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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE: CAPACITORS ANTITRUST
LITIGATION**

MASTER FILE NO. 14-cv-03264-JD

**THIS DOCUMENT RELATES TO:
ALL INDIRECT PURCHASER ACTIONS**

**[PROPOSED] ORDER APPROVING
MOTION TO APPROVE PROGRAM TO
PROVIDE CLASS NOTICE AND TO SET
SCHEDULE FOR FINAL APPROVAL**

[PROPOSED] ORDER APPROVING MOTION TO APPROVE PROGRAM TO PROVIDE CLASS NOTICE AND TO SET SCHEDULE FOR FINAL APPROVAL	
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1 On _____, Indirect Purchaser Plaintiffs (“IPPs”) filed a Motion to Approve
2 Program to Provide Class Notice and to Set Schedule for Final Approval of proposed settlements
3 with NEC TOKIN, Nitsuko, and Okaya. (Dkt. No. ____). The Court, having reviewed the motion,
4 the Declaration of Steven N. Williams (Dkt. No. __), which includes the proposed short form and
5 long form notices and the Declaration of Linda V. Young (Dkt. No. __), which sets forth the
6 details of the proposed notice program, the pleadings and other papers on file in this action, and the
7 statements of counsel and the parties, hereby finds that the motion should be GRANTED.
8

9 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- 10 1. The Court approves the form of the Short-Form Notice attached hereto as Exhibit A
11 (“Short-Form Notice”). The Court also approves the form of the Long-Form Notice
12 attached hereto as Exhibit B (“Long-Form Notice”). The Court finds that taken
13 together, mailing the Short-Form Notice by U.S. Mail to those addresses of class
14 members that are available to IPP counsel, together with publication of the Short-Form
15 Notice, and internet posting of the Long-Form Notice are: (i) the best notice practicable;
16 (ii) reasonably calculated to, under the circumstances, apprise members of the
17 settlement classes of the proposed settlements and of their right to object or to exclude
18 themselves as provided in the settlement agreements; (iii) reasonable and constitute due,
19 adequate and sufficient notice to all persons entitled to receive notice; and (iv) meet all
20 applicable requirements of due process and any other applicable requirements under
21 federal or state law.
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23 2. IPPs’ notice provider shall provide notice of the class settlement. The notice provider
24 shall provide direct notice of the settlement to all members of the settlement class for
25 whom they can reasonably obtain email addresses on or before January 16, 2017.
26
27 3. IPPs’ notice provider shall publish the Short-Form Notice in Publication of notice in
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1 general-market publications and trade magazines. Published notice will run in *The Wall*
2 *Street Journal*, *Electronic Design*, and *Nuts and Volts*.

3 4. IPPs' notice provider shall provide email notice through email "blasts". An email blast
4 will be sent to opt-in subscribers of the following publications:

5 a. Penton Publications (including the websites Electronicdesign.com,
6 machinedesign.com, sourceesb.com, mwrf.com, powerelectronics.com, and
7 HydraulicsPneumatics.com).

8 b. EE Times.

9 5. IPPs' notice provider shall cause banner ads to be placed on the following websites:

10 c. Electronicdesign.com

11 d. Machinedesign.com

12 e. SourceESB.com

13 f. Mwrf.com (Microwaves and RF)

14 g. Powerelectronics.com

15 h. HydraulicsPneumatics.com

16 i. Nutsvolts.com

17 j. Passivecomponentmagazine.com

18 k. Eetimes.com

19 l. Ebonline.com

20 All banner ads will include an embedded link to the website
21 www.capacitorsindirectcase.com. The banner ads will include generic images of
22 capacitors to increase the visibility of the ads.

23 6. IPPs' notice provider shall cause banner ads to be run in the e-newsletter *Nuts and*
24 *Volts*, which is mailed to approximately 40,000 subscribers.

25 7. IPPs' notice provider shall publish notice in selected trade e-newsletters.

26 8. IPPs' notice provider shall implement earned media, including dissemination of a news
27 release via Business Wire which will be distributed to more than 10,000 newsrooms,
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1 including print, broadcast and digital media across the United States.

2 9. Publication notice shall commence on or before January 16, 2017, and be completed on
3 or before February 25, 2017. The notice provider shall also cause a copy of the class
4 notices and Settlement Agreements to be posted on the internet website
5 www.capacitorsindirectcase.com on or before January 16, 2017.

6
7 10. Each member of the settlement classes shall have the right to be excluded from the
8 settlement classes by mailing a request for exclusion to the claims administrator to be
9 postmarked no later than March 17, 2017. Requests for exclusion must be in writing
10 and set forth the name and address of the person or entity who wishes to be excluded, as
11 well as any trade name or business name and address used by such person or entity, and
12 must be signed by the class member seeking exclusion. No later than March 24, 2017,
13 IPP Class Counsel shall file with the Court a list of all persons or entities who have
14 timely requested exclusion from the settlement classes as provided in the Settlement
15 Agreement.
16

17 11. Any member of the settlement classes who does not properly and timely request
18 exclusion from the settlement classes as provided above shall, upon final approval of
19 the settlement, be bound by the terms and provisions of the settlement so approved,
20 including but not limited to the releases, waivers, and covenants set forth in the
21 Settlement Agreements, whether or not such person or entity objected to the Settlement
22 Agreements and whether or not such person or entity makes a claim upon the settlement
23 funds.
24

25 12. Each member of the settlement classes who has not timely excluded itself from the
26 settlement shall have the right to object to (1) the settlement and/or (2) the plan of
27 allocation by filing written objections with the Court no later than March 17, 2017.
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Failure to timely file written objections will preclude a class member from objecting to any or all of the settlement.

13. Each member of the settlement classes as provided above shall have the right to appear at the Fairness Hearing by filing a Notice of Intention to Appear no later than March 17, 2017.

14. The Court will conduct a Fairness Hearing on _____. The Fairness Hearing will be conducted to determine the following:

- a. Whether the proposed settlements are fair, reasonable, and adequate and should be granted final approval;
- b. Whether final judgment should be entered dismissing with prejudice the claims of the settlement classes against NEC TOKIN, Nitsuko, and Okaya; and
- c. Such other matters as the Court may deem appropriate.

15. Each member of the settlement classes shall retain all rights and causes of action with respect to claims against the remaining defendants other than NEC Tokin, Nitsuko and Okaya regardless of whether such member of the settlement classes decides to remain in the settlement classes or to exclude itself from the settlement classes.

16. All briefs, memoranda and papers in support of final approval of the settlement shall be filed no later than April 11, 2017.

17. IPPs' Class Counsel and their designees are authorized to expend funds from the escrow accounts to pay taxes, tax expenses, notice, and administration costs as set forth in the Settlement Agreements.

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1 This order terminates Docket Number ____.

2 IT IS SO ORDERED.

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4 Dated: _____

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Hon. James Donato
United States District Judge

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