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

16 IN RE CAPACITORS ANTITRUST
17 LITIGATION

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

18 THIS DOCUMENT RELATES TO:
19 DIRECT PURCHASER CLASS ACTION

**DIRECT PURCHASER CLASS'S
MOTION FOR AN ORDER
AUTHORIZING DISTRIBUTION OF
SETTLEMENT FUNDS FOR FOURTH
ROUND SETTLEMENTS WITH
DEFENDANTS AVX, ELNA, HOLY
STONE, KEMET, PANASONIC,
SHINYEI, SHIZUKI AND TAITSU**

Date: July 22, 2021
Time: 10:00am
Courtroom: 11, 19th Floor

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on July 22, 2021 at 10:00 a.m., before the Honorable James Donato, plaintiffs Chip-Tech, Ltd., Dependable Component Supply Corp., eIQ Energy, Inc., and Walker Component Group, Inc., on behalf of themselves and the Direct Purchaser Class (the “Class”), will move the Court for an order authorizing the distribution of settlement funds in relation to the settlements with defendants AVX Corporation (“AVX”); ELNA Co., Ltd. and ELNA America Inc. (collectively, “ELNA”); Holy Stone Enterprise Co., Ltd., Milestone Global Technology, Inc. (D/B/A HolyStone International) and Vishay Polytech Co., Ltd. (collectively, “Holy Stone”); KEMET Corporation and KEMET Electronics Corporation (collectively, “KEMET”); Panasonic Corporation, Panasonic Corporation of North America, SANYO Electric Co., Ltd., and SANYO North America Corporation (collectively, “Panasonic”); Shinyei Kaisha, Shinyei Technology Co., Ltd., Shinyei Capacitor Co., Ltd. and Shinyei Corporation of America, Inc. (collectively, “Shinyei”); Shizuki Electric Co., Inc. (“Shizuki”); and Taitso Corporation and Taitso America, Inc. (collectively, “Taitso”) (together, the “Settlements”; AVX, ELNA, Holy Stone, KEMET, Panasonic, Shinyei, Shizuki, and Taitso collectively, the “Settling Defendants”).

The Class’s motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities in support thereof, the Declaration of Joseph R. Saveri dated June 15, 2021 (“Saveri Decl.”), the Declaration of Kendall S. Zylstra dated June 15, 2021 (“Zylstra Decl.”), the Court’s files and records in this matter, and such other matters as the Court may consider.

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23
24
25
26
27
28

TABLE OF CONTENTS

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

	Page(s)
I. INTRODUCTION.....	1
II. BACKGROUND AND STATUS	1
III. ARGUMENT.....	5
A. The Court Should Approve Distribution of the Fourth Round Settlement Funds.....	5
i. The Claims Administration and Audit Process Was Fair and Reasonable.....	6
ii. Availability and Proposed Distribution Schedule of Settlement Funds.....	8
iii. Late Claims Should Be Approved and Paid.....	9
B. The Court Should Approve Payment of Outstanding Claims Administration Expenses.....	10
C. The Court Should Approve Pro Rata Distribution of Remaining Unclaimed Amounts to Settlement Class Members Based on Valid Purchases.....	10
IV. CONCLUSION.....	11

