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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE RESISTORS
ANTITRUST LITIGATION**

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

**DECLARATION OF ERIC SCHACHTER IN
SUPPORT OF INDIRECT PURCHASER
PLAINTIFFS' UNOPPOSED MOTION TO
DISTRIBUTE SETTLEMENT FUNDS TO
ELIGIBLE CLAIMANTS**

<p>This Document Relates to: All Indirect Purchaser Actions</p>
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<p>Date: May 27, 2021 Time: 10:00 a.m. Place: Courtroom 11, 19th Floor Judge: Hon. James Donato</p>

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.

5 2. I submit this Declaration at the request of Lead Counsel to provide the Court and the
6 parties to the above-captioned action (the “Action”) with updated information regarding processing of
7 Claim Forms and distribution of the Settlement proceeds to the class. I have personal knowledge of the
8 facts set forth herein and, if called as a witness, could and would testify competently thereto.

9 3. A.B. Data was designated as Claims Administrator in this Action with primary
10 duties including: (1) disseminating notice to the Class; (2) receiving, reviewing and processing
11 Claim Forms; and (3) calculating Class Members’ *pro rata* share of the Net Settlement Funds.

12 4. A.B. Data has now completed the processing of all Claim Forms, and hereby submits
13 its administrative determinations regarding the submitted Claim Forms in preparation for a
14 distribution of the Net Settlement Funds to Authorized Claimants.

15 5. As detailed in my previous declarations submitted to the Court on December 6, 2019
16 (ECF No. 576-1), and on November 6, 2019 (ECF No. 565-4), A.B. Data mailed potential members
17 of the Settlement Class a customized Notice Packet pre-populated with purchase data reflecting
18 their total purchases of Linear Resistors as reflected in distributor data obtained by the Indirect
19 Purchaser Plaintiffs through Rule 45 subpoenas during discovery in the Action. Each Settlement
20 Class Member had the option to agree to the pre-populated purchase data or supplement their Claim
21 Form with additional purchases evidenced by supporting documentation. The pre-populated Claim
22 Forms mailed to Settlement Class Members contained a total of \$258,440,850.37 in aggregate
23 purchases of Linear Resistors. The deadline for Settlement Class Members to submit a claim was
24 November 12, 2019.

25 6. A.B. Data has received and processed all Claim Forms in accordance with the
26 requirements set forth in the applicable Settlement Agreements and related documents. Through
27 this claims process, A.B. Data has determined that the Authorized Claims with no deficiencies total
28 \$54,887,413.43 in eligible purchases of Linear Resistors. This represents a claims rate of

1 approximately 21% based on claimed purchases of Linear Resistors as compared to all known
2 purchases of Linear Resistors as reflected in distributor data obtained by the parties to the Action.
3 Based on our experience in similar settlements, this claim rate is a higher than the typical result in
4 class action litigation, especially in consumer or indirect purchaser actions. Each Authorized Claim
5 and their qualifying purchase amount is identified on the Authorized Claims Summary, attached
6 hereto as Exhibit A. The foregoing claims rate differs slightly from the numbers previously
7 provided to the Court in or around December of 2019 due to standard auditing and fraud prevention
8 efforts to weed out claims or purchases that did not qualify for payment, as discussed further below.

9 7. During the claims processing and documentation review, A.B. Data identified
10 certain claims that were deficient in that they failed to provide information as required by the Claim
11 Form. A.B. Data also identified through audits certain claims that appeared to be submitted by non-
12 Settlement Class Members or otherwise were ineligible to participate in the Settlement. As a result
13 of these validation steps, A.B. Data has rejected a number of claims as ineligible. Prior to rejection,
14 each claimant with a deficient or ineligible claim was initially sent a Notice of Ineligibility, which
15 provided the claimant with an explanation of the deficient or ineligible condition and guidance on
16 how to resolve the condition, where applicable. An example of the Notice of Ineligibility is attached
17 hereto as Exhibit B.

18 8. Numerous deficient and ineligible claims were perfected through the deficiency
19 outreach noted above. For claimants with deficient or ineligible claims that were not perfected after
20 being sent the Notice of Ineligibility, A.B. Data subsequently sent a Final Determination Letter to
21 advise the claimant of the final status of their claim and to provide a final opportunity for the
22 claimant to disagree in writing with the determination. An example of the Final Determination
23 Letter is attached as Exhibit C. Each rejected claim, and the reason for rejection, is identified on
24 the Rejected Claims Summary, attached hereto as Exhibit D. All disagreements with respect to the
25 claim determinations are now resolved.

26 9. Claims received after the November 12, 2019 claim-filing deadline and before the
27 date of this declaration, as well as perfected claims and items of late corrective correspondence
28 received before the date of this declaration, did not cause any delay in the processing of the

1 administration overall. Accordingly, A.B. Data recommends that the Court approve A.B. Data's
2 administrative determinations to accept these limited late claims, perfected claims, and all
3 corrective correspondence received by April 1, 2021. A.B. Data further recommends that all claims
4 received, including corrective correspondence, received after April 1, 2021 be rejected as late as
5 they could not be processed without delaying the progress of the administration.

6 10. Regarding distributions of the Settlement proceeds to Authorized Claimants,
7 A.B. Data recommends the following:

8 a. Using the Net Settlement Fund available for distribution after setting aside
9 all Court-approved fees and expenses, A.B. Data will calculate the final *pro rata* payment amount
10 for each Authorized Claimant based on each Authorized Claimant's eligible purchases of Linear
11 Resistors as compared to the total eligible purchases for all Authorized Claimants. A minimum
12 payment amount of \$1.00 will be implemented such that the few Authorized Claimants with a *pro*
13 *rata* share of less than \$1.00 will receive a \$1.00 payment. This minimum payment is not unusual
14 in claims administration processes and is recommended in this case since payments of less than
15 \$1.00 are economically impractical as compared to the cost to print and mail the check, and are
16 more likely to not be cashed by the recipient. Since we only expect a few hundred claims to fall
17 into the minimum payment threshold, the effect on other Authorized Claimants is economically
18 insignificant.

19 b. Each Authorized Claimant will be mailed a distribution check with a stale
20 date of 90 days to encourage Authorized Claimants to promptly cash their distribution checks and
21 to avoid or reduce future expenses relating to unpaid distributions. For any checks returned as
22 undeliverable, an attempt will be made to find new addresses through a trace processing service.
23 Any payments to Authorized Claimants that have been returned as undeliverable and no updated
24 address has been obtained through reasonable efforts, will revert back to the Net Settlement Funds.

25 c. If there is a balance remaining in the Net Settlement Fund after four (4)
26 months and it is economically feasible to do so, A.B. Data will redistribute the remaining funds on
27 a *pro rata* basis to the Authorized Claimants who cashed their initial distribution checks and who
28 would receive at least \$1.00 from such redistribution.

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

Executed this 22nd day of April, 2021 in Milwaukee, Wisconsin.


Eric Schachter