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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

IN RE: HARD DISK DRIVE SUSPENSION
 ASSEMBLIES ANTITRUST LITIGATION

Case No. 19-md-02918-MMC

MDL No. 2918

This Document Relates to:
 ALL END-USER ACTIONS

**END-USER PLAINTIFFS' FOURTH
 AMENDED CONSOLIDATED CLASS
 ACTION COMPLAINT**

JURY TRIAL DEMANDED

Hon. Maxine M. Chesney

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1 Plaintiffs, on behalf of themselves and all others similarly situated (the “Classes” as defined
 2 below), upon personal knowledge as to the facts pertaining to themselves and upon information
 3 and belief based on the investigation of counsel as to all other matters, bring suit against TDK
 4 Corporation (“TDK”), Magnecomp Precision Technology Public Co. Ltd. (“MPT”), Magnecomp
 5 Corporation (“Magnecomp”), SAE Magnetics (H.K.) Ltd. (“SAE”), Hutchinson Technology Inc.
 6 (“HTI”), NHK Spring Co., Ltd. (“NHK Spring”), NHK International Corporation (“NHK
 7 International”), NHK Spring (Thailand) Co., Ltd. (“NHK Thailand”), NAT Peripheral (Dong
 8 Guan) Co., Ltd. (“NAT Dong Guan”), and NAT Peripheral (H.K.) Co., Ltd. (“NAT H.K.”) for
 9 damages and other relief pursuant to state antitrust, unfair competition, and consumer protection
 10 laws, and the laws of unjust enrichment, demand a trial by jury, and allege as follows:

11 I. NATURE OF THE ACTION

12 1. This lawsuit arises out of a global conspiracy among Defendants and their co-
 13 conspirators to fix prices of, and allocate market shares for, hard disk drive (“HDD”) suspension
 14 assemblies. HDD suspension assemblies are indispensable components of HDDs, which use
 15 magnetism to store information electronically. HDDs containing HDD suspension assemblies are
 16 sold both as stand-alone storage devices and incorporated into a variety of electronics.

17 2. The fact of the price-fixing conspiracy is not in doubt. On July 29, 2019, the U.S.
 18 Department of Justice (“DOJ”) announced that NHK Spring agreed to plead guilty and pay a \$28.5
 19 million fine for its role in the conspiracy.¹ On September 23, 2019, NHK Spring pled guilty.²

20 3. According to the plea agreement, Defendants “engaged in discussions and attended
 21 meetings with each other. During these discussions, [Defendants] reached agreements to refrain
 22 from competing on prices for, fix the prices of, and allocate their respective market shares for, HDD

23 ¹ *Japanese Manufacturer Agrees to Plead Guilty to Fixing Prices for Suspension Assemblies*
 24 *Used in Hard Disk Drives*, DOJ (Jul. 29, 2019), available at
 25 [https://www.justice.gov/opa/pr/japanese-manufacturer-agrees-plead-guilty-fixing-prices-](https://www.justice.gov/opa/pr/japanese-manufacturer-agrees-plead-guilty-fixing-prices-suspension-assemblies-used-hard-disk)
 26 [suspension-assemblies-used-hard-disk](https://www.justice.gov/opa/pr/japanese-manufacturer-agrees-plead-guilty-fixing-prices-suspension-assemblies-used-hard-disk); Information at 2-3, *United States v. NHK Spring Co., Ltd.*,
 No. 2:19-cr-20503 (E.D. Mich. Sept. 23, 2019).

27 ² Rule 11 Plea Agreement, *United States v. NHK Spring Co., Ltd.*, No. 2:19-cr-20503 (E.D. Mich.
 28 Sept. 23, 2019); Notice of Criminal Monetary Imposition, *United States v. NHK Spring Co., Ltd.*,
 No. 2:19-cr-20503 (E.D. Mich. Dec. 18, 2019).

1 suspension assemblies to be sold in the United States and elsewhere. To effectuate these
2 agreements, employees and officers of [Defendants] exchanged HDD suspension assemblies
3 pricing information, including anticipated pricing quotes, in the United States and elsewhere. The
4 [Defendants] relied on their agreements not to compete and used the exchanged pricing information
5 to inform their negotiations with U.S. and foreign customers that purchased HDD suspension
6 assemblies and produced hard disk drives for sale, or delivery to, the United States and elsewhere.”³

7 4. On February 13, 2020, the DOJ indicted Hitoshi Hashimoto and Hiroyuki Tamura
8 for their roles in the “conspiracy to suppress and eliminate competition by agreeing to stabilize,
9 maintain, and fix prices for HDD suspension assemblies sold in the United States and elsewhere.”
10 Both were general managers of NHK Spring’s disk drive suspension and component sales
11 department, who were involved in the sale and pricing of NHK Spring’s HDD suspension
12 assemblies.

13 5. Defendants’ conspiracy has also drawn the attention of antitrust regulators abroad.
14 On February 9, 2018, the Japanese Fair Trade Commission (“JFTC”) issued a cease and desist order
15 to Defendants NHK Spring and NAT H.K., found that they substantially restrained competition in
16 the HDD suspension assemblies market by agreeing to maintain sales prices, and imposed fines of
17 ¥1076.16 million yen. The JFTC’s cease and desist order identified cartel activity by Defendants
18 NHK Spring, NAT HK, TDK, MPT, and SAE.

19 6. In April 2018, Brazilian antitrust authorities launched an investigation into
20 allegations that TDK, HTI, MPT, SAE, and NHK Spring colluded from 2003 to May 2016 to fix
21 prices of HDD suspension assemblies. The Taiwan Fair Trade Commission and the Competition
22 and Consumer Commission of Singapore also have investigated the cartel.

23 7. This conspiracy went to the highest levels of these companies including the
24 President and CEO of TDK, the President and CEO of MPT, the Vice Chairman of SAE, the
25 President and CEO of NHK Spring, the President of NAT, as well as other senior directors, board
26 members, vice presidents and other top management personnel.

27 ³ Rule 11 Plea Agreement, *United States v. NHK Spring Co., Ltd.*, No. 2:19-cr-20503 (E.D. Mich.
28 Sept. 23, 2019).



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