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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE CAPACITORS ANTITRUST
LITIGATION**

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

This Document Relates to:
All Indirect Purchaser Actions

**[PROPOSED] ORDER GRANTING
INDIRECT PURCHASER PLAINTIFFS'
MOTION FOR APPROVAL OF CLASS
NOTICE PROGRAM**

1 The Indirect Purchaser Plaintiffs (“IPPs”) filed a Motion for Approval of a Class Notice
2 Program to notify the classes of settlements with (1) Holystone Enterprise Co., Ltd., Holy Stone
3 Holdings Co., Ltd., Holy Stone Polytech Co., Ltd., and Milestone Global Technology, Inc.
4 (together, “Holystone”), (2) Nippon Chemi-con Corp. and United Chemi-con Corp. (together,
5 “NCC/UCC”), (3) Rubycon Corp. and Rubycon America Inc. (together, “Rubycon”) (4) Hitachi
6 Chemical Co., Ltd., Hitachi AIC Inc., and Hitachi Chemical Co. America, Ltd., (together,
7 “Hitachi Chemical”), and (5) Soshin Electric Co., Ltd. and Soshin Electronics of America, Inc.
8 (together, “Soshin”) (collectively, “Settling Defendants”).

9 The Court heard the argument of counsel and, having reviewed the pleadings, the
10 proposed notices and the amended proposed notices, other papers on file in this action, and the
11 statements of counsel and the parties, hereby finds that the motion should be **GRANTED**.

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

- 13 1. Settlement Class Counsel and their designees are authorized to expend funds from
14 the escrow accounts to pay taxes, tax expenses, notice, and administration costs
15 as set forth in the Settlement Agreements.
- 16 2. The Court finds that IPPs’ proposed notice program fully complies with Federal
17 Rule of Civil Procedure 23 and due process and constitutes the best notice
18 practicable under the circumstances.
- 19 3. The Court approves the form of the Short Form Notice attached hereto as Exhibit
20 A (“Amended Short Form Notice”). The Court also approves the form of the Long
21 Form Notice attached hereto as Exhibit B (“Amended Long Form Notice”). The
22 Court finds that taken together, mailing the Short Form Notice by U.S. mail to
23 those addresses of class members that are available to Settlement Class Counsel,
24 together with publication of the Short Form Notice, and internet posting of the
25 Long Form Notice are: (i) the best notice practicable; (ii) reasonably calculated
26 to, under the circumstances, apprise members of the settlement classes of the
27 proposed settlements and of their right to object or to exclude themselves as
28 provided in the settlement agreements; (iii) reasonable and constitute due,

adequate, and sufficient notice to all persons entitled to receive notice; and (iv) meet all applicable requirements of due process and any other applicable requirements under federal or state law.

4. IPPs' notice provider shall provide notice of the settlements.
5. IPPs' notice provider shall publish the Short Form Notice in *The Wall Street Journal*, as discussed in the Notice Plan.
6. IPPs' notice provider shall cause banner ads to be placed on the websites as discussed in the Notice Plan, or substantially similar websites should some circumstance make it impossible to post on the precise websites listed in the Notice Plan.
7. IPPs' notice provider shall cause banner ads to be run consistent with the Notice Plan.
8. IPPs' notice provider shall publish notice in selected trade e-newsletters as noted in the Notice Plan.
9. IPPs' notice provider shall send news releases regarding the case as an email "blast" to subscribers as discussed in the Notice Plan.
10. The Court sets the following schedule for the dissemination of class notice and the scheduling of further litigation events, including but not limited to, the final approval hearing, opt-out and objection deadlines, and deadlines by which a motion for attorneys' fees and litigation expenses shall be submitted:

Event	Time	Date ¹
Mail Notice	30 days after Order	June 13, 2018
Publication Begins	45 days after Order	June 28, 2018
Publication Ends	75 days after Order	July 28, 2018

¹ The dates provided herein assume that this Order is entered on the day submitted, May 14, 2018.

Event	Time	Date ¹
IPPs' Motion for Attorneys' Fees and Reimbursement of Litigation Expenses	80 days after Order and 14 days before Exclusion and Objection Deadline	August 2, 2018
Exclusion and Objection Deadline	95 days after Order	August 16, 2018
Motion for Final Approval and Response to Objections (if any)	110 days after Order and 35 days before hearing	August 31, 2018
Final Approval Hearing	145 days after Order	October 5, 2018

11. Consistent with the above schedule, each member of the settlement classes shall have the right to be excluded from the settlement classes by mailing a request for exclusion to the claims administrator to be postmarked no later than August 16, 2018. Requests for exclusion must be in writing and set forth the name and address of the person or entity that wishes to be excluded, any trade name or business name and address used by such person or entity, and must be signed by the class member seeking exclusion. No later than August 23, 2018, Settlement Class Counsel shall file with the Court a list of all persons or entities who have timely requested exclusion from the settlement classes as provided in the settlement agreements.

12. Any member of the settlement classes that does not properly and timely request exclusion from the settlement classes as provided above shall, upon final approval of the settlements, be bound by the terms and provisions of the settlements so approved, including, but not limited to, the releases, waivers, and covenants set forth in the settlement agreements, whether or not such person or entity objected to the settlement agreements, and whether or not such person or entity makes a claim upon the settlement funds.

13. Each member of the settlement classes that has not timely excluded itself from the settlement classes shall have the right to object to (1) the settlement and/or (2)

1 the plan of allocation by filing written objections with the Court no later than
2 August 16, 2018. Failure to timely file written objections will preclude a class
3 member from objecting to any or all of the settlements.

4 14. Each member of the settlement classes as provided above shall have the right to
5 appear at the Fairness Hearing by filing a notice of intention to appear no later
6 than September 24, 2018.

7 15. The Court will conduct a Fairness Hearing on October 5, 2018 at 10:00 a.m., at
8 the United States Courthouse, 450 Golden Gate Avenue, Courtroom 11, 19th
9 Floor, San Francisco, California 94102. The Fairness Hearing will be conducted
10 to determine the following:

11 a. Whether the proposed settlements are fair, reasonable, and adequate and
12 should be granted final approval;

13 b. Whether final judgment should be entered dismissing with prejudice the
14 claims of the settlement classes against Holystone, NCC/UCC, Rubycon,
15 Hitachi, and Soshin; and

16 c. Such other matters as the Court may deem appropriate.

17 16. All briefs, memoranda, and papers in support of final approval of the settlement
18 shall be filed no later than August 31, 2018.

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20 **IT IS SO ORDERED.**

21 Dated: _____

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23 _____
24 JAMES DONATO
25 United States District Judge
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