

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA**

In re P-COM, INC., SECURITIES LITIGATION	)	Master File No. CV776853
	)	
This Document Relates To:	)	<u>CLASS ACTION</u>
	)	
ALL ACTIONS.	)	Assigned To: Judge William J. Elfving
	)	
	)	DEPT: 2
	)	DATE ACTION FILED: 09/23/98

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**NOTICE OF PENDENCY AND PROPOSED SETTLEMENT OF CLASS ACTION**

TO: ALL PERSONS IN CALIFORNIA AND THE UNITED STATES WHO PURCHASED OR OTHERWISE OBLIGATED THEMSELVES TO PURCHASE THE PUBLICLY-TRADED SECURITIES OF P-COM, INC. ("P-COM") DURING THE PERIOD BEGINNING APRIL 15, 1997 THROUGH SEPTEMBER 11, 1998, INCLUSIVE

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. YOUR RIGHTS MAY BE AFFECTED BY PROCEEDINGS IN THIS LITIGATION. PLEASE NOTE THAT IF YOU ARE A SETTLEMENT CLASS MEMBER, YOU MAY BE ENTITLED TO SHARE IN THE PROCEEDS OF THE SETTLEMENT DESCRIBED IN THIS NOTICE. TO CLAIM YOUR SHARE OF THIS FUND, YOU MUST SUBMIT A VALID PROOF OF CLAIM POSTMARKED ON OR BEFORE MARCH 15, 2002.

This Notice has been sent to you pursuant to §382 of the California Code of Civil Procedure and an Order of the Superior Court of California for the County of Santa Clara (the "Court"). The purpose of this Notice is to inform you of the proposed settlement of this class action litigation and of the hearing to be held by the Court to consider the fairness, reasonableness, and adequacy of the settlement. This Notice is not intended to be, and should not be construed as, an expression of any opinion by the Court with respect to the truth of the allegations in the Litigation or the merits of the claims or defenses asserted. This Notice describes the rights you may have in connection with the settlement and what steps you may take in relation to the settlement and this class action litigation.

The proposed settlement creates a fund in the amount of (a) \$16,000,000 in cash, and (b) the balance remaining, if any, from the first two layers of insurance coverage, after all appropriate defense fees and expenses are deducted therefrom (which balance is anticipated by all parties to be a minimal amount) (the "Settlement Fund") and will include interest that accrues on the Settlement Fund prior to distribution. The Representative Plaintiffs believe that the proposed settlement is a good recovery and is in the best interests of the Class. Because of the risks associated with summary judgment motions and proceeding to trial, there was a danger that plaintiffs would not have prevailed on their claims in which case the Class could have received nothing.

This Litigation began in 1998 and was filed on behalf of persons in California and the United States who purchased or otherwise obligated themselves to purchase the publicly-traded securities of P-Com during the period beginning April 15, 1997 through September 11, 1998, inclusive. Plaintiffs asserted that P-Com securities traded at inflated prices during this period as a result of misleading statements made to the investing public.

During the course of the Litigation, plaintiffs conducted extensive discovery, obtaining and reviewing over 246,000 pages of documents. Plaintiffs also moved for certification of the case as a class action. The Representative Plaintiffs answered interrogatories and sat for depositions in support of their motion for class certification. A nationwide class was certified by the Court on August 28, 2000. On September 27, 2001, the parties reached an agreement to settle.

**I. NOTICE OF HEARING ON PROPOSED SETTLEMENT**

A settlement hearing will be held on February 8, 2002, at 10:30 a.m., before the Honorable William J. Elfving, at the Santa Clara County Courthouse, 191 North First Street, San Jose, California (the "Settlement Hearing"). The purpose of the Settlement Hearing will be to determine: (1) whether the settlement consisting of \$16.0 million in cash and the balance remaining, if any, from the first two layers of insurance coverage, after all appropriate defense fees and expenses are deducted therefrom (which balance is anticipated by all parties to be a minimal amount), plus accrued interest should be approved as fair, reasonable and adequate to the Settling Parties; (2) whether the proposed plan to distribute the settlement proceeds (the "Plan of Allocation") is fair, reasonable, and adequate; (3) whether the application by Representative Plaintiffs' counsel for an award of attorneys' fees and expenses should be approved; and (4) whether the Litigation should be dismissed with prejudice. The Court may adjourn or continue the Settlement Hearing without further notice to the Settlement Class.

