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7 *Interim Co-Lead Counsel for Indirect Purchaser Plaintiffs*

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 10 **UNITED STATES DISTRICT COURT**
 11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 **IN RE CAPACITORS ANTITRUST
LITIGATION**

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

**DECLARATION OF ERIC SCHACHTER IN
SUPPORT OF MOTION FOR APPROVAL
OF CLASS NOTICE PROGRAM**

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 16 This Document Relates to:
 17 Indirect Purchaser Actions

Date: July 25, 2019
Time: 10:00 a.m.
Place: Courtroom 11, 19th Floor

1 I, Eric Schachter, hereby declare as follows:

2 1. I am a Vice President of A.B. Data, Ltd.’s Class Action Administration Division
3 (“A.B. Data”), whose Corporate Office is located in Milwaukee, Wisconsin. I am fully familiar
4 with the facts contained herein based upon my personal knowledge.

5 2. I submit this Declaration (“Declaration”) at the request of Interim Lead Counsel for
6 the Indirect Purchaser Plaintiffs in this litigation. This Declaration is based upon my personal
7 knowledge and upon information provided to me by Interim Lead Counsel, my associates, and A.B.
8 Data staff members.

9 3. I have implemented and coordinated some of the largest and most complex class
10 action notice and administration programs in the country. The scope of my work includes
11 notification, claims processing, and distribution programs in all types of class actions, including
12 but not limited to consumer, antitrust, securities, ERISA, insurance, and government agency
13 Settlements.

14 4. A.B. Data has also been appointed as notice, claims, and/or settlement administrator
15 in hundreds of high-volume consumer, civil rights, insurance, antitrust, ERISA, securities, and
16 wage and hour class actions. A.B. Data previously provided notice administration services related
17 to previous settlements in this litigation. A profile of A.B. Data’s background and capabilities,
18 including representative case and client lists, is included as **Exhibit 1**.

19 5. At the request of Interim Lead Counsel, A.B. Data has prepared a notice program
20 for newly reached settlements in this litigation. This Declaration will describe the proposed notice
21 program that is recommended, which is largely similar to the notice programs approved by this
22 Court in previous settlements, and how it will meet the requirements of Federal Rule of Civil
23 Procedure (“Rule”) 23 and due process to the class members.

24 6. The objective of the proposed notice program is to provide notice of the newly
25 proposed settlements to potential class members. There are two classes that are part of these
26 settlement agreements. The Electrolytic Class is generally defined as:

27 All persons and entities in the United States who, during the period from April 1, 2002
28 through February 28, 2014, purchased one or more Electrolytic Capacitor(s) from a
distributor (or from an entity other than a Defendant) that a Defendant or alleged co-

1 conspirator manufactured. Excluded from the Class are Defendants, their parent companies,
2 subsidiaries and Affiliates, any co-conspirators, Defendants' attorneys in this case, federal
3 government entities and instrumentalities, states and their subdivisions, all judges assigned
4 to this case, all jurors in this case, and all persons and entities who directly purchased
5 Capacitors from Defendants.

6 The Film Class is generally defined as:

7 All persons and entities in the United States who, during the period from January 1, 2002,
8 through February 28, 2014, purchased one or more Film Capacitor(s) from a distributor (or
9 from an entity other than a Defendant) that a Defendant or alleged co-conspirator
10 manufactured. Excluded from the Class are Settling Defendants, their parent companies,
11 subsidiaries, and Affiliates, any co-conspirators, Settling Defendants' attorneys in this case,
12 federal government entities and instrumentalities, states, and their subdivisions, all judges
13 assigned to the case, and all jurors in the case.

14 7. As was done in the previous settlements in this litigation, this proposed notice
15 program includes direct mail and email notice, a combination of national print media, targeted
16 national trade magazine affiliated websites and e-newsletters, digital media, and earned media via
17 a press release. This proposed notice program will also include digital advertising and a case-
18 specific page on Facebook.

19 8. Direct mail and email notice will be provided via a Long Form Notice, attached
20 hereto as **Exhibit 2** ("Long Form Notice"), and Proof of Claim Form, attached hereto as **Exhibit 3**
21 ("Claim Form", together with the Long Form Notice, the "Notice Packet"). A summary notice
22 attached hereto as **Exhibit 4** (the "Short Form Notice") will be utilized in paid and earned media
23 where applicable.

24 9. The Notice Packet will be mailed to approximately 400,000 potential class members
25 for which mailing information and, in some instances, corresponding transactional data has been
26 provided in connection with non-party discovery conducted on the distributors in this action. The
27 Notice Packet will also be emailed to all potential class members with a known email address. For
28 the mailed Notice Packets, A.B. Data will process all mailing addresses through the national change
of address ("NCOA") database and, using any updated information available in the NCOA
database, will send the Notice Packet directly to those potential class members. Further analysis
will be done of any mail returned non-deliverable after use of the NCOA database and follow up
direct mail notice will be provided where appropriate. Where the non-party data provides usable

1 purchase information for potential class members, A.B. Data will include the aggregate total of
2 purchases for those potential class members in a pre-populated field included within the Claim
3 Form. Based on our experience in administering similar class action settlements, A.B. Data
4 estimates a claim rate (number of class members who end up submitting claims) of between 2%
5 and 12% and total notice and claims administration costs ranging from \$600,000 to \$850,000.
6 Notice and claims administration expenses will be paid from the Settlement Funds.

