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9  
10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**  
12 **SAN FRANCISCO DIVISION**

13 **IN RE CAPACITORS ANTITRUST**  
14 **LITIGATION**

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

15 **This Document Relates to:**  
16 **All Indirect Purchaser Actions**

**INDIRECT PURCHASER PLAINTIFFS’**  
**NOTICE OF MOTION AND MOTION**  
**FOR APPROVAL OF CLASS NOTICE**  
**PROGRAM OF SETTLEMENTS WITH**  
**PANASONIC, NICHICON, ELNA, AND**  
**MATSUO DEFENDANTS;**  
**MEMORANDUM OF POINTS AND**  
**AUTHORITIES IN SUPPORT**  
**THEREOF**

**Date:** July 25, 2019  
**Time:** 10:00 a.m.  
**Place:** Courtroom 11, 19<sup>th</sup> Floor

**1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT**, on July 25, 2019, at 10:00 a.m., or as soon thereafter  
3 as the matter may be heard, in the Courtroom of the Honorable James Donato, United States  
4 District Judge for the Northern District of California, located at 450 Golden Gate Avenue, San  
5 Francisco, California, the Indirect Purchaser Plaintiffs (“IPPs”) will and hereby do move for entry  
6 of an order granting approval of their plan of notice to the proposed classes of proposed  
7 settlements with: (1) Defendants Panasonic Corporation, Panasonic Corporation of North  
8 America, SANYO Electric Co., Ltd., and SANYO North America Corporation (collectively,  
9 “Panasonic”); (2) Defendants Nichicon Corporation and Nichicon (America) Corporation  
10 (together, “Nichicon”); (3) Defendants ELNA Co., Ltd. and ELNA America, Inc. (together,  
11 “Elna”); and (4) Defendant Matsuo Electric Co., Ltd (“Matsuo”). (Panasonic, Nichicon, Elna,  
12 and Matsuo, are referred to collectively as the “Settling Defendants”). This motion is brought  
13 pursuant to Federal Rule of Civil Procedure (“Rule”) 23(e).

14 IPPs’ proposed notice program satisfies Rule 23, complies with due process, and is  
15 virtually the same notice program this Court has already approved in this case. *See* Dkt. 1457  
16 (Jan 30, 2017) (order approving notice program for Round 1 settlements), Dkt. 2152, MDL Dkt.  
17 227 (May 25, 2018) (order approving notice program for Round 2 settlements). IPPs’ proposed  
18 notice program constitutes “the best notice that is practicable under the circumstances[.]” Rule  
19 23(c)(2)(B). IPPs’ plan provides direct mail and e-mail notice to class members whose contact  
20 information is available from records provided by non-party distributors produced during the  
21 course of discovery in this litigation. The direct notice program is supplemented by a robust  
22 publication program. Taken together, the plan exceeds the requirements of Rule 23, satisfies any  
23 due process concerns, and will fairly apprise putative Settlement Class Members of the existence  
24 of the settlement and their options under it.

25 This motion is based upon this Notice; the Memorandum of Points and Authorities in  
26 Support; the Declaration of IPPs’ Notice Program expert, Eric Schachter from A.B. Data, Inc.,  
27 and attached exhibits, along with the proposed notices themselves; and any further papers filed in  
28 support of this motion as well as arguments of counsel and all records on file in this matter.

1 Dated: June 20, 2019

Respectfully Submitted,

2 **COTCHETT, PITRE & McCARTHY, LLP.**

3 By: /s/ Adam J. Zapala

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15 *Purchaser Plaintiffs*

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1 **STATEMENT OF THE ISSUES TO BE PRESENTED**

2 Whether the Court should approve the proposed class notice program and establish a  
3 schedule for final approval of IPPs' proposed settlements.

4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5 **I. INTRODUCTION**

6 Indirect Purchaser Plaintiffs ("IPPs") move for an order approving their proposed notice  
7 program of their settlements with the Panasonic, Nichicon, Elna, and Matsuo Defendants.<sup>1</sup>

