

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN RE BECKMAN COULTER, INC. SECURITIES  
LITIGATION

) Case No.: 8:10-cv-1327-JST (RNBx)

)

) NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED  
) SETTLEMENT AND MOTION FOR ATTORNEYS' FEES AND  
) EXPENSES

)

) Hon. Josephine Staton Tucker

**IF YOU PURCHASED OR OTHERWISE ACQUIRED THE COMMON STOCK OF BECKMAN COULTER, INC.  
("BECKMAN" OR THE "COMPANY"), BETWEEN JULY 31, 2009 AND JULY 22, 2010, INCLUSIVE  
(THE "CLASS PERIOD"), YOU MAY BE ELIGIBLE FOR A PAYMENT FROM A CLASS ACTION SETTLEMENT**

**A federal court authorized this Notice.<sup>1</sup> This is not a solicitation from a lawyer.**

- Court-appointed lead plaintiff, Arkansas Teacher Retirement System and Iron Workers District Council of New England Pension Fund ("Lead Plaintiff"), on behalf of itself and the Class (as defined below), has reached a proposed settlement in the amount of \$5,000,000 in cash, plus payment of actual Notice and Administration Expenses up to a cumulative cap of \$500,000 (the "Settlement"), which will resolve all claims against Beckman and the Individual Defendants, Scott T. Garrett and Charles P. Slacik (collectively, the "Defendants"), in this proposed class action (the "Action").
- The Settlement resolves class action litigation over claims alleging that the Defendants allegedly misled investors about Beckman's business performance, avoids the costs and risks of continuing the Action, pays money to investors like you, and releases the Defendants from liability.
- This Notice explains important rights you may have, including your possible receipt of cash from the Settlement. **Your legal rights will be affected whether or not you act. Please read this Notice carefully!**
- The Court in charge of the Action has not yet decided whether to approve the Settlement. Payments to qualified Class Members will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT	
ACTIONS YOU MAY TAKE	EFFECT OF TAKING THIS ACTION
<b>SUBMIT A CLAIM FORM POSTMARKED NO LATER THAN APRIL 12, 2012.</b>	This is the only way to get a payment.
<b>EXCLUDE YOURSELF FROM THE CLASS BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION POSTMARKED NO LATER THAN FEBRUARY 6, 2012.</b>	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against the Defendants concerning the claims that were, or could have been, asserted in this case. It is also the <b>only</b> way for Class Members to remove themselves from the Class.
<b>OBJECT TO THE SETTLEMENT BY SUBMITTING A WRITTEN OBJECTION POSTMARKED NO LATER THAN FEBRUARY 6, 2012.</b>	Write to the Court and explain why you do not like the Settlement, the proposed Plan of Allocation, and/or the request for attorneys' fees and reimbursement of expenses. You cannot object if you are not a Class Member or if you exclude yourself.
<b>GO TO THE HEARING ON FEBRUARY 27, 2012, AT 10:00 A.M., AND FILE A NOTICE OF INTENTION TO APPEAR SO THAT IT IS POSTMARKED NO LATER THAN FEBRUARY 6, 2012.</b>	Ask to speak in Court about the fairness of the Settlement, the proposed Plan of Allocation, or the request for attorneys' fees and reimbursement of expenses.
<b>DO NOTHING</b>	Get no payment. Remain a Class Member. Give up your rights.

**SUMMARY OF THIS NOTICE**

**I. Description of the Action and the Class**

This Notice relates to the proposed Settlement of a securities class action lawsuit. As explained in more detail below, the proposed Settlement, if approved by the Court, will settle the claim of any person or entity who purchased or otherwise acquired Beckman common stock between July 31, 2009 and July 22, 2010, inclusive, and who was allegedly damaged thereby (the "Class").

**II. Statement of the Plaintiffs' Recovery**

Subject to Court approval, and as described more fully on Page 7 below, Lead Plaintiff, on behalf of the proposed Class, has agreed to settle all claims related to the purchase or acquisition of Beckman common stock during the Class Period that were or could have been asserted against the Defendants in the Action, in exchange for a payment of \$5,000,000 in cash (the "Settlement Amount") to be deposited into an interest-bearing escrow account (the "Settlement Fund"), plus payment of the costs of Settlement Notice and Administration Expenses in an amount not to exceed a total cumulative cap of \$500,000. Based on Lead Plaintiff's consulting damages expert's estimate of the amount of

<sup>1</sup> Capitalized terms not otherwise defined in this document shall have the meaning provided in the Stipulation of Settlement.

Beckman common stock that may have been damaged as a result of the alleged misstatements and omissions by the Defendants, and assuming that all those shares participate in the Settlement, Lead Counsel estimates that the average recovery would be approximately \$0.16 per allegedly damaged share,<sup>2</sup> before the deduction of Court-approved attorneys' fees and expenses, taxes, and notice and administration costs in excess of \$500,000, if any. Class Members should note, however, that this is only an estimate based on the overall number of potentially damaged shares in the Class. Some Class Members may recover more or less than this estimated amount depending on, among other factors, when, where, and the prices at which their shares were purchased or sold. The Net Settlement Fund (the Settlement Fund less taxes, notice and administration costs in excess of \$500,000, and attorneys' fees and litigation expenses awarded to Lead Counsel) will be distributed in accordance with a plan of allocation (the "Plan of Allocation") approved by the Court that will determine how the Net Settlement Fund shall be allocated to the members of the Class. The proposed Plan of Allocation is included in this Notice (see Pages 7-9 below).

### **III. Statement of Potential Outcome of the Case**

The Parties do not agree on the average amount of damages per share that would be recoverable if Lead Plaintiff were to prevail on the claims against the Defendants. The Defendants deny all liability and that any Beckman common stock was damaged as Lead Plaintiff has alleged. The issues on which the Parties disagree include, for example: (i) whether any Defendant made any alleged misrepresentation or omission whatsoever; (ii) the amount by which the price of Beckman common stock was artificially inflated, if at all, as a result of the alleged misstatements and omissions by the Defendants; (iii) the amount of alleged damages, if any, suffered by purchasers or acquirers of Beckman common stock; (iv) the appropriate economic models for determining the amounts by which Beckman common stock was allegedly artificially inflated, if at all; and (v) the effect of various market forces influencing the trading prices of Beckman common stock.

