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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 IN RE RESISTORS ANTITRUST
LITIGATION

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

21
22 This Documents Relates to:
23 DIRECT PURCHASER ACTIONS
24

UPDATE ON CLAIMS STATUS IN
SUPPORT OF DIRECT PURCHASER
PLAINTIFFS' REVISED MOTION FOR
FINAL APPROVAL OF
SETTLEMENTS

25 Date: November 21, 2019
Time: 10:00am
26 Dept: Courtroom 11, 19th Floor
Judge: Hon. James Donato
27

1 Direct Purchaser Plaintiffs (DPPs) submit this update to provide the Court with the most
 2 current claims information in advance of the November 21, 2019 hearing on DPPs' Revised Motion
 3 for Final Approval of Class Action Settlements (ECF No. 561). The updated information is contained
 4 in the attached Declaration of Settlement Administrator Jennifer M. Keough Regarding Status of
 5 Claims (Keough Declaration).

6 As described more fully in the attached declaration, as of the date of this filing, all disputes
 7 between the Settlement Administrator's records and certain class members regarding relevant
 8 purchase amounts have been resolved.¹ Accordingly, the Settlement Administrator revised its
 9 estimates regarding settlement distributions such that, assuming the net settlement fund is
 10 \$37,714,765.08, and the total purchase amount for all Class Members is \$1,084,582,166.78:

- 11 • A Class Member whose purchases totaled \$16,944.47 would receive a *pro*
 12 *rata* award of \$586.97;
- 13 • Settlement distributions will range from \$0.03 to \$4,904,042.08
 14 (corresponding with the smallest Class Member purchase amount of \$0.94
 and the largest Class Member purchase amount of \$141,568,138.18);
- 15 • The median settlement distribution would be \$1,041.92 and the mean
 16 distribution \$52,109.37.²

17 Class Counsel will be prepared to answer the Court's questions regarding this updated
 18 information as well as the information provided in prior filings at the November 21, 2019 hearing.
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24 ¹ See Keough Decl., ¶ 7.

25 ² *Id.*, ¶ 11. For purposes of this estimate, the Settlement Administrator calculated the net
 26 settlement fund by reducing the combined Settlement Fund of \$50,250,000.00 by \$10,050,000.00 in
 27 attorneys' fees, \$1,815,881.92 in attorneys' expenses, \$15,000 in a service award to the Class
 28 Representative, \$604,353.00 in estimated notice administration costs, and \$50,000 in anticipated
 distribution administration costs. If these underlying assumptions change, the estimates will change
 accordingly. *Id.*

DATED: November 15, 2019

HAGENS BERMAN SOBOL SHAPIRO LLP

By /s/ Steve W. Berman
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ATTACHMENT A

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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:
DIRECT PURCHASER ACTIONS

**DECLARATION OF SETTLEMENT
ADMINISTRATOR JENNIFER M.
KEOUGH REGARDING STATUS OF
CLAIMS**

I, JENNIFER M. KEOUGH, declare as follows:

1. I am the Chief Executive Officer (“CEO”) of JND Legal Administration LLC (“JND”). I have more than 20 years of legal experience creating and supervising multiple notice and claims administration programs and have personally overseen well over 500 matters.

2. JND is a legal administration services provider with headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases. JND was chosen as the Settlement Administrator¹ in this case after participating in a competitive bidding process.

3. As CEO, I am involved in all facets of JND’s operations, including monitoring the implementation of our notice and claims administration programs.

¹ Capitalized terms used and not otherwise defined in this Declaration shall have the meanings given such terms in the Settlement Agreements with HDK, Kamaya-Walsin, Panasonic, ROHM, and KOA.

- 1 • **Tonar Industries, Inc.** (“Tonar”): Tonar submitted a claim that reflected purchases
2 differing from the pre-printed purchase information in the class data. On September 6,
3 2019 JND mailed a letter requesting supporting documentation to establish its claimed
4 purchase amounts by September 27, 2019. Tonar submitted supporting documentation on
5 September 27, 2019, establishing a slightly higher purchase amount than the pre-printed
6 claim form. After reviewing the supporting documentation, Counsel agreed to accept a
7 revised purchase amount for verified class purchases.

