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13 Plaintiffs' Settlement Class Counsel

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION

17 In re KOREAN AIR LINES CO., LTD.  
ANTITRUST LITIGATION

) MDL No. 1891

) Master File No. CV 07-05107 SJO  
(AGRx)

19 \_\_\_\_\_  
20 This Document Relates To:

21 All Actions

) **AMENDED FINAL JUDGMENT  
AND ORDER OF DISMISSAL  
WITH PREJUDICE AS TO  
DEFENDANT KOREAN AIR  
LINES CO., LTD.**

) **Date: December 2, 2013  
Time: 10:00 a.m.  
Place: Courtroom of the Hon.  
S. James Otero**

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1 The above-entitled consolidated actions duly came on for hearing on  
2 December 2, 2013, on Class Plaintiffs' application for final approval of the  
3 proposed settlement between Class Plaintiffs' and defendant Korean Air Lines Co.,  
4 Ltd. ("Korean Air"). At the hearing, the parties and all other interested persons  
5 were afforded the opportunity to be heard in support of and in opposition to the  
6 proposed settlement. Based on the papers filed with the Court and presentations  
7 made to the Court at the hearing, and the entire record of these proceedings, and  
8 good cause appearing therefor,

9 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED**, as follows:

10 1. This Final Judgment incorporates by reference the definitions set forth  
11 in the Stipulation of Settlement Between Class Plaintiffs and Defendant Korean  
12 Air Lines Co., Ltd. (the "Agreement"), dated as of June 11, 2013, and all terms  
13 used herein shall have the same meanings as set forth in the Agreement unless  
14 otherwise specified herein. The terms of the Agreement are hereby incorporated  
15 in this Final Judgment as if fully set forth herein.

16 2. The Court has jurisdiction over the subject matter of these actions and  
17 all parties to the actions, including all Class Members.

18 3. Pursuant to Rule 23(c) and (e) of the Federal Rules of Civil  
19 Procedure, the Court certifies, for settlement purposes only, the following Class:

20 All persons and entities (excluding governmental entities, defendants,  
21 and defendants' respective predecessors, subsidiaries, and affiliates)  
22 who purchased Passenger Air Transportation on the airlines of  
23 Defendants in the Action, or any predecessor, subsidiary, or affiliate  
24 of the Defendants, at any time during the time period January 1, 2000  
25 through August 1, 2007. As used in this definition, "affiliates" means  
26 entities controlling, controlled by, or under common control with a  
27 Defendant. The term "affiliates" does not include any travel agents.  
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1 The term “Passenger Air Transportation” means passenger air  
2 transportation service purchased in the United States for flights  
3 originating in the United States and ending in the Republic of Korea  
4 (“Korea”) or flights originating in Korea and ending in the United  
5 States.

6 4. The Court finds and concludes, for settlement purposes only, the  
7 prerequisites to a class action under Federal Rule of Civil Procedure 23(a) have  
8 been satisfied, in that, with respect to the Class:

- 9 (a) numerosity is satisfied;  
10 (b) the claims of the Class Plaintiffs are typical of those of the  
11 other Class members;  
12 (c) there are questions of fact and law that are common to all  
13 members of the Class; and  
14 (d) the Class Plaintiffs will fairly and adequately protect the  
15 interests of the Class and have retained counsel experienced in  
16 antitrust and class action litigation who have and will continue  
17 to adequately represent the Class.

18 5. The Court further finds and concludes, for settlement purposes only,  
19 this action may be maintained as a class action under Rule 23(b)(3) of the Federal  
20 Rules of Civil Procedure because (i) a class action is superior to other available  
21 methods for the fair and efficient adjudication of this controversy, and (ii)  
22 questions of fact and law common to the members of the Class predominate over  
23 any questions affecting only individual members.