8 The proposed notice program is a robust, multifaceted program that delivers plain and  
9 easy to understand information about the settlements. IPPs have retained a recognized national  
10 expert, A.B. Data, Inc., that has designed a notice program that addresses the specific nature of  
11 the settlements and the settlement classes at issue in this litigation. Specifically, the proposed  
12 notice program is virtually the same as those the Court approved in connection with prior IPP  
13 settlements (Dkt. 1457 (Jan. 30, 2017) (order approving notice program for Round 1 settlements),  
14 Dkt. 2152, MDL Dkt. 227 (May 25, 2018) (order approving notice program for Round 2  
15 settlements)). The program includes (1) direct mail and email notice, (2) publication notice, (3)  
16 internet notice, (4) an earned media plan, (5) e-newsletter notice/banner ads, (6) a case-specific  
17 website, and (7) a case specific toll-free number. This comprehensive, multi-pronged approach  
18 provides the Classes with the best notice practicable under the circumstances and satisfies Rule 23  
19 and due process. IPPs' notice program will fairly apprise potential class members of the  
20 existence of the settlements and their options in relation to them. Additionally, IPPs propose to  
21 begin the claims process at this juncture. Accordingly, the Court should approve dissemination of  
22 class notice and establish a schedule for a final approval hearing on the settlements.

23 **II. FACTUAL AND PROCEDURAL BACKGROUND**

24 The cumulative settlement fund established by the current round of four settlements with  
25  
26

27 <sup>1</sup> IPPs are concurrently filing a Motion for Preliminary Approval of these settlements.  
28 Information contained in this memorandum supplements and supports IPPs' Motion for Preliminary Approval.

1 the Settling Defendants is \$30,950,000.00 (\$30.95 million).<sup>2</sup> IPPs' settlements in this action –  
 2 those from prior rounds plus this round – total \$80,850,000. See IPPs' Statement Regarding  
 3 Status of Settlements, Dkt. 2261, MDL Dkt. 444.

4 IPPs propose to give notice to the following proposed classes:

5 Electrolytic Settlement Class Definition:

6 All persons and entities in the United States who, during the period  
 7 from April 1, 2002 to February 28, 2014, purchased one or more  
 8 Electrolytic Capacitor(s) from a distributor (or from an entity other  
 9 than a Defendant) that a Defendant or alleged co-conspirator  
 10 manufactured. Excluded from the Class are Defendants, their parent  
 11 companies, subsidiaries and Affiliates, any co-conspirators,  
 Defendants' attorneys in this case, federal government entities and  
 instrumentalities, states and their subdivisions, all judges assigned to  
 this case, all jurors in this case, and all persons and entities who  
 directly purchased Capacitors from Defendants.

12 Zapala Decl., Ex. 1, Panasonic Settlement Agreement, ¶ 1(f); Ex. 2, Nichicon Settlement  
 13 Agreement, ¶ 1(f); Ex. 3, Elna Settlement Agreement, ¶ 1(f); Ex. 4, Matsuo Settlement  
 14 Agreement, ¶ 1(f).

15 Film Settlement Class Definition:

16 All persons and entities in the United States who, during the period from  
 17 January 1, 2002 to February 28, 2014, purchased one or more Film  
 18 Capacitor(s) from a distributor (or from an entity other than a Defendant)  
 19 that a Defendant or alleged co-conspirator manufactured. Excluded from  
 20 the Class are Defendants, their parent companies, subsidiaries and  
 21 Affiliates, any co-conspirators, Defendants' attorneys in this case,  
 federal government entities and instrumentalities, states and their  
 subdivisions, all judges assigned to this case, all jurors in this case, and  
 all persons and entities who directly purchased Capacitors from  
 Defendants.

22 Zapala Decl., Ex. 1, Panasonic Settlement Agreement, ¶ 1(f).<sup>3</sup>

23 **A. Attorneys' Fees and Reimbursement of Litigation Expenses**

24 IPPs propose to notify the class that they will not seek more than 30% of the cumulative  
 25

26 <sup>2</sup> A fuller background on the case is set forth in IPPs' concurrently-filed motion for  
 preliminary approval of the settlements.

27 <sup>3</sup> Panasonic is the only Settling Defendant in this round of settlements alleged to have  
 28 participated in the film capacitor conspiracy.

1 settlement fund in attorneys' fees. To date, IPP counsel's lodestar is approximately  
2 \$32,851,542.00 based on 71,753 hours billed. IPP counsel reserves the right to further vet this  
3 attorney time, and to exercise additional billing judgment to eliminate any time Class Counsel  
4 believes was not of value to the class. Additionally, IPPs will seek reimbursement of reasonable  
5 litigation expenses. Since their last cost submission, which has yet to be approved by the Court,  
6 IPPs have incurred at least \$971,064.30 in litigation costs and expenses. IPPs reserve the right to  
7 seek less than the 30% amount and will submit their attorneys' fees and litigation expenses  
8 motion at least 45 days in advance of the opt-out and objection deadline, as required under the  
9 Northern District of California's Procedural Guidance on Class Action Settlements. The  
10 attorneys' fees and litigation expenses motion will also be posted on the IPP settlement website at  
11 least 45 days prior to the objection and opt-out deadline.