**II. DEFINITIONS USED IN THIS NOTICE**

1. "Class" means all Persons in California and the United States who purchased or otherwise obligated themselves to purchase the publicly-traded securities of P-Com during the period beginning April 15, 1997 through September 11, 1998, inclusive. Excluded from the

Class are Defendants, members of the immediate families of the Individual Defendants, any entity in which any Defendant has a controlling interest, and the legal representatives, heirs, successors or assigns of any such excluded party.

2. "Defendants" means P-Com, George P. Roberts, Pier G. Antonucci and Michael J. Sophie.

3. "Related Parties" means each of a Defendant's past or present directors, officers, employees, partners, principals, agents, distributors, customers, underwriters, issuers, insurers, co-insurers, reinsurers, controlling shareholders, attorneys, accountants or auditors, banks or investment banks, advisors, personal or legal representatives, predecessors, successors, parents, subsidiaries, divisions, assigns, spouses, heirs, related or affiliated entities, any entity in which a Defendant has a controlling interest, any member of an Individual Defendant's immediate family, or any trust of which any Defendant is the settlor or which is for the benefit of any Individual Defendant and/or member(s) of his family.

4. "Released Claims" means and includes any and all claims or causes of action, (including Unknown Claims as defined below), demands, rights, liabilities, suits, debts, obligations and causes of action of every nature and description whatsoever including, without limitation, claims for negligence, gross negligence, fraud, or violations of the common law, administrative rule or regulation, tort, contract, equity, or otherwise or of any state or federal statutes, rules or regulations, known or unknown, contingent or absolute, matured or unmatured, discoverable or undiscoverable, concealed or hidden, asserted or that might have been asserted, by the Representative Plaintiffs or the Settlement Class Members, or any of them, against the Released Persons based upon or related to the purchase or acquisition of P-Com securities by any of the Representative Plaintiff(s) and/or the Settlement Class Member(s) during the Class Period and any of the facts, transactions, events, occurrences, disclosures, statements, acts, omissions or failures to act which were or could have been alleged in or embraced or otherwise referred to or encompassed by the Litigation.

5. "Released Persons" means each and all of the Defendants and their Related Parties.

6. "Settlement Class" or "Settlement Class Member" consist of or mean any Class Member, excluding those Persons who timely and validly request exclusion from the Class as defined above, pursuant to this Notice of Pendency and Settlement of Class Action.

7. "Unknown Claims" means any Released Claims which any Representative Plaintiff or Settlement Class Member does not know or suspect to exist in his, her or its favor at the time of the release of the Released Persons which, if known by him, her or it, might have affected his, her or its settlement with and release of Released Persons, or might have affected his, her or its decision not to object to this settlement. With respect to any and all Released Claims, the Settling Parties have stipulated and agreed that, upon the Effective Date, the Representative Plaintiffs shall expressly and each of the Settlement Class Members shall be deemed to have, and by operation of the Judgment shall have, expressly waived the provisions, rights and benefits of California Civil Code §1542, which provides:

**A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR.**

The Representative Plaintiffs shall expressly and each of the Settlement Class Members shall be deemed to have, and by operation of the Judgment shall have, expressly waived any and all provisions, rights and benefits conferred by any law of any state or territory of the United States, or principle of common law, which is similar, comparable or equivalent to California Civil Code §1542. The Representative Plaintiffs and Settlement Class Members may hereafter discover facts in addition to or different from those which he, she or it now knows or believes to be true with respect to the subject matter of the Released Claims, but each Representative Plaintiff shall expressly and each Settlement Class Member, upon the Effective Date, shall be deemed to have, and by operation of the Judgment shall have, fully, finally, and forever settled and released any and all Released Claims, known or unknown, suspected or unsuspected, contingent or non-contingent, whether or not concealed or hidden, which now exist, or heretofore have existed, upon any theory of law or equity now existing or coming into existence in the future, including, but not limited to, conduct which is negligent, intentional, reckless, willful, with or without malice, or a breach of any duty, law or rule, without regard to the subsequent discovery or existence of such different or additional facts. The Representative Plaintiffs acknowledge, and the Settlement Class Members shall be deemed by operation of the Judgment to have acknowledged, that the foregoing waiver was separately bargained for and a key element of the settlement of which this release is a part.