24 6. Pursuant to Rule 23(c)(3) of the Federal Rules of Civil Procedure, all  
25 persons and entities who fall within the foregoing description of the Class who  
26 have not timely and validly requested exclusion from the Class are Class Members  
27 and are fully bound by this Final Judgment and the terms of the Agreement.  
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1           7. The persons who timely and validly excluded themselves from the  
2 Class were listed in the Supplemental Declaration of Robin M. Niemiec (Doc.  
3 699-2), filed on November 27, 2013, and are listed in Exhibit 1 to this Final  
4 Judgment. As noted in the foregoing Supplemental Declaration of Robin M.  
5 Niemiec, the list includes three Class members who opted out after the deadline  
6 for requesting exclusion from the class expired. All such persons are hereby  
7 excluded from the Class and are not bound by this Final Judgment or the terms of  
8 the Agreement, and may pursue their own individual remedies, if any, against  
9 Korean Air and the Releasees. However, such persons are not entitled to any of  
10 the rights or benefits accorded to Class Members under the Agreement.

11           8. As established by the Declaration of Robin M. Niemiec Regarding  
12 Mailing of Notice (Doc. 626), and the Declaration of Katherine Kinsella  
13 Regarding Implementation of Class Notice (Doc. 627), both filed on October 14,  
14 2013, the Settlement Administrator caused the short-form Class Notice (the  
15 “Summary Notice”) in the form approved by the Court’s Order Granting  
16 Plaintiffs’ Motion for Preliminary Approval of Settlement Between Plaintiffs and  
17 Defendant Korean Air Lines, Co., Ltd. and for Approval of Notice Plan, Plan of  
18 allocation and Claim Form (“Preliminary Approval Order”), filed on July 31,  
19 2013, to be mailed postage prepaid or disseminated by electronic mail to all  
20 potential Class members who could be identified from the records of defendants  
21 Korean Air and Asiana Airlines, Inc., and caused the Summary Notice to be  
22 published in the manner required by the Preliminary Approval Order, and the  
23 Long-Form Class Notice, also in the form approved by the Preliminary Approval  
24 Order, to be made available to members of the Class on the settlement website and  
25 upon their request.  
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1           9. The Court finds that the Settlement Class Counsel and the Settlement  
2 Administrator fully complied with the Preliminary Approval Order and that the  
3 Class notice program approved by the Court in its Preliminary Approval Order  
4 was the best notice practicable under the circumstances, including individual  
5 notice to all members of the Class who could be identified through the exercise of  
6 reasonable effort. The Court further finds that the Class notice program provided  
7 due and adequate notice of these proceedings and of the matters set forth therein,  
8 including the terms of the Agreement, to all parties entitled to such notice and  
9 fully satisfied the requirements of Rule 23 of the Federal Rules of Civil Procedure,  
10 28 U.S.C. § 1715(b), and constitutional due process.

11           10. The Court finds and concludes that the objections submitted by Ki Ja  
12 Chung, Joo Young Jin, Tae Bong Nam, Joo Jin, Hyun Tae Kim, Ki Myung  
13 Chung, Myung Suk Joo, Jane Doe Joo, Jing Young Kim, Hwan Hang Hur, Moon  
14 Ho Kim, Jane Doe Kim, Said Nedlouf and Stuart Johnson to be without merit and  
15 that the pregoing objectors lack standing to object for the reasons set forth in its  
16 Order Striking Objections for Failure to Show Class Membership (Doc. 684), filed  
17 on December 6, 2013, and overrules the objections in all respects.

18           11. As found by the Court in its Order Approving Settlement Between  
19 Plaintiffs and Defendant Korean Air the Court hereby approves the settlement set  
20 forth in the Agreement and finds and concludes that the settlement is, in all  
21 respects, fair, adequate and reasonable to the Class, and orders the settling parties  
22 to consummate the settlement set forth in the Agreement in accordance with its  
23 terms.

24           12. Upon the occurrence of the Effective Date, the Releasees shall be  
25 completely released, acquitted, and forever discharged from any and all of the  
26 Released Claims as set forth in the Agreement. Upon the occurrence of the  
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1 Effective Date, the Releasors shall be forever barred and enjoined from asserting,  
2 instituting or prosecuting, directly or indirectly, any Released Claim in any court  
3 or other forum against any of the Releasees.

4 13. Upon the occurrence of the Effective Date, Korean Air, on behalf of  
5 itself, its administrators, predecessors, successors and assigns, and the other  
6 Releasees, shall completely release, acquit, and forever discharge any and all  
7 Released Defendant's Claims, and shall forever be enjoined from prosecuting the  
8 Released Defendant's Claims against Class Plaintiffs, all other Class Members  
9 and their counsel.