#### 12 **B. Claim Forms**

13 IPPs propose to begin the claim process now given that a large percentage of the  
14 Defendants have settled with IPPs. *See* IPPs' Statement Regarding Status of Settlements, Dkt.  
15 2261, MDL Dkt. 444. In this regard, IPPs propose to use a claim form that contains some pre-  
16 populated data, to the extent it exists for a particular class member, obtained from capacitors  
17 distributors during the course of litigation. Class members will also be invited to supplement the  
18 pre-populated portion of the claim forms. A copy of IPPs' proposed claim form can be found as  
19 Exhibit 3 to the Declaration of Eric Schacter. In interim class counsel's view and experience—  
20 supplemented by advice from their notice and claims expert, A.B. Data, Inc.—pre-populating the  
21 claim forms with potential awards amounts will have the effect of greatly increasing the rate at  
22 which putative class members submit claims. In Class Counsel's view, this is a very good thing.

23 IPPs' proposed claims administrator estimates that between 2% and 12% of class  
24 members will submit a claim form; this estimate is based on A.B. Data's experience  
25 administering similar class action. Declaration of Eric Schachter ("Schachter Decl."), ¶ 9.

#### 26 **C. Settlement Administration**

27 A.B. Data, Inc. is the proposed settlement notice and claims administrator. A.B. Data has  
28 implemented the notice programs for the first two rounds of IPP settlements. A.B. Data was

1 initially selected by counsel after an extensive competitive bidding process. Interim Class  
 2 Counsel solicited and received proposals from six nationally-recognized class action notice and  
 3 claims administrators. The proposals that counsel received were consistent in that they included a  
 4 direct notice program for those class members whose addresses are known through non-party data  
 5 produced in the litigation, combined with a targeted publication notice program. In addition to  
 6 this case, Cotchett, Pitre, & McCarthy, LLP has engaged A.B. Data, Inc. in five other matters  
 7 over the last two years: *In re Resistors Antitrust Litig.*, No. 3:15-cv-03820-JD (N.D. Cal.); *In re:*  
 8 *Vizio Consumer Privacy Litig.*, No. 8:16-ml-02693-JLS-KES (C.D. Cal.); *In re Lithium Ion*  
 9 *Batteries Antitrust Litig.*, No. 4:13-md-2420-YGR (N.D. Cal.); *In re Qualcomm Antitrust Litig.*,  
 10 No. 5:17-md-2773-LHK (N.D. Cal.); and *Fair v. Archdiocese of San Francisco*, No. CGC-15-  
 11 549563 (S.F. Superior Court).

12 It is anticipated that notice and claims administration will cost approximately between  
 13 \$600,000 and \$850,000; this cost estimate is based on an estimated claims submission rate of 2%  
 14 to 12%. Schachter Decl., ¶ 9. Notice and claims administration expenses will be paid from the  
 15 Settlement Funds and taken *pro rata* therefrom, as permitted by the Settlement Agreements.  
 16 Thus, assuming that notice and claims administration for this round of settlements costs a total of  
 17 \$700,000, such costs will be taken from the settlements in the following amounts:

18 Defendant	Nichicon	Panasonic	Elna	Matsuo
19 Settlement Funds 20 Allocated to 21 Notice and Claims	\$486,220.00	\$106,330.00	\$50,890.00	\$50,560.00

### 22 **III. THE COURT SHOULD APPROVE IPPS' NOTICE PLAN**

23 IPPs' proposed notice provider in this case is A.B. Data, Inc. A.B. Data has been  
 24 appointed as notice, claims, and/or settlement administrator in large consumer, civil rights,  
 25 insurance, antitrust, ERISA, securities, and wage and hour cases, administering some of the  
 26 largest and most complex class action settlements of all time. *See* Schachter Decl. ¶¶ 3-4.  
 27 Representative examples of A.B. Data's experience are set forth at Exhibit 1 to the Schachter  
 28 Declaration filed in support of this motion.

