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8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**  
 10 **SAN FRANCISCO DIVISION**

11 **IN RE CAPACITORS ANTITRUST**  
12 **LITIGATION**

**MDL Case No. 17-md-0281-JD**

**Case No. 3:14-cv-03264-JD**

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14 **This Document Relates to:**  
 15 **ALL INDIRECT PURCHASER**  
 16 **ACTIONS**

**DECLARATION OF ERIC SCHACHTER**  
**REGARDING DISSEMINATION OF**  
**NOTICE OF SETTLEMENTS**

1 I, Eric Schachter, declare as follows:

2 1. I am a Vice President of A.B. Data, Ltd.'s Class Action Administration Company  
3 ("A.B. Data"), whose principal offices are in Milwaukee, Wisconsin.

4 2. I submit this Declaration in connection with the class action notice administration  
5 proceedings related to the above-captioned action (the "Action") per the terms of this Court's  
6 Order Granting IPPs' Motion for Approval of Class Notice Program dated May 25, 2018 (the  
7 "Notice Program Approval Order"). ECF No. 2152. I have personal knowledge of the facts set  
8 forth herein and, if called as a witness, could and would testify competently thereto.

9 3. This Declaration details the steps that were taken to implement notice of the class  
10 settlements per the terms of the Notice Program Approval Order. Those steps included the  
11 following:

- 12 a. Mailing the Short-Form Notice via U.S. Mail to potential members of the  
13 Settlement Classes;
- 14 b. Publishing the Short-Form Notice via print and digital media;
- 15 c. Providing email notice through email "blasts";
- 16 d. Advertising through "banner" ads on designated websites;
- 17 e. Updating the case-specific website, [www.capacitorsindirectcse.com](http://www.capacitorsindirectcse.com) (the  
18 "Website"), for the Settlements<sup>1</sup>; and
- 19 f. Disseminating a news release via Business Wire to announce the proposed  
20 Settlements.

21 **DISSEMINATION OF DIRECT-MAIL NOTICE**

22 4. Pursuant to the Notice Program Approval Order, A.B. Data was responsible for  
23 providing direct notice of the Settlements to all members of the Settlement Classes who could be  
24 reasonably identified.

25 \_\_\_\_\_  
26 <sup>1</sup> As further described in my Declaration Regarding Dissemination of Notice of Settlements,  
27 dated June 26, 2017, ECF 1706 (the "First Round of Settlements Notice Declaration"), A.B. Data  
28 initially established the Website, on April 3, 2017, in connection with the Notice Program for  
Settlement Agreements reached with Defendants NEC TOKIN, Nitsuko, and Okaya (the "First  
Round of Settlements Notice Program").

1           5.       As further described in the First Round of Settlements Notice Declaration, A.B.  
2 Data established a mailing list of 488,072 potential members of the Settlement Classes who were  
3 mailed notice on April 3, 2017. After removing 85,658 records for which the mailing address  
4 proved to be invalid with no updated address available, a mailing list of 402,414 potential  
5 members of the Settlement Classes was created.

6           6.       On June 25, 2018, A.B. Data caused the Short-Form Notice, formatted as a  
7 postcard, to be mailed via First-Class Mail, postage prepaid, to 402,414 potential members of the  
8 Settlement Classes. A true and correct copy of the Short-Form Notice postcard is attached to this  
9 Declaration as Exhibit A.

10          7.       The First Round of Settlements Notice Program established a portal on the case-  
11 specific website, www.capacitorsindirectcase.com (the “Website”), to allow potential members of  
12 the Settlement Classes to register with the Notice Administrator by providing their contact  
13 information in order to receive additional notices and updates about the Settlements and the  
14 Action. In connection with the First Round of Settlements Notice Program A.B. Data received  
15 10,556 registrations.

16          8.       On June 25, 2018, A.B. Data caused the Short-Form Notice postcard to be mailed  
17 via First-Class Mail, postage prepaid to the 10,556 registered potential Settlement Class members.

18          9.       In total, on June 25, 2018, A.B. Data caused 412,970 Short-Form Notice postcards  
19 to be mailed to potential members of the Settlement Classes.

20                           **PUBLICATION OF THE SHORT-FORM NOTICE**

21          10.       Pursuant to the Notice Program Approval Order, A.B. Data caused a full color  
22 print advertisement of the Short-Form Notice to publish in *The Wall Street Journal* on July 9,  
23 2018. Proof of this publication is attached to this Declaration as Exhibit B.

