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8
 9 **UNITED STATES DISTRICT COURT**
FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10
SAN FRANCISCO DIVISION

11 **IN RE CAPACITORS ANTITRUST**
 12 **LITIGATION**

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

13 **THIS DOCUMENT RELATES TO:**
 14
 15 **ALL INDIRECT PURCHASER**
 16 **PLAINTIFF ACTIONS**

DECLARATION OF ERIC SCHACHTER IN
SUPPORT OF INDIRECT PURCHASER
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF SETTLEMENTS WITH
THE SHINYEI AND TAITSU
DEFENDANTS

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1 I, Eric Schachter, hereby declare as follows:

2 1. I am a Vice President of A.B. Data, Ltd.’s Class Action Administration Division
3 (“A.B. Data”), whose corporate office is located in Milwaukee, Wisconsin. I am fully familiar with
4 the facts contained herein based upon my personal knowledge. My telephone number is (414) 961-
5 7535.

6 2. I submit this Declaration in connection with the class action notice and settlement
7 administration proceedings related to the above-captioned action (the “Action”) pursuant to the
8 terms of this Court’s Order Re Class Notice Program dated October 21, 2022 (the “Notice Order”)
9 (Case 3:17-md-02801-JD, ECF No. 1552). I have personal knowledge of the facts set forth herein
10 and, if called as a witness, could and would testify competently thereto.

11 3. This Declaration details the steps that were taken to implement notice of the
12 Settlements under the terms of the proposed notice plan and the Court’s Notice Order. Those steps
13 included the following:

- 14 a. Mailing, via U.S. Mail, and emailing the Short-Form Notice to potential Class
15 Members;
- 16 b. Disseminating the Short-Form Notice as a news release to announce the
17 Settlements; and
- 18 c. Updating the case-specific settlement website, www.capacitorsindirectcase.com.

19 **DISSEMINATION OF DIRECT NOTICE**

20 4. Pursuant to the Notice Order, A.B. Data was responsible for providing direct notice
21 of the Settlements to all potential Class Members who could be reasonably identified. Although the
22 Settlements are limited to Class Members in six indirect purchaser states (*i.e.*, California, Florida,
23 Michigan, Minnesota, Nebraska, and New York), A.B. Data provided direct notice to potential
24 Class Members in all states to effectively reach the greatest practicable number of Class Members
25 and provide them with every reasonable opportunity to understand that their legal rights are
26 affected. Limiting direct notice to potential Class Members in the six states would neither have
27 been significantly more efficient nor cost-effective. It has also been our experience that businesses
28 that purchase certain products may, on occasion, do so through divisions, subsidiaries, related

1 entities, or units that might be located in other states, including the six states at issue here,
2 potentially entitling them to share in the Settlements for those purchases.

3 5. On November 9, 2021, A.B. Data caused the Short-Form Notice formatted as an
4 email to be emailed to 9,184 known purchasers of capacitors' email addresses. To maximize
5 deliverability, A.B. Data used certain best practices, such as avoiding attachments and certain key
6 words likely to trigger SPAM. Of the 9,184 emails sent, 8,411 were successfully delivered. Only
7 773 emails, or about 8% of the emails sent, were undeliverable.

8 6. On November 4, 2021, A.B. Data caused the Short-Form Notice formatted as a
9 postcard ("Postcard Notice") to be mailed via First-Class Mail, postage prepaid, to 425,698 known
10 indirect purchasers of capacitors. Prior to mailing, all mailing addresses were standardized and
11 updated using the National Change of Address ("NCOA") system maintained by the United States
12 Postal Service ("USPS") in an effort to improve deliverability rates. A true and correct copy of the
13 Postcard Notice is attached to this Declaration as Exhibit A.

14 7. As of the date of this Declaration, the USPS has returned 81,116 Postcard Notices
15 to A.B. Data as undeliverable as addressed ("UAA"). Of the UAA Postcard Notices, 98 included
16 updated addresses provided by the USPS and were promptly re-mailed. Of the 81,018 UAA
17 Postcard Notices that did not include updated addresses, A.B. Data identified 29,542 updated
18 addresses using third-party information providers to which we subscribe and promptly re-mailed
19 Postcard Notices to the updated mailing addresses.

20 **DISSEMINATION OF NEWS RELEASE**

21 8. Pursuant to the Notice Order, on November 5, 2021, A.B. Data disseminated a
22 nationwide news release over *Business Wire* announcing the Settlements. A true and correct copy
23 of the release is attached as Exhibit B.