1 The objective of the proposed notice program is to provide notice of the proposed  
2 settlements to potential class members that is consistent with Rule 23 and due process. Schachter  
3 Decl. ¶¶ 5-6. A.B. Data has researched data regarding the target audience's (*i.e.*, the proposed  
4 settlement classes') media consumption and based on this research has determined the most  
5 appropriate media vehicles that would best deliver notice to potential class members and provide  
6 them with the opportunity to see and respond to the notice. *Id.* ¶¶ 7-8, 10-14, 19. The notice  
7 program includes (1) direct mail and email notice, (2) publication notice, (3) internet notice, (4)  
8 an earned media plan, (5) e-newsletter notice/banner ads, (6) a case-specific website, and (7) a  
9 case-specific toll-free number. As set forth in more detail below, IPPs' notice program will fairly  
10 apprise potential class members of the existence of the settlement agreements and their options in  
11 relation to the proposed settlements.

## 12 A. Notice Program Elements

### 13 1. Direct Mail and Email Component

14 The Notice program includes direct mail and email notice to class members for whom  
15 mailing and email addresses are available through productions from non-party distributors. A.B.  
16 Data will process the residential addresses through the national change of address ("NCOA")  
17 database and, using any updated information available in the NCOA database, will send a long-  
18 form notice and claim forms directly to those potential class members. Schachter Decl., ¶ 9. (A  
19 copy of the proposed long-form notice is attached as Exhibit 2 to the Schachter Declaration; a  
20 copy of the claim form is attached as Exhibit 3 to the Schachter Declaration.) Further analysis  
21 will be done of any mail returned non-deliverable after use of the NCOA database and follow up  
22 direct mail notice will be provided where appropriate. Schachter Decl., ¶ 9. To the extent email  
23 contact information was available from non-party distributors, A.B. Data will send out the notice  
24 packet via email to such putative class members. *Id.*

### 25 2. Publication Notice Plan

26 As a means to supplement the direct notice program to reach class members who may not  
27 have received direct notice, IPPs also propose a publication notice program. The publication plan  
28 includes paid media and earned media components. The paid and earned media plan includes

1 advertising in a national publication; “banner” ads on national trade publication websites;  
2 “banner” ads targeting consumers and businesses who are electronic hobbyists and enthusiasts;  
3 “banner” ads in national e-newsletters targeted to the settlement classes; a custom email “blast” to  
4 opt-in subscribers of certain targeted publications; and a news release disseminated via earned  
5 media. *Id.* at ¶¶ 10-15.

6 Additionally, a print ad will be placed in *The Wall Street Journal* to reach professionals  
7 and executives of manufacturers and industrial businesses that purchase capacitors. *Id.* ¶ 11.

8 “Banner” advertisements will be run on the following national trade publication websites  
9 and/or e-newsletters targeting electronics hobbyists and professionals in the electronics and  
10 purchasing industries who are large-scale purchasers of capacitors: Electronicdesign.com;  
11 Machinedesign.com; SourceESB.com; Microwaves & RF – mwrf.com; Powerelectronics.com;  
12 HydraulicsPneumatics.com; SourceToday.com; nutsvolts.com; eetimes.com; eetimes.com;  
13 ebnonline.com; GlobalPurchasing.com. *Id.* ¶ 12.

14 In addition to the foregoing, “banner” ads will be placed via a variety of websites over 30  
15 days to a minimum of 14.8 million targeted business professionals within manufacturing  
16 industries and electronics hobbyists and enthusiasts who are technology savvy. Key strategies of  
17 contextual, behavioral, and predictive modeling have been utilized to target the banner ads to  
18 potential class members. A mix of mobile, laptop, and desktop devices will be targeted in this  
19 effort. *Id.* ¶ 13.

20 With respect to the earned media component, a news release regarding the case will be  
21 sent as an email “blast” to subscribers of the following publications: Penton Publications and EE  
22 Times. *Id.* ¶ 14.

23 In addition to the notice efforts involving print publications and digital media, A.B. Data  
24 will disseminate a news release via the PR Newswire distribution service to announce the notice  
25 of settlements. This news release will be distributed via PR Newswire to more than 10,000  
26 newsrooms, including print, broadcast, and digital media, across the United States. It will also be  
27 distributed to trade publications relevant to the industries and fields concerned. *Id.* ¶ 15.