10 14. None of the provisions of the Agreement, this Final Judgment, nor the  
11 fact of the settlement set forth in the Agreement constitutes any admission by any  
12 of the settling parties of any liability, wrongdoing or violation of law, damages or  
13 lack thereof, or of the validity or invalidity of any claim or defense asserted in  
14 these actions.

15 15. The Court hereby dismisses with prejudice these actions as to Korean  
16 Air only, without costs to any of the parties as against the others, except as  
17 otherwise provided in the Agreement.

18 16. Without affecting the finality of this Final Judgment, the Court  
19 reserves and retains exclusive and continuing jurisdiction over Class Plaintiffs, the  
20 Class Members, Korean Air, and the Settlement Funds for the purposes of  
21 effectuating and enforcing this Final Judgment and the Agreement.

22 17. The award of costs and expenses to Class Counsel, including any  
23 appeals therefrom, shall not affect the finality of this Final Judgment or delay the  
24 Effective Date of the Agreement.  
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18. The Court hereby finds that there is no just reason for delay and directs the Clerk to enter this Final Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

**IT IS SO ORDERED, ADJUDGED AND DECREED.**

Dated: December 23, 2013



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S. James Otero  
UNITED STATES DISTRICT JUDGE

# **Exhibit 1**



## Exclusion Report

11/26/2013 09:05 AM

PROJECT: Korean Air - Database: KORA

Page 1 of 2

Report Criteria: Includes EXCK OR XLTE Excludes

Report ID :EXC15014

EXCL ID	FULL NAME
17	KYU HA LEE
18	EUI SUK GO
19	SAMUEL FINEMAN
20	JACKIE CHOI
21	TERESITA D ANDERSON
22	JUSTINA BALDE
23	SILVESTRA ARANJUEZ
24	MARINELA V CABANERO
25	AZUCENA V CABANERO
26	MARY HWANGJUN HONG
27	NANCY B EDLUND
28	REBECCA G. KIM
29	PHILIP JUN
30	RAJESH AHIR
31	AL PETER ESPY
32	SAYAKA ITO
33	LOIS MACKEY
34	JOSEPHINE G ZARASPE
35	MYOUNG SOO CHA
36	YOUNG AI CHA
37	SAM GWON KANG
38	HANNA M KANG
39	KUM S HORTON
40	MIN CHA WALLACE
41	RICHARD E. FERLING
42	LEONARDA NEBRIJA
43	DORIS MATSUMURA
44	ETHEL BARCLAY
45	RICHRD BARCLAY
46	AISOON HONG
47	SAMUEL LEE
48	SAEBYUL LEE
49	GLORIA T HAMPTON
50	KEIKO ONO
51	KRYSTAL MINSSEN
52	IN SUB KIM
53	JIN WOOUNG CHOI
54	GIR JA NO
55	KYUNG OK KIM
56	VATSAMON PRASERTHDAM
57	BOK JA JUNG
58	JARUWAN PRASERTHDAM
59	MANUS PRASERTHDAM

**Exclusion Report**

PROJECT: Korean Air - Database: KORA

Report Criteria: Includes EXCK OR XLTE Excludes

EXCL ID	FULL NAME
60	JAE KU YANG
61	SHIN JA YANG
62	SUN HEE KOO
63	WOOK HEE KOO
64	NEIL B SUYDAM
65	EUN S CROUSE
66	JOSE AGUILAR
67	BELEN D AGUILAR
68	PETER H KIM
69	TERESA KIM
70	MYUNG SOOK SHIN
71	GARY RANDALL MORRIS
72	SHRUTI PATEL
73	EVELYNA JUANITAS
74	ROY R GAINES
75	YOUNG GAINES
76	KWANG SU PARK
77	NICOLITA MARIE GARCES
78	SOOK HEE CHUNG
79	DAVID ROE
80	SHIN JA KIM
81	RUTH PRASERTHDAM
82	GABRIELITO VISITACION
83	JOSEFF VISITACION
84	JONATHAN OH
85	KRISTEN ELIZABETH VOGT

TOTAL NUMBER OF EXCLUSIONS: 69