8 8. As reflected in my October 7 declaration, and still true as of the date of this Declaration,
9 617 Claim Forms were submitted by individuals not on the Class List. As described in more detail in
10 my October 7 declaration, paragraphs 33-34, none of these non-Class Member claims included
11 adequate supporting documentation to establish purchases during the Class Period, as requested in the
12 Notice Package and on the Settlements Website when entities filled out Claims Forms electronically.
13 JND researched these individuals by comparing the submissions against the Class List data and
14 reviewing the supporting documentation included with the claims, and preliminarily determined that
15 none of them were Class Members. JND sent a request for additional information on a rolling basis
16 to each of these filers who submitted a timely claim, using the contact information provided by the
17 putative claimants. The request instructed the non-Class Member claimants to provide the necessary
18 supporting documentation to support their claimed purchase amounts within 30 days or their claim
19 may be denied (the requests were sent to the non-Class Member’s contact information as provided on
20 the Claim Form). The final deadline for non-Class Member claimants to provide documentation was
21 September 22, 2019. To date, JND has not receive any valid supporting documentation from these
22 non-Class Members in response to the request for additional information.

23 9. When a class action settlement is featured on third-party aggregator sites such as
24 www.topclassactions.com (as was the case with these Settlements), it is not atypical to receive
25 fraudulent claim submissions and clearly erroneous claim submissions, particularly when there is an
26 option to file claims online. Consistent with this, although the list of Class Members reflects that
27 direct purchasers of resistors are comprised almost exclusively of business entities, many of the claims
28

1 forms were submitted on behalf of what appear to be natural persons.² As a result, requiring
2 documentation is an important requirement as additional funds provided to any putative additional
3 Class Members will lead to a reduction in the *pro rata* share allocated to identified Class Members out
4 of the common fund.

5 10. The claims figures reflected in this Declaration may change prior to the benefit
6 distribution, as JND continues to perform quality assurance and solicits feedback from the Parties.
7 JND will provide the final valid claim numbers in our final accounting report. Once the total purchase
8 amounts for all Class Members have been finalized and the Court approves the final amounts for
9 attorney fees and expenses, administrative costs, and service awards, JND will perform calculations
10 on a *pro rata* basis from the net settlement fund to determine the award amount for each Class Member.

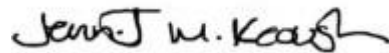
11 11. In my October 7 declaration, I provided an estimate of the distribution to Class
12 Members based on the updated data as of that date. In this Declaration, I provide an updated estimate
13 based on current information and data, such as resolution of the disputes with the last remaining Class
14 Members that disputed their purchase amounts, Denso and Tonar. For example, assuming the net
15 settlement fund is \$37,714,765.08 (for purposes of this estimate, we calculated the net settlement fund
16 by reducing the combined Settlement Fund of \$50,250,000.00 by \$10,050,000.00 in attorneys' fees,
17 \$1,815,881.92 in attorneys' expenses, \$15,000 in a service award to the Class Representative,
18 \$604,353.00 in estimated notice administration costs, and \$50,000 in anticipated distribution
19 administration costs) and the total purchase amount for all Class Members is \$1,084,582,166.78, a
20 Class Member whose purchases totaled \$16,944.47 would receive a *pro rata* award of \$586.97. JND
21 estimates that the awards will range from \$0.03 to \$4,904,042.08 (corresponding with the smallest
22 Class Member purchase amount of \$0.94 and the largest Class Member purchase amount of
23 \$141,568,138.18), with a median amount of \$1,041.92 and a mean amount of \$52,109.37. These
24 estimates reflect underlying assumptions regarding the total amount of funds available to Class
25 Members following final approval by the Court of the requests for attorneys' fees and expenses,

26 _____
27 ² By way of example, JND received claim submissions from such claimants as "Love4Ever" (which
28 provided no additional supporting documentation) and "Maid Supreme" (which provided an image of
a hard drive as its supporting documentation).

1 settlement administration costs, and service award. If the underlying assumptions change, the
2 estimates will change accordingly.

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

7 Executed on November 15, 2019 at Seattle, Washington.

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10 JENNIFER M. KEOUGH
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