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

**IN RE RESISTORS ANTITRUST  
LITIGATION**

**Case No. 3:15-cv-03820-JD**

**This Document Relates to:  
All Indirect Purchaser Actions**

**~~[PROPOSED]~~ ORDER GRANTING  
INDIRECT PURCHASER PLAINTIFFS'  
MOTION FOR FINAL APPROVAL OF  
SETTLEMENTS WITH ALL  
DEFENDANTS**

1 Before the Court is a motion by Indirect Purchaser Plaintiffs' ("IPPs") to finally  
2 approve the settlements with the Settling Defendants: (a) Panasonic Corporation and Panasonic  
3 Corporation of North America (together, "Panasonic"); (b) KOA Corporation and KOA Speer  
4 Electronics, Inc. (together, "KOA"); (c) ROHM Co. Ltd. and ROHM Semiconductor U.S.A.,  
5 LLC (together, "ROHM"); (d) Kamaya Electric Co., Ltd. and Kamaya Inc. (together,  
6 "Kamaya"); and (e) Hokuriku Electric Industry Co. and HDK America, Inc. (together, "HDK")  
7 (collectively, "Settling Defendants"); certify the settlement classes; finally approve the plan of  
8 allocation; and appoint Cotchett, Pitre & McCarthy LLP as Settlement Class Counsel.

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

12 It is hereby ordered that:

13 1. For purposes of this Order, except as otherwise specified, the Court adopts and  
14 incorporates the definitions contained in the settlement agreements.

15 2. The Court has jurisdiction over the subject matter of this litigation, *In re*  
16 *Resistors Antitrust Litigation*, Case No. 15-cv-03820-JD, which is pending in the United States  
17 District Court for the Northern District of California, including all indirect purchaser cases  
18 consolidated therein (collectively, the "Action") and over the parties to the Settlement  
19 Agreements, including all members of the Settlement Classes and the Settling Defendants.

20 3. The Court finally approves and confirms without modification the Settlements  
21 set forth in the settlement agreements between Class Representatives and the Settling  
22 Defendants, and finds that the settlements are, in all respects, fair, reasonable and adequate as  
23 to, and in the best interest of, the Settlement Class, pursuant to Federal Rule of Civil Procedure  
24 ("Rule") 23.

25 4. Pursuant to Rule 23(a), the Court certifies the following Settlement Class for  
26 purposes of approving the Settlements:

27 All persons and entities in the United States who purchased one or more Linear  
28 Resistor(s), from a resistor distributor not for resale which a Defendant, its

1 current or former subsidiary, or any of its co-conspirators manufactured and/or  
2 sold, between January 1, 2003 and August 20, 2015. Excluded from the Class  
3 are Defendants, their parent companies, subsidiaries and Affiliates, any  
4 coconspirators, 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  
Linear Resistors from Defendants.

5 5. The Court further finds that the prerequisites to certifying a Settlement Class  
6 under Rule 23(a) are satisfied in that (a) there are at least thousands of geographically  
7 dispersed Settlement Class Members, making joinder of all individual cases impracticable; (b)  
8 there are questions of law and fact common to the Settlement Class which predominate over  
9 individual issues; (c) the claims or defenses of the class representatives are typical of the  
10 claims or defenses for the Settlement Class; (d) IPPs will fairly and adequately protect the  
11 interests of the Settlement Class and have retained counsel experienced in antitrust class action  
12 litigation who have, and will continue to, adequately represent the Settlement Class; and (e)  
13 resolution through class settlements is superior to individual settlements. *See In re Hyundai &*  
14 *Kia Fuel Econ. Litig.*, 926 F.3d 539, 556 (9th Cir. 2019); *Bellinghausen v. Tractor Supply Co.*,  
15 303 F.R.D. 611, 616 (N.D. Cal. 2014); *Wal-Mart Stores, Inc. v. Dukes*, 564 U.S. 338, 350  
16 (2011); *Torres v. Mercer Canyons, Inc.*, 835 F.3d 1125, 1141 (9th Cir. 2016).