### **IV. Statement of Attorneys' Fees and Litigation Expenses Sought**

Lead Counsel (as identified in Section V below) will apply to the Court for an award of attorneys' fees from the Settlement Fund in an amount not to exceed 25% of \$5,500,000, plus interest at the same rate as is earned by the Settlement Fund. In addition, Lead Counsel also will apply for the reimbursement of litigation expenses paid or incurred in connection with the prosecution and resolution of the Action, in an amount not to exceed \$148,000, plus interest from the date of funding at the same rate as earned by the Settlement Fund. Lead Counsel's overall request for reimbursement of litigation expenses may include a request for an award to Lead Plaintiff Arkansas Teacher Retirement System and Iron Workers District Council of New England Pension Fund for reimbursement of its reasonable costs and expenses directly related to its representation of the Class in an amount not to exceed \$40,000. If the Court approves Lead Counsel's attorneys' fee application in full, the average amount of fees and expenses will be approximately \$0.04 per allegedly damaged share.

### **V. Identification of Attorney Representatives**

Lead Plaintiff and the Class are being represented by Labaton Sucharow LLP and Berger & Montague, P.C., the Court-appointed Lead Counsel. Any questions regarding the Settlement should be directed to Christopher J. McDonald, Esq., Labaton Sucharow LLP, 140 Broadway, New York, NY 10005, tel.: 888-219-6877, [www.labaton.com](http://www.labaton.com), [settlementquestions@labaton.com](mailto:settlementquestions@labaton.com); or Barbara A. Podell, Esq., Berger & Montague, P.C., 1622 Locust Street, Philadelphia, PA 19103, tel.: 800-424-6690, [www.bergermontague.com](http://www.bergermontague.com).

### **VI. Reasons for the Settlement**

For Lead Plaintiff, the principal reason for the Settlement is the immediate benefit of a substantial cash recovery for the Class. This benefit must be compared to the risk that no recovery or a smaller recovery might be achieved if the Court were to grant the Defendants' pending motion to dismiss the Consolidated Class Action Complaint for Violations of Federal Securities Laws (the "Complaint"); or if Lead Plaintiff were to avoid dismissal of the Complaint, the further risk that no recovery or a smaller recovery might be achieved after the completion of fact and expert discovery, resolution of any summary judgment motions by the Defendants, and/or the outcome of a contested trial and the resolution of appeals, possibly years into the future. For the Defendants, who deny all allegations of liability and deny that any Class Members were damaged, the principal reason for the Settlement is to eliminate the burden, expense, uncertainty, and risk of further litigation.

## **BASIC INFORMATION**

### **1. Why did I get this Notice package?**

You or someone in your family may have purchased or otherwise acquired Beckman common stock between July 31, 2009 and July 22, 2010, inclusive.

The Court directed that this Notice be sent to Class Members because they have a right to know about the proposed Settlement of this class action lawsuit, and about all of their options, before the Court decides whether to approve the Settlement. If approved, the Settlement will end all of the Class's claims against the Defendants. The Court will consider whether to approve the Settlement at a Settlement Hearing on February 27, 2012, at 10:00 a.m. If the Court approves the Settlement, and after any appeals are resolved and the Settlement administration is completed, the Claims Administrator appointed by the Court will make the payments that the Settlement allows.

The Court in charge of the case is the United States District Court for the Central District of California, and the case is known as *In re Beckman Coulter, Inc. Securities Litigation*, Case No.: 8:10-cv-1327-JST (RNBx) (C.D.Cal.). This case was assigned to United States District Judge Josephine Staton Tucker. The persons who are suing are called "plaintiffs," and the company and the persons being sued are called "defendants."

This package explains the Action, the Settlement, the Plan of Allocation, your legal rights, what benefits are available, who is eligible for them, and how to receive them.

<sup>2</sup> An allegedly damaged share might have been traded more than once, and this average recovery would be the total for all purchasers of that share. This average recovery also assumes that Defendants will pay \$500,000 in Notice and Administration Expenses.

## **2. What is this lawsuit about and what has happened so far?**

Beckman is primarily engaged in the development, manufacture, and sale of biomedical testing equipment and tests. The Company operates globally and is headquartered in California's Orange County. The two Individual Defendants are Beckman's former CEO Scott Garrett and its former CFO Charlie Slacik. In June 2011, Beckman was acquired by Danaher Corporation.

Lead Plaintiff's claims in the Action are made on behalf of all alleged Class Members and are stated in the Complaint filed on February 7, 2011. In the Complaint, Lead Plaintiff alleges that Beckman and the Individual Defendants violated Sections 10(b) and 20(a) of the Securities Exchange Act of 1934 (the "Exchange Act") by allegedly making material misstatements and omissions regarding product quality, safety, Food and Drug Administration ("FDA") regulatory compliance, and the Company's troponin test, as well as likely customer retention, recurring revenue, business prospects, and earnings forecasts and guidance during the alleged Class Period, between July 31, 2009, and July 22, 2010. Lead Plaintiff alleges that Defendants failed to make earlier disclosure of alleged noncompliance with FDA premarket notification requirements concerning modifications made to the Company's troponin tests and failed to make earlier disclosure of the effects of noncompliance on the Company's operations, products, and prospects.

Lead Plaintiff alleges that on March 22, 2010, May 14, 2010, and July 22, 2010, Defendants made corrective disclosures which negatively impacted Beckman's common stock price. On March 22, 2010, the Company disclosed that the FDA had taken the position that certain modifications to the troponin test kit had been made without obtaining appropriate product clearance from the FDA under Section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 360(k)). Beckman's common stock price declined the next day. Lead Plaintiff alleges that on May 14, 2010, the Company disclosed that, based on information provided by and discussions with the FDA, the Company expected to submit its 510(k) submissions for the troponin test kit on two of its testing platforms in the first half of 2011. Beckman's common stock price declined the same day. Lead Plaintiff alleges that on July 22, 2010, Beckman disclosed remediation plans and efforts to improve product quality and regulatory compliance, disclosed that some of the projects comprising the remediation plans and efforts would continue into 2011, and disclosed that because of the remediation plans and efforts, other initiatives would be deferred until the issues requiring the remediation plans and efforts were resolved. Beckman's common stock price declined the following day. Lead Plaintiff alleges that these disclosures reflected information that Defendants allegedly knew or should have known and disclosed earlier during the Class Period. Lead Plaintiff alleges that the Defendants knew or recklessly disregarded allegedly long-standing and systemic quality, safety, and compliance problems and made material misrepresentations and omissions regarding these alleged problems and the likely impacts on the Company's recurring revenue and earnings.