28

### 3. Dedicated Settlement Website

The case-specific settlement website will appear on both the Short Form and the Long Form notice and in all print and digital ads. *Id.* ¶ 16. The website will provide potential Class Members with the opportunity to get detailed information about the Settlements and relevant documents, including the notice documents, the Preliminary Approval Order, the Settlement Agreements, and other relevant filings and Court Orders. *Id.*

### 4. Toll-Free Number

The case-specific toll-free telephone number will appear on both the Short Form Notice and the Long Form Notice. *Id.* ¶ 18. The toll-free number will be setup with an automated interactive voice response system that will present callers with a series of choices to hear pre-recorded information about the Settlements. *Id.* If callers need further help, they will have an opportunity to speak with a live operator during business hours. *Id.*

As a notice program that primarily targets entities and consumers that have purchased capacitors (a product used primarily in the manufacturing of products), data to quantify the reach of this program are not available through traditional media resources, such as MRI, that provide accredited media research. Based on the trade-media resources for the passive-component industry and the electronics, electrical, and purchasing fields, some of which state that they deliver, in the words of one such source, “90% coverage of all companies in the passive component supply chain,” the proposed notice program satisfies Rule 23 requirements. *Id.* ¶ 18. Plaintiffs’ notice expert has opined that the Program delivers a minimum reach of 70% to the Class and meets the requirements of Rule 23 and communicates information by complying “with the plain language requirement.” *Id.* ¶ 19.

### 5. The Proposed Forms of Notice Comply with Rule 23 and Due Process

Finally, the proposed Short Form Notice is attached to the Schachter Declaration as Exhibit 4. The proposed Long Form Notice is attached to the Schachter Declaration as Exhibit 2. As explained in the Schachter Declaration, these notices address each of Rule 23’s requirements in a clear and easily understood manner. Accordingly, the Notice Program and accompanying forms are reasonable and adequate under the circumstances, and are fairly calculated to apprise

1 class members of their rights under the settlement. *See id.*

2 **B. Legal Standard for Notice**

3 Rule 23 requires that notice be given in a reasonable manner to all class members who  
4 would be bound by a proposed settlement. *See* Rule 23(e). “[T]he Court must direct to class  
5 members the best notice that is practicable under the circumstances, including individual notice to  
6 all members who can be identified through reasonable effort.” Rule 23(c)(2)(B). Notice of a  
7 proposed settlement is adequate and satisfies Rule 23 and due process if it “fairly apprise[s] the  
8 prospective members of the class of the terms of the proposed settlement and of the options that  
9 are open to them in connection with the proceedings.” *Walsh v. CorerPower Yoga LLC*, No. 16-  
10 cv-05610-MEJ, 2017 U.S. Dist. LEXIS 20974 (N.D. Cal. Feb. 14, 2017) (citing *Eisen v. Carlisle*  
11 *& Jacquelin*, 417 U.S. 156, 174 (1974)). Class notice must afford potential Class Members the  
12 ability to “make an informed decision about their participation [in the litigation].” Manual for  
13 Complex Litigation, Fourth, § 21.311, at 289.

14 **C. IPPs’ Proposed Notice Program Comports with the Requirements of Rule 23**  
15 **and Due Process**

16 In the context of Rule 23(b)(3) actions, “the court must direct to class members the best  
17 notice that is practicable under the circumstances,” and that notice “must clearly and concisely  
18 state in plain, easily understood language: (i) the nature of the action; (ii) the definition of the  
19 class certified; (iii) the class claims, issues or defenses; (iv) that a class member may enter an  
20 appearance through an attorney if the member so desires; (v) that the court will exclude from the  
21 class any member who requests exclusion; (vi) the time and manner for requesting exclusion; and  
22 (vii) the binding effect of a class judgment on members under Rule 23(c)(3).” Rule 23(c)(2)(B).

23 While Rule 23 requires that reasonable efforts be made to reach all class members, it does  
24 not require that each individual actually receive notice. *Silber v. Mabon*, 18 F.3d 1449, 1454 (9th  
25 Cir. 1994). A class settlement notice satisfies due process if it contains a summary sufficient to  
26 “apprise interested parties of the pendency of the action and to afford them an opportunity to  
27 present their objections.” *UAW v. GMC*, 497 F.3d 615, 629 (6th Cir. 2007) (quoting *Mullane v.*  
28 *Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950)). A settlement notice need only be a

1 summary, not a complete source of information. *See, e.g., Petrovic v. AMOCO Oil Co.*, 200 F.3d  
2 1140, 1153 (8th Cir. 1999); *In re “Agent Orange” Prod. Liab. Litig.*, 818 F.2d 145, 170 (2d Cir.  
3 1987); *Mangione v. First USA Bank*, 206 F.R.D. 222, 233 (S.D. Ill. 2001). The Ninth Circuit  
4 requires a general description of the proposed settlement. *Churchill Vill., L.L.C. v. GE*, 361 F.3d  
5 566, 575 (9th Cir. 2004); *Torrisi v. Tucson Elec. Power Co.*, 8 F.3d 1370, 1374-75 (9th Cir.  
6 1993); *Mendoza v. United States*, 623 F.2d 1338, 1351 (9th Cir. 1980).