17 6. The Court finds that this Action may be maintained as a class action under Rule  
18 23(b)(3) for settlement because: (i) questions of fact and law common to members of the  
19 Settlement Class predominate over any questions affecting only the claims of individual  
20 members; and (ii) a class action is superior to other available methods for the fair and efficient  
21 adjudication of this controversy. *See Tyson Foods, Inc. v. Bouaphakeo*, 136 S. Ct. 1036, 1045  
22 (2016); *Amchem Prods., Inc. v. Windsor*, 521 U.S. 591, 620 (1997).

23 7. Pursuant to Rule 23(e), upon review of the record, including all submissions in  
24 support of the Settlement, the Court finds that the Settlement resulted from arm's-length  
25 negotiations between highly experienced counsel and fall within the range of approval.

26 8. The Court hereby grants final approval of the Settlement on the basis that it is  
27 fair, reasonable, and adequate as to, and in the best interests of, all Settlement Class Members,  
28 within the meaning of, and in compliance with all applicable requirements of Rule 23. The

1 Court directs the Settlements' consummation according to their terms. In reaching this  
2 conclusion, the Court has considered the factors regarding final approval as set forth by courts  
3 within the Ninth Circuit, and pursuant to the 2018 amendments to the Federal Rules. *See*  
4 *Officers for Justice v. Civil Serv. Comm'n of City & Cnty. of San Francisco*, 688 F.2d 615 (9th  
5 Cir. 1982).

6 9. Moreover, the Court concludes as follows:

- 7 a. The Settlements were negotiated by counsel with significant experience  
8 litigating complex class actions and are the result of vigorous arm's  
9 length negotiations undertaken in good faith;
- 10 b. This action is likely to involve many contested and serious questions of  
11 law and fact, such that the value of immediate monetary recovery  
12 outweighs the uncertain possibility of future relief after protracted and  
13 expensive litigation; and
- 14 c. Settlement Class Counsel's judgment that the Settlement is fair and  
15 reasonable, and the Settlement Class Members' reaction to the  
16 Settlement which was overall positive, are entitled to great weight.

17 10. Pursuant to Federal Rule of Civil Procedure 23(g), the Court hereby confirms  
18 that Cotchett, Pitre & McCarthy LLP is appointed as Settlement Class Counsel, and that the  
19 Class Representatives: Linkitz Systems, Inc., Microsystems Development Technologies, Inc.,  
20 Nebraska Dynamics, Inc., MakersLED LLC, Top Floor Home Improvements, Angstrom, Inc.,  
21 In Home Tech Solutions, Inc., and Anthony Sakal ("Class Representatives"), are appointed to  
22 serve as Class Representatives on behalf of the Settlement Classes.

23 11. The Court retains exclusive jurisdiction over this action to consider all further  
24 matters arising out of or connected with the settlements.

25 12. The Court further finds that IPPs implemented the Court-approved Notice Plan.  
26 IPPs' notice of the Settlement to the Settlement Class complied with Rule 23 and due process  
27 and constituted the best notice practicable under the circumstances.

1           13.     The Notice was reasonably calculated, under the circumstances, to apprise  
2 Settlement Class Members of the pendency of the Action, the terms of the proposed  
3 Settlement, the right to object to or exclude themselves from the proposed Settlement, and the  
4 right to appear at the Final Fairness and Approval Hearing. Further, the Notice Plan provided  
5 due, adequate and sufficient notice to all persons entitled to receive notice, satisfied due  
6 process and provided adequate information to the Settlement Class of all matters relating to the  
7 Settlements, and fully satisfied the requirements of Federal Rules of Civil Procedure 23(c)(2)  
8 and (e)(1) and any other applicable state and/or federal laws.

9           14.     Without affecting the finality of this Order in any way, this Court hereby retains  
10 continuing jurisdiction over:

- 11                   a. implementation of the Settlements and any distribution to members of
- 12                             the Settlement Class pursuant to further orders of this Court;
- 13                   b. disposition of the Settlement Funds;
- 14                   c. determining attorneys' fees, costs, expenses, and interest;
- 15                   d. all matters relating to the interpretation, administration, implementation
- 16                             and enforcement of the Settlement Agreements;
- 17                   e. the Action, until the Final Judgment contemplated has become effective
- 18                             and each and every act agreed to be performed by the parties all have
- 19                             been performed pursuant to the Settlement Agreements;
- 20                   f. hearing and ruling on any matters relating to the plan of allocation of
- 21                             settlement proceeds; and
- 22                   g. all Parties to the Action and Releasing Parties, for the purpose of
- 23                             enforcing and administering the Settlements and the mutual releases and
- 24                             other documents contemplated by, or executed in connection with, the
- 25                             Settlement Agreements.