24 **WEBSITE**

25 9. On November 4, 2021, A.B. Data updated the case-specific website,
26 www.capacitorsindirectcase.com, with updated information concerning the Settlements to assist
27 potential Class Members in understanding the terms of the Settlements and their included rights.
28 The website provides general information about the Settlements; links to the Long-Form Notice,

1 Claim Form, Settlement Agreements, and other relevant pleadings and filings; and provides
2 functionality for potential Class Members to submit their claims online.

3 **TELEPHONE HELPLINE**

4 10. On November 4, 2021, A.B. Data updated the interactive voice response (“IVR”)
5 system for the case-specific toll-free number, 866-217-4245, with information concerning the
6 Settlements. The automated attendant answers calls and presents callers with a series of choices in
7 response to basic questions. If callers require further assistance, they have the option of transferring
8 their calls to a live operator during business hours.

9 **EXCLUSION REQUESTS RECEIVED**

10 11. Pursuant to the Notice Order and as detailed in the Short-Form Notice and Long-
11 Form Notice, potential Class Members had the opportunity to request exclusion from the Settlement
12 Class. The deadline to submit a request for exclusion was February 18, 2022. Attached hereto as
13 Exhibit C is the list of the three persons and entities that have requested exclusion.

14 12. The notices also provided instructions for potential Class Members to submit
15 objections to or comments about any aspect of the Settlements. The instructions directed potential
16 Class Members to submit their objection to the Court, by mail or in person, no later than February
17 18, 2022. To date, A.B. Data has not received any objections.

18 **CLAIMS RECEIVED**

19 13. Pursuant to the instructions on the Claim Form and the Long-Form Notice, qualified
20 claimants that previously submitted a claim that qualified for a payment under the terms of this
21 settlement were not required to resubmit another Claim Form to receive a benefit from the
22 Settlements. Indeed, Class Members that previously submitted a valid claim will automatically
23 receive a *pro rata* amount from these Settlements, in addition to the *pro rata* amounts due to them
24 as a result of previous settlements in this litigation. The deadline for Class Members to submit a
25 claim was February 18, 2022.

26 14. Taking into account the newly claimed purchasers, together with Class Members
27 that previously submitted claims from the six states, we have identified 5,869 such claims. The
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1 foregoing corresponds to a claims rate of 25.52% based on an estimated 23,000 Class Members.¹
2 Based on my experience in other matters, this is an excellent result.


3 15. In the coming weeks, A.B. Data will continue its efforts to conduct audits and
4 secondary reviews of the submitted claims to determine validity, eliminate duplicates of previously
5 submitted claims, and cull out any fraudulent claims. A.B. Data will provide the Court and the
6 parties to the above-captioned action with updated information regarding claims processing and
7 settlement distribution in connection with IPPs' motion for authorization to distribute the settlement
8 funds to be filed at a later date.

9 **CONCLUSION**

10 16. It is my opinion, based on my individual expertise and experience and that of my
11 A.B. Data colleagues, that the notice plan described herein effectively reached potential Class
12 Members, delivered plain language notices designed to capture potential Class Members' attention,
13 and provided them with the information in an informative and easy to understand manner that is
14 necessary to effectively understand their rights and options. For these reasons, in my opinion, this
15 notice plan satisfied the requirements of Rule 23 and Due Process.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct.

18 Executed this 10th day of March 2022 in Milwaukee, Wisconsin.

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21 _____
Eric Schachter

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28 ¹ Declaration of Dr. Russell Lamb in Support of IPPs' Motion for Preliminary Approval of Settlements and Approval of Plan of Allocation at ¶ 11 (ECF No. 1527-4).

EXHIBIT A

LEGAL NOTICE

If You Bought a Film Capacitor From Distributors Since 2002 You Could Get Money From New Settlements Reached in Litigation

Defendants Shinyei Kaisha, Shinyei Technology Co., Ltd., Shinyei Capacitor Co., Ltd., Shinyei Kaisha Electronics (M) SDN. BHD., and Shinyei Corporation of America (“Shinyei”) and Taitso Corp. (“Taitso”) (collectively, “Settling Defendants”) have agreed to Settlements resolving claims that they allegedly fixed the prices of film Capacitors. This may have caused individuals and businesses to pay more for Capacitors. Capacitors are electronic components that store electric charges between one or more pairs of conductors separated by an insulator.

