

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE RESISTORS ANTITRUST  
LITIGATION

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

~~PROPOSED~~ ORDER GRANTING  
DIRECT PURCHASER PLAINTIFFS'  
NOTICE OF MOTION AND REVISED  
MOTION FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENTS AND  
PLAN OF ALLOCATION

This Documents Relates to:  
DIRECT PURCHASER ACTIONS

1 This matter has come before the Court on a motion by Direct Purchaser Plaintiffs (“DPPs” or  
2 “Plaintiffs”) to finally approve their settlements with Defendants KOA Corporation and KOA Speer  
3 Electronics, Inc. (“KOA”), ROHM Co., Ltd. and ROHM Semiconductor U.S.A., LLC (“ROHM”),  
4 Kamaya Electric Co., Ltd. and Kamaya Inc. (“Kamaya”), Walsin Technology Corporation and  
5 Walsin Technology Corporation, U.S.A. (“Walsin”), Hokuriku Electric Industry Co., Ltd. and HDK  
6 America, Inc. and (“HDK”), and Panasonic Corporation (“Panasonic”), (collectively, “Settling  
7 Defendants”); and approve Plaintiffs’ Plan of Allocation. The Court, having reviewed DPPs’  
8 Revised Motion for Final Approval of Settlements, Dkt. No. 561 (“Motion”), the Settlement  
9 Agreements, the pleadings and other papers on file in this action, and the statements of counsel and  
10 the parties, including at the two Fairness Hearings, hereby finds that the Settlements and Plan of  
11 Allocation should be approved. Accordingly, the Court enters this Order of Final Approval.

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, the “Action”) and over the parties to the Settlement Agreements,  
15 including all members of the Settlement Class and the Settling Defendants.

16 2. For purposes of this Order, except as otherwise set forth herein, the Court  
17 incorporates the definitions contained in the Settlement Agreements. Berman Final App. Decl.,  
18 Ex. A (KOA Settlement Agreement), Ex. B (Panasonic Settlement Agreement), Ex. C (ROHM  
19 Settlement Agreement), Ex. D (Kamaya-Walsin Settlement Agreement), and Ex. E (HDK  
20 Settlement Agreement). The Court finally approves and confirms the settlements set forth in the  
21 Settlement Agreements, and finds that said settlements are, in all respects, fair, reasonable, and  
22 adequate to the Settlement Class pursuant to Rule 23 of the Federal Rules of Civil Procedure.

23 3. The following class is certified for settlement purposes only, pursuant to Rule 23 of  
24 the Federal Rules of Civil Procedure:

25 All persons in the United States who purchased linear resistors  
26 (including through controlled subsidiaries, agents, affiliates or joint  
27 ventures) directly from any of the Defendants, their subsidiaries,  
28 agents, affiliates or joint ventures from July 9, 2003 through August 1,  
2014 (the “Class Period”).

1           4.     The settlement class shall be referred to herein as the “Settlement Class.”

2           5.     The Court finds the prerequisites to a class action under Federal Rule of Civil  
3 Procedure 23(a) have been satisfied for settlement purposes by the Settlement Class in that:

4                   (a) there are at least hundreds of geographically dispersed settlement class  
5                   members, making joinder of all members impracticable;

6                   (b) there are questions of law and fact common to the settlement class which  
7                   predominate over individual issues;

8                   (c) the claims or defenses of the class representative are typical of the claims or  
9                   defenses of the settlement class;

10                   (d) the Class Representative will fairly and adequately protect the interests of the  
11                   settlement class, and has retained counsel experienced in antitrust class action  
12                   litigation who have, and will continue to, adequately represent the settlement  
13                   class; and

14                   (e) resolution through class settlements is superior to individual settlements.

15           6.     The Court finds that this Action may be maintained as a class action under Federal  
16 Rule of Civil Procedure 23(b)(3) for settlement because: (i) questions of fact and law common to  
17 members of the Settlement Class predominate over any questions affecting only the claims of  
18 individual members; and (ii) a class action is superior to other available methods for the fair and  
19 efficient adjudication of this controversy.

20           7.     Pursuant to Federal Rule of Civil Procedure 23(g), the Court hereby confirms that  
21 Hagens Berman Sobol Shapiro, LLP and Cohen Milstein Sellers and Toll PLLC are appointed as  
22 Co-Lead Settlement Class Counsel, and that the named Plaintiff, Schuten Electronics, Inc., is  
23 appointed to serve as the Class Representative on behalf of the Settlement Class.

24           8.     Plaintiffs’ notice of the Class Settlements to the Settlement Class was the best notice  
25 practicable under the circumstances. The notice satisfied due process and provided adequate  
26 information to the Settlement Class of all matters relating to the Class Settlements, and fully  
27 satisfied the requirements of Federal Rules of Civil Procedure 23(c)(2) and (e)(1).

28

1           9.     Only one set of affiliated members of the Settlement Class timely and validly  
2 requested exclusion from the Settlement Class, Flextronics International USA, Inc., and, therefore,  
3 it is excluded from those Settlement Class identified. These entities are reflected in the attached  
4 Exhibit A to this order. Such persons and entities are not included in or bound by this Order as it  
5 relates to the specific settlement or settlements for which it opted-out. Such persons and entities are  
6 not entitled to any recovery of the settlement proceeds obtained through these Class Settlements.

7           10.    No valid objections were filed regarding any of the Class Settlements.

8           11.    The Court finds that DPPs' proposed Plan of Allocation, proposing to pay putative  
9 Class Members on a pro rata basis based on the dollar value of approved purchases of linear  
10 resistors per Class Member during the settlement class period is fair, reasonable, and adequate. *In*  
11 *re Citric Acid Antitrust Litig.*, 145 F. Supp. 2d 1152, 1154 (N.D. Cal. 2001). The Plan of Allocation  
12 does not unfairly favor any Class Member, or group of Class Members, to the detriment of others.

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

**IT IS SO ORDERED.**

DATED: March 24, 2020



---

HONORABLE JAMES DONATO  
UNITED STATES DISTRICT JUDGE