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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) Defendants Panasonic Corporation,
3 Panasonic Corporation of North America, SANYO Electric Co., Ltd., and SANYO North
4 America Corporation (collectively, “Panasonic”); (2) Defendants Nichicon Corporation and
5 Nichicon (America) Corporation (together, “Nichicon”); (3) Defendants ELNA Co., Ltd. and
6 ELNA America, Inc. (together, “Elna”); and (4) Defendant Matsuo Electric Co., Ltd (“Matsuo”).
7 MDL Dkt. No. 699. The Court heard the argument of counsel and, having reviewed the
8 pleadings, the settlement agreements, other papers on file in this action, and the statements of
9 counsel and the parties, hereby finds that the motion should be **GRANTED**.

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

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

1 meet all applicable requirements of due process and any other applicable
2 requirements under federal or state law.

3 4. The Court approves IPPs' proposed claim form attached hereto as Exhibit C
4 ("Claim Form").

5 5. IPPs' notice provider shall provide notice of the settlements and the claims process
6 consistent with the procedure outlined in the motion for approval of the notice
7 program.

8 6. IPPs' notice provider shall publish the Short Form Notice in *The Wall Street*
9 *Journal*, as discussed in the Notice Plan.

10 7. IPPs' notice provider shall cause banner ads to be placed on the websites as
11 discussed in the Notice Plan, or substantially similar websites should some
12 circumstance make it impossible to post on the precise websites listed in the Notice
13 Plan.

14 8. IPPs' notice provider shall cause banner ads to be run consistent with the Notice
15 Plan.

16 9. IPPs' notice provider shall publish notice in selected trade e-newsletters as noted
17 in the Notice Plan.

18 10. IPPs' notice provider shall send news releases regarding the case as an email
19 "blast" to subscribers as discussed in the Notice Plan.

20 11. The Court sets the following schedule for the dissemination of class notice and the
21 scheduling of further litigation events, including but not limited to, the final
22 approval hearing, opt-out and objection deadlines, and deadlines by which a
23 motion for attorneys' fees and litigation expenses shall be submitted:

Event	Time	Due Date
Mail Notice	60 days after Preliminary Approval Order ("Order")	September 23, 2019
Publication Begins	60 days after Order	September 23, 2019

Event	Time	Due Date
IPPs' Motion for Attorneys' Fees and Reimbursement of Litigation Expenses	115 days after Order and 45 days before Exclusion and Objection Deadline	November 18, 2019
Exclusion and Objection Deadline	150 days after Order	December 23, 2019
Motion for Final Approval and Response to Objections (if any)	165 days after Order and 15 days before Hearing	January 6, 2020
Final Approval Hearing	180 days after Order	January 23, 2020 10:00 a.m.
Deadline to Submit Claims	240 Days After Order	March 23, 2020

12. 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 **December 23, 2019**. 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 **January 6, 2020**, 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.

13. 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.

1 14. Each member of the settlement classes that has not timely excluded itself from the
2 settlement classes shall have the right to object to (1) the settlement and/or (2) the
3 plan of allocation by filing written objections with the Court no later than
4 **December 23, 2019**. Failure to timely file written objections will preclude a class
5 member from objecting to any or all of the settlements.

6 15. Each member of the settlement classes as provided above shall have the right to
7 appear at the Fairness Hearing by filing a notice of intention to appear no later than
8 **January 6, 2020**.

9 16. The Court will conduct a Fairness Hearing on **January 23, 2020** at 10:00 a.m., at
10 the United States Courthouse, 450 Golden Gate Avenue, Courtroom 11, 19th
11 Floor, San Francisco, California 94102. The Fairness Hearing will be conducted to
12 determine the following:

- 13 a. Whether the proposed settlements are fair, reasonable, and adequate and
14 should be granted final approval;
- 15 b. Whether final judgment should be entered dismissing with prejudice the
16 claims of the settlement classes against Panasonic, Nichicon, Elna, and
17 Matsuo; and
- 18 c. Such other matters as the Court may deem appropriate.

19 17. All briefs, memoranda, and papers in support of final approval of the settlement
20 shall be filed no later than **January 6, 2020**.

21
22 **IT IS SO ORDERED.**

23 Dated: August 12, 2019

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26 JAMES DONATO
27 United States District Judge
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