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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 APPROVAL OF CLASS  
NOTICE PROGRAM**

1 The Indirect Purchaser Plaintiffs (“IPPs”) filed a Motion for Approval of a Class Notice  
2 Program to notify the classes of settlements with (1) Defendants Shinyei Technology Co., Ltd.  
3 and Shinyei Capacitor Co., Ltd. (together, “Shinyei”); and (2) Defendant Taitso Corporation  
4 (“Taitso,” and together with Shinyei, the “Settling Defendants”). The Court heard the argument  
5 of counsel and, having reviewed the pleadings, the settlement agreements, other papers on file  
6 in this action, and the statements of counsel and the parties, hereby finds that the motion should  
7 be **GRANTED**.

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

9 1. Settlement Class Counsel and their designees are authorized to expend funds from  
10 the escrow accounts to pay taxes, tax expenses, notice, and administration costs as set forth in  
11 the Settlement Agreements.

12 2. The Court finds that IPPs’ proposed notice program fully complies with Federal  
13 Rule of Civil Procedure 23 and due process and constitutes the best notice practicable under the  
14 circumstances.

15 3. The Court approves the form of the Short Form Notice filed with IPPs’ Motion  
16 (“Short Form Notice”). The Court also approves the form of the Long Form Notice filed with  
17 IPPs’ Motion (“Long Form Notice”). The Court finds that taken together, mailing by U.S. Mail  
18 and emailing the Short Form Notice to those addresses of class members that are available to  
19 Settlement Class Counsel, together with publication of the Short Form Notice, and internet  
20 posting of the Long Form Notice are: (i) the best notice practicable; (ii) reasonably calculated to,  
21 under the circumstances, apprise members of the settlement classes of the proposed settlements  
22 and of their right to object or to exclude themselves as provided in the settlement agreements;  
23 (iii) reasonable and constitute due, adequate, and sufficient notice to all persons entitled to  
24 receive notice; and (iv) meet all applicable requirements of due process and any other applicable  
25 requirements under federal or state law.

26 4. The Court approves IPPs’ proposed claim form filed with IPPs’ Motion (“Claim  
27 Form”).  
28

1           5.       IPPs' notice provider shall provide notice of the settlements and the claims  
2 process consistent with the procedure outlined in the motion for approval of the notice program.

3           6.       The Court sets the following schedule for the dissemination of class notice and  
4 the scheduling of further litigation events, including but not limited to, the final approval hearing,  
5 and opt-out and objection deadlines:

Event	Time
Notice Program	Initiation of class notice program 14 days after order preliminarily approving settlements and approving IPPs' class notice program
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

6           7.       Consistent with the above schedule, each member of the settlement classes shall  
7 have the right to be excluded from the settlement classes by mailing a request for exclusion to  
8 the claims administrator to be postmarked no later than 60 days after issuance of this Order.  
9 Requests for exclusion must be in writing and set forth the name and address of the person or  
10 entity that wishes to be excluded, any trade name or business name and address used by such  
11 person or entity, and must be signed by the class member seeking exclusion. Settlement Class  
12 Counsel shall file with the Court a list of all persons or entities who have timely requested  
13 exclusion from the settlement classes as provided in the settlement agreements.  
14

15           8.       Any member of the settlement classes that does not properly and timely request  
16 exclusion from the settlement classes as provided above shall, upon final approval of the  
17 settlements, be bound by the terms and provisions of the settlements so approved, including, but  
18 not limited to, the releases, waivers, and covenants set forth in the settlement agreements,  
19 whether or not such person or entity objected to the settlement agreements, and whether or not  
20 such person or entity makes a claim upon the settlement funds.  
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1           9.       Each member of the settlement classes that has not timely excluded itself from  
2 the settlement classes shall have the right to object to (1) the settlement and/or (2) the plan of  
3 allocation by filing written objections with the Court no later than 60 days after issuance of this  
4 Order. Failure to timely file written objections will preclude a class member from objecting to  
5 any or all of the settlements.

6           10.       Each member of the settlement classes as provided above shall have the right to  
7 appear at the Fairness Hearing by filing a notice of intention to appear.

8           11.       The Court will conduct a Fairness Hearing on \_\_\_\_\_, 2021 at 10:00 a.m., at the  
9 United States Courthouse, 450 Golden Gate Avenue, Courtroom 11, 19th Floor, San Francisco,  
10 California 94102. The Fairness Hearing will be conducted to determine the following:

11               a.       Whether the proposed settlements are fair, reasonable, and adequate and  
12 should be granted final approval;

13               b.       Whether final judgment should be entered dismissing with prejudice the  
14 claims of the settlement classes against Shinyei and Taitso; and

15               c.       Such other matters as the Court may deem appropriate.

16           12.       All briefs, memoranda, and papers in support of final approval of the settlement  
17 shall be filed no later than 75 days after issuance of this Order.

18 **IT IS SO ORDERED.**

19 Dated: \_\_\_\_\_  
20

21 \_\_\_\_\_  
22 JAMES DONATO  
23 United States District Judge

24 Proposed Order Submitted By:

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