

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**KATHI COOPER, BETH HARRINGTON,)
and MATTHEW HILLESHEIM,)
Individually and on Behalf of All Those)
Similarly Situated,)**

Plaintiffs,)

vs.)

CIVIL NO. 99-829-GPM

**THE IBM PERSONAL PENSION PLAN)
and IBM CORPORATION,)**

Defendants.)

JUDGMENT IN A CIVIL CASE

DECISION BY COURT. This matter came before the Court on cross motions for summary judgment and a Class Action Settlement Agreement with Respect to Subclasses 1 and 2 (“Settlement Agreement”). The issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that judgment is entered in favor of the members of Subclasses 1 and 2 on their claim that the Cash Balance Formula violates ERISA § 204(b)(1)(H). These Class Members are entitled to relief for the violation as provided in the Settlement Agreement.

IT IS FURTHER ORDERED AND ADJUDGED that judgment is entered in favor of the members of Subclasses 1 and 2 on their claim that the Always Cash Balance Formula violates ERISA § 204(b)(1)(H). These Class Members are entitled to relief for the violation as provided in the Settlement Agreement.

IT IS FURTHER ORDERED AND ADJUDGED that the Plan shall pay Class Counsel fees as an administrative cost of the Plan in accordance with the Settlement Agreement and calculated on a

decreasing percentage as follows: (1) an amount equal to 29% of the amount of any Settlement Benefits recovered up to \$250 million; (2) an amount equal to 25% of the amount of any Settlement Benefits recovered in excess of \$250 million up to the amount of \$750 million; (3) an amount equal to 21% of the amount of any Settlement Benefits recovered in excess of \$750 million up to the amount of \$1,250 million; and (4) an amount equal to 17% requested of any Settlement Benefits recovered in excess of \$1,250 million. Class Counsel shall pay incentive awards of \$40,000 to Ms. Cooper and \$20,000 to Ms. Harrington out of the attorneys' fees paid by the Plan and shall also reimburse themselves for any expenses they already have incurred or will incur in the future out of the attorneys' fees awarded by this Court.

IT IS FURTHER ORDERED AND ADJUDGED that the claims of Subclass 3 were dismissed pursuant to a Rule 54(b) judgment entered on January 10, 2005. All other claims asserted by Plaintiffs in this action are now **DISMISSED with prejudice** pursuant to the terms of the Settlement Agreement and in exchange for the consideration provided therein.

DATED: 08/16/2005

NORBERT G. JAWORSKI, CLERK

By: s/ Linda M. Cook
Deputy Clerk

APPROVED: s/ G. Patrick Murphy
G. PATRICK MURPHY
CHIEF U.S. DISTRICT JUDGE