

1 ADAM J. ZAPALA (State Bar No. 245748)  
ELIZABETH T. CASTILLO (State Bar No. 280502)  
2 JAMES G. DALLAL (State Bar No. 277826)  
**COTCHETT, PITRE & MCCARTHY, LLP**  
3 840 Malcolm Road, Suite 200  
Burlingame, CA 94010  
4 Telephone: (650) 697-6000  
Facsimile: (650) 697-0577  
5 azapala@cpmlegal.com  
ecastillo@cpmlegal.com  
6 jdallal@cpmlegal.com

7 *Lead Counsel for the Indirect Purchaser Plaintiffs*

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

12  
13 **IN RE CAPACITORS ANTITRUST**  
14 **LITIGATION**

**MDL No. 3:17-md-02801-JD**  
**Case No. 3:14-cv-03264-JD**

15 **INDIRECT PURCHASER PLAINTIFFS'**  
16 **UPDATE REGARDING DISTRIBUTION**  
17 **PROCESS AND REQUEST TO MAKE**  
18 **SECONDARY DISTRIBUTION**

1            **UPDATE REGARDING DISTRIBUTION OF THE NET SETTLEMENT PROCEEDS**  
2            **AND REQUEST TO MAKE SECONDARY DISTRIBUTION**

3            The Indirect Purchaser Plaintiffs (“IPPs”) provide the Court with this update regarding  
4 distribution of the Net Settlement Funds to the class and respectfully request that the Court permit  
5 them to make a secondary distribution to those class members that cashed their original settlement  
6 checks.

7            On December 19, 2022, the Court issued an Order Authorizing Disbursement of Settlement  
8 Funds (the “Distribution Order”). The Distribution Order approved the distribution of the Net  
9 Settlement Funds, less the Court-approved fees and expenses, to the Authorized Claimants on a *pro*  
10 *rata* basis. *See* ECF No. 1830; *see also* Declaration of Eric Nordskog ¶ 4 (“Nordskog Decl.”). On  
11 April 14, 2023, A.B. Data sent distribution payments totaling \$51,459,324.57 to Class Members.  
12 As is typical, Class Members were provided with a 90-day period to deposit their checks before  
13 they became void. All payments included A.B. Data’s contact information in the event a Class  
14 Member had questions or needed their check reissued due to a name change. Nordskog Decl. ¶ 5.

15            Pursuant to that distribution, payments totaling \$51,359,662.78 have been cashed. This  
16 represents a cash rate of over 99%. All initial checks are now void and reasonable efforts—  
17 including outreach to those Class Members— to encourage Class Members to cash their payments  
18 have been exhausted. The remaining balance in the Net Settlement Fund is **\$99,661.79**. Nordskog  
19 Decl. ¶ 6.

20            Lead Counsel, in consultation with the Court-appointed claims administrator, A.B. Data,  
21 believe there is sufficient money remaining in the Net Settlement Fund and that it would be  
22 administratively feasible to do a secondary distribution to Class Members that cashed their initial  
23 payment and who would receive a minimum allocation of \$1.00.<sup>1</sup> Accordingly, as is typical in class  
24 action litigation, Lead Counsel respectfully request that they be permitted to redistribute the  
25 remaining settlement funds to Class Members that cashed their initial settlement checks and to pay  
26

---

27 <sup>1</sup> As noted in the Nordskog declaration, submitted herewith, A.B. Data would incur \$25,000 in  
28 additional administrative expenses to effectuate this secondary distribution, which includes print  
and postage costs to mail the checks, and expenses related to keeping the website and telephone  
contact center operational

1 the administrative expenses to A.B. Data for doing so. Nordskog Decl. ¶ 7.

2

3 Dated: January 22, 2024

Respectfully Submitted:

4

/s/ Adam J. Zapala

5

Adam J. Zapala

6

Elizabeth T. Castillo

7

James G. Dallal

8

COTCHETT, PITRE & McCARTHY, LLP

9

840 Malcolm Road, Suite 200

10

Burlingame, CA 94010

11

Telephone: (650) 697-6000

12

Facsimile: (650) 697-0577

13

azapala@cpmlegal.com

14

ecastillo@cpmlegal.com

15

jdallal@cpmlegal.com

16

*Lead Counsel for Indirect Purchaser  
Plaintiffs*

17

18

19

20

21

22

23

24

25

26

27

28