

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT MICHAEL SHENK, derivatively on :  
behalf of SIRIUS XM RADIO INC., :  
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 :  
Plaintiff, :  
 :  
 :  
-v- :  
 :  
 :  
MELVIN ALAN KARMAZIN, GARY PARSONS, :  
JOAN L. AMBLE, LEON D. BLACK, EDDY W. :  
HARTSENSTEIN, JAMES P. HOLDEN, JAMES :  
F. MOONEY, JACK SHAW, GREGORY B. :  
MAFFEI, JOHN C. MALONE, DAVID J.A. :  
FLOWERS, CARL E. VOGEL and VANESSA :  
WITTMAN, :  
 :  
 :  
Defendants, :  
 :  
 :  
and :  
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 :  
SIRIUS XM RADIO INC., :  
 :  
 :  
Nominal Defendant. :  
----- x

11 Civ. 2943 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On February 24, 2012, the remaining defendants in this action moved for summary judgment on all of plaintiff Shenk's claims and for dismissal of Shenk's complaint in its entirety. The parties extensively briefed the relevant issues, and the Court heard oral argument on April 10, 2012. Having now fully considered the matter, the Court hereby grants defendant's motion in all respects. A written opinion stating the reasons for this ruling will issue in due course, and final judgment will not be entered until that opinion issues. In the interim, all further proceedings in this case are stayed. The Clerk is hereby directed to close item number forty-two on the docket of this case.

SO ORDERED.

Dated: New York, New York  
May 30, 2012

/s/ JED S. RAKOFF  
JED S. RAKOFF, U.S.D.J.