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

**IN RE: CAPACITORS ANTITRUST
LITIGATION**

Master File No. 3:14-cv-03264-JD

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

**~~PROPOSED~~ ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENTS WITH
DEFENDANTS HITACHI CHEMICAL
AND SOSHIN**

1 On October 10, 2017, Indirect Purchaser Plaintiffs’ (“IPPs”) Motion for Preliminary
2 Approval of Class Action Settlements with Defendants (1) Hitachi Chemical Co., Ltd., Hitachi
3 AIC Inc., and Hitachi Chemical Co. America, Ltd. (collectively “Hitachi Chemical”), and (2)
4 Soshin Electric Co., Ltd. and Soshin Electronics of America, Inc. (collectively “Soshin”)
5 (collectively, the “Settlements” and the “Settling Defendants”) was heard. The Court heard the
6 argument of counsel and having reviewed the motion and the briefing, the settlement
7 agreements, the pleadings and other papers on file in this action, and the statements of counsel
8 and the parties, hereby finds that the motion should be **GRANTED**.

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

- 10 1. For purposes of this Order, except as otherwise set forth herein, the Court adopts
11 and incorporates the definitions contained in the settlement agreements.
12 2. The Court hereby preliminarily approves the settlement agreements.
13 3. The Court finds that the settlements fall within the range of possible final approval
14 and that there is a sufficient basis for notifying the settlement classes and
15 understands that Settlement Class Counsel will present a motion for approval of
16 their class notice program sometime in the future;
17 4. Pursuant to Federal Rule of Civil Procedure 23, the Court certifies the following
18 settlement classes for purposes of this Motion only:

19 With regards to Hitachi Chemical:

- 20 a. All persons and entities in the United States who, during the period from
21 April 1, 2002 to February 28, 2014, purchased one or more Electrolytic
22 Capacitor(s) from a distributor (or from an entity other than a Defendant)
23 that a Defendant or alleged co-conspirator manufactured. Excluded from the
24 Class are Defendants, their parent companies, subsidiaries and Affiliates,
25 any co-conspirators, Defendants’ attorneys in this case, federal government
26 entities and instrumentalities, states and their subdivisions, all judges
27 assigned to this case, all jurors in this case, and all persons and entities who
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1 directly purchased Capacitors from Defendants.

- 2 b. All persons and entities in the United States who, during the period from
3 January 1, 2002 to February 28, 2014 purchased one or more Film
4 Capacitor(s) from a distributor (or from an entity other than a Defendant)
5 that a Defendant or alleged co-conspirator manufactured. Excluded from the
6 Class are Defendants, their parent companies, subsidiaries and Affiliates,
7 any co-conspirators, Defendants' attorneys in this case, federal government
8 entities and instrumentalities, states and their subdivisions, all judges
9 assigned to this case, all jurors in this case, and all persons and entities who
10 directly purchased Capacitors from Defendants.

11 With regards to Soshin:

- 12 a. All persons and entities in the United States who, during the period from
13 January 1, 2002 to February 28, 2014, purchased one or more Capacitor(s)
14 from a distributor (or from an entity other than a Defendant) that a
15 Defendant or alleged co-conspirator manufactured. Excluded from the Class
16 are Defendants; their parent companies, subsidiaries and Affiliates; any co-
17 conspirators; Defendants' attorneys in this case; federal government entities
18 and instrumentalities, states and their subdivisions; all judges assigned to
19 this case; all jurors in this case; and all Persons who directly purchased
20 Capacitors from Defendants.
- 21 5. The Court further finds that the prerequisites to certifying settlement classes under
22 Rule 23 are satisfied for settlement purposes in that (a) there are at least thousands
23 of geographically dispersed settlement class members, making joinder of all
24 members impracticable; (b) there are questions of law and fact common to the
25 settlement classes which predominate over individual issues; (c) the claims or
26 defenses of the class representatives are typical of the claims or defenses for the
27 settlement classes; (d) the Indirect Purchaser Plaintiffs will fairly and adequately
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1 protect the interests of the settlement classes, and have retained counsel experienced
2 in antitrust class action litigation who have, and will continue to, adequately
3 represent the settlement classes; and (e) resolution throughout class settlements is
4 superior to individual settlements.

5 6. The Court hereby appoints the Plaintiffs named in the Indirect Purchaser Plaintiffs’
6 Fifth Consolidated Complaint (February 2, 2017) (ECF No. 1589) (“FCC”) as
7 Representative Plaintiffs of the settlement classes.

8 7. The Court hereby appoints the law firm Cotchett, Pitre & McCarthy, LLP as
9 Settlement Class Counsel.

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

13 9. All further Indirect Purchaser class proceedings as to Defendants Hitachi Chemical
14 and Soshin are hereby stayed except for any actions required to effectuate the
15 settlement.

16 10. The Court retains exclusive jurisdiction over this action to consider all further
17 matters arising out of or connected with the settlement.

18 **IT IS SO ORDERED.**

19 Dated: January 10, 2018

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23 The Honorable James Donato
24 UNITED STATES DISTRICT JUDGE
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