On April 22, 2011, the Defendants filed a motion to dismiss the Complaint for failure to state a claim under the Private Securities Litigation Reform Act of 1995. Defendants have denied and continue to deny the claims and contentions alleged by Lead Plaintiff in this Action. Defendants deny that any of them made any of the alleged misrepresentations or omissions whatsoever and assert that Beckman truthfully disclosed to investors material information as it became known regarding the troponin test, FDA challenges to regulatory compliance, and the Company's performance with respect to customer retention, recurring revenue, earnings, and forecasts. Defendants deny any liability and maintain that they have meritorious defenses to all claims that were raised or that could have been raised in the Action.

Procedurally, this Action began in September 2010 with the filing of two proposed class actions against the Defendants. On December 8, 2010, the Court issued an order consolidating these cases into the present Action and appointing Arkansas Teacher Retirement System and Iron Workers District Council of New England Pension Fund as Lead Plaintiff and Labaton Sucharow LLP and Berger & Montague, P.C., as Lead Counsel for the putative Class.

Lead Plaintiff filed the Complaint on February 7, 2011. On April 22, 2011, Defendants filed a motion to dismiss, which was pending before the Court at the time of this Settlement.

On June 9, 2011, Lead Plaintiff and the Defendants (collectively, the "Parties") met with the Honorable Daniel Weinstein of JAMS for a lengthy mediation session discussing a potential settlement of the Action. This Settlement was reached at the conclusion of the negotiations on June 9, 2011, when the Parties agreed to a settlement.

The Parties entered into the Stipulation of Settlement (the "Stipulation") on September 13, 2011. On November 30, 2011, the Court preliminarily approved the Settlement, authorized this Notice to be sent to potential Class Members, and scheduled the Settlement Hearing to consider whether to grant final approval to the Settlement.

## **3. Why is this a class action?**

In a class action, one or more people called class representatives (in this case the Lead Plaintiff on behalf of the Class) sue on behalf of people or entities, known as "class members," who have similar claims. A class action allows one court to resolve in a single case many similar claims that, if brought separately by individuals, might be economically so small that they would never be brought. One court resolves the issues for all class members, except for those who exclude themselves, or "opt out," from the Class (see Page 6 below).

## **4. Why is there a settlement?**

The Court did not decide in favor of Lead Plaintiff or the Defendants. Instead, both sides agreed to the Settlement. The Settlement permits both sides to avoid the uncertainties and costs of further litigation and any future trial. Affected investors will be eligible to get compensation immediately.

As explained below, Lead Plaintiff and their attorneys believe that the Settlement is the best outcome for Class Members after conducting months of investigation regarding the claims, defenses, and underlying events and transactions relating to the Action. This investigation included, among other things, reviewing and analyzing: Beckman's filings with the Securities and Exchange Commission (the "SEC"); securities analysts' reports; public statements by Defendants; media reports relevant to the allegations in the Complaint; court records in other contemporaneous actions involving Beckman; officer and director trading data; documents obtained from the FDA pursuant to requests made under the Freedom of Information Act; recall notices of Beckman's products dating back to January 2006; adverse event reports shown in the FDA's Manufacturer and User Facility Device Experience database; and product and other information available on Beckman's website, [www.beckmancoulter.com](http://www.beckmancoulter.com).

Lead Counsel also represent that they located and contacted more than 140 former employees of Beckman and conducted interviews of more than 60 of these former employees. Lead Counsel consulted with experts with extensive experience with the FDA or within the relevant biomedical device and testing industries, FDA site and plant inspections, good manufacturing practices, quality control, health and safety requirements, and premarket notification requirements pursuant to Section 510(k) of the Federal Food, Drug, and Cosmetic Act, as well as damages experts. Further, Lead Counsel and Lead Plaintiff participated in arm's-length negotiations and a mediation before an experienced mediator before entering into the Settlement. In light of the investigation, and taking into account the mediation and Defendants' positions adverse to the alleged claims, Lead Plaintiff and their attorneys believe that the Settlement is the best outcome for Class Members.

## WHO IS IN THE SETTLEMENT

### 5. How do I know if I am part of the Settlement?

The Court determined, for the purposes of the Settlement only, that everyone who fits the following description, and is not excluded by definition from the Class (see the answer to Question 6 below), is a member of the Class, or a "Class Member," unless they take steps to exclude themselves:

any person or entity who purchased or otherwise acquired Beckman common stock between July 31, 2009 and July 22, 2010, inclusive, and who was allegedly damaged thereby.

Receipt of this Notice does not mean that you are a Class Member. Please check your records or contact your broker to see if you purchased or otherwise acquired Beckman common stock during the Class Period as described above.

### 6. Are there exceptions to being included in the Class?

There are some people who are excluded from the Class by definition. Excluded from the Class are the Defendants; any officer or director of Beckman during the Class Period; members of the immediate families of each of the foregoing and their legal representatives, heirs, successors or assigns; and any entity in which any Defendant has or had (during the Class Period) a controlling interest.

Also excluded from the Class are any proposed Class Members who properly exclude themselves by filing a valid and timely request for exclusion in accordance with the requirements set forth in this Notice. If you do not want to be a Class Member—for example if you want to continue with or bring your own lawsuit against the Defendants at your own expense for the claims that are being released as part of the Settlement—you **must** exclude yourself by submitting a request for exclusion in accordance with the requirements explained in the answer to Question 13 below.

### 7. What if I am still not sure if I am included?

If you are still not sure whether you are included, you can ask for free help by writing to or calling the Claims Administrator: Beckman Securities Litigation, Claims Administrator, c/o A.B. Data, Ltd., PO Box 170500, Milwaukee, WI 53217-8091, 800-494-2165, [www.BeckmanCoulterSecuritiesSettlement.com](http://www.BeckmanCoulterSecuritiesSettlement.com). Or you can fill out and return the Proof of Claim and Release form ("Proof of Claim") described in the answer to Question 10 to see if you qualify.

## THE SETTLEMENT BENEFITS—WHAT YOU MAY RECEIVE

### 8. What does the Settlement provide?

In the Settlement, Beckman has agreed to pay (or cause its insurance carriers to pay) \$5,000,000 in cash, which will be deposited in an interest-bearing escrow account (the "Settlement Fund"), and further agreed to pay the actual and reasonable expenses of notice and administration of the Settlement not to exceed a total cumulative cap of \$500,000. Notice and Administration Expenses greater than this amount, if any, will be paid from the Settlement Fund. The Settlement Fund will be divided, after deduction of Taxes, Court-awarded attorneys' fees and expenses, and additional Notice and Administration Expenses, among all Class Members who timely submit valid Proofs of Claim that are approved for payment by the Court ("Authorized Claimants").