### III. THE LITIGATION

On September 23, 1998, the Representative Plaintiffs filed the captioned action, *In re P-Com, Inc., Securities Litigation* (the "Litigation"), in the Santa Clara County Superior Court on behalf of purchasers of the public-traded securities of P-Com, Inc. The Third Consolidated Amended Class Action Complaint (the "Complaint") was filed on May 26, 2000. The Complaint alleges violations of (1) Cal. Corp. Code §§25400 and 25500; and (2) Cal. Bus. & Prof. Code §§17200, *et seq.* The Complaint was filed on behalf of a class of purchasers of P-Com securities during the period April 15, 1997 through September 11, 1998, inclusive.

### IV. CLAIMS OF THE REPRESENTATIVE PLAINTIFFS AND BENEFITS OF SETTLEMENT

The Representative Plaintiffs believe that the claims asserted in the Litigation have merit and that the evidence developed to date supports the claims. However, counsel for the Representative Plaintiffs recognize and acknowledge the expense and length of continued proceedings necessary to prosecute the Litigation against the Defendants through trial and through appeals. Counsel for the Representative

Plaintiffs also have taken into account the uncertain outcome and the risk of any litigation, especially in complex actions such as this Litigation, as well as the difficulties and delays inherent in such litigation. Counsel for the Representative Plaintiffs also are mindful of the inherent problems of proof under and possible defenses to the violations asserted in the Litigation. Counsel for the Representative Plaintiffs believe that the settlement set forth in the Stipulation confers substantial benefits upon the Settlement Class. Based on their evaluation, counsel for the Representative Plaintiffs have determined that the settlement set forth in the Stipulation is in the best interests of the Representative Plaintiffs and the Settlement Class.

## **V. DEFENDANTS' STATEMENT AND DENIALS OF WRONGDOING AND LIABILITY**

The Defendants have denied and continue to deny each and all of the claims and contentions alleged by the Representative Plaintiffs in the Litigation. The Defendants expressly have denied and continue to deny all charges of wrongdoing or liability against them arising out of any of the conduct, statements, acts or omissions alleged, or that could have been alleged, in the Litigation. The Defendants also have denied and continue to deny, *inter alia*, the allegations that the Representative Plaintiffs or the Class have suffered damage, that the price of P-Com securities was artificially inflated by reasons of alleged misrepresentations, non-disclosures or otherwise, or that the Representative Plaintiffs or the Class were harmed by the conduct alleged in the Complaint.

Nonetheless, the Defendants have concluded that further conduct of the Litigation would be protracted and expensive, and that it is desirable that the Litigation be fully and finally settled in the manner and upon the terms and conditions set forth in the Stipulation. The Defendants also have taken into account the uncertainty and risks inherent in any litigation, especially in complex cases like this Litigation. The Defendants have, therefore, determined that it is desirable and beneficial to them that the Litigation be settled in the manner and upon the terms and conditions set forth in the Stipulation.

## **VI. TERMS OF THE PROPOSED SETTLEMENT**

The Defendants will pay into an escrow account, pursuant to the terms of the Stipulation of Settlement dated as of September 27, 2001 (the "Stipulation"), cash in the amount of \$16.0 million and the balance remaining, if any, from the first two layers of insurance coverage, after all appropriate defense fees and expenses are deducted therefrom (which balance is anticipated by all parties to be a minimal amount), which will earn interest for the benefit of the Settlement Class.

A portion of the settlement proceeds will be used for certain administrative expenses, including costs of printing and mailing this Notice, the cost of publishing a newspaper notice, payment of any taxes assessed against the Settlement Fund and costs associated with the processing of claims submitted. In addition, as explained below, a portion of the Settlement Fund may be awarded by the Court to counsel for Representative Plaintiffs as attorneys' fees and for reimbursement of out-of-pocket expenses. The balance of the Settlement Fund (the "Net Settlement Fund") will be distributed according to the Plan of Allocation described below to Settlement Class Members who submit valid and timely Proof of Claim forms.