1 **I. INTRODUCTION**

2 The Class has entered settlements with defendants AVX Corporation (“AVX”); ELNA Co.,
3 Ltd. and ELNA America Inc. (collectively, “ELNA”); Holy Stone Enterprise Co., Ltd., Milestone
4 Global Technology, Inc. (D/B/A HolyStone International) and Vishay Polytech Co., Ltd.
5 (collectively, “Holy Stone”); KEMET Corporation and KEMET Electronics Corporation
6 (collectively, “KEMET”); Panasonic Corporation, Panasonic Corporation of North America,
7 SANYO Electric Co., Ltd., and SANYO North America Corporation (collectively, “Panasonic”);
8 Shinyei Kaisha, Shinyei Technology Co., Ltd., Shinyei Capacitor Co., Ltd. and Shinyei Corporation
9 of America, Inc. (collectively, “Shinyei”); Shizuki Electric Co., Inc. (“Shizuki”); and Taitso
10 Corporation and Taitso America, Inc. (collectively, “Taitso”) (AVX, ELNA, Holy Stone, KEMET,
11 Panasonic, Shinyei, Shizuki, and Taitso collectively, the “Settling Defendants”; the settlements
12 collectively, “Settlements,” “Round 4 Settlements” or “Fourth Round Settlements”). *See* MDL
13 ECF No.¹ 1360. The Settlements consist of a non-contingent, all-cash fund of USD \$232.05 million
14 (\$232,050,000), and any interest earned on that amount (the “Settlement Fund”). *Id.* at 1. The
15 procedure for submitting claims has been completed. The claims have been reviewed and audited,
16 including claims for incorporated capacitors in light of the Court’s orders adopting the Reports and
17 Recommendations of Special Master Bleich. The Settlement Funds are ready for distribution to the
18 Class. Accordingly, Class Counsel moves the Court for an Order permitting the distribution of
19 Round 4 Settlement Funds and requests that the Court authorize payment of the claims
20 administrator’s administration fees and expenses.

21 **II. BACKGROUND AND STATUS**

22 After conducting a fairness hearing, and with no objections to the settlement pending, the
23 Court entered an order on November 6, 2020, granting final approval of the Fourth Round
24 Settlements (the “Final Approval Order”). MDL ECF No. 1422. The Court reviewed the Report
25 and Recommendations of Special Master Ip, MDL ECF No. 1397, and granted the Class’s Motion
26 for Attorneys’ Fees and Reimbursement of Expenses, MDL ECF No. 1362, in relation to the
27

28 ¹ “MDL ECF No. ___” citations to Case No. 17-md-02801-JD.

1 Fourth Round Settlements. MDL ECF No. 1423. There were no appeals, and the Settlements are
2 now final. Saveri Decl., ¶ 7.²

3 Pursuant to the Court's Final Approval Order, the notice plan has been completed.
4 Members of the Settlement Class, as defined in the Final Approval Order (MDL ECF No. 1422, ¶
5 3), have submitted claims to share in the Settlement Funds. The claims administrator, Rust
6 Consulting, Inc. ("Rust" or the "Claims Administrator"), has reviewed, analyzed, audited, and
7 processed the submitted claim forms. *See* Zylstra Decl., ¶ 7. The Class therefore requests that the
8 Court approve distribution of the Settlement Funds with all accrued interest, less attorneys' fees
9 and reimbursement of costs and expenses. The Class proposes following procedures similar to
10 those the Court approved in its Orders Authorizing Distribution of Settlement Funds for the prior
11 rounds of Direct Purchaser Class settlements. MDL ECF No. 1495 (Order Authorizing
12 Distribution of Third Round Settlement Funds); MDL ECF No. 1481 (Order Authorizing
13 Distribution of Second Round Settlement Funds); MDL ECF No. 248 (Order Authorizing
14 Distribution of First Round Settlement Funds).

15 Settlement Class members were provided pre-populated claim forms using the sales data
16 produced by Defendants listing direct purchases of aluminum, tantalum, or film capacitors from
17 Defendants during the relevant settlement class period (i.e., January 1, 2002 through December 31,
18 2013). To participate in the Settlements, Settlement Class members were required to return signed
19 claim forms on or before August 28, 2020. *See* MDL ECF No. 1360, ¶ 17. Settlement Class
20 members were provided the opportunity to supplement their claims with additional direct
21 purchases of capacitors and supporting documentation.

22 Pursuant to the Court's adoption of Special Master Bleich's Report and Recommendation
23 (MDL ECF No. 821), and Supplemental Report and Recommendation (MDL ECF No. 995), Class
24 Counsel gave notice to all participating Class members of their right to supplement their claims in
25 relation to the Settlements with claims for incorporated capacitors on December 23, 2020, and
26

27 ² The Court has previously approved Round One, Round Two, and Round Three settlement
28 distributions. MDL ECF Nos. 248, 1481, 1495. Pursuant to those Orders, the settlement funds
have been distributed. *See* Saveri Decl., ¶ 21.

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