24                           **EMAIL BLASTS**

25          11.       Pursuant to the Notice Program Approval Order, A.B. Data was to provide notice  
26 through email blasts to the “opt-in” subscribers of Penton Publications and EE Times.

1           12.     A.B. Data effectuated two email blasts that were disseminated to approximately  
2 50,000 opt-in subscribers to Penton Publications and approximately 41,000 opt-in subscribers to  
3 EE Times.

4   **BANNER ADS CAMPAIGN**

5           13.     Pursuant to the Notice Program Approval Order, A.B. Data coordinated for banner  
6 ads to appear in e-newsletters issued by *Nuts and Volts* and *Electronic Design TODAY*.  
7 Dissemination of the *Nuts and Volts* e-newsletters occurred on July 11, 18, 25, and August 21,  
8 2018. Dissemination of the *Electronic Design* e-newsletters occurred on July 13, 20, 25, and 30,  
9 2018. Proof of these e-newsletter banner ads are attached to this Declaration as Exhibits C-1 and  
10 C-2.

11           14.     Beginning on July 9, 2018, and running through August 8, 2018, A.B. Data  
12 coordinated for internet banner ads to appear on the following websites: machinedesign.com;  
13 sourceesb.com; mwrfl.com; powerelectronics.com; sourcetoday.com; hydraulicspneumatics.com;  
14 nutsvolts.com; eetimes.com; ebnonline.com; and globalpurchasing.com. Banner ads for  
15 electronicdesign.com ran beginning on July 1, 2018 and running through July 31, 2018. Banner  
16 ads were also placed through the Google Display network, targeting consumers who are most  
17 likely to be purchasers of capacitors. A sample of these internet banner ads is attached to this  
18 Declaration as Exhibit D.

19           15.     More than 20 million banner views (or digital impressions) were generated during  
20 the banner ads campaign.

21   **DISSEMINATION OF NEWS RELEASE**

22           16.     Pursuant to the Notice Program Approval Order, A.B. Data, on July 9, 2018,  
23 disseminated, via Business Wire, a nationwide news release announcing the proposed  
24 Settlements. Proof of this dissemination is attached as Exhibit E.

25   **MAINTENANCE OF THE SETTLEMENT WEBSITE**

26           17.     As noted above, A.B. Data established the Website on April 3, 2017, in connection  
27 with the First Round of Settlements Notice Program.

1           18.      On June 25, 2018, A.B. Data updated the Website to include information regarding  
2 the current round of Settlements and posted the Long-Form Notice for viewing and download.  
3 The Website also provides general information about the current Settlements and also allows  
4 visitors to view and download the Hitachi Settlement Agreement, the Holystone Settlement  
5 Agreement, the NCC/UCC Settlement Agreement, the Rubycon Settlement Agreement, the  
6 Soshin Settlement Agreement, the Order Granting Preliminary Approval of Class Action  
7 Settlements with Defendants Hitachi Chemical and Soshin, the Order Granting Indirect Purchaser  
8 Plaintiffs' Motion for Preliminary Approval of Settlements with HolyStone, NCC/UCC, and  
9 Rubycon and for Approval of the Plan of Allocation; the Notice Program Approval Order; and  
10 various pleadings and filings related to the First Round of Settlements.

11           19.      The Website continues to allow potential members of the Settlement Classes to  
12 register with the Notice Administrator by providing their names, email addresses, and mailing  
13 addresses in order to receive additional notices and updates about the Settlements and the Action.  
14 Since June 25, 2018, there have been 4,323 new registrations received.

15                                    **TELEPHONE HOTLINE**

16           20.      In connection with the First Round of Settlements Notice Program, on April 3,  
17 2017, A.B. Data established a case-specific toll-free number, 1-866-217-4245, with an interactive  
18 voice response ("IVR") system and live operators. The automated attendant answers calls and  
19 presents callers with a series of choices in response to basic questions. If callers require further  
20 assistance, they have the option of transferring their calls to a live operator during business hours.

21           21.      On June 25, 2018, A.B. Data updated the IVR system and automated attendant to  
22 include information for the current Settlements Notice Program.

23                                    **EXCLUSION REQUESTS RECEIVED**

24           22.      Potential Settlement Class members had the opportunity to request exclusion from,  
25 or opt out of, any or all of the Settlement Classes in connection with the Notice Program  
26 Approval Order. The deadline to submit a request for exclusion was August 28, 2018.  
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true and correct.

Executed this 12<sup>th</sup> day of September 2018 in Milwaukee, Wisconsin.



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Eric Schachter