

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

DAVID G. RAY, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

Plaintiff,

v.

TIERONE CORPORATION, GILBERT G.  
LUNDSTROM, EUGENE B.  
WITKOWICZ, MICHAEL J. FALBO,  
AND CHARLES W. HOSKINS,

Defendants.

DOUGLAS L. STEJSKAL,

Plaintiff,

v.

GILBERT G. LUNDSTROM,

Defendant.

DOUGLAS L. STEJSKAL,

Plaintiff,

v.

JAMES A. LAPHEN,

Defendant.

Case No. 8:10-cv-00199

**LEAD PLAINTIFFS' MOTION FOR  
FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT AND PLAN OF  
ALLOCATION**

Member Case No. 4:10-cv-3177

Member Case No. 8:10-cv-332

Lead plaintiffs Vincent Valentino, Raoul and Sharon Turcot, and Eric Follestad (collectively, the “Lead Plaintiffs”), through their attorneys, respectfully move this Court for an Order and Judgment:

- (a) finally approving the class action settlement and plan of allocation; and
- (b) for any other or further relief the Court deems just and proper.

In support of this Motion, Plaintiffs submit: (1) a Memorandum of Law dated September 25, 2012; and (2) Index of Exhibits. A [Proposed] Order and Final Judgment is attached as Exhibit 3 to the Index.

Dated: September 25, 2012

Respectfully submitted,

**THE ROSEN LAW FIRM, P.A.**

/s/ Phillip Kim

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Lead Plaintiffs’ Counsel

**CERTIFICATE OF SERVICE**

I hereby certify that on the 25<sup>th</sup> day of September 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all CM/ECF participants and counsel of record.

In addition, I certify that on September 25, 2012 copies of the foregoing documents were mailed via United States first class regular mail to the following non CM/ECF participants:

Douglas J. Stejskal  
PO Box 1222  
Columbus, NE 68602

By: /s/ Phillip Kim