## **VII. PLAN OF ALLOCATION**

The Net Settlement Fund will be distributed to Settlement Class Members who submit valid, timely Proof of Claim forms ("Authorized Claimants") under the Plan of Allocation described below. The Plan of Allocation provides that you will be eligible to participate in the distribution of the Settlement Fund only if you have a net loss on all transactions in P-Com securities during the Class Period.

For purposes of determining the amount an Authorized Claimant may recover under the Plan of Allocation, Representative Plaintiffs' counsel have consulted with their damage experts and the Plan of Allocation reflects an assessment of the damages that could have been recovered had plaintiffs prevailed at trial.

To the extent there are sufficient funds in the Net Settlement Fund, each Authorized Claimant will receive an amount equal to the Authorized Claimant's claim, as defined below. If, however, the amount in the Net Settlement Fund is not sufficient to permit payment of the total claim of each Authorized Claimant, then each Authorized Claimant shall be paid the percentage of the Net Settlement Fund that each Authorized Claimant's claim bears to the total of the claims of all Authorized Claimants. Payment in this manner shall be deemed conclusive against all Authorized Claimants.

The total of all profits shall be subtracted from the total of all losses from transactions during the Class Period to determine if a Settlement Class Member has a claim. Only if a Settlement Class Member had a net loss, after all profits from transactions in P-Com securities during the Class Period are subtracted from all losses, will such Class Member be eligible to receive a distribution from the Net Settlement Fund.

A claim will be calculated as follows:

### **COMMON STOCK**

1. For shares of P-Com, Inc. common stock that were purchased on April 15, 1997 through October 16, 1997, and
  - a) sold prior to October 17, 1997, the claim per share is \$0;

- b) sold from October 17, 1997 through June 16, 1998, the claim per share shall not exceed \$6.000 (October 17, 1997 price decline);
  - c) sold from June 17, 1998 through September 11, 1998, the claim per share shall not exceed \$7.313 (October 17, 1997 and June 17, 1998 price declines);
  - d) retained at the end of September 11, 1998, the claim per share is \$7.813 (October 17, 1997, June 17, 1998 and September 14, 1998 price declines).
2. For shares of P-Com, Inc. common stock that were purchased on October 17, 1997 through June 16, 1998, and
    - a) sold prior to June 17, 1998, the claim per share is \$0;
    - b) sold from June 17, 1998 through September 11, 1998, the claim per share shall not exceed \$1.313 (June 17, 1998 price decline);
    - c) retained at the end of September 11, 1998, the claim per share is \$1.813 (June 17, 1998 and September 14, 1998 price declines).
  3. For shares of P-Com, Inc. common stock that were purchased on June 17, 1998 through September 11, 1998, and
    - a) sold prior to September 14, 1998, the claim per share is \$0;
    - b) retained at the end of September 11, 1998, the claim per share is \$0.50 (September 14, 1998 price decline).

#### CALL OPTIONS

1. For P-Com, Inc. Call Options that were purchased on April 15, 1997 through October 16, 1997, and
  - a) disposed/expired prior to October 17, 1997, the claim per option is \$0;
  - b) disposed/expired from October 17, 1997 through September 11, 1998, the claim per option is the difference between the price paid and the value (price received, if any) of such option at time of disposal/expiration;
  - c) retained at the end of September 11, 1998, the claim per option is the premium paid.
2. For P-Com, Inc. Call Options that were purchased on October 17, 1997 through June 16, 1998, and
  - a) disposed/expired prior to June 17, 1998, the claim per option is \$0;
  - b) disposed/expired from June 17, 1998 through September 11, 1998, the claim per option is the difference between the price paid and the value (price received, if any) of such option at time of disposal/expiration;
  - c) retained at the end of September 11, 1998, the claim per option is the premium paid.
3. For P-Com, Inc. Call Options that were purchased on June 17, 1998 through September 11, 1998, and
  - a) disposed/expired prior to September 14, 1998, the claim per option is \$0;
  - b) retained at the end of September 11, 1998, the claim per option is the premium paid.