26           15.     The persons and entities identified in **Exhibit A** to this Order have timely and  
27 validly requested exclusion from the Settlement Classes and, therefore, are excluded from  
28 those Settlement Classes identified. Such persons and entities are not included in or bound by

1 this Order as it relates to the specific settlement or settlements for which they opted-out. Such  
2 persons and entities are not entitled to any recovery of the settlement proceeds obtained  
3 through these Class Settlements.

4 16. The single objection that was received, Dkt. No. 556, is overruled for the  
5 reasons discussed at the final approval hearing.

6 17. The Court finds that IPPs' proposed Plan of Allocation, proposing to pay  
7 putative Class Members on a *pro rata* basis based on qualifying purchases of linear resistors  
8 and on the type and extent of injury suffered by each class member in those states which permit  
9 indirect purchaser claims is fair, reasonable and adequate. *In re Citric Acid Antitrust Litig.*,  
10 145 F. Supp. 2d 1152, 1154 (N.D. Cal. 2001). The Plan of Allocation does not unfairly favor  
11 any Class Member, or group of Class Members, to the detriment of others.

12 18. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules of Civil  
13 Procedure, that Final Judgments of Dismissal with prejudice as to the Settling Defendants  
14 ("Judgments") should be entered forthwith and further finds that there is no just reason for  
15 delay in the entry of the Judgments, as Final Judgments, in accordance with the Settlement  
16 Agreements.

17 **IT IS SO ORDERED.**

18 Dated: March 24, 2020

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JAMES DONATO  
United States District Judge

23 Proposed Order Submitted By:

24 **COTCHETT, PITRE & McCARTHY, LLP**

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**Exhibit A**

## Requests for Exclusion

Exclusion ID	Name	Postmarked Date	City	State	Country
64824290	Norman J Shenton	6/20/2019	Stafford	VA	USA
64824294	Lance Hoolahan	7/22/2019	Linden	MI	USA
64824295	Frederick L Stiles	7/23/2019	Lehigh Acres	FL	USA
64824296	Gregg DeJohn	7/23/2019	Rock Creek	OH	USA
64824297	K Sciences GP LLC	7/24/2019	San Antonia	TX	USA
64824298	Michael DeSoto	7/23/2019	Apex	NC	USA
64824299	Kirk Treubert	7/26/2019	Salem	VA	USA
64824300	Bloor Redding, Jr.	7/29/2019	Vancouver	WA	USA
64824301	N2N Holdings LLC	8/1/2019	Evanston	IL	USA
64824302	DSR Management Inc	8/1/2019	Evanston	IL	USA
64824303	Praveen Minumula	8/1/2019	Evanston	IL	USA
64824304	Katalyst Technologies Inc	8/1/2019	Evanston	IL	USA
64824305	James Gilbert	8/9/2019	Concho	AZ	USA
64824306	Mykel Gallajones	8/9/2019	Winnipeg	Manitoba	Canada
64824307	Threec Corporation	8/12/2019	Woodstock	GA	USA
64824308	Monica Julia Paves Palacios	EMAIL 8-21-2019	CABA	Buenos Aires	Argentina
64824309	William Horka	8/20/2019	Malden	MA	USA
64824310	Task Micro-Electronics	8/15/2019	Kirkland	QC	Canada
64824311	Greg Bower	8/21/2019	Ann Arbor	MI	USA
64824312	Monica Julia Paves Palacios	8/27/2019	CABA	Buenos Aires	Argentina
64824313	Robin Knoke	8/29/2019	White Salmon	WA	USA
64824314	Terrance Johnson	9/9/20219	Centreville	VA	USA
64824315	Antonio Torres Santos	9/10/20219	Bayamoor	PR	USA
64824316	Kate Mlcochova	9/13/2019	Vista	CA	USA
64824317	Olympus	9/17/2019	Center Calley	PA	USA