

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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 RE CLASS
NOTICE PROGRAM**

1 In connection with the Order granting preliminary approval of the IPP settlements with
2 defendants Shinyei Technology Co., Ltd. and Shinyei Capacitor Co., Ltd., and Taitso
3 Corporation, MDL Dkt. No. 1551, the IPPs' class notice program is approved as follows.

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

7 2. The proposed notice program fully complies with Federal Rule of Civil
8 Procedure 23 and due process, and constitutes the best notice practicable under the
9 circumstances.

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

21 4. The Court approves IPPs' proposed claim form filed with IPPs' Motion ("Claim
22 Form").

23 5. IPPs' notice provider will provide notice of the settlements and the claims
24 process consistent with the procedure outlined in the motion for approval of the notice
25 program.

26 6. The Court sets the following schedule for the dissemination of class notice and
27 the scheduling of further litigation events, including but not limited to, the final approval
28 hearing, 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 (Orders)
Motion for attorneys' fee and costs	November 19, 2021
Exclusion and Objection Deadline	February 18, 2022
Deadline to Submit Claims	February 18, 2022
Motion for Final Approval and Response to Objections (if any)	March 10, 2022
Final Approval Hearing	March 24, 2022 at 10:00 a.m.

7. Each member of the settlement classes has the right to be excluded from the settlement classes by mailing a request for exclusion to the claims administrator to be postmarked no later than February 18, 2022. Requests for exclusion must be in writing and state the name and address of the person or entity that wishes to be excluded, any trade name or business name and address used by such person or entity, and must be signed by the class member seeking exclusion. Settlement Class Counsel will file with the Court a list of all persons or entities who have timely requested exclusion from the settlement classes as provided in the settlement agreements.

8. Any member of the settlement classes that does not properly and timely request exclusion from the settlement classes as provided above will, upon final approval of the settlements, be bound by the terms and provisions of the settlements so approved, including, but not limited to, the releases, waivers, and covenants set forth in the settlement agreements, whether or not such person or entity objected to the settlement agreements, and whether or not such person or entity makes a claim upon the settlement funds.

9. Each member of the settlement classes that has not timely excluded itself from the settlement classes has the right to object to (1) the settlement and/or (2) the plan of allocation by filing written objections with the Court by February 18, 2022. Failure to timely file written objections will preclude a class member from objecting to any or all of the settlements.

1 10. Each member of the settlement classes as provided above has the right to appear
2 at the Fairness Hearing by filing a notice of intention to appear.

3 11. The Court will conduct a Fairness Hearing on March 24, 2022, at 10:00 a.m., at
4 the United States Courthouse, 450 Golden Gate Avenue, Courtroom 11, 19th Floor, San
5 Francisco, California 94102. The Fairness Hearing will be conducted to determine the following:

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

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

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

11 12. All briefs, memoranda, and papers in support of final approval of the settlement
12 shall be filed no later than March 10, 2022.

13 **IT IS SO ORDERED.**

14 Dated: October 21, 2022

15 
16 _____
17 JAMES DONATO
18 United States District Judge
19
20
21
22
23
24
25
26
27
28