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13
14 **UNITED STATES DISTRICT COURT**
15
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
17
18 **SAN FRANCISCO DIVISION**

19 **IN RE CAPACITORS ANTITRUST**
20 **LITIGATION**

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

23 **THIS DOCUMENT RELATES TO:**
24
25 **ALL INDIRECT PURCHASER**
26 **PLAINTIFF ACTIONS**

27 **DECLARATION OF ERIC SCHACHTER**
28 **REGARDING CLAIMS STATUS IN**
SUPPORT OF INDIRECT PURCHASER
PLAINTIFFS' MOTION FOR FINAL
APPROVAL OF SETTLEMENTS WITH
ELNA, MATSUO, NICHICON, AND
PANASONIC

Date: April 16, 2020
Time: 10:00 a.m.
Place: Courtroom 11, 19th Floor
Judge: Hon. James Donato

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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
4 with the facts contained herein based upon my personal knowledge. My telephone number is
5 (414) 961-7535.

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”) per the terms of
8 this Court’s August 12, 2019 Order Granting Indirect Purchaser Plaintiffs’ Motion for
9 Preliminary Approval of Settlements with Panasonic, Nichicon, ELNA, and Matsuo Defendants
10 and for Approval of the Plan of Allocation (Case No. 3:17-md-02801, ECF No. 835).¹ I have
11 personal knowledge of the facts set forth herein and, if called as a witness, could and would
12 testify competently thereto.

13 3. This Declaration details the current status of the claims received from Settlement
14 Class Members.

15 4. As detailed in my previous declaration submitted to the Court on January 6, 2020,
16 on or about September 23, 2019, A.B. Data mailed a Notice Packet to potential members of the
17 Settlement Class (ECF No. 1063-7). The mailed Notice Packets included the Settlement Class
18 Member’s aggregate total purchases of electrolytic capacitors and film capacitors as reflected in
19 distributor data obtained by the parties to the Action as pre-populated purchase data listed on the
20 Claim Form. There are totals of \$716,982,842.67 and \$48,830,504.74 in aggregate purchases of
21 electrolytic capacitors and film capacitors, respectively, in the distributor data for Settlement
22 Class Members sent a Notice Packet.

23 5. The deadline for Settlement Class Members to submit a claim was March 23,
24 2020. Each Settlement Class Member had the option to agree with the pre-populated purchase
25 data or supplement their Claim Form with additional purchases evidenced by supporting
26 documentation.

27 ¹ All ECF references are to the MDL Docket, Case No. 3:17-md-02801.
28

1 6. As of the date of this Declaration, A.B. Data has received claims totaling
2 \$189,726,387.27 and \$43,059,014.06 in purchases of electrolytic capacitors and film capacitors,
3 respectively. These represent overall claims rates of 26.46% and 88.18% based on the purchase
4 amounts of electrolytic and film capacitors, respectively, which based on our experience in
5 similar settlements, are higher than the typical result in class action litigation, especially in
6 consumer or indirect purchaser actions.

7 7. A.B. Data understands that Defendants provided transactional data to Indirect
8 Purchaser Plaintiffs relating to Defendants' overall sales of electrolytic and film capacitors to
9 distributors from 2002 to 2014. Given that A.B. Data received claims of electrolytic and film
10 capacitor purchases totaling \$189,726,387.27 and \$43,059,014.06, respectively, these represent
11 overall claims rates of 18.52% and 35.29%. Thus, even based on Defendants' overall capacitor
12 sales to distributors, which exceed the total, cumulative pre-populated purchase amounts
13 included in the claim forms, the claims rates surpass those in typical consumer or indirect
14 purchaser actions. Defendants' sales may be higher than the pre-populated purchases in the claim
15 forms for a few reasons, such as the subpoenaed distributor data underlying the pre-populated
16 purchases may not have captured all of Defendants' sales to smaller distributors.

17 8. Of the pre-populated Notice Packets sent, 7,273 putative Settlement Class
18 Members either opted to supplement their pre-populated Claim Form or sought to claim
19 purchases not identified in the distributor data. An additional 99 businesses or entities have
20 sought additional transactional data information from A.B. Data to further support their claims.

21 9. A.B. Data is currently verifying the Claim Forms that have been submitted where
22 the Settlement Class Members did not agree to the pre-populated purchase amount and working
23 with Settlement Class Members to ensure all eligible purchases of electrolytic capacitors and
24 film capacitors are captured in their claims. Once this process is complete, A.B. Data will
25 undertake certain audits and secondary reviews of the submitted claims to determine which
26 claims are valid, and for the purpose of culling out any fraudulent claims. This process is
27 expected to be completed in approximately 90 to 120 days.

1 10. The number of undeliverable class notices and claim packets and the number of
2 class members who elected to opt out of the Settlement Classes were set forth in my previous
3 declaration submitted on January 6, 2020 (ECF No. 1063-7). No Settlement Class Member
4 objected to the settlements as set forth in Indirect Purchaser Plaintiffs' Motion for Final
5 Approval of Settlements with Elna, Matsuo, Nichicon, and Panasonic (ECF No. 1063).

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

8 Executed this 9th day of April, 2020 in Milwaukee, Wisconsin.

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Eric Schachter