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12 Attorneys for Defendants Thane International, Inc.,  
13 William F. Hay, Denise DuBarry-Hay, Kevin McKeon  
14 and Mark Taylor

15 **UNITED STATES DISTRICT COURT**  
16 **CENTRAL DISTRICT OF CALIFORNIA**  
17 **SOUTHERN DIVISION**

18 JOSEPH J. MILKOWSKI, on behalf of  
19 himself and all others similarly situated,

20 Plaintiff,

21 vs.

22 THANE INTERNATIONAL, INC.,  
23 WILLIAM F. HAY, DENISE  
24 DUBARRY-HAY, KEVIN MCKEON  
25 and MARK TAYLOR,

26 Defendants.

Case No. SA CV 03-1031 JVS (SGLx)

CLASS ACTION

**JUDGMENT**

Courtroom: 10-C  
Judge: Hon. James V. Selna

1 **JUDGMENT**

2 This action came on for trial before the Court on April 12, 2005, the  
3 Honorable James V. Selna, United States District Judge, presiding. In a  
4 *Memorandum of Decision* dated June 2, 2005, reported at 372 F. Supp. 2d 1198  
5 (C.D. Cal. 2005), the Court announced its verdict and decision, holding that the  
6 merger prospectus of Thane International, Inc. (“Thane”) did not make any  
7 misrepresentations, and that even if it had, any misrepresentation was not material.  
8 The Ninth Circuit, in an order dated March 18, 2008, reported at 519 F.3d 879 (9th  
9 Cir. 2008), reversed and remanded, and instructed the Court to enter judgment in  
10 favor of plaintiffs with respect to the existence and materiality of  
11 misrepresentations in the prospectus, to address loss causation, and to conduct  
12 further proceedings consistent with its opinion.

13 Having considered the evidence and argument of counsel, in accordance  
14 with the Ninth Circuit’s order dated March 18, 2008, and for reasons set forth in  
15 the Court’s order dated March 17, 2009 and for good cause appearing, the Court  
16 hereby ORDERS, ADJUDGES and DECREES as follows:

- 17 1. Thane’s merger prospectus contained material misrepresentations  
18 concerning listing on the Nasdaq National Market System (“NMS”);
- 19 2. The Court finds as a factual matter, and by a preponderance of the  
20 evidence adduced at trial, that the market impounded into Thane’s stock price the  
21 fact that Thane listed on the Nasdaq Over-The-Counter Bulletin Board rather than  
22 the NMS within the first nineteen days after the merger. This impoundment  
23 included the effects of any harm to management credibility alleged to result from  
24 the misrepresentations;
- 25 3. The misrepresentations did not cause any losses to plaintiff Joseph J.  
26 Milkowski and the certified plaintiff class consisting of all persons and entities  
27 who acquired Thane’s shares pursuant to the merger between a wholly-owned  
28 subsidiary of Thane and Reliant Interactive Media Corp. (“Reliant”) (other than

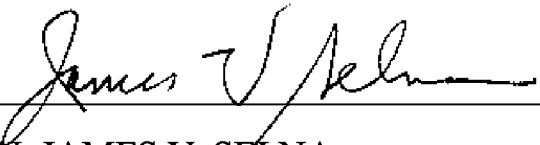
1 defendants and Reliant’s principal stockholders) (collectively, “Plaintiffs”);

2 4. Final judgment is entered in favor of defendants Thane, William F.  
3 Hay, Denise DuBarry-Hay, Kevin McKeon and Mark Taylor (collectively,  
4 “Defendants”), and against Plaintiffs on all of Plaintiffs’ claims;

5 5. Plaintiffs shall take nothing by their complaint from Defendants; and

6 6. Defendants are the prevailing parties and shall recover their costs to  
7 the extent allowable by law in the amount of \$ \_\_\_\_\_.

8  
9  
10 Dated: March 23, 2009

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12 \_\_\_\_\_  
13 HON. JAMES V. SELNA  
14 UNITED STATES DISTRICT JUDGE

15 *Presented by:*

16 ORRICK, HERRINGTON & SUTCLIFFE LLP

17 \_\_\_\_\_  
18 */s/ Michael C. Tu*  
Michael C. Tu

19 Attorneys for Defendants Thane International,  
20 Inc., William F. Hay, Denise DuBarry-Hay,  
21 Kevin McKeon and Mark Taylor  
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