#### PUT OPTIONS

1. For P-Com, Inc. Put Options ("Put") written from April 15, 1997 through September 11, 1998, and
  - a) if covered (or expired) prior to September 11, 1998 (*i.e.*, covered (or expired) during the Class Period), the claim per option shall be \$0;
  - b) if exercised (*i.e.*, Put writer required to purchase common stock at strike price) and common stock retained as of the close of business on September 11, 1998, the recovery shall be in accordance with the common stock formula set forth above;
  - c) if retained at the end of September 11, 1998:
    - (i) the recovery for the shares purchased by the Put writer as a result of the exercise of the Puts will be the difference between the premium received and the aggregate cost of shares purchased;
    - (ii) the recovery for the Puts that were covered after September 11, 1998 will be the difference between the premium received when the Put was written and the premium received upon covering.

Total payments for options' claims shall not exceed 5% of the total Settlement Fund.

The date of purchase or sale is the "contract" or "trade" date as distinguished from the "settlement" date. The determination of the price paid per share and the price received per share, shall be exclusive of all commissions, taxes, fees and charges.

For Settlement Class Members who held shares or options at the beginning of the Class Period or made multiple purchases or sales during the Class Period, the first-in, first-out ("FIFO") method will be applied to such holdings, purchases and sales for purposes of calculating a claim. Under the FIFO method, sales during the Class Period will be matched first against shares or options held at the beginning of the Class Period. The sale of any remaining shares or options during the Class Period will then be matched in chronological order against shares or options purchased during the Class Period.

A Settlement Class Member will be eligible to receive a distribution from the Net Settlement Fund only if a Settlement Class Member had a net loss, after all profits from transactions in P-Com, Inc. common stock or options during the Class Period are subtracted from all losses. The proceeds from sales of shares or options which have been matched against shares or options held at the beginning of the Class Period will not be used in the calculation of such net loss.

The Court has reserved jurisdiction to allow, disallow or adjust the claim of any Settlement Class Member on equitable grounds.

### **VIII. PARTICIPATION IN THE CLASS**

If you fall within the definition of the Settlement Class, you will be bound by any judgment entered with respect to the settlement in the Litigation whether or not you file a Proof of Claim. If you choose, you may enter an appearance individually or through your own counsel at your own expense.

**TO PARTICIPATE IN THE DISTRIBUTION OF THE NET SETTLEMENT FUND, YOU MUST TIMELY COMPLETE AND RETURN THE PROOF OF CLAIM AND RELEASE FORM THAT ACCOMPANIES THIS NOTICE.** The Proof of Claim and Release must be postmarked on or before March 15, 2002, and delivered to the Claims Administrator at the address below. Unless the Court orders otherwise, if you do not timely submit a valid Proof of Claim, you will be barred from receiving any payments from the Net Settlement Fund, but will in all other respects be bound by the provisions of the Stipulation and the Judgment.

### **IX. EXCLUSION FROM THE CLASS**

You may request to be excluded from the Settlement Class. To do so, you must mail a written request to:

*P-Com Securities Litigation*  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8040  
San Rafael, CA 94912-8040

The request for exclusion must state: (1) your name, address, and telephone number; (2) all purchases and sales of P-Com, Inc. common stock made during the Settlement Class Period, including the dates, the number of shares of P-Com, Inc. common stock, and price paid or received per share for each such purchase or sale; and (3) that you wish to be excluded from the Settlement Class. **TO BE VALID, A REQUEST FOR EXCLUSION MUST STATE ALL OF THE FOREGOING INFORMATION. YOUR EXCLUSION REQUEST MUST BE POSTMARKED ON OR BEFORE JANUARY 28, 2002.** If you submit a valid and timely request for exclusion, you shall have no rights under the settlement, shall not share in the distribution of the Net Settlement Fund, and shall not be bound by the Stipulation or the Judgment.

### **X. DISMISSAL AND RELEASES**

If the proposed settlement is approved, the Court will enter a Final Judgment and Order of Dismissal with Prejudice ("Judgment"). The Judgment will dismiss the Released Claims with prejudice as to all Defendants. The Judgment will provide that all Settlement Class Members shall be deemed to have released and forever discharged all Released Claims against all Released Persons and that the Released Persons shall be deemed to have released and discharged all Settlement Class Members and counsel to the Representative Plaintiffs from all claims arising out of the prosecution and settlement of the Litigation or the Released Claims.

### **XI. APPLICATION FOR FEES AND EXPENSES**

At the Settlement Hearing, counsel for Representative Plaintiffs will request the Court to award attorneys' fees of 30% of the Settlement Fund, plus reimbursement of the expenses, not to exceed \$875,000, which were advanced in connection with the Litigation, plus interest thereon. Settlement Class Members are not personally liable for any such fees or expenses.

