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

**IN RE CAPACITORS ANTITRUST
LITIGATION**

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

**THIS DOCUMENT RELATES TO:
ALL INDIRECT PURCHASER ACTIONS**

**[PROPOSED] FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE AS TO
SHINYEI DEFENDANTS**

1 This matter has come before the Court to determine whether there is any cause why this
2 Court should not enter Final Judgment as to Shinyei Technology Co., Ltd. and Shinyei Capacitor
3 Co., Ltd. (together, “Shinyei”). The Court, having reviewed (1) the Settlement Agreement
4 between Plaintiffs and In Home Tech Solutions, Inc., individually and on behalf of the Indirect
5 Purchaser Class they seek to represent, on the one hand, and Shinyei, on the other hand, dated
6 June 4, 2021 (“Settlement Agreement”), (2) Indirect Purchaser Plaintiffs’ Motion for Final
7 Approval of Settlements with the Shinyei and Taitso Defendants, (3) the pleadings and other
8 papers on file in this Action, and (4) the statements of counsel and the parties, hereby finds no
9 just reason to delay the entry of Final Judgment under Federal Rule of Civil Procedure (“Rule”)
10 54(b). Accordingly, the Court directs entry of Judgment, which shall constitute a final
11 adjudication of the above-captioned action (“Action”) on the merits as to Shinyei in accordance
12 with the terms of the Settlement Agreement.

13 Good cause appearing therefore:

14 **IT IS HEREBY ORDERED, AJUDGED, AND DECREED THAT:**

15 1. The Court has jurisdiction over the subject matter of this litigation, the actions
16 within this litigation, and the parties to the Settlement Agreements, including all members of the
17 Settlement Class.

18 2. For purposes of this Judgment, except as otherwise set forth herein, the Court
19 adopts and incorporates the definitions contained in the Settlement Agreement as though they
20 were fully set forth in this Final Judgment. Specifically, “Class,” as defined in the Settlement
21 Agreement, means:

22 All persons and entities in the Indirect Purchaser States (as defined herein) who,
23 during the period from January 1, 2002 to February 28, 2014, purchased one or
24 more Capacitor(s) from a distributor (or from an entity other than a Defendant)
25 that a Defendant or alleged co-conspirator manufactured. Excluded from the Class
26 are Defendants; their parent companies, subsidiaries and Affiliates; any co-
27 conspirators; Defendants’ attorneys in this Action; federal government entities
28 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.

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

1 3. Those persons and entities identified in the list attached hereto as **Exhibit A** are
2 validly excluded from the Class. Such persons and entities are not included in or bound by this
3 Judgment. Such persons and entities are not entitled to any recovery of the settlement proceeds
4 obtained in connection with the Settlement Agreement.

5 4. The Court hereby dismisses on the merits and with prejudice IPPs' claims against
6 Shinyei, with each party to bear their own costs and attorneys' fees, except as provided in the
7 Settlement Agreement.

8 5. All persons and entities who are Releasors under the terms of the Settlement
9 Agreement are hereby barred and enjoined from commencing, prosecuting, or continuing, either
10 directly or indirectly, any claim against the Releasees, as defined in the Settlement Agreement, in
11 this or any other jurisdiction arising out of, or related to, any of the Released Claims.

12 6. The Releasees are hereby and forever released from all Released Claims as
13 defined in the Settlement Agreement.

14 7. Without affecting the finality of this Judgment in any way, this Court hereby
15 retains continuing jurisdiction over:

- 16 a. implementation of these settlements and any distribution to Class members
17 pursuant to further orders of this Court;
- 18 b. disposition of the Settlement Fund;
- 19 c. determining attorneys' fees, costs, expenses, interest and Class Representative
20 incentive awards;
- 21 d. the Action until Final Judgment contemplated hereby has become effective;
- 22 e. hearing and ruling on any matters relating to the plan of allocation of
23 settlement proceeds; and
- 24 f. all parties to the Action and Releasing Parties, for the purpose of enforcing
25 and administering the Settlement Agreement and the mutual releases and other
26 documents contemplated by, or executed in connection with, the Agreement.

27 8. This document constitutes a final judgment and separate documents for purposes
28 of Rule 58(a).

1 9. The Court finds that, pursuant to Rule 54(a) and (b), Final Judgment should be
2 entered and further finds that there is no just reason for delay in the entry of Final Judgment, as
3 to the parties to the Settlement Agreements. Accordingly, the Clerk is hereby directed to enter
4 Final Judgment forthwith.

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6 **IT IS SO ORDERED.**

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8 Dated: _____, 2022

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10 JAMES DONATO
11 United States District Judge
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EXHIBIT A

Requests for Exclusion from Shinyei Settlement

<u>Name</u>	<u>Exclusion Request Timely</u>
James Tylman	Yes
Dell Inc. on behalf of itself and its wholly-owned subsidiaries	Yes
William B Higinbotham	Yes