

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

James Peterson, David Olson, Paul
Calcagno, Rebecca Chwialkowski, Gary
Egbert, Narendra Garg, Luana
Goodnough, William Grunwald, David
Hurd, Rick Kehrwald, David Legut,
Karen Lieberg, Charles Lucas, Daniel
Michael McDaniel, Theresa Raskob,
Thomas Schaff, Jane Thomas, Susan
Walseth, Lee Walter and Ronald Wrase,
for and on behalf of themselves and other
persons similarly situated,

Court File No. 07-2502 (MJD/AJB)

Plaintiffs,

v.

ORDER

Seagate US LLC, Seagate Technology,
Seagate, Seagate Technology, Inc.,
Seagate Technology LLC, Seagate
Technology (US) Holdings, Inc., Seagate
Technology, US, LLC, Seagate Software,
Inc., Seagate Holdings, LLC,

Defendants.

On August 15, 2011, the undersigned Chief United States District Court Judge issued an Order that held, in part, that the “class members terminated through [Seagate’s] SIRP¹ are not similarly situated with class members terminated through the RIF, or with each other” and that Seagate’s “motion to decertify the claims of Plaintiffs whose employment was terminated through the SIRP is granted.” (Dkt. 385, p. 14.)

¹ “SIRP” is an acronym for Seagate’s voluntary early retirement program referred to as the Special Incentive Retirement Plan or “SIRP”.

On August 17, 2011, Defendants submitted a letter to the Court seeking clarification pertaining to the disposition of the claims of the named and opt-in SIRP Plaintiffs. On August 18, 2011, Plaintiffs submitted a letter setting forth their position with respect to Defendants' request for clarification.

Based upon the submissions of the parties, and all of the files, records, and proceedings herein, and having reviewed the arguments of the parties' counsel, it is hereby clarified and ORDERED that:

1. By operation of the August 15, 2011 Order, all claims asserted by the nine individuals who participated in Seagate's 2004 SIRP program and who opted into this matter by filing a Consent to Join form (Thang Bui, Gladys Cruz, Diane Dawson, Ronald Dols, Charles England, Carl Gutersloh, Judith Hernandez, Terry Loney, and Charles Mykkanen) as well as all claims asserted by named Plaintiff Paul Calcagno, who also separated his employment with Seagate through the 2004 SIRP program, are dismissed without prejudice.

IT IS SO ORDERED.

Dated: September 28, 2011

BY THE COURT:

MICHAEL

s/Michael J. Davis

J. DAVIS

Chief Judge

United States District Court