

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MAKOR ISSUES & RIGHTS, LTD. <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	02 C 4356
)	
TELLABS, INC., <i>et al.</i> ,)	
)	
Defendants.)	

CLARIFYING ORDER

As discussed in open court on November 11, 2010, the Court’s Order Modifying the Class Period (395) is hereby amended to clarify the following:

1. On February 23, 2009, the Court certified a class (the “Class”) in this action, defined as:

All persons who purchased the common stock of Defendant Tellabs during the period from December 11, 2000 through June 19, 2001, inclusive (the “Class Period”). Excluded from the Class are Defendants; the subsidiaries and affiliates of Tellabs; the officers and directors of Tellabs or its subsidiaries or affiliates, at all relevant times; members of the immediate family of any excluded person; the legal representatives, heirs, successors, and assigns of any excluded person; and any entity in which any excluded person has or had a controlling interest.

(R. 256 at 26.) On November 3, 2010, as a result of the Court’s ruling on Defendants’ Motion for Summary Judgment, the Court issued an order (“Order”) that “modifies the Class Period as follows: All persons who purchased the common stock of Defendant Tellabs during the period from March 8, 2001 through June 19, 2001, inclusive (the ‘Modified Class Period’).” (R. 395.) The Court’s Order retained the same exclusions from the Class as contained in the original definition of the certified Class.

2. The Court's November 3, 2010 Order was not intended to and does not de-certify the portion of the Class pre-dating March 8, 2001 that was originally certified in the Court's February 23, 2009 order. Rather, as a result of the Court's August 13, 2010 Memorandum Opinion and Order granting in large part Defendants' Motion for Summary Judgment (R. 379), summary judgment is entered against the following members of the Class: All members of the Class whose claims are based on purchases of the common stock of Defendant Tellabs, Inc. from December 11, 2000 through March 7, 2001. The Modified Class Period is only intended to define the period that remains at issue for trial.

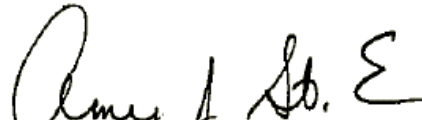
3. The Modified Class Period requires further amendment to take into account this Court's finding in its August 13, 2010 Memorandum Opinion and Order that all members of the Class who were also members of the class certified in *Brieger v. Tellabs, Inc.*, Case No. 06-cv-1882 (N.D. Ill.) are collaterally estopped with respect to the claims regarding the two statements that remain at issue in this case. Accordingly, the Modified Class Period, established solely for purposes of defining the portion of the Class that remains at issue for trial, is amended as follows (the "Amended Modified Class Period"): "All persons who purchased the common stock of Defendant Tellabs during the period from March 8, 2001 through June 19, 2001, inclusive (the 'Amended Modified Class Period'). Excluded from the Class are members of the class certified in *Brieger v. Tellabs, Inc.*, Case No. 06-cv-1882 (N.D. Ill.); Defendants; the subsidiaries and affiliates of Tellabs; the officers and directors of Tellabs or its subsidiaries or affiliates, at all

relevant times; members of the immediate family of any excluded person; the legal representatives, heirs, successors, and assigns of any excluded person; and any entity in which any excluded person has or had a controlling interest.”

IT IS SO ORDERED.

Dated: November 23, 2010

ENTERED

A handwritten signature in black ink, appearing to read "Amy J. St. E". The signature is written in a cursive style and is positioned above a horizontal line.

AMY J. ST. EVE
United States District Court Judge