Capacitors Indirect Settlement
c/o A.B. Data Ltd.
P.O. Box 173020
Milwaukee, WI 53217

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE PAID

Postal Service: Please Do Not Mark or Cover Barcode

Am I Included?

You may be included if, from January 1, 2002, through February 28, 2014, you purchased one or more film Capacitors in California, Florida, Michigan, Minnesota, Nebraska, or New York from a distributor (or from an entity other than a Defendant) that a Defendant or alleged co-conspirator manufactured. "Indirect," as that term is used below, means that you bought the product from someone other than the manufacturer, for example, from a distributor. A more detailed notice, including the exact Class definitions and exceptions to Class membership, is available at www.capacitorsindirectcase.com.

What do the Settlements provide?

The newly reached Settlements provide for a combined payment of \$300,000 in cash.

How can I get a payment?

In order to be eligible to receive a payment from the Settlements you must have purchased the film Capacitors in California, Florida, Michigan, Minnesota, Nebraska or New York and submit a valid Claim Form. If you already submitted a Claim Form in response to previous notices, then you do not need to submit another Claim Form. If you did not previously submit a Claim Form, you may submit a Claim Form either online or by mail. Both options are available at the website www.capacitorsindirectcase.com. If you did not previously submit a Claim Form, you must do so by the Court ordered deadline of February 18, 2022.

When will I get a payment?

Payments from the Settlements will not be distributed until the Court grants final approval of the Settlements, any objections or appeals are resolved, and all claims have been processed and verified. Updates will be provided on the Settlements' website at www.capacitorsindirectcase.com.

What are my rights?

If you do nothing, you will be bound by the Court's decisions concerning these Settlements. If you want to keep your right to sue one or more of the Settling Defendants regarding Capacitor purchases, you must exclude yourself in writing from the Classes by February 18, 2022. If you do not exclude, if you believe it is appropriate, you may object in writing to the Settlements by February 18, 2022. The Settlement Agreements, along with details on how to exclude yourself or object, are available at www.capacitorsindirectcase.com. The U.S. District Court for the Northern District of California will hold a hearing on March 24, 2022, at 10:00 a.m., at 450 Golden Gate Avenue, 19th Floor, Courtroom 11, San Francisco, CA 94102 to consider whether to finally approve the Settlements. The Court has appointed the law firm of Cotchett, Pitre & McCarthy, LLP as Class Counsel to represent Indirect Purchaser Class members. In connection with this round of settlements, Class Counsel will not be requesting an award of attorneys' fees. You or your own lawyer may appear and speak at the hearing at your own expense, but you don't have to. The hearing may be conducted virtually or moved to a different date or time without additional notice, so it is a good idea to check the above-noted website for additional information. Please do not contact the Court about this case.

EXHIBIT B



If You Bought a Film Capacitor From Distributors Since 2002 You Could Get Money From New Settlements Reached Cotchett, Pitre & McCarthy, LLP Announces

November 05, 2021 01:00 PM Eastern Daylight Time

SAN FRANCISCO--(BUSINESS WIRE)--Cotchett, Pitre & McCarthy, LLP:

You Could Get Money From New Settlements

Defendants Shinyei Kaisha, Shinyei Technology Co., Ltd., Shinyei Capacitor Co., Ltd., Shinyei Kaisha Electronics (M) SDN. BHD., and Shinyei Corporation of America ("Shinyei") and Taitso Corp. ("Taitso") (collectively, "Settling Defendants") have agreed to Settlements resolving claims that they allegedly fixed the prices of film Capacitors. Capacitors are electronic components that store electric charges between one or more pairs of conductors separated by an insulator.

Am I Included?

You may be included if, from January 1, 2002, through February 28, 2014, you purchased one or more film Capacitors in California, Florida, Michigan, Minnesota, Nebraska, or New York from a distributor that a Defendant or alleged co-conspirator manufactured. "Indirect," as that term is used below, means that you bought the product from someone other than the manufacturer, such as a distributor. A more detailed notice, including the exact Class definitions and exceptions to Class membership, is available at www.capacitorsindirectcase.com.

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For More Information: 1-866-217-4245/www.capacitorsindirectcase.com

Contacts

Adam J. Zapala, (650) 697-6000

Tweets by @classactionabd

EXHIBIT C

Capacitors Antitrust Litigation
Exclusion Report

<u>Name</u>	<u>Exclusion ID #</u>	<u>Postmark Date</u>
1 James Tylman	84449140	11/30/2021
2 Dell Inc.	84449141	12/8/2021
3 William B Higinbotham	84449142	2/1/2022