL
233	JOHN SMITH
234	JON H. GUTMACHER
235	JON LONOFF
236	JONATHAN BARON
237	JOSEPH G. ANSEL, JR.
238	JOSH FREED
239	JOYCE SLOBOGIAN
240	JUDITH DAVIDSEN
241	JUDITH ROBINSON
242	JUDITH WINE
243	JUDY WAYTIUK
244	JULIA MATUSKY
245	JULIA STEINECKE
246	JULIE FERGUSON
247	JULIE GEDEON
248	JULIE GOLDSMITH
249	JULIE KEITH
250	JUNE CALLWOOD
251	KAREN FONG DESIGN
252	KAREN HORCHER
253	KARLA MASSEY
254	KARLA BAXTER
255	KATHE LIEBER
256	KATHLEEN CAMPBELL
257	KATHLEEN TEILLET
258	KATHLYN HORIBE
259	KATHRYN BRIDGE
260	KATHRYN GARDNER
261	KEECH, JILL
262	KEITH GAREBIAN
263	KEN GARBER
264	KEN WACHSBERGER
265	KENNETH MCGOOGAN
266	KENNETH P. KELLEHER



267	KENNETH TESSIS
268	KEVIN BAKER
269	KEVIN MURPHY
270	KIM ARNOTT
271	KIM GOLDBERG
272	KIM MALTMAN
273	KITTY POWELL
274	KYM WOLFE
275	LAKE SAGARIS
276	LAURA LARSON
277	LAURA KINIRY
278	LAURA RAMSAY
279	LAUREN GOLDMAN MARSHALL
280	LEE GAILLARD
281	LEICH STROTHER-VIEN
282	LEON FLEMING
283	LEON CHUN
284	LESLIE BRUNETTA
285	LESLIE KRUEGER
286	LILLIAN NATTEL
287	LINDA LAPPIN
288	LINDA A TAYLOR
289	LINDA LEITH
290	LINDA P. SANDIFER
291	LISA BENDALL
292	LIZ WARWICK
293	LORNA B. HALPER
294	LORRAINE PEDRETTI
295	LORRAINE C. SMITH
296	LOUISE ABBOTT
297	LUCIE YOUNG
298	LUCY IZON
299	LUIGI BENETTON
300	LYNN COADY
301	LYNN M. LOPUCKI
302	LYNNE BOWEN
303	M PITON
304	MADELEINE THEIN
305	MAGGIE HELWIG
306	MARAEI JOHNSON
307	MARANDA MOSES
308	MARCY GOLDMAN
309	MARGARET ANNE FEHR
310	MARGO PFEIFF
311	MARGUERITE ALEXANDER

312	MARIA COLETTA MCLEAN
313	MARIANNE JONES
314	MARILYN TOBIAS
315	MARJO JOHNE
316	MARK ARI
317	MARK ABLEY
318	MARK BRENNEMAN
319	MARK FRUTKIN
320	MARK KEARNEY
321	MARK MILLER
322	MARK ZUEHLKE
323	MARTIN DANSKY
324	MARTIN FRIEDLAND
325	MARTIN O'MALLEY
326	MARVIN ROSS
327	MARY ALICE DOWNIE
328	MARY ANN SIMPKINS
329	MARY MCGUIRE
330	MARY NOVIK
331	MARY ROTH
332	MARY SODERSTROM
333	MATT KANE
334	MATTHEW WARNER
335	MAURICE DURHAM
336	MAX BURNS
337	MAY NICKERSON WALLACE
338	MEGAN CHANCE
339	MERRILY WEISBORD
340	MICHAEL (MIKE) REGENSTREIF
341	MICHAEL BARNES
342	MICHAEL BAWTREE
343	MICHAEL KRAUSS
344	MICHAEL LAYLAND
345	MICHAEL MIROLLA
346	MICHEAL OREILLY
347	MIKE COTTINGHAM
348	MILES J LAMBERT
349	MILLY CHARON
350	MIRYAM WILLIAMSON
351	MODEAN MOON
352	MOHD AZIZULRAHMAN
353	MOORE MAURINE
354	MORASH GORDON
355	MR. JOHN QUBTI
356	MUSAH YAKUBU