### 9. How much will my payment be?

The Plan of Allocation, discussed on Pages 7-9 below, explains how claimants' Recognized Losses will be calculated. Your share of the Net Settlement Fund will depend on several things, including: (i) the number of shares of Beckman common stock that you bought; (ii) how much you paid for the common stock; (iii) when you bought shares; (iv) whether or when you sold shares (and, if so, for how much you sold them); and (v) the amount of Recognized Losses of other Authorized Claimants.

It is unlikely that you will get a payment for your entire Recognized Loss, given the number of potential Class Members. After all Class Members have sent in their Proofs of Claim, the payment any Authorized Claimant will get will be their *pro rata* share of the Net Settlement Fund. An Authorized Claimant's share will be his, her, or its Recognized Loss divided by the total of all Authorized Claimants' Recognized Losses and then multiplied by the total amount in the Net Settlement Fund. See the Plan of Allocation beginning on Page 7 for more information.

Once all the Proofs of Claim are processed and claims are calculated, Lead Counsel, without further notice to the Class, will apply to the Court for an order authorizing distribution of the Net Settlement Fund to the Authorized Claimants. Lead Counsel will also ask the Court to approve payment of the Claims Administrator's fees and expenses incurred in connection with administering the Settlement that have not already been reimbursed.

## HOW YOU GET A PAYMENT—SUBMITTING A PROOF OF CLAIM

### 10. How can I get a payment?

To qualify for a payment, you must timely send in a valid Proof of Claim with supporting documents (DO NOT SEND ORIGINALS of your supporting documents). A Proof of Claim is enclosed with this Notice. You may also get copies of the Proof of Claim on the Internet at the websites for the Claims Administrator, [www.BeckmanCoulterSecuritiesSettlement.com](http://www.BeckmanCoulterSecuritiesSettlement.com), or Lead Counsel, [www.labaton.com](http://www.labaton.com). Please read the instructions carefully, fill out the Proof of Claim, include all the documents the form asks for, sign it, and mail it to the Claims Administrator by First-Class Mail, **postmarked on or before April 12, 2012. The Claims Administrator needs all of the information requested in the Proof of Claim in order to determine if you are eligible to receive a distribution from the Net Settlement Fund.**

## 11. When will I get my payment?

The Court will hold a hearing on February 27, 2012, at 10:00 a.m. to decide whether to, among other things, approve the Settlement and the proposed Plan of Allocation. All Proofs of Claim must be submitted to the Claims Administrator, **postmarked on or before April 12, 2012**. If the Court approves the Settlement, there may still be appeals which would delay payment, perhaps for more than a year. It also takes time for all the Proofs of Claim to be processed. Please be patient.

## 12. What am I giving up by staying in the Class?

Unless you exclude yourself, you will stay in the Class, which means that as of the date that the Settlement becomes effective under the terms of the Stipulation (the "Effective Date"), you will forever give up and release all "Released Claims" (as defined below) against the "Released Defendant Parties" (as defined below). You will not in the future be able to bring a case asserting any Released Claim against the Released Defendant Parties.

"Released Claims" means all claims, rights and causes of action, duties, obligations, demands, actions, debts, sums of money, suits, contracts, agreements, promises, damages, and liabilities of every nature and description, whether known or Unknown (as defined below), whether arising under federal, state, common or administrative law, or any other law, that Lead Plaintiff or any other Class Member: (i) have asserted in the Action, including in the Complaint; or (ii) could have asserted in any forum, that arise out of the allegations, transactions, facts, events, occurrences, acts, disclosures, statements, representations or omissions or failures to act involved, set forth, or referred to in the Complaint filed in the Action, and that relate to the purchase or acquisition during the Class Period of Beckman common stock. Released Claims do not include claims: (i) to enforce the Settlement; (ii) to enforce confidentiality agreements and obligations concerning information provided in connection with the settlement of the Action; and (iii) asserted derivatively or directly in the action *In re Beckman Coulter, Inc. Shareholders Litig.*, Lead Case No. 30-2010-0040632 pending in the Superior Court of the State of California, County of Orange.

"Released Defendants' Claims" means all claims, rights and causes of action, duties, obligations, demands, actions, debts, sums of money, suits, contracts, agreements, promises, damages, and liabilities of every nature and description, whether known or Unknown, whether arising under federal, state, common or administrative law, or any other law, that the Defendants or any other Released Defendant Party asserted, or could have asserted, against any of the Released Plaintiff Parties that arise out of or relate in any way to the commencement, prosecution, settlement or resolution of the Action or the claims against the Released Defendant Parties. "Released Defendants' Claims" do not include claims: (i) to enforce the Settlement; (ii) to enforce confidentiality agreements and obligations concerning information provided in connection with the settlement of the Action; and (iii) that arise out of or relate in any way to the commencement, prosecution, settlement or resolution of claims asserted derivatively or directly in the action *In re Beckman Coulter, Inc. Shareholders Litig.*, Lead Case No. 30-2010-0040632 pending in the Superior Court of the State of California, County of Orange.

"Released Defendant Parties" means the Defendants and their present or former trustees, officers, directors, principals, employees, agents, partners, insurers, auditors, heirs, executors, administrators, attorneys, accountants, financial advisors, representatives, predecessors, successors or assigns, parents, subsidiaries, divisions, affiliates, associates, joint ventures, general or limited partners or partnerships, limited liability companies and any trust of which any Individual Defendant is the settlor or which is for the benefit of their immediate family members.

"Unknown Claims" means any and all Released Claims, which the Lead Plaintiff or any other Class Member does not know or suspect to exist in his, her or its favor at the time of the release of the Released Defendant Parties, and any Released Defendants' Claims that the Defendants or any other Released Defendant Party does not know or suspect to exist in his, her or its favor at the time of the release of the Released Plaintiff Parties, which if known by him, her or it might have affected his, her or its decision(s) with respect to the Settlement. With respect to any and all Released Claims and Released Defendants' Claims, the Parties stipulate and agree that, upon the Effective Date, Lead Plaintiff and the Defendants shall expressly, and each other Class Member and each other Released Defendant Party shall be deemed to have, and by operation of the Judgment or Alternative Judgment shall have, expressly waived and relinquished 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 Cal. Civ. Code § 1542, which provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

Lead Plaintiff, the other Class Members, the Defendants or the other Released Defendant Parties 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 and the Released Defendants' Claims, but Lead Plaintiff and the Defendants shall expressly, fully, finally and forever settle and release, and each other Class Member and each other Released Defendant Party shall be deemed to have settled and released, and upon the Effective Date and by operation of the Judgment or Alternative Judgment shall have settled and released, fully, finally, and forever, any and all Released Claims and Released Defendants' Claims as applicable, without regard to the subsequent discovery or existence of such different or additional facts. Lead Plaintiff and the Defendants acknowledge, and other Class Members and each other Released Defendant Party by operation of law shall be deemed to have acknowledged, that the inclusion of "Unknown Claims" in the definition of Released Claims and Released Defendants' Claims was separately bargained for and was a key element of the Settlement.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you want to keep any right you may have to sue or continue to sue the Released Defendant Parties on your own about the Released Claims, then you must take steps to exclude yourself from the Class. Excluding yourself is known as "opting out" of the Class. The Defendants may withdraw from and terminate the Settlement if potential Class Members who purchased in excess of a certain amount of Beckman common stock opt out from the Class.

