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16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 Brown v. Kinross Gold U.S.A., Inc.

Case No. CV-S-02-0605-PMP-(RJJ)

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20 This Document Related To: All Actions
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**ORDER IDENTIFYING EXCLUDED
CLASS MEMBERS FROM THE
SETTLEMENT CLASS IN THE ORDER
AND FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE**

22 WHEREAS a consolidated class action is currently pending before the court
23 entitled *Brown v. Kinross Gold U.S.A., Inc., et al.*, U.S.D.C. Nev., CV-S-02-0605-
24 PMP(RJJ) (the "Action");

1 WHEREAS, on January 29, 2007 the Court granted Lead Plaintiffs' Motion for
2 Final Approval of Class Action Settlement finally approving and implementing the
3 Settlement of this Action, in accordance with the Stipulation and Agreement of
4 Settlement ("Stipulation") (See Exhibit 1 to Dkt. No. 290-2) which, together with the
5 Exhibits annexed to the Stipulation, sets forth the terms and conditions for a proposed
6 settlement of the Action and for dismissal of the Action with prejudice upon the terms
7 and conditions set forth therein;

8 WHEREAS, all defined terms contained in this Order shall have the same
9 meanings as set forth in the Stipulation; and

10 WHEREAS, due and adequate notice having been given to the Settlement Class
11 as required in said Preliminary Approval Order, the Court having considered all papers
12 filed and proceedings had herein, and otherwise being fully informed in the premises and
13 good cause appearing therefor,

14 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

15 1. This Court has jurisdiction over the subject matter of the Action and over
16 all parties to the Action, including all Members of the Settlement Class.

17 2. The Court finds that Norman Wright, "D. Weinkauf", and Samuel
18 Rutenberg requested exclusion from the Class in response to the Notice of Class Action
19 disseminated on September 21, 2005, and are hereby excluded from the Settlement Class.
20 (See Exhibit C to Dkt. No. 139-2.) The Court also finds that William Houser requested
21 exclusion from the Settlement Class in response to the Notice of Class Action
22 Certification, Proposed Settlement, Motion for Attorneys' Fees and Expenses and
23 Hearing Thereon and is hereby excluded from the Settlement Class. (See Exhibit C to Dkt.
24 No. 310-4.)

1 3. The Court expressly finds that there is no just reason for delay in the
2 entry of this Order and immediate entry by the Clerk of the Court is expressly directed
3 pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

4 IT IS SO ORDERED.

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6 Dated: January 29, 2009



THE HONORABLE PHILIP M. PRO
UNITED STATES DISTRICT JUDGE

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