

1 Joseph W. Cotchett (State Bar No. 36324)  
2 Adam J. Zapala (State Bar No. 245748)  
3 Elizabeth T. Castillo (State Bar No. 280502)  
4 **COTCHETT PITRE & McCARTHY LLP**  
5 840 Malcolm Road  
6 Burlingame, CA 94010  
7 Telephone: (650) 697-6000  
8 Facsimile: (650) 697-0577  
9 jcotchett@cpmlegal.com  
10 azapala@cpmlegal.com  
11 ecastillo@cpmlegal.com

12 *Lead Counsel for the Indirect Purchaser Plaintiffs*

13  
14 **UNITED STATES DISTRICT COURT**  
15  
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
17  
18 **SAN FRANCISCO DIVISION**

19 **IN RE CAPACITORS ANTITRUST**  
20 **LITIGATION**

21 **MDL No. 3:17-md-02801-JD**  
22 **Case No. 3:14-cv-03264-JD**

23 **DECLARATION OF ERIC SCHACHTER**  
24 **IN SUPPORT OF INDIRECT**  
25 **PURCHASER PLAINTIFFS' MOTION**  
26 **TO DISTRIBUTE SETTLEMENT FUNDS**  
27 **TO ELIGIBLE CLAIMANTS**

28 Date: December 22, 2022  
Time: 10:00 a.m.  
Place: Courtroom 11, 19th Floor  
Judge: 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.

5 2. I submit this Declaration at the request of Lead Counsel to provide the Court and the  
6 parties to the above-captioned action (the "Action") with updated information regarding processing of  
7 Claim Forms and distribution of the settlement proceeds to the class. I have personal knowledge of the  
8 facts set forth herein and, if called as a witness, could and would testify competently thereto.

9 3. A.B. Data was designated as Claims Administrator in this Action with primary  
10 duties including: (1) disseminating notice to the Class; (2) receiving, reviewing and processing  
11 Claim Forms; and (3) calculating Class Members' *pro rata* share of the Net Settlement Funds.

12 4. A.B. Data has now completed the processing of all Claim Forms, and hereby submits  
13 its administrative determinations regarding the submitted Claim Forms in preparation for a  
14 distribution of the Net Settlement Funds to Authorized Claimants.

15 5. As detailed in my previous declaration submitted to the Court on January 6, 2020  
16 (ECF No. 1063-7) and April 9, 2020 (ECF No. 1274-1), A.B. Data mailed potential members of  
17 the Settlement Classes a customized Notice Packet pre-populated with purchase data reflecting  
18 their total purchases of electrolytic capacitors and film capacitors as reflected in distributor data  
19 obtained by the Indirect Purchaser Plaintiffs through Rule 45 subpoenas during discovery in the  
20 Action. Each Settlement Class Member had the option to agree to the pre-populated purchase data  
21 or supplement their Claim Form with additional purchases evidenced by supporting documentation.  
22 The pre-populated Claim Forms mailed to Settlement Class Members contained a total of  
23 \$716,982,842.67 and \$48,830,504.74 in aggregate purchases of electrolytic capacitors and film  
24 capacitors, respectively, in the distributor data for Settlement Class Members sent a Notice Packet.  
25 The initial deadline for Settlement Class Members to submit a claim was November 12, 2019.

26 6. As detailed in my previous declaration submitted to the Court on March 10, 2022,  
27 beginning on November 9, 2021, A.B. Data provided direct notice to potential Settlement Class  
28 Members of additional settlements reached with the Shinyei and Taitso Defendants. These

1 additional settlements were limited to purchases of film capacitors in six indirect purchaser states  
2 (i.e., California, Florida, Michigan, Minnesota, Nebraska, and New York). Settlement Class  
3 Members who had not previously submitted a Claim Form were required to submit a Claim Form  
4 by February 18, 2022.

5         7.       A.B. Data has received and processed all Claim Forms in accordance with the  
6 requirements set forth in the applicable Settlement Agreements and related documents. Through  
7 this claims process, A.B. Data has determined that the Authorized Claims with no deficiencies total  
8 \$329,251,610.66 and \$52,026,725.41 in purchases of electrolytic capacitors and film capacitors,  
9 respectively. This represents a claims rate of approximately 45% and 106% based on claimed  
10 purchases of electrolytic capacitors and film capacitors as compared to all known as reflected in  
11 distributor data obtained by the parties to the Action.<sup>1</sup> Based on our experience in similar  
12 settlements, this claim rate is a higher than the typical result in class action litigation, especially in  
13 consumer or indirect purchaser actions. Each Authorized Claim and their qualifying purchase  
14 amount is identified on the Authorized Claims Summary, attached hereto as Exhibit A and Exhibit  
15 A-1. The foregoing claims rate differs slightly from the numbers previously provided to the Court  
16 in or around April of 2020 due to additional claims submitted through the settlements reached with  
17 the Shinyei and Taitso Defendants, and standard auditing and fraud prevention efforts to weed out  
18 claims or purchases that did not qualify for payment, as discussed further below.

