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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

**INDIRECT PURCHASER PLAINTIFFS’
 UPDATE ON CLAIMS STATUS IN
 SUPPORT OF MOTION FOR FINAL
 APPROVAL OF SETTLEMENTS**

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

1 The Indirect Purchaser Plaintiffs (“IPPs”) hereby submit this update to provide the Court
2 with the most current information regarding the claims process in this case, in advance of the
3 rescheduled hearing on January 16, 2020 on IPPs’ Motion for Final Approval of Settlements.
4 *See* ECF No. 565. Much of this updated information is also contained in the Declaration of Notice
5 and Settlement Administrator Eric Schachter of A.B. Data (“Schachter Decl.”), submitted
6 herewith.

7 As reflected in the Declaration of Eric Schachter in Support of Final Approval (“Schachter
8 Final Approval Decl.”) (ECF No. 565-4), IPPs disseminated class notice in accord with this
9 Court’s order and pursuant to the proposed plan of class notice. This included, *inter alia*,
10 dissemination of direct mail and email notice, publication notice, email blasts to subscriber lists,
11 an internet banner advertisement campaign, dissemination of a press release through several
12 media outlets, the establishment of a settlement website, and the establishment of a toll-free
13 number to answer any class member questions. *See id.* This notice program was extensive and
14 successful in reaching the class. *Id.* ¶¶ 20-22.

15 In connection with the notice plan, A.B. Data sent potential class members not only notice
16 of the settlements, but also a claim form with corresponding purchase information for that
17 potential class member that was derived from the subpoenaed distributor data. *Id.* ¶ 6. In other
18 words, to make the submission of claims easier and more efficient for the IPP class, A.B. Data
19 included pre-populated purchase information for that particular settlement class member, if
20 available. *Id.* Like DPPs’ process, if that settlement class member wished to supplement the
21 pre-populated purchase information with even more purchase data that was not captured by the
22 subpoenaed distributor transactional data, settlement class members could supplement the
23 purchase information with additional evidence.

24 As reflected in the accompanying Schachter Declaration, while A.B. Data is continuing to
25 audit the claims and expects to finalize that process in the next 90 to 120 days, IPPs can report
26 the following:

- 27 • The total, cumulative pre-populated purchase amounts included in the claim forms

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was \$258,440,850.37. Thus far, claims have been made for \$72,031,395.30 of this amount. *See* Schacter Decl. ¶ 6;

- The foregoing corresponds with a 27.87% claims rate, *id.* In IPPs’ experience, a 27.87% claims rate in an indirect purchaser case is extremely positive and exceeds the claims rates seen in other consumer or indirect purchaser cases. *See id.*

In addition to the foregoing:

- There are 351 businesses or individuals that submitted additional information, seeking to supplement the purchase amounts in their pre-populated forms that A.B Data is still in the process of evaluating; and
- There are an additional 169 businesses or entities seeking additional transactional data information from A.B. Data to further support their claims. *See* Schachter Declaration ¶ 7.

If additional information regarding the claims process comes to light in advance of the January 16, 2020 Final Approval Hearing that would be helpful to the Court, IPPs will provide it.

Dated: December 6, 2019

Respectfully Submitted:

/s/ Adam J. Zapala
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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13 **IN RE RESISTORS**
14 **ANTITRUST LITIGATION**

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

**DECLARATION OF ERIC SCHACHTER
REGARDING CLAIMS STATUS IN
SUPPORT OF MOTION FOR FINAL
APPROVAL OF SETTLEMENTS**

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17 This Document Relates to:
18 All Indirect Purchaser Actions

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

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 (414)
5 961-7535.

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 Order Granting Indirect Purchaser Plaintiffs' Motion for Preliminary Approval of
9 Settlements with All Defendants and for Approval of the Plan of Allocation and for Approval of the
10 Class Notice Program dated June 14, 2019 (the "Preliminary Approval Order"). Dkt. 545. I have
11 personal knowledge of the facts set forth herein and, if called as a witness, could and would testify
12 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 November 6, 2019,
16 on or about July 15, 2019, A.B. Data mailed a Notice Packet to potential members of the Settlement
17 Class. The mailed Notice Packets included the Settlement Class Member's aggregate total
18 purchases of Linear Resistors as reflected in distributor data obtained by the parties to the Action as
19 pre-populated purchase data listed on the Claim Form. There is a total of \$258,440,850.37 in
20 aggregate purchases of Linear Resistors in the distributor data for Settlement Class Members sent a
21 Notice Packet.

22 5. The deadline for Settlement Class Members to submit a claim was November 12,
23 2019. Each Settlement Class Member had the option to agree with the pre-populated purchase data
24 or supplement their Claim Form with additional purchases evidenced by supporting
25 documentation.

26 6. As of the date of this Declaration, A.B. Data has received claims totaling
27 \$72,031,395.30 in total purchases of Linear Resistors. This represents a claims rate of 27.87%
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1 based on purchase amount, which based on our experience in similar settlements, is higher than the
2 typical result in class action litigation, especially in consumer or indirect purchaser actions.

3 7. Of the Notice Packets sent, 520 putative Settlement Class Members either opted to
4 supplement their pre-populated Claim Form or sought to claim purchases not identified in the
5 distributor data.

6 8. A.B. Data is currently verifying the Claim Forms that have been submitted where
7 the Settlement Class Members did not agree to the pre-populated purchase amount and working
8 with Settlement Class Members to ensure all eligible purchases of Linear Resistors are captured in
9 their claims. Once this process is complete, A.B. Data will undertake certain audits and secondary
10 reviews of the submitted claims to determine which claims are valid, and for the purpose of culling
11 out any fraudulent claims. This process is expected to be completed in approximately 90 to 120
12 days.

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

15 Executed this 6th day of December, 2019 in Milwaukee, Wisconsin.

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18 _____
Eric Schachter