7 10. The proposed media schedule includes advertising in a national publication;
8 “banner” ads on national trade publication websites; “banner” and newsfeed ads on Google Display
9 Network and Facebook targeting business professionals who purchase large quantities of electronic
10 components and consumers who are electronic hobbyists and enthusiasts; “banner” ads on national
11 e-newsletters targeted to the specific audience concerned; a custom email “blast” to opt-in
12 subscribers of targeted publications; and a news release disseminated via earned media.

13 11. A print ad will be placed in *The Wall Street Journal* to reach professionals and
14 executives of manufacturers and industrial businesses that purchase capacitors.

15 12. “Banner” ads will be run on the following national trade publication websites and/or
16 e-newsletters targeting electronics hobbyists and professionals in the electronics and purchasing
17 industries who are large-scale purchasers of capacitors:

- 18 a. Electronicdesign.com
- 19 b. Machinedesign.com
- 20 c. SourceESB.com
- 21 d. Microwaves & RF – mwrf.com
- 22 e. Powerelectronics.com
- 23 f. HydraulicsPneumatics.com
- 24 g. SourceToday.com
- 25 h. nutsvolts.com
- 26 i. eetimes.com
- 27 j. ebnonline.com
- 28 k. GlobalPurchasing.com

1 13. “Banner” ads will be placed via a variety of websites and on Facebook for a period
2 of up to 90 days to a minimum of 14.8 million targeted business professionals within manufacturing
3 industries and electronics hobbyists and enthusiasts who are technically savvy. Key strategies of
4 contextual, behavioral, and predictive modeling will be utilized to target the banner ads to potential
5 class members. A mix of mobile, laptop, and desktop devices will be targeted in this effort.

6 14. The news release regarding the case will be sent as an email “blast” to opt-in
7 subscribers of the following publications:

8 a. Penton Publications (including the websites Electronicdesign.com,
9 Machinedesign.com, SourceESB.com, mwrf.com, Powerelectronics.com,
10 GlobalPurchasing.com and HydraulicsPneumatics.com)

11 b. EE Times

12 15. In addition to the notice efforts involving print publications and digital media, A.B.
13 Data will disseminate a news release via the Business Wire distribution service to announce the
14 notice of settlement. This news release will be distributed via Business Wire to more than 10,000
15 newsrooms, including print, broadcast, and digital media, across the United States. It will also be
16 distributed to trade publications relevant to the industries and fields concerned.

17 16. The case-specific website will be listed with major search engines to enable potential
18 class members to get detailed information about the settlements and relevant documents, including
19 the Long Form Notice, IPPs’ Fifth Consolidated Complaint and the settlement agreements. The
20 website will also provide functionality for potential class members to submit their claims online.

21 17. All print-media notices in the proposed notice program will include a toll-free
22 telephone number, the website address, and a mailing address for potential class members to request
23 or access the settlement notice. The toll-free number will be setup with an automated interactive
24 voice response system that will present callers with a series of choices to hear pre-recorded
25 information about the Settlements. If callers need further help, they will have an opportunity to
26 speak with a live operator during business hours. The online banner and text ads will include the
27 website address and a link to the case-specific Settlements website. The summary notice and the
28 settlement notice are in plain language, as required by the revisions to Rule 23.

1 18. As a notice program that primarily targets entities and individual purchasing agents
2 for those entities that have purchased specific types of capacitors (a product used primarily in the
3 manufacturing of products), data to quantify the reach of this program are not available through
4 traditional media resources, such as MRI, that provide accredited media research. Based on the
5 trade-media resources for the passive-component industry and the electronics, electrical, and
6 purchasing fields, some of which state that they deliver, in the words of one such source, “90%
7 coverage of all companies in the passive component supply chain,” A.B. Data believes that the
8 proposed notice program delivers a minimum reach of 70% to the classes and satisfies Rule 23
9 requirements.

10 **CONCLUSION**

11 19. It is my opinion, based on my expertise and experience, that the reach of the target
12 audience and the number of exposure opportunities to the Notice information are adequate and
13 reasonable. In my opinion, the proposed notice program is designed to effectively reach potential
14 class members, as described herein, deliver notices that will capture potential class members’
15 attention, and provide them with the information necessary to understand their rights and options.
16 In my opinion, the notices themselves comply with the plain language requirement of Rule 23. This
17 proposed notice program conforms to the standards employed by A.B. Data in notification
18 programs designed to reach unidentified potential class members of settlement groups or classes
19 that are national in scope and reach narrowly defined entities and demographic targets. In my
20 opinion, the proposed notice program satisfies the requirements of Rule 23 and due process.

21 I declare under penalty of perjury under the laws of the United States that the foregoing is
22 true and correct.

23 Executed this 17th day of June, 2019 in Milwaukee, Wisconsin.

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25 _____
26 Eric Schachter