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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

**IN RE CAPACITORS ANTITRUST  
LITIGATION**

**MDL Case No. 17-md-02801-JD  
Case No. 3:14-cv-03264-JD**

**This Document Relates to:  
All Indirect Purchaser Actions**

**[PROPOSED] ORDER GRANTING  
INDIRECT PURCHASER PLAINTIFFS'  
MOTION FOR PRELIMINARY  
APPROVAL OF REVISED  
SETTLEMENTS WITH SHINYEI AND  
TAITSU DEFENDANTS**

1 Indirect Purchaser Plaintiffs (“IPPs”) filed a Motion for Preliminary Approval of Revised  
2 Settlements with (1) Defendants Shinyei Technology Co., Ltd. and Shinyei Capacitor Co., Ltd.  
3 (together, “Shinyei”); and (2) Defendant Taitso Corporation (“Taitso,” and together with  
4 Shinyei, the “Settling Defendants”), and for Approval of the Plan of Allocation relating to the  
5 above-referenced settlements.

6 The Court heard the argument of counsel and, having reviewed the pleadings, the  
7 settlement agreements, other papers on file in this action, and the statements of counsel and the  
8 parties, hereby finds that the motion should be **GRANTED**.

9 **NOW, THEREFORE, IT IS HEREBY ORDERED THAT:**

10 1. For purposes of this Order, except as otherwise set forth herein, the Court adopts  
11 and incorporates the definitions contained in the settlement agreements.

12 2. The Court preliminarily approves the settlement agreements with the Settling  
13 Defendants.

14 3. The Court finds that the Settlements fall within the range of possible final  
15 approval.

16 4. Pursuant to Federal Rule of Civil Procedure (“Rule”) 23, the Court certifies the  
17 following settlement classes for purposes of this motion only:

18 All persons and entities in the Indirect Purchaser States (as defined  
19 herein) who, during the period from January 1, 2002 to February 28,  
20 2014, purchased one or more Capacitor(s) from a distributor (or from an  
21 entity other than a Defendant) that a Defendant or alleged co-conspirator  
22 manufactured. Excluded from the Class are Defendants; their parent  
23 companies, subsidiaries and Affiliates; any co-conspirators; Defendants’  
attorneys in this Action; federal government entities and  
instrumentalities, states and their subdivisions; all judges assigned to this  
Action; all jurors in this Action; and all Persons who directly purchased  
Capacitors from Defendants.

24 “Indirect Purchaser States” means California, Florida, Michigan,  
Minnesota, Nebraska, and New York.

25 5. The Court further finds that the prerequisites to certifying settlement classes under  
26 Rule 23 are satisfied for settlement purposes in that: (a) there are at least thousands of  
27 geographically dispersed settlement class members, making joinder of all members  
28 impracticable; (b) there are questions of law and fact common to the settlement classes which

1 predominate over individual issues; (c) the claims or defenses of the class representatives are  
2 typical of the claims or defenses for the settlement classes; (d) IPPs will fairly and adequately  
3 protect the interests of the settlement classes and have retained counsel experienced in antitrust  
4 class action litigation who have, and will continue to, adequately represent the settlement classes;  
5 and (e) resolution throughout class settlements is superior to individual settlements.

6 6. The Court hereby appoints the Class Representatives named in the Indirect  
7 Purchaser Plaintiffs' Fifth Consolidated Complaint (February 2, 2017) (ECF No. 1589) from  
8 California, Florida, Michigan, Minnesota, Nebraska, and New York as Representative Plaintiffs  
9 of the Settlement Classes.

10 7. The Court hereby appoints the law firm Cotchett, Pitre & McCarthy, LLP as  
11 Settlement Class Counsel.

12 8. Settlement Class Counsel and their designees are authorized to expend funds from  
13 the escrow accounts to pay taxes, tax expenses, notice, and administration costs as set forth in  
14 the Settlement Agreements.

15 9. All further Indirect Purchaser class proceedings as to the Settling Defendants are  
16 hereby stayed except for any actions required to effectuate the Settlements.

17 10. The Court retains exclusive jurisdiction over this action to consider all further  
18 matters arising out of or connected with the Settlements.

19 11. Each member of the settlement classes shall retain all rights and causes of action  
20 with respect to claims against the remaining Defendants other than the Settling Defendants  
21 regardless of whether such member of the settlement classes decides to remain in the settlement  
22 classes or to exclude itself from the settlement classes.

23 12. The Court finds that IPPs' proposed plan of allocation, proposing to pay putative  
24 class members from the six relevant states on a *pro rata* basis based on qualifying purchases of  
25 capacitors is fair, reasonable, and adequate. *In re Citric Acid Antitrust Litig.*, 145 F. Supp. 2d  
26 1152, 1154 (N.D. Cal. 2001). The Plan of Allocation does not unfairly favor any Class Member,  
27 or group of Class Members, to the detriment of others.

13. In conjunction with the concurrently-filed Motion to Approve Class Notice Program, filed by the IPPs, the Court sets the following schedule for final approval purposes:

Event	Time
Notice Program	Initiation of class notice program 14 days after order preliminarily approving settlements and approving IPPs' class notice program ("Orders")
Exclusion and Objection Deadline	60 days after Orders
Deadline to Submit Claims	60 days after Orders
Motion for Final Approval and Response to Objections (if any)	75 days after Orders and 15 days before Hearing
Final Approval Hearing	100 days after Orders

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
 JAMES DONATO  
 United States District Judge

Proposed Order Submitted By:

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