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12 *Attorneys for Defendant Netflix, Inc.*

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 OAKLAND DIVISION

17 IN RE ONLINE DVD RENTAL
18 ANTITRUST LITIGATION

Master File No.: 4:09-md-2029 PJH (JCS)
MDL No. 2029

Hon. Phyllis J. Hamilton

19 **This document relates to all actions**
20 **except:**

[PROPOSED FORM OF]
FINAL JUDGMENT

21 *Pierson v. Walmart.com USA LLC, Wal-*
22 *Mart Stores, Inc. and Netflix, Inc., No. 09-*
23 *cv-2163 (N.D. Cal.); and Levy, et al. v.*
24 *Walmart.com USA LLC, Wal-Mart Stores,*
25 *Inc. and Netflix, Inc., No. 09-cv-2296 (N.D.*
26 *Cal.)*

1 1. The Court having granted defendant Netflix, Inc.’s motion for summary judgment
2 in an amended order entered on November 23, 2011, final judgment is hereby entered in favor of
3 defendant Netflix, Inc. and against the following:

- 4 a. all of the Netflix subscriber named plaintiffs in MDL No. 2029; and
- 5 b. all members of the litigation class of Netflix subscribers certified on December 23,
6 2010 (ECF No. 287), as amended on August 29, 2011 (ECF No. 482), including
7 “[a]ny person or entity in the United States that paid a subscription fee to Netflix on
8 or after May 19, 2005 up to” September 30, 2010, except those persons who request
9 exclusion by February 14, 2012 according to the instructions in the Fed. R. Civ. P.
10 23(c)(2) notice disseminated to class members on November 15, 2011.

11 2. This is a final, appealable judgment. The Court finds that there is no just reason for
12 delay of entry of this final judgment within the meaning of Fed. R. Civ. P. 54(b).

13 3. Nothing in this final judgment is intended to have any effect on those persons
14 making claims pursuant to the class action settlement between the Netflix subscriber plaintiff
15 class and the Walmart defendants (i.e., Wal-Mart Stores, Inc. and Walmart.com USA LLC),
16 which was preliminarily approved by the Court on September 2, 2011.

17 4. Nothing in this final judgment is intended to have any effect on the pending appeal
18 of the Court’s April 29, 2011 ruling on Netflix’s motion for summary judgment with respect to
19 the Blockbuster subscriber class actions, Case Nos. 09-cv-2163 and 09-cv-2296 in this Court
20 (ECF Nos. 376, 476).

21
22 Dated: November 29, 2011



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Approved as to form:

BY: /s/ Robert G. Abrams
Robert G. Abrams (*pro hac vice*)

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*Lead Counsel and Member of the
Steering Committee for Plaintiffs in
MDL No. 2029*

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DECLARATION OF CONSENT

Pursuant to General Order 45, the undersigned certifies that concurrence in the filing of the document was obtained from each of the other signatories.

Dated: November 29, 2011

By: /s/ Anthony J Weibell
Anthony Weibell