**13. How do I “opt out” (exclude myself) from the proposed Settlement?**

To “opt out” (exclude yourself) from the Class, you must deliver or mail a signed letter by First-Class Mail stating that you “request exclusion from the Class in *In re Beckman Coulter, Inc. Securities Litigation*, Case No.: 8:10-cv-1327-JST (RNBx) (C.D.Cal.)” Your letter **must** state the date(s), price(s), and number of shares of all your purchases, acquisitions, and sales of Beckman common stock during the Class Period. This information is needed to determine whether you are a Class Member. In addition, you must include your name, address, and telephone number and your signature. You must submit your request for exclusion addressed to Beckman Securities Litigation, Claims Administrator, EXCLUSIONS, c/o A.B. Data, Ltd., PO Box 170500, Milwaukee, WI 53217-8091. The request for exclusion must be **delivered or postmarked on or before February 6, 2012**. **You cannot exclude yourself or opt out by telephone or by email**. Your request for exclusion must comply with these requirements in order to be valid. If you are excluded, you will not be eligible to get any payment from the Settlement proceeds and you cannot object to the Settlement, the proposed Plan of Allocation, or the application for attorneys’ fees and reimbursement of expenses.

**14. If I do not exclude myself, can I sue the Defendants and the other Released Defendant Parties for the same thing later?**

No. Unless you exclude yourself, you give up any rights to sue the Defendants and the other Released Defendant Parties for all Released Claims. If you have a pending lawsuit, speak to your lawyer in that case **immediately**. You must exclude yourself from **this** Class to continue your own lawsuit. Remember, the exclusion deadline is **February 6, 2012**.

**15. If I exclude myself, can I get money from the proposed Settlement?**

No. If you exclude yourself, do not send in a Proof of Claim to ask for any money. But you may exercise any right you may have to sue, continue to sue, or be part of a different lawsuit against the Defendants and the other Released Defendant Parties.

**THE LAWYERS REPRESENTING YOU**

**16. Do I have a lawyer in this case?**

The law firms of Labaton Sucharow and Berger & Montague, P.C., were appointed to represent all Class Members. These lawyers are called Lead Counsel. You will not be separately charged for these lawyers. The Court will determine the amount of Lead Counsel’s fees and expenses. Any fees and expenses awarded by the Court will be paid from the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

**17. How will the lawyers be paid?**

Lead Counsel has not received any payment for their services in pursuing the claims against the Defendants on behalf of the Class, nor have they been reimbursed for their litigation expenses. At the Settlement Hearing described below, or at such other time as the Court may order, Lead Counsel will ask the Court to award them, from the Settlement Fund, attorneys’ fees of no more than 25% of \$5,500,000, plus interest at the same rate as is earned by the Settlement Fund, and to reimburse them for their litigation expenses, such as the cost of experts, that they have incurred in pursuing the Action. The request for reimbursement of expenses will not exceed \$148,000, plus interest on the expenses from the date of funding at the same rate as may be earned by the Settlement Fund. Lead Counsel’s overall request for reimbursement of litigation expenses may include a request for an award to Lead Plaintiff for reimbursement of its reasonable costs and expenses, in an amount that will not exceed \$40,000, directly related to its representation of the Class, pursuant to the Private Securities Litigation Reform Act of 1995.

**OBJECTING TO THE SETTLEMENT**

**18. How do I tell the Court that I do not like something about the proposed Settlement?**

If you are a Class Member and do not “opt out,” you can object to any part of the Settlement, the proposed Plan of Allocation, and/or the application by Lead Counsel for attorneys’ fees and reimbursement of expenses. You must write to the Court setting out your objection, giving reasons why you think the Court should not approve any part or all of the Settlement.

To object, you must send a signed letter stating that you object to the proposed Settlement in the case known as “*In re Beckman Coulter, Inc. Securities Litigation*, Case No.: 8:10-cv-1327-JST (RNBx) (C.D.Cal.)” You must include your name, address, and telephone number and your signature; identify the date(s), price(s), and number of shares of all purchases, acquisitions, and sales of Beckman common stock during the Class Period; and state the reasons why you object to the Settlement. This information is needed to demonstrate your membership in the Class.

Unless otherwise ordered by the Court, any Class Member who does not object in the manner described in this Notice will be deemed to have waived any objection and will not be able to make any objection to the Settlement, the proposed Plan of Allocation, and/or the application for attorneys’ fees and reimbursement of expenses in the future.

Your objection must be filed with the United States District Court for the Central District of California by hand or by mail such that it is **received or postmarked on or before February 6, 2012**, at the address set forth below. You must also serve the papers on Lead Counsel and Defendants’ Counsel at the addresses set forth below so that the papers are **received or postmarked on or before February 6, 2012**.

**COURT:**  
CLERK OF THE COURT  
United States District Court for the  
Central District of California  
Santa Ana Courthouse  
411 West Fourth Street  
Santa Ana, CA 92701

**DEFENDANTS’ COUNSEL:**  
LATHAM & WATKINS LLP  
Pamela S. Palmer, Esq.  
650 Town Center Drive, Suite 2000  
Costa Mesa, CA 92626

**LEAD COUNSEL:**  
LABATON SUCHAROW LLP  
Christopher J. McDonald, Esq.  
140 Broadway  
New York, NY 10005

**19. What is the difference between objecting and requesting exclusion?**

Objecting is simply telling the Court that you do not like something about the proposed Settlement. You can still recover from the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

**THE COURT'S SETTLEMENT HEARING**

**20. When and where will the Court decide whether to approve the proposed Settlement?**

The Court will hold a Settlement Hearing at 10:00 a.m. on February 27, 2012, in Courtroom 10A of the United States District Court for the Central District of California, Santa Ana Courthouse, 411 West Fourth Street, Santa Ana, CA 92701. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court also will consider the proposed Plan of Allocation for the proceeds of the Settlement and the applications for attorneys' fees and reimbursement of expenses. The Court will take into consideration any written objections filed in accordance with the instructions set out above in the answer to Question 18. We do not know how long it will take the Court to make these decisions.