357	NADINE NARDI DAVIDSON
358	NALANI WARRIAR
359	NANCY GARDEN
360	NANCY RIHAKOVA
361	NANCY WICKWIRE FRASER
362	NAOMI MALLOVY
363	NEIL CAPLAN
364	NICHOLAS JENNINGS
365	NORA ABERCROMBIE
366	NORA UNDERWOOD
367	NORDAHL FLAKSTAD
368	NORMAN BERDICHESKY
369	NORMAN DOIDGE
370	PAM BLACKSTONE
371	PAM WINTERS
372	PAMELA D JACOBSEN
373	PAOLO PONTONIERE
374	PAT TEGTMEIER
375	PATRICIA CORNWELL
376	PATRICIA ROBERTSON
377	PAUL KUTTNER
378	PAULA WILD
379	PAULETTE BOURGEOIS
380	PAULINE CABOULI
381	PAULINE CAREY
382	PAULINE CLIFT
383	PAULINE GUETTA
384	PAULINE HOLDSTOCK
385	PAULO DA COSTA
386	PENNY KOME
387	PERI PHILLIPS MCQUAY
388	PETER FERGUS-MOORE
389	PETER MCFARLANE
390	PETER MITHAM
391	PETER TAYLOR
392	PHILIP MOSCOVITCH
393	PHILLIP JOHNSON
394	PHILLIP SZPORPER
395	PHILLIPA RISPIN
396	PHYLLIS MCGUIRE
397	PJ (ROBERT) REECE
398	PLUME
399	PRAVIN RAWAL
400	REV DR F MARK MEALING
401	REV ELIAH MAUZA

402	RHODRICK HARDEN
403	RICHARD WHEELER
404	RICHARD BURNETT
405	RICHARD CUMYN
406	RICHARD G. GRANT
407	RICHARD MOROCHOVE
408	RICHARD PRICE
409	RICHARD THERRIEN
410	RICHARD WALLMEYER
411	RICK JAMES
412	RIP RENSE
413	RITA DONOVAN
414	ROBERT COLLINS
415	ROBERT LIPPMAN
416	ROBERT SANDIFORD
417	ROBERT SAWYER
418	ROBIN (ROBERT) NEILL
419	ROBIN PICKERING
420	ROBIN QUINN
421	ROBYN SARAH (BELKIN)
422	ROGER K. LEWIS
423	RON BROWN
424	RON KROLL
425	RONALD MENDELL
426	ROO BORSON
427	RUSSELL WHITNEY
428	RUTH ROACH PIERSON
429	SAMUEL MORISON
430	SANDRA BERNSTEIN
431	SANDRA MARTIN
432	SANDY WOLOFSKY
433	SANNA STANLEY
434	SARAH LOLLEY
435	SARAH SHEARD
436	SCOTT RAYMOND
437	SCOTT INNISS
438	SCOTT MUNROE
439	SEAN RYAN
440	SHANNON COWAN
441	SHARI SYMONS
442	SHERI SANDERSON
443	SHIRLEY KWAN
444	SHIRLEY P. SCHWARZROCK
445	SID MARTY
446	SID TAFLER

447	SPM, INC
448	STAN SAUERWEIN
449	STEPHANIE O'HANLEY
450	STEPHANIE SAUL
451	STEPHEN FRASER
452	STEPHEN HENINGHAN
453	STEPHEN LEAHY
454	STEVE ALLEN
455	STEVE MARTINI
456	STEVE PRIDGEON
457	STEVE TURNER
458	STEVEN GILL
459	STUART ROBERTSON
460	SUE KATZ
461	SUE LEBRECHT
462	SUSAN BRENNAN
463	SUSAN COLL
464	SUSAN CREAN
465	SUSAN E DAVIS
466	SUSAN FARLOW
467	SUSAN KANE
468	SUSAN LEE CIVIL-BROWN
469	SUZANNE BOLES
470	SYLVIA LEE
471	SYLVIA MCNICOLL
472	T.F. (TERRANCE FREDERICK) RIGELHOF
473	TAMARA BERNSTEIN
474	TAMMY HANSEN

475	TED J. BIGGERSTAFF
476	TERRY MCMILLAN
477	TESSA BRIDGWATER
478	THE KILIMANJARO CORPORATON
479	THELMA BARER-STEIN
480	THEODORE CASTILLO
481	THEODORE J GAILLARD
482	THOMAS DOYLE
483	TIM FALCONER
484	TIM SCHNETTLER
485	TIMOTHY PERRIN
486	TIMOTHY SCHNETTLER
487	TOM CARTER
488	TRACEY ARIAL
489	TREVOR FERGUSON
490	TRUDI DOWN
491	VALARIE POULIN
492	W BRIAN STEWART
493	WADE SPEES
494	WAYNE BERNHARDSON
495	WELWYN WILTON KATZ
496	WENDY DUDLEY
497	WILLAIM (PAUL) ANDERSON
498	WILLIAM A. MCKENZIE
499	WILLIAM CHRISTIAN
500	WILLIAM R. MCCANTS
501	WINTHROP WETHERBEE
502	YENCHING LIEW