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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CAPACITORS ANTITRUST LITIGATION

Master File No. 3:17-md-02801-JD
Case No. 3:14-cv-03264-JD

THIS DOCUMENT RELATES TO:
DIRECT PURCHASER CLASS ACTION

~~PROPOSED~~ ORDER AUTHORIZING
DISTRIBUTION OF SETTLEMENT
FUNDS

This matter is before the Court on Direct Purchaser Plaintiffs’ Motion for an Order Authorizing Distribution of Settlement Funds (the “Motion”) (Dkt. 149), in connection with DPPs’ settlements with Defendants Fujitsu Limited; NEC TOKIN Corporation and NEC TOKIN America, Inc.; Nitsuko Electronics Corporation; Okaya Electric Industries Co., Ltd. and Okaya Electric America, Inc.; and ROHM Co., Ltd. and ROHM Semiconductor U.S.A., LLC (collectively, the “Settling Defendants”).

On June 27, 2017, the Court granted final approval of the settlement agreements with each of the Settling Defendants (the “Final Approval Order”). (Dkt. 1713 in No. 3:14-cv-03264-JD) The Court determined that due and adequate notice of the settlements was provided to the Settlement Class, as that term is defined in the Final Approval Order (Dkt. 1713, at ¶ 4).

1 Having considered the Motion and papers filed in support thereof, and after a duly noticed
2 hearing, it is hereby ORDERED that:

3 1. Plaintiffs' Motion is GRANTED.

4 2. The Court authorizes the distribution of all available settlement funds to members of the
5 Settlement Class that timely submitted valid claim forms on or before May 26, 2018, as determined by
6 the claims administrator, Rust Consulting, Inc.; and the Joseph Saveri Law Firm, Inc., Interim Class
7 Counsel for Direct Purchaser Plaintiffs, according to the Audit Standards described in the Motion and
8 set forth in Paragraph 10 of the Declaration of Nicomedes Sy Herrera, Esq., dated April 19, 2018 (Dkt.
9 194-1). The claims administrator may deduct its requested administration fees and expenses in the
10 amount of \$261,179.67 and distribute the remainder to Settlement Class members that submitted
11 timely, valid claim forms that have passed the Audit Standards according to the allocation plan for
12 distributing settlement proceeds, as approved by the Court in the Final Approval Order.

13 3. Class Counsel shall hold back Settlement Funds (the "Hold-Back Funds") claimed by
14 certain Settlement Class members whose claim forms failed to satisfy the Audit Standards but who have
15 requested additional opportunity to provide proof of qualifying purchases (the "Requesting
16 Members"). Should such Requesting Members provide satisfactory proof of qualifying purchases, Class
17 Counsel will release to such Requesting Members their respective Hold-Back Funds. If the claim of any
18 Requesting Member fails the audit as described herein, then the respective Hold-Back Funds will be
19 distributed *pro rata* to all Settlement Class members based on all valid commerce. Class Counsel shall
20 complete the audits of Requesting Members and distribute the Hold Back Funds at the time that Class
21 Counsel next distributes Settlement Funds from the relevant Settlements. Class Counsel and counsel
22 for the Requesting Members shall meet and confer and resolve any disagreements concerning the audit
23 of Requesting Members according to the following procedure and timeline:

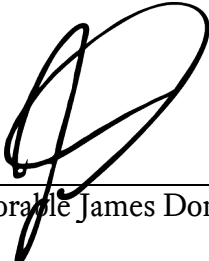
- 24 a. June 25, 2018. Deadline for counsel for the Requesting Members to provide an electronic
25 report of all qualifying purchases for each of the Requesting Members.
- 26 b. July 9, 2018. Deadline for counsel for the Requesting Members to provide back-up
27 documentation as set forth in the Motion for Distribution.
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- 1 c. July 30, 2018. Deadline for Class Counsel to complete the audit in accordance with the
2 process set forth in the Motion for Distribution.
- 3 d. Earlier of August 13, 2018, or two weeks from the completion of the audit. Deadline for
4 counsel for the Requesting Members to provide notice to Class Counsel whether any
5 Requesting Member contests the result of Class Counsel's audit.
- 6 e. Earlier of August 20, 2018, or one week from the provision of any notice contesting the
7 results of the audit. Deadline for Class Counsel and counsel for the Requesting Members
8 to meet and confer to resolve any remaining disagreements.
- 9 f. Earlier of August 31, 2018, or two weeks after the meet and confer deadline. Deadline for
10 counsel for the Requesting Members to file papers with the Court requesting
11 distributions relating to any remaining contested claim. Papers will not exceed 10 pages
12 in length.
- 13 g. Earlier of September 10, 2018, or one week after the filing of papers relating to a
14 contested claim. Deadline for Class Counsel to file responsive papers. Response papers
15 will not exceed 10 pages in length.

16 4. The claims administrator has informed the Court, through Class Counsel, that its
17 professional fees and expenses for processing and disbursing settlement proceeds that are expected to be
18 received by certain Settling Defendants in or about May 2019 and December 2019, will be less than
19 \$10,000 for each of the payment dates. The Court authorizes all available settlement funds received in
20 or about May 2019 and December 2019 to be distributed at those times to members of the Settlement
21 Class that have timely submitted valid claims, without further order of the Court, provided that the
22 amounts deducted for claims administration expenses are less than \$10,000 for each of the expected
23 distribution dates.

24 IT IS SO ORDERED.

25 Dated: June 27, 2018

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Honorable James Donato