You should also be aware that the Court may change the date and time of the Settlement Hearing without another notice being sent to Class Members. If you want to come to the hearing, you should check with Lead Counsel before coming to be sure that the date and/or time has not changed.

**21. Do I have to come to the hearing?**

No. Lead Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you validly submit an objection, it will be considered by the Court. You do not have to come to Court to talk about it.

**22. May I speak at the hearing and submit additional evidence?**

If you file an objection, you may ask the Court for permission to speak at the Settlement Hearing. To do so, you must include with your objection (see the answer to Question 18 above) a statement that it is your "notice of intention to appear in *In re Beckman Coulter, Inc. Securities Litigation*, Case No.: 8:10-cv-1327-JST (RNBx) (C.D.Cal.)." Persons who object and want to present evidence at the Settlement Hearing must also include in their written objection the identity of any witness they may call to testify and exhibits they intend to introduce at the Settlement Hearing. You cannot speak at the hearing if you excluded yourself from the Class or if you have not provided written notice of your intention to speak at the Settlement Hearing according to the procedures described above and in the answer to Question 18.

**IF YOU DO NOTHING**

**23. What happens if I do nothing at all?**

If you do nothing, you will receive no money from this Settlement and you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants and the Released Defendant Parties about the Released Claims in this case. To be eligible to share in the Net Settlement Fund, you must submit a Proof of Claim (see the answer to Question 10). To start, continue, or be a part of any **other** lawsuit against the Defendants and the other Released Defendant Parties about the Released Claims in this case, you must exclude yourself from this Class (see the answer to Question 13).

**GETTING MORE INFORMATION**

**24. Are there more details about the proposed Settlement and the lawsuit?**

This Notice summarizes the proposed Settlement. More details are in the Stipulation. You may review the Stipulation filed with the Court and all documents filed in the Action during business hours at the Office of the Clerk of the United States District Court for the Central District of California, Santa Ana Courthouse, 411 West Fourth Street, Santa Ana, CA 92701.

You also can call the Claims Administrator toll free at 800-494-2165; call Lead Counsel, Labaton Sucharow, at 888-219-6877 or email at [settlementquestions@labaton.com](mailto:settlementquestions@labaton.com); write to Beckman Securities Litigation, Claims Administrator, c/o A.B. Data, Ltd, PO Box 170500, Milwaukee, WI 53217-8091; or visit the websites [www.BeckmanCoulterSecuritiesSettlement.com](http://www.BeckmanCoulterSecuritiesSettlement.com) and [www.labaton.com](http://www.labaton.com), where you can download copies of this Notice and the Proof of Claim. **Please Do Not Call the Court or Beckman With Questions About the Settlement.**

**PLAN OF ALLOCATION OF NET SETTLEMENT FUND AMONG CLASS MEMBERS**

**I. GENERAL PROVISIONS**

The Net Settlement Fund shall be distributed to each Class Member who timely submits a valid Proof of Claim to the Claims Administrator that is accepted for payment by the Court ("Authorized Claimant"). The Net Settlement Fund will not be distributed to Authorized Claimants until the Court has approved the Settlement and a plan of allocation and the time for any petition for rehearing, appeal, or review, whether by *certiorari* or otherwise, of the order(s) approving the Settlement and the plan of allocation has expired. The Defendants are not entitled to get back any portion of the Settlement Fund once the Effective Date of the Settlement has occurred.

The Plan of Allocation set forth herein is the plan that is being proposed by Lead Plaintiff and Lead Counsel to the Court for approval. The Court may approve this plan as proposed or it may modify the Plan of Allocation without further notice to the Class. Any orders regarding a modification of the Plan of Allocation will be posted on the settlement website, [www.BeckmanCoulterSecuritiesSettlement.com](http://www.BeckmanCoulterSecuritiesSettlement.com).

Payment pursuant to the Plan of Allocation approved by the Court shall be conclusive against all Authorized Claimants. No person shall have any claim against Lead Plaintiff, Lead Counsel, the Claims Administrator, or any other agent designated by Lead Counsel, arising from distributions made substantially in accordance with the Stipulation, the Plan of Allocation, or further orders of the Court. Lead

Plaintiff, the Defendants, their respective counsel, Lead Plaintiff's consulting damages expert, and all other Released Parties shall have no responsibility or liability whatsoever for the investment or distribution of the Settlement Fund consistent with the terms of the Stipulation, the Plan of Allocation, or the determination, administration, calculation, or payment of any Proof of Claim or nonperformance of the Claims Administrator, the payment or withholding of taxes owed by the Settlement Fund, or any losses incurred in connection therewith.

A "Recognized Loss" will be calculated for each purchase or other acquisition of Beckman common stock during the Class Period that is listed in the Proof of Claim and for which adequate documentation is provided. The calculation of Recognized Loss will depend upon several factors, including when the shares were purchased or otherwise acquired and when they were sold.

The Recognized Loss formulas set forth below are not intended to be an estimate of the amount that a Class Member might have been able to recover after a trial, nor are they an estimate of the amount that will be paid to Authorized Claimants pursuant to the Settlement. The Recognized Loss formulas are the basis upon which the Net Settlement Fund will be proportionately allocated to Authorized Claimants.

The objective of the Plan of Allocation is to equitably distribute the settlement proceeds to those Class Members who suffered economic losses as a result of the alleged misrepresentations and omissions of the Defendants during the Class Period. Under the federal securities laws, persons who purchased Beckman common stock may recover, in general, only for losses proximately caused by disclosures correcting Defendants' prior misleading statements and may not recover for any price declines caused by general market factors or by disclosures of other negative information not alleged to have corrected prior misstatements. Similarly, persons who both purchased and sold Beckman common stock prior to a corrective disclosure or between corrective disclosures may not have recoverable damages resulting from those transactions. Recognized Loss amounts are based on the level of alleged artificial inflation in the price of Beckman common stock at the time of purchase or other acquisition. The Plan of Allocation reflects the determination of potentially recoverable losses based on Lead Counsel and Lead Plaintiff's consulting damages expert's analysis. This analysis included a review of publicly available information regarding Beckman and statistical analyses of the price movements of Beckman common stock.

