

SIRIUS XM RADIO INC.
Form 8-K
April 17, 2012

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934

Date of Report (Date of earliest event reported): April 17, 2012 (April 16, 2012)

SIRIUS XM RADIO INC.

(Exact Name of Registrant as Specified in Charter)

Delaware 001-34295 52-1700207
(State or other Jurisdiction) (Commission File Number)

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of Incorporation)

(I.R.S.
Employer

Identification
No.)

1221 Avenue of the Americas, 36th Fl., New York, NY 10020
(Address of Principal Executive Offices)

(Zip
Code)

Registrant's telephone number, including area code: **(212) 584-5100**

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)

Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)

Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))

Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Item 8.01 Other Events

Yesterday, New York State Supreme Court Judge Barbara Kapnick granted our motion for summary judgment and dismissed with prejudice the case brought against us by One Twelve, Inc., Howard Stern's production company, and Don Buchwald, Stern's agent.

In March 2011, One Twelve and Buchwald commenced an action against us in the Supreme Court of the State of New York, County of New York. The action alleged that we failed to honor our obligations under the performance-based compensation provisions of our prior agreement dated October 2004 with One Twelve and Buchwald, as agent; One Twelve and Buchwald each asserted a claim of breach of contract. The Court found the agreement unambiguous and that we had complied with all our obligations under the agreement.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

SIRIUS XM RADIO INC.

By: /s/ Patrick L. Donnelly
Patrick L. Donnelly
Executive Vice President, General
Counsel and Secretary

Dated: April 17, 2012