To date, Representative Plaintiffs' counsel have not received any payment for their services in conducting this Litigation on behalf of Representative Plaintiffs and the members of the Settlement Class, nor have counsel been reimbursed for their substantial out-of-pocket expenses. The fee requested by Representative Plaintiffs' counsel will compensate counsel for their efforts in achieving the Settlement Fund for the benefit of the Settlement Class, and for their risk in undertaking this representation on a wholly contingent basis. Plaintiffs' counsel represent that the fee requested is well within the range of fees awarded to plaintiffs' counsel under similar circumstances in other litigation of this type.

### **XII. CONDITIONS FOR SETTLEMENT**

The settlement is conditioned upon the occurrence of certain events described in the Stipulation. Those events include, among other things: (1) entry of the Judgment by the Court, as provided for in the Stipulation; and (2) expiration of the time to appeal from or alter or amend the

Judgment. If, for any reason, any one of the conditions described in the Stipulation is not met, the Stipulation might be terminated and, if terminated, will become null and void, and the parties to the Stipulation will be restored to their respective positions as of September 26, 2001.

### **XIII. THE RIGHT TO BE HEARD AT THE HEARING**

Any Settlement Class Member who objects to any aspect of the settlement, the Plan of Allocation, or the application for attorneys' fees or costs, may appear and be heard at the Settlement Hearing. Any such person must submit a written notice of objection, received on or before January 28, 2002, by each of the following:

CLERK OF THE COURT  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA CLARA  
191 North First Street  
San Jose, CA 95113

MILBERG WEISS BERSHAD  
HYNES & LERACH LLP  
KEITH F. PARK  
600 West Broadway, Suite 1800  
San Diego, CA 92101

Counsel for Plaintiffs

BROBECK, PHLEGER & HARRISON LLP  
MEREDITH N. LANDY  
Two Embarcadero Place  
2200 Geng Road  
Palo Alto, CA 94303-0913

Counsel for Defendants

The notice of objection must demonstrate the objecting person's membership in the Settlement Class, including the number of P-Com securities purchased and sold during the Class Period, and contain a statement of the reasons for objection. Only members of the Settlement Class who have submitted written notices of objection in this manner will be entitled to be heard at the Settlement Hearing, unless the Court orders otherwise.

### **XIV. SPECIAL NOTICE TO NOMINEES**

If you held any P-Com securities purchased or otherwise acquired during the Class Period as nominee for a beneficial owner, then, within ten (10) days after you receive this Notice, you must either: (1) send a copy of this Notice and the Proof of Claim by first class mail to all such persons; or (2) provide a list of the names and addresses of such persons to the Claims Administrator:

*P-Com Securities Litigation*  
Claims Administrator  
c/o Gilardi & Co. LLC  
P.O. Box 8040  
San Rafael, CA 94912-8040

If you choose to mail the Notice and Proof of Claim yourself, you may obtain from the Claims Administrator (without cost to you) as many additional copies of these documents as you will need to complete the mailing.

Regardless of whether you choose to complete the mailing yourself or elect to have the mailing performed for you, you may obtain reimbursement for or advancement of reasonable administrative costs actually incurred or expected to be incurred in connection with forwarding the Notice and Proof of Claim and which would not have been incurred but for the obligation to forward the Notice and Proof of Claim, upon submission of appropriate documentation to the Claims Administrator.

### **XV. EXAMINATION OF PAPERS**

This Notice is a summary and does not describe all of the details of the Stipulation. For full details of the matters discussed in this Notice, you may review the Stipulation filed with the Court, which may be inspected during business hours, at the office of the Clerk of the Court, Santa Clara County Superior Courthouse, 191 North First Street, San Jose, California.

If you have any questions about the settlement of the Litigation, you may contact Rick Nelson, Milberg Weiss Bershad Hynes & Lerach LLP, 600 West Broadway, Suite 1800, San Diego, CA 92101, 619/231-1058.

**DO NOT TELEPHONE THE COURT REGARDING THIS NOTICE.**

DATED: November 30, 2001

BY ORDER OF THE SUPERIOR COURT  
STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA