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

**IN RE CAPACITORS ANTITRUST
LITIGATION**

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

**THIS DOCUMENT RELATES TO:
ALL INDIRECT PURCHASER ACTIONS**

**[PROPOSED] FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE AS TO
NICHICON DEFENDANTS**

1 This matter has come before the Court to determine whether there is any cause why this
2 Court should not enter Final Judgment as to Nichicon Corporation and Nichicon (America)
3 Corporation (collectively, “Nichicon”). The Court, having reviewed (1) the Settlement
4 Agreement between Plaintiffs Michael Brooks, CAE Sound, Steve Wong, Toy-Knowlogy Inc.,
5 AGS Devices, Ltd., J&O Electronics, Nebraska Dynamics, Inc., Angstrom, Inc., MakersLED,
6 and In Home Tech Solutions, Inc., individually and on behalf of the Indirect Purchaser Class
7 they seek to represent, on the one hand, and Nichicon, on the other hand, dated September 27,
8 2018 (“Settlement Agreement”), (2) Indirect Purchaser Plaintiffs’ Motion for Final Approval of
9 Settlements with ELNA, Matsuo, Nichicon, and Panasonic, (3) the pleadings and other papers on
10 file in this Action, and (4) the statements of counsel and the parties, including at the January 23,
11 2020 Fairness Hearing, hereby finds no just reason to delay the entry of Final Judgment under
12 Federal Rule of Civil Procedure (“Rule”) 54(b). Accordingly, the Court directs entry of
13 Judgment, which shall constitute a final adjudication of the above-captioned action (“Action”) on
14 the merits as to Nichicon in accordance with the terms of the Settlement Agreement.

15 Good cause appearing therefore:

16 **IT IS HEREBY ORDERED, AJUDGED, AND DECREED THAT:**

17 1. The Court has jurisdiction over the subject matter of this litigation, the actions
18 within this litigation, and the parties to the Settlement Agreements, including all members of the
19 Settlement Class.

20 2. For purposes of this Judgment, except as otherwise set forth herein, the Court
21 adopts and incorporates the definitions contained in the Settlement Agreement as though they
22 were fully set forth in this Final Judgment. Specifically, “Class,” as defined in the Settlement
23 Agreement, means:

24 All persons and entities in the United States who, during the period from April 1,
25 2002 to February 28, 2014, purchased one or more Electrolytic Capacitor(s) from
26 a distributor (or from an entity other than a Defendant) that a Defendant or alleged
27 co-conspirator manufactured. Excluded from the Class are Defendants, their
28 parent companies, subsidiaries and Affiliates, any co-conspirators, Defendants’
attorneys in this case, federal government entities and instrumentalities, states and
their subdivisions, all judges assigned to this case, all jurors in this case, and all
persons and entities who directly purchased Capacitors from Defendants.

1 3. Those persons and entities identified in the list attached hereto as **Exhibit A** are
2 validly excluded from the Class. Such persons and entities are not included in or bound by this
3 Judgment. Such persons and entities are not entitled to any recovery of the settlement proceeds
4 obtained in connection with the Settlement Agreement.

5 4. The Court hereby dismisses on the merits and with prejudice IPPs' claims against
6 Nichicon, with each party to bear their own costs and attorneys' fees, except as provided in the
7 Settlement Agreement.

8 5. All persons and entities who are Releasors under the terms of the Settlement
9 Agreement are hereby barred and enjoined from commencing, prosecuting, or continuing, either
10 directly or indirectly, any claim against the Releasees, as defined in the Settlement Agreement, in
11 this or any other jurisdiction arising out of, or related to, any of the Released Claims.

12 6. The Releasees are hereby and forever released from all Released Claims as
13 defined in the Settlement Agreement.

14 7. Without affecting the finality of this Judgment in any way, this Court hereby
15 retains continuing jurisdiction over:

- 16 a. implementation of these settlements and any distribution to members of the
17 Settlement Class pursuant to further orders of this Court;
- 18 b. disposition of the Settlement Fund;
- 19 c. determining attorneys' fees, costs, expenses, interest and Class Representative
20 incentive awards;
- 21 d. the Action until Final Judgment contemplated hereby has become effective;
- 22 e. hearing and ruling on any matters relating to the plan of allocation of
23 settlement proceeds; and
- 24 f. all parties to the Action and Releasing Parties, for the purpose of enforcing
25 and administering the Settlement Agreement and the mutual releases and other
26 documents contemplated by, or executed in connection with, the Agreement.

27 8. This document constitutes a final judgment and separate documents for purposes
28 of Rule 58(a).

1 9. The Court finds that, pursuant to Rule 54(a) and (b), Final Judgment should be
2 entered and further finds that there is no just reason for delay in the entry of Final Judgment, as
3 to the parties to the Settlement Agreements. Accordingly, the Clerk is hereby directed to enter
4 Final Judgment forthwith.

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6 **IT IS SO ORDERED.**

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8 Dated: _____, 2020

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11 JAMES DONATO
12 United States District Judge
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EXHIBIT A**Requests for Exclusion from Nichicon Settlement**

<u>Name</u>	<u>Exclusion Request Timely</u>
Jeanne Pogorzelski	Yes
Bruce Young	Yes
Rick Smith	Yes
Jonathan C. Neisch	Yes
Erik M. Sauber	Yes
Donald G. Becker	Yes
William B. Higinbotham	Yes
Mike Svela	Yes
Perry Jennings	Yes
Larry Kiser	Yes
Ed Polakoff	Yes
Michael Gillette	Yes
AssetGenie, Inc dba AGiRepair	Yes
Dell Inc on behalf of itself and its wholly-owned subsidiaries	Yes
Eleanor Mae Wolf	Yes
Jeff Hoffman	Yes
Greg Bower	Yes
Michael DeSoto	Yes
Pyramid One, Inc	Yes
DeSoto Labs, Inc.	Yes
Stanley W Vikla	Yes
James M. Tylman, Sr.	Yes
Bourgeois & Associates, Inc	Yes
Burge Trucking	Yes
Group Spectral	Yes
Jacob Swary	Yes
Tech 22	Yes
Panasonic Automotive Systems Company of America, Division of Panasonic Corporation of North America	Yes