7        IPPs’ proposed notice program meets these standards. The notice program begins by  
8 providing direct mail and email notice for those class members for whom addresses were obtained  
9 in non-parties’ data that IPPs received in discovery. While direct mail notice is typically  
10 considered the best form of notice under Rule 23(c)(3), the proposed notice program adds many  
11 additional components that make it a thorough, multilayered approach to notice designed to reach  
12 as many members of the Settlement Classes as possible. This approach is adequate and  
13 reasonable under the circumstances. *Ross v. Trex Co.*, 2013 U.S. Dist. LEXIS 29081, \* 6 (N.D.  
14 Cal. Mar. 4, 2013) (“Courts have consistently recognized that due process does not require that  
15 every class member receive actual notice . . . Due Process does not entitle a class member to  
16 ‘actual notice,’ but rather to the best notice practicable, reasonably calculated under the  
17 circumstances to apprise him of the pendency of the class action and give him a chance to be  
18 heard.”); *see also In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 177 F.R.D. 216, 231  
19 (D.N.J. 1997) (“Courts have consistently recognized that due process does not require that every  
20 class member receive actual notice so long as the court reasonably selected a means likely to  
21 apprise interested parties”); *Bissonette v. Enter. Leasing Companywest*, No. 10-CV-00326-LRH-  
22 WGC, 2014 U.S. Dist. LEXIS 132634 (D. Nev. 2014) (“Under this ‘best notice practicable’  
23 standard, courts retain considerable discretion to tailor notice to the relevant circumstances ....”).

24        Additionally, as the Schachter Declaration makes clear, the contents of the notices  
25 themselves meet the requirements of Rule 23(c)(2)(B) and are provided in plain language that is  
26 understandable to the classes. The proposed long form notice includes (1) the case name and case  
27 number; (2) a description of the case; (3) a description of the settlement classes; (4) a description  
28 of the settlement agreements, including the monetary consideration and cooperation to be

1 provided to the settlement classes; (5) the name of Interim Lead Counsel for IPPs; (6) a  
 2 description of the releases being provided; (7) the final approval hearing date; (8) information  
 3 about the final approval hearing; (9) information about the deadline for filing objections to the  
 4 settlement agreements; (10) information about the deadline for filing requests for exclusion from  
 5 the settlement classes; (11) that a class member can enter an appearance through an attorney if the  
 6 member so desires; (12) the consequences of exclusion or remaining in the settlement classes; and  
 7 (13) and how to obtain further information about the proposed settlement agreements. Schachter  
 8 Decl., Ex. 2. This includes all of the information required by Rule 23(c)(2)(B) and more.

9 **D. The Court Should Establish a Schedule for the Notice Program and Final**  
 10 **Approval of the Settlements**

11 If the Court grants IPPs' concurrently-filed motion for preliminary approval of the  
 12 settlements and grants this motion to approve a class notice program, a schedule should be  
 13 established for the completion of the notice program, objections and requests for exclusion, and  
 14 the briefing for attorneys' fees, reimbursement of reasonable litigation expenses, and for final  
 15 approval. IPPs propose the following schedule:

Event	Time
Mail Notice	60 days after Preliminary Approval Order ("Order")
Publication Begins	60 days after Order
IPPs' Motion for Attorneys' Fees and Reimbursement of Litigation Expenses	115 days after Order and 45 days before Exclusion and Objection Deadline
Exclusion and Objection Deadline	150 days after Order
Motion for Final Approval and Response to Objections (if any)	165 days after Order and 15 days before Hearing
Final Approval Hearing	180 days after Order
Deadline to Submit Claims	240 Days After Order

25 **IV. CONCLUSION**

26 For the foregoing reasons, IPPs respectfully request that this Court enter an order: (1)  
 27 approving IPPs' proposed notice program, and (2) setting a schedule for notice and final approval.  
 28

1 Dated: June 20, 2019

Respectfully Submitted:

2 /s/ Adam J. Zapala

3 Adam J. Zapala

4 Elizabeth T. Castillo

5 Mark F. Ram

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