Based on Beckman's public disclosures during the Class Period and an analysis of the associated movement in Beckman's common stock price, Lead Counsel has identified three allegedly corrective disclosure dates (the "Disclosure Dates") for which Lead Plaintiff contends the disclosure of previously misrepresented and omitted facts caused statistically significant price movement. The Disclosure Dates are as follows:

1. March 22, 2010: After the market closed on March 22, 2010, Beckman announced that the FDA indicated that it believed that Beckman had made certain modifications to its troponin test kits without obtaining appropriate product clearances from the FDA; that further FDA restrictions on the use of troponin DxI test kits were expected; that the Company was evaluating its internal processes and procedures regarding product quality and regulatory systems; and that more of its products (in addition to the troponin test kits) could be affected and that the actions required could adversely affect operating results. Counsel for Lead Plaintiff has determined that in reaction to these disclosures, the price of Beckman's common stock declined by \$4.88 per share on March 23, 2010.
2. May 14, 2010: On May 14, 2010, Beckman announced that the FDA had given guidance on the requirements for FDA clearance of Beckman's troponin test kits, which included conducting a clinical trial whose results would not be available until the first half of 2011. Counsel for Lead Plaintiff has determined that \$1.37 of the decline in the price per share of Beckman's common stock on that day can be attributed to a reaction to these disclosures.
3. July 22, 2010: After the market closed on July 22, 2010, Beckman announced both its results for the second quarter of 2010 and reduced its guidance for earnings in the second half of 2010 due to several factors, including additional expenses for Beckman's remediation plans for its compliance and quality challenges, as well as reduced earnings in several divisions unrelated to its troponin test kits. Counsel for Lead Plaintiff has determined that \$8.45 of the decline in the price per share of Beckman's common stock on July 23, 2010, can be attributed to a reaction to these disclosures.

## II. RECOGNIZED LOSS FORMULAS

1. **For All Shares of Beckman Common Stock Purchased or Acquired During the July 31, 2009, Through July 22, 2010, Class Period:**
  - (a) To the extent a claimant had a market gain from his, her, or its overall transactions in Beckman common stock during the Class Period, including any market gains made on shares purchased in the Class Period that were sold after the Class Period or held past February 4, 2011 (the date prior to the announcement that Danaher Corporation offered to acquire Beckman for \$83.50 per Beckman share), the value of the claim will be zero. Such claimants will, in any event, be bound by the Settlement. To the extent that a claimant suffered an overall market loss on his, her, or its overall transactions in Beckman common stock during the Class Period, but that market loss was less than the total Recognized Losses as calculated in Paragraphs (b) through (d) and in Sections 2 through 4 below, then the Claimant's Recognized Losses will be limited to the amount of the actual market loss.
  - (b) If such shares were sold at a gain at any time during the period from July 31, 2009, through February 4, 2011, the "Recognized Loss" is zero.
  - (c) If such shares were held unsold after the close of trading on February 4, 2011, the "Recognized Loss" is zero.
  - (d) If such shares were sold at a loss during the July 31, 2009, through July 22, 2010, Class Period or thereafter before the close of trading on February 4, 2011, see Sections 2 through 4 below.



**2. For Any Shares of Beckman Common Stock Purchased or Acquired on or After July 31, 2009, Through and Including March 22, 2010, and Sold at a Loss:**

- (a) If such shares were sold at a loss on or before March 22, 2010, the “Recognized Loss” is zero. This determination was made because the sale occurred before any allegedly corrective disclosure was made. Thus, any losses were not related to the alleged misrepresentations or omissions and are not compensable through this Action for violation of the securities laws.
- (b) If such shares were sold at a loss on or after March 23, 2010, through and including May 13, 2010, the “Recognized Loss” is the lesser of: (i) the purchase price minus the sales price; (ii) \$4.88; or (iii) the purchase price minus \$64.22 (the closing price on March 23, 2010).
- (c) If such shares were sold at a loss on or after May 14, 2010, through and including July 22, 2010, the “Recognized Loss” is the lesser of: (i) the purchase price minus the sales price; (ii) \$6.25; or (iii) the purchase price minus \$59.72 (the closing price on May 13, 2010, less the \$1.37 portion of the decline on May 14, 2010, recognized in this Plan of Allocation).
- (d) If such shares were sold at a loss on or after July 23, 2010, through and including February 4, 2011, the “Recognized Loss” is the lesser of: (i) the purchase price minus the sales price; (ii) \$14.70; or (iii) the purchase price minus \$51.45 (the closing price on July 22, 2010, less the \$8.45 portion of the decline on July 23, 2010, recognized in this Plan of Allocation).

**3. For Any Shares of Beckman Common Stock Purchased or Acquired on or After March 23, 2010, Through and Including May 13, 2010, and Sold at a Loss:**

- (a) If such shares were sold at a loss on or before May 13, 2010, the “Recognized Loss” is zero. This determination was made because the sale occurred before any allegedly corrective disclosure was made. Thus, any losses were not related to the alleged misrepresentations or omissions and are not compensable through this Action for violation of the securities laws.
- (b) If such shares were sold at a loss on or after May 14, 2010, through and including July 22, 2010, the “Recognized Loss” is the lesser of: (i) the purchase price minus the sales price; (ii) \$1.37; or (iii) the purchase price minus \$59.72 (the closing price on May 13, 2010, less the \$1.37 portion of the decline on May 14, 2010, recognized in this Plan of Allocation).
- (c) If such shares were sold at a loss on or after July 23, 2010, through and including February 4, 2011, the “Recognized Loss” is the lesser of: (i) the purchase price minus the sales price; (ii) \$9.82; or (iii) the purchase price minus \$51.45 (the closing price on July 22, 2010, less the \$8.45 portion of the decline on July 23, 2010, recognized in this Plan of Allocation).

**4. For Any Shares of Beckman Common Stock Purchased on or after May 14, 2010, Through and Including July 22, 2010, and Sold at a Loss:**

- (a) If such shares were sold at a loss on or before July 22, 2010, the “Recognized Loss” is zero. This determination was made because the sale occurred before any allegedly corrective disclosure was made. Thus, any losses were not related to the alleged misrepresentations or omissions and are not compensable through this Action for violation of the securities laws.
- (b) If such shares were sold at a loss on or after July 23, 2010, through and including February 4, 2011, the “Recognized Loss” is the lesser of: (i) the purchase price minus the sales price; (ii) \$8.45; or (iii) the purchase price minus \$51.45 (the closing price on July 22, 2010, less the \$8.45 portion of the decline on July 23, 2010, recognized in this Plan of Allocation).

