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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 Documents Relates to:
DIRECT PURCHASER ACTIONS

~~PROPOSED~~ ORDER GRANTING
DIRECT PURCHASER PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENTS WITH HDK,
KAMAYA/WALSIN, PANASONIC,
AND ROHM DEFENDANTS

1 This matter comes before the Court on Direct Purchaser Plaintiffs’ Motion for Preliminary
2 Approval of Settlements with HDK, Kamaya/Walsin, Panasonic and Rohm Defendants and
3 Dissemination of Class Notice (“Motion”). Dkt. No. 507.

4 WHEREAS Direct Purchaser Plaintiffs (“DPPs”), on behalf of themselves and of the
5 proposed stipulated settlement class (“Settlement Class”), and Defendants HDK America, Inc., and
6 Hokusiku Electric Industry Co. (collectively, “HDK”), Kamaya Electric Co., Ltd., Kamaya Inc.,
7 Walsin Technology Corporation, and Walsin Technology Corporation U.S.A. (collectively,
8 “Kamaya-Walsin”), Panasonic Corporation (“Panasonic”), ROHM Co., Ltd., and ROHM
9 Semiconductor U.S.A., LLC (collectively, “ROHM”) have agreed, subject to Court approval
10 following notice to the Settlement Class and a hearing, to settle the above-captioned matter
11 (“Lawsuit”) upon the terms set forth in the DPPs-HDK Settlement Agreement, the DPPs-Kamaya-
12 Walsin Settlement Agreement, the DPPs-Panasonic Settlement Agreement, and the DPPs-ROHM
13 Settlement Agreement (“Settlement Agreements”);

14 WHEREAS, this Court has reviewed and considered the Settlement Agreements entered into
15 among the parties, together with all exhibits thereto, the record in this case, and the briefs and
16 arguments of counsel;

17 WHEREAS, DPPs have applied for an order granting preliminary approval of the Settlement
18 Agreements;

19 WHEREAS, this Court preliminarily finds, for purposes of settlement only, that the action
20 meets all the prerequisites of Rule 23 of the Federal Rules of Civil Procedure;

21 WHEREAS, all defined terms contained herein shall have the same meanings as set forth in
22 the Settlement Agreements;

23 NOW, THEREFORE, IT IS HEREBY ORDERED:

- 24 1. The Court does hereby preliminarily approve the Settlement Agreements and the
25 settlements set forth therein, subject to further consideration of a hearing (the “Fairness Hearing”).
26 2. The Fairness Hearing shall be held before this Court on September 5, 2019, at
27 10:00 a.m., at the United States District Court, located in Courtroom 11 - 19th Floor, at 450 Golden
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1 Gate Avenue, San Francisco, CA 94102 to determine whether to approve certification of the class for
2 settlement purposes; whether the proposed settlements of the Lawsuit on the terms and conditions
3 provided for in the Settlement Agreements are fair, reasonable, and adequate to the Settlement Class
4 and should be approved by the Court; whether a final judgment should be entered herein; whether the
5 proposed plan of distribution should be approved; to determine the amount of fees and expenses that
6 should be awarded to Class Counsel; and to determine the amount of any incentive awards that
7 should be provided to the class representative. The Court may adjourn the Fairness Hearing without
8 further notice to the members of the Settlement Class.

9 3. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court preliminarily
10 certifies, for purposes of effectuating this settlement, a Settlement Class as follows:

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

16 4. The Court designates Schuten Electronics, Inc. as the class representative for the
17 Settlement Class.

18 5. The Court designates the following as Class Counsel for the Settlement Class: Hagens
19 Berman Sobol Shapiro LLP and Cohen Milstein Sellers & Toll PLLC.

20 6. The Court preliminarily finds that, for purposes of effectuating this settlement only,
21 the Settlement Class meets the Federal Rule of Civil Procedure 23 requirements for a settlement
22 class.

23 7. The Court will address notice to the class in a separate order.

24 8. All members of the Settlement Class shall be bound by all determinations and
25 judgments in the Lawsuit concerning the settlements, whether favorable or unfavorable to the
26 Settlement Class.

27 9. Class Counsel shall file their motion for attorneys’ fees, costs, and service awards for
28 the class representative, and all supporting documentation and papers, by thirty-five days before the
deadline for exclusions and objections.

1 10. Any person who desires to request exclusion from the Settlement Class shall do so by
2 July 15, 2019. All persons who submit valid and timely requests for exclusion shall have no rights
3 under the Settlement Agreements, shall not share in the distribution of the settlement funds, and shall
4 not be bound by the final judgments relating to the HDK, Kamaya, Walsin, Panasonic Corporation,
5 Panasonic Corporation of North America, or ROHM defendants entered in the litigation.

6 11. Any member of the Settlement Class may enter an appearance in the litigation, at his
7 or her own expense, individually or through counsel of his or her own choice. If the member does not
8 enter an appearance, he or she will be represented by Class Counsel.

9 12. Any member of the Settlement Class may appear and show cause, if he or she has any
10 reason, why the proposed settlements should or should not be approved as fair, reasonable, and
11 adequate; why a judgment should or should not be entered thereon; why the plan of distribution
12 should or should not be approved; why attorneys' fees and expenses should or should not be awarded
13 to Class Counsel; or why the incentive awards should or should not be awarded to the class
14 representative. All written objections and supporting papers must (a) clearly identify the case name
15 and number (*In re Resistors Antitrust Litigation – Direct Purchaser Actions*, No. 3:15-cv-03820-JD),
16 (b) be submitted to the Court either by mailing to the Class Action Clerk, United States District Court
17 for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, or by
18 filing them in person at any location of the United States District Court for the Northern District of
19 California, and (c) be filed or postmarked on or before July 15, 2019.

20 13. All papers in support of the settlements and responses by Class Counsel regarding
21 objections and exclusions shall be filed and served by July 29, 2019.

22 14. All reasonable expenses incurred in identifying and notifying members of the
23 Settlement Class, as well as administering the Settlement Fund, shall be paid for as set forth in the
24 Settlement Agreements.

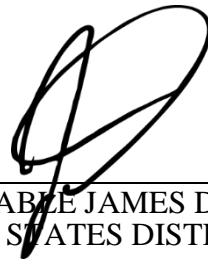
25 15. Neither the Settlement Agreements, nor any of its terms or provisions, nor any of the
26 negotiations or proceedings connected with it, shall be construed as an admission or concession by
27 DPPs or Defendants HDK, Kamaya, Walsin, Panasonic, or ROHM of the truth or falsity of any of
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1 the allegations in the Lawsuit, or of any liability, fault or wrongdoing of any kind.

2 16. All members of the Settlement Class are temporarily barred and enjoined from
3 instituting or continuing the prosecution of any action asserting the claims released in the proposed
4 settlements, until the Court enters final judgment with respect to the fairness, reasonableness, and
5 adequacy of the settlements.

6 SO ORDERED.

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8 DATED: May 2, 2019



HONORABLE JAMES DONATO
UNITED STATES DISTRICT JUDGE