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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] FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE AS TO
DEFENDANTS KOA CORPORATION
AND KOA SPEER ELECTRONICS, INC.**

Date: December 12, 2019
Time: 10:00 a.m.
Place: Courtroom 11, 19th Floor
Judge: Hon. James Donato

1 This matter has come before the Court to determine whether a final judgment of dismissal
2 should be entered as to Defendants KOA Corporation and KOA Speer Electronics, Inc. (together,
3 “KOA Defendants”) in light of the settlement with the Indirect Purchaser Plaintiffs (“IPPs”).
4 The Court, having reviewed the settlement agreement between IPPs and KOA Defendants and
5 IPPs’ Motion for Final Approval of Settlements with All Defendants (“Final Approval Motion”),
6 having held argument on said motions on December 12, 2019, and finding no just reason for
7 delay, hereby directs entry of Final Judgment under Federal Rule of Civil Procedure 54(b), which
8 shall constitute a final adjudication of this case on the merits as to members of the Settlement
9 Class and the KOA Defendants pursuant to the Settlement Agreement Between Plaintiffs and the
10 KOA Defendants (“Settlement Agreement”) (*see* Dkt. No. 514-2; Ex. 1).

11 Good cause appearing therefore:

12 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

13 1. The Court has jurisdiction over the subject matter of this litigation, and all actions
14 within this litigation (collectively, “Action”) and over the parties to the Settlement
15 Agreement, including all members of the Settlement Class and the KOA Defendants.

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

20
21 All persons and entities in the United States who purchased one or
22 more Linear Resistor(s) from a resistor distributor not for resale
23 which a Defendant, its current or former subsidiary, or any of its co-
24 conspirators manufactured, between January 1, 2003 and August 20,
25 2015. Excluded from the Class are Defendants, their parent
26 companies, subsidiaries and affiliates, any co-conspirators.
27 Defendants’ attorneys in this case, federal government entities and
28 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.

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 finds the prerequisites to a class action under Rule 23(a) have been
6 satisfied for settlement purposes by each of the Settlement Class in that:

- 7 a. There are thousands of putative members of the Settlement Class, making
8 joinder of all members impracticable;
- 9 b. There are questions of fact and law that are common to all members of the
10 Settlement Class;
- 11 c. The claims of the Class Representatives are typical of those of the absent
12 members of the Settlement Class; and
- 13 d. Plaintiffs Linkitz Systems, Inc., Microsystems Development Technologies,
14 Inc., Nebraska Dynamics, Inc., MakersLED LLC, Top Floor Home
15 Improvements, Angstrom, Inc., In Home Tech Solutions, Inc., and Anthony
16 Sakal (“Class Representatives”) have and will fairly and adequately protect
17 the interests of the absent members of the relevant Settlement Class and have
18 retained counsel experienced in complex antitrust class action litigation who
19 have and will continue to adequately advance the interests of the Settlement
20 Class.

21 5. The Court finds that this Action may be maintained as a class action under Rule
22 23(b)(3) for settlement because: (i) questions of fact and law common to the members of the
23 Settlement Class predominate over any questions affecting only the claims of individual
24 members; and (ii) a class action is superior to other available methods for the fair and efficient
25 adjudication of this controversy.

26 6. Pursuant to Rule 23(g), the Court hereby confirms that Cotchett, Pitre &
27 McCarthy, LLP is appointed as Settlement Class Counsel, and that Plaintiffs Linkitz Systems,
28

1 Inc., Microsystems Development Technologies, Inc., Nebraska Dynamics, Inc., MakersLED
2 LLC, Top Floor Home Improvements, Angstrom, Inc., In Home Tech Solutions, Inc., and
3 Anthony Sakal are appointed to serve as Class Representatives on behalf of the Settlement
4 Class.

5 7. Upon the Effective Date, all Releasing Parties shall be permanently barred and
6 enjoined from instituting, commencing, prosecuting or asserting any Released Claim against
7 any of the Released Parties.

8 8. The Court has finally approved the settlement between the Class Representatives
9 and KOA Defendants in the total amount of \$18,500,000.

10 9. This Court hereby dismisses on the merits and with prejudice IPPs' claims and
11 the Action against the KOA Defendants, with each party to bear its own costs and attorneys'
12 fees, except as provided in the Settlement Agreement.

13 10. Without affecting the finality of the Judgment in any way, this Court hereby
14 retains continuing jurisdiction over: (a) implementation of this settlement and any distribution
15 to members of the Settlement Class pursuant to further orders of this Court; (b) disposition of
16 the Settlement Fund; (c) determining attorneys' fees, costs, expenses, and interest; (d) the
17 Action until the Final Judgment contemplated hereby has become effective and each and every
18 act agreed to be performed by the parties all have been performed pursuant to the Settlement
19 Agreement; (e) hearing and ruling on any matters relating to distribution of settlement
20 proceeds; and (f) all parties to the Action and Releasing Parties, for the purpose of enforcing
21 and administering the Settlement Agreement and the mutual releases and other documents
22 contemplated by, or executed in connection with the Agreement.

23 11. This document constitutes a final judgment and separate documents for purposes
24 of Federal Rule of Civil Procedure 58(a).

25 12. The Court finds that, pursuant to Federal Rules of Civil Procedure 54(a) and (b),
26 Final Judgment should be entered, and further finds that there is no just reason for delay in the
27 entry of Final Judgment, as to the parties to the Settlement Agreements. Accordingly, the Clerk
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1 is hereby directed to enter Final Judgment forthwith.

2 **IT IS SO ORDERED.**

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4 Dated: _____

5 **THE HONORABLE JAMES DONATO**
6 **UNITED STATES DISTRICT JUDGE**

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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