### **III. ADDITIONAL PROVISIONS**

In order to determine the existence and amount of a potential loss on the purchase or acquisition of Beckman common stock during the Class Period, the following procedures will be used.

In processing claims, first-in, first-out (“FIFO”), accounting will be applied to holdings at the beginning of the Class Period and any purchases and sales during the relevant period. For example, FIFO will be used to match the first shares of Beckman common stock sold against any shares held as of July 30, 2009 (the day prior to the start of the Class Period), and then against additional purchases/acquisitions in chronological order, beginning with the earliest purchase/acquisition made during the Class Period. Sales matched to Beckman common stock held at the beginning of the Class Period will be excluded from the calculation of Recognized Loss.

Purchases or acquisitions and sales of Beckman securities will be deemed to have occurred on the “contract” or “trade” date as opposed to the “settlement” or “payment” date. The amount paid or received for Beckman common stock shall exclude all commissions, taxes, and fees.

The receipt or grant by gift, inheritance, or operation of law of Beckman common stock during the Class Period will not be deemed a purchase, acquisition, or sale of these securities for the calculation of an Authorized Claimant’s Recognized Loss amount for these securities nor will the receipt or grant be deemed an assignment of any claim relating to the purchase/acquisition of such securities unless: (i) the donor or decedent purchased or otherwise acquired such shares of Beckman common stock during the Class Period; (ii) no Proof of Claim was submitted by or on behalf of the donor, on behalf of the decedent, or by anyone else with respect to such securities; and (iii) the assignment is specifically provided for in the instrument of gift or assignment.

The restrictions on computing Recognized Losses set out in the three bullet points below apply to all claims. As a practical matter, however, they apply primarily to certain transactions engaged in by sophisticated traders, employees of Beckman, or certain corporate or institutional claimants:

- “Short” sales will not be recognized for any amount of loss on the “cover” or purchase transaction, and no Recognized Loss will be computed for any such covering purchase transaction.

- Option contracts are not securities eligible to participate in the Settlement. As a result:
  - With respect to shares of Beckman common stock purchased, acquired, or sold through the exercise of or assignment of an option, the purchase/acquisition/sale date is the date of the exercise of or assignment of the option and the purchase/acquisition/sale price of the Beckman common shares is the exercise price or strike price of the option.
  - Similarly, for Class Members who acquired publicly traded Beckman common stock by exercising employee stock options granted by Beckman, the purchase/acquisition date will be the date of exercise of the option, and the purchase/acquisition price will be the exercise price that the Class Member actually paid for the shares.
- If the shares of Beckman common stock that were purchased or acquired were not publicly registered shares or were restricted from trading, the Recognized Loss is zero.

Shares of the common stock of Beckman, Inc., “transferred into,” “delivered into,” or “received into” the claimant’s account will not be considered a purchase or acquisition of shares unless the claimant submits documentation demonstrating that the original purchase or acquisition of these shares occurred during the Class Period. Also, shares purchased or acquired and subsequently “transferred out” of the claimant’s account will not be considered part of the claimant’s claim, as the right to file for those shares belongs to the person or party receiving the shares.

Each Authorized Claimant will recover his, her, or its *pro rata* share of the Net Settlement Fund. If the prorated claim calculates to less than \$10, it will be removed from the calculation and it will not be paid.

Distributions will be made to Authorized Claimants after all claims have been processed and after the Court has finally approved the Settlement. Following an initial distribution of the Net Settlement Fund, if Lead Counsel, in consultation with the Claims Administrator, determines that it is cost-effective to do so, the Claims Administrator will conduct a redistribution of any funds remaining in the Net Settlement Fund by reason of returned or uncashed checks or otherwise, to Authorized Claimants who have cashed their initial distribution checks, after payment from the Net Settlement Fund of any unpaid Taxes and costs or fees incurred in administering the funds, including for such redistribution. Additional redistributions may occur thereafter to Authorized Claimants if Lead Counsel, in consultation with the Claims Administrator, determines that additional redistribution is cost-effective. If it is determined that the redistribution of funds remaining in the Net Settlement Fund is not cost-effective, the remaining balance of the Net Settlement Fund will be contributed to a nonsectarian, not-for-profit organization.

Each claimant is deemed to have submitted to the jurisdiction of the United States District Court for the Central District of California with respect to his, her, or its Proof of Claim.

You can call the Claims Administrator toll-free at 800-494-2165 to find answers to common questions about the Plan of Allocation.

**SPECIAL NOTICE TO SECURITIES BROKERS AND OTHER NOMINEES**

If you purchased or otherwise acquired Beckman common stock during the Class Period for the beneficial interest of a person or organization other than yourself, the Court has directed that, WITHIN SEVEN (7) CALENDAR DAYS OF YOUR RECEIPT OF THIS NOTICE, you either: (a) provide to the Claims Administrator the name and last known address of each person or organization for whom or which you purchased or otherwise acquired Beckman common stock during such time period (preferably in an MS Excel data table setting forth (i) title/registration, (ii) street address, (iii) city/state/zip or electronically in MS Word or WordPerfect files or on computer-generated mailing labels) or (b) request additional copies of this Notice and the Proof of Claim, which will be provided to you free of charge, and within seven (7) calendar days of receipt of such copies send them by First-Class Mail directly to the beneficial owners of those Beckman securities.

If you choose to follow alternative procedure (b), the Court has directed that, upon such mailing, you must send a statement to the Claims Administrator confirming that the mailing was made as directed. You are entitled to reimbursement from the Settlement Fund of your reasonable expenses actually incurred in connection with the foregoing, including reimbursement of postage expense and the cost of ascertaining the names and addresses of beneficial owners. Those expenses will be paid after request and submission of appropriate supporting documentation. All communications concerning the foregoing should be addressed to the Claims Administrator:

BECKMAN SECURITIES LITIGATION  
 CLAIMS ADMINISTRATOR  
 ATTENTION: FULFILLMENT DEPARTMENT  
 c/o A.B. DATA, LTD.  
 3410 WEST HOPKINS STREET  
 PO BOX 170500  
 MILWAUKEE, WI 53217-8091  
 Phone: 866-561-6065; Outside the U.S. and Canada: 1-414-961-4888  
 Fax: 1-414-961-7499  
[fulfillment@abdata.com](mailto:fulfillment@abdata.com)  
[www.abdataclassaction.com](http://www.abdataclassaction.com)

Dated: December 14, 2011

BY ORDER OF THE COURT  
 UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA