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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] ORDER GRANTING  
INDIRECT PURCHASER PLAINTIFFS'  
MOTION FOR FINAL APPROVAL OF  
SETTLEMENTS WITH THE SHINYEI  
AND TAITSU DEFENDANTS**

1 This matter has come before the Court to determine whether there is any cause why this  
2 Court should not approve Indirect Purchaser Plaintiffs' ("IPPs") settlements with Shinyei  
3 Technology Co., Ltd. and Shinyei Capacitor Co., Ltd. (together, "Shinyei") and Taitso Corp.  
4 ("Taitso") (collectively, "Settlements") and approve IPPs' Plan of Allocation. Having reviewed  
5 the motion, the Declaration of Elizabeth T. Castillo and Settlement Agreements attached as  
6 exhibits thereto, the Declaration of Eric Schachter and exhibits attached thereto, other papers on  
7 file in the above-captioned action ("Action"), and the statements of counsel and the parties, the  
8 Court hereby finds that the Shinyei and Taitso Settlements and the Plan of Allocation should be  
9 approved. Accordingly, the Court enters this Order of Final Approval.

10 Good cause appearing therefore:

11 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

12 1. The Court has jurisdiction over the subject matter of this Action, all actions within  
13 this litigation, and the parties to the Settlement Agreements, including all members of the  
14 Settlement Class and the Settling Defendants.

15 2. For purposes of this Order, except as otherwise set forth herein, the Court  
16 incorporates the definitions contained in the Settlement Agreements.

17 3. The Court hereby finally approves and confirms the settlements set forth in the  
18 Settlement Agreements between Class Representatives and the Settling Defendants and finds that  
19 said settlements are, in all respects, fair, reasonable, and adequate to the Settlement Class  
20 pursuant to Federal Rules of Civil Procedure ("Rule") 23.

21 4. The following Class is certified for settlement purposes only, pursuant to Rule 23:

22 All persons and entities in the Indirect Purchaser States (as defined herein)  
23 who, during the period from January 1, 2002 to February 28, 2014,  
24 purchased one or more Capacitor(s) from a distributor (or from an entity  
25 other than a Defendant) that a Defendant or alleged co-conspirator  
26 manufactured. Excluded from the Class are Defendants; their parent  
27 companies, subsidiaries and Affiliates; any co-conspirators; Defendants'  
28 attorneys in this Action; federal government entities 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 from those Settlement Class identified. Such persons and entities are not included in or bound by  
2 this Order as it relates to the specific settlement or settlements for which they opted-out. Such  
3 persons and entities are not entitled to any recovery of the settlement proceeds obtained through  
4 these Class Settlements.

5 10. No objections were filed regarding any of the Settlements.

6 11. The Court finds that IPPs' proposed Plan of Allocation, which proposes to pay  
7 putative Class Members in the six states—California, Florida, Michigan, Minnesota, Nebraska,  
8 and New York—with qualifying purchases on a *pro rata* basis, is fair, reasonable, and adequate.  
9 *In re Citric Acid Antitrust Litig.*, 145 F. Supp. 2d 1152, 1154 (N.D. Cal. 2001). *Pro rata*  
10 distribution will be based on the number of approved purchases of capacitors during the  
11 Settlement Class period, a dynamic that ties recovery to each class member to the volume and  
12 type of its purchases. The Plan of Allocation does not unfairly favor any Class Member, or group  
13 of Class Members, to the detriment of others. The Court has approved the basic structure of this  
14 Plan of Allocation in connection with earlier settlements in this Action.

15 12. Without affecting the finality of this Order in any way, this Court hereby retains  
16 continuing jurisdiction over:

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

3 13. The Court finds, pursuant to Rules 54(a) and 54(b), that Final Judgments of  
4 Dismissal with prejudice as to the Settling Defendants (“Judgments”) should be entered  
5 forthwith and further finds that there is no just reason for delay in the entry of the Judgments, as  
6 Final Judgments, in accordance with the Settlement Agreements.

7 **IT IS SO ORDERED.**

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9 Dated: \_\_\_\_\_, 2022

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11 JAMES DONATO  
12 United States District Judge  
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**EXHIBIT A****Exclusions from Settlement Class**

<b><u>Name</u></b>	<b><u>Exclusion Request Timely</u></b>	<b><u>Settlement Class(es) Excluded From</u></b>
James Tylman	Yes	Did not specify any Settling Defendants by name  *also listed request for exclusion from previous settlements with NEC TOKIN, OEI, Nitsuku, Hitachi, Soshin, Rubycon, Holy Stone, NCC/UCC, ELNA, Matsuo, Nichicon, and Panasonic
Dell Inc. on behalf of itself and its wholly-owned subsidiaries	Yes	Shinyei Taitso
William B. Higinbotham	Yes	Did not specify any Settling Defendants by name