

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

James Peterson, et al.,  
for and on behalf of themselves  
and other persons similarly  
situated,

Plaintiffs,

v.

ORDER  
Civil No. 07-2502

Seagate US LLC, Seagate Technology,  
et al.,

Defendants.

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Beth E. Bertelson and Andrea R. Ostapowich, Bertelson Law Offices, P.A.,  
and Dorene R. Sarnoski, Dorene R. Sarnoski Law Office Law Office for and on  
behalf of Plaintiffs.

Marko J. Mrkonich, Kathryn Mrkonich Wilson and Susan K. Fitzke, Littler  
Mendelson for and on behalf of Defendants.

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The above-entitled matter comes before the Court upon Defendant's  
objection to the Report and Recommendation of United States Chief Magistrate  
Judge Arthur J. Boylan dated December 28, 2010 granting Plaintiffs' motion for  
summary judgment as to the Invalidity of the SIRP Releases and denying  
Defendants' motion for summary judgment regarding all claims asserted by  
Plaintiff Paul Calcagno. Plaintiffs also object to that portion of the Report and

Recommendation rejecting Plaintiffs' argument that the SIRP Release at issue violated the 45 -day consideration period for such releases under federal law.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based on that review the Court will adopt the Report and Recommendation dated December 28, 2010.

IT IS HEREBY ORDERED that:

1. Plaintiffs' Motion for Summary Judgment as to the Invalidity of 2004 SIRP Releases [Doc. No. 206] is GRANTED; and
2. Defendants' Motion for Summary Judgment Regarding All Claims Asserted by Plaintiff Paul Calcagno [Doc. No. 220] is DENIED.

Date: February 8, 2011

s/ Michael J. Davis

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Michael J. Davis

Chief Judge

United States District Court