19         8.       During the claims processing and documentation review, A.B. Data identified  
20 certain claims that were deficient in that they failed to provide information as required by the Claim  
21 Form. A.B. Data also identified through audits certain claims that appeared to be submitted by non-  
22 Settlement Class Members or otherwise were ineligible to participate in the settlements. As a result  
23 of these validation steps, A.B. Data has rejected a number of claims as ineligible. Prior to rejection,  
24 each claimant with a deficient or ineligible claim was sent a Notice of Ineligibility, which notified  
25 the claimant their claim was being rejected and provided the claimant with an explanation of the

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27 <sup>1</sup> While the validly claimed film purchases exceed the distributor data provided to the parties, the distributor data did  
28 not include all class period purchases such that it is not an unexpected result that the aggregate claimed purchases  
have exceeded the known purchases.

1 deficient or ineligible condition and guidance on how to resolve the condition, where applicable.

2 An example of the Notice of Ineligibility is attached hereto as Exhibit B.

3 9. For claimants with deficient or ineligible claims that unsuccessfully attempted to  
4 perfect their claim after being sent the Notice of Ineligibility, A.B. Data subsequently sent a Final  
5 Determination Letter to advise the claimant of the final status of their claim and to provide a final  
6 opportunity for the claimant to disagree in writing with the determination. An example of the Final  
7 Determination Letter is attached as Exhibit C. Each rejected claim, and the reason for rejection, is  
8 identified on the Rejected Claims Summary, attached hereto as Exhibit D.

9 10. Claims received after the claim-filing deadlines and before the date of this  
10 declaration, as well as perfected claims and items of late corrective correspondence received before  
11 the date of this declaration, did not cause any delay in the processing of the administration overall.  
12 Accordingly, A.B. Data recommends that the Court approve A.B. Data's administrative  
13 determinations to accept these limited late claims, perfected claims, and all corrective  
14 correspondence received by November 4, 2022. A.B. Data further recommends that all claims  
15 received, including corrective correspondence, received after November 4, 2022, be rejected as late  
16 as they could not be processed without delaying the progress of the administration.

17 11. Regarding distributions of the proceeds of the settlements to Authorized Claimants,  
18 A.B. Data recommends the following:

19 a. Using the Net Settlement Fund available for distribution after setting aside  
20 all Court-approved fees and expenses, A.B. Data will calculate the final *pro rata* payment amount  
21 for each Authorized Claimant based on each Authorized Claimant's eligible purchases of  
22 electrolytic capacitors and film capacitors as compared to the total eligible purchases for all  
23 Authorized Claimants. A minimum payment amount of \$1.00 will be implemented such that the  
24 few Authorized Claimants with a *pro rata* share of less than \$1.00 will receive a \$1.00 payment.  
25 This minimum payment is not unusual in claims administration processes and is recommended in  
26 this case since payments of less than \$1.00 are economically impractical as compared to the cost to  
27 print and mail the check and are more likely to not be cashed by the recipient. Since we only expect  
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1 a few hundred claims to fall into the minimum payment threshold, the effect on other Authorized  
2 Claimants is economically insignificant.

3 b. Each Authorized Claimant will be mailed a distribution check with a stale  
4 date of 90 days to encourage Authorized Claimants to promptly cash their distribution checks and  
5 to avoid or reduce future expenses relating to unpaid distributions. For any checks returned as  
6 undeliverable, an attempt will be made to find new addresses through a trace processing service.  
7 Any payments to Authorized Claimants that have been returned as undeliverable and no updated  
8 address has been obtained through reasonable efforts, will revert back to the Net Settlement Funds.

9 c. If there is a balance remaining in the Net Settlement Fund after four (4)  
10 months and it is economically feasible to do so, A.B. Data will redistribute the remaining funds on  
11 a *pro rata* basis to the Authorized Claimants who cashed their initial distribution checks and who  
12 would receive at least \$1.00 from such redistribution.

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 17<sup>th</sup> day of November, 2022 in Milwaukee, Wisconsin.

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19 Eric Schachter