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

**IN RE: CAPACITORS ANTITRUST
LITIGATION**

MASTER FILE NO. 3:14-cv-03264-JD

MDL No. 17-md-0281-JD

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

**[PROPOSED] FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE AS TO
HITACHI CHEMICAL DEFENDANTS**

1 This matter has come before the Court to determine whether there is any cause why this
2 Court should not enter Final Judgment as to Defendants Hitachi Chemical Co., Ltd., Hitachi AIC
3 Inc., and Hitachi Chemical Co. America, Ltd., (collectively, “Hitachi Chemical”). The Court,
4 having reviewed the settlement agreement between Plaintiffs Michael Brooks, CAE Sound, Steve
5 Wong, Toy-Knowlogy Inc., AGS Devices, Ltd., J&O Electronics, Nebraska Dynamics, Inc.,
6 Angstrom, Inc., MakersLED, In Home Tech Solutions, Inc., individually and on behalf of the
7 Indirect Purchaser Class they seek to represent, on the one hand, and Hitachi Chemical, on the
8 other, dated July 21, 2017 (the “Settlement Agreement”); Indirect Purchasers’ Motion for Final
9 Approval of Settlements with Defendants Hitachi Chemical and Soshin; the pleadings and other
10 papers on file in this action; and the statements of counsel and the parties, including at the
11 October 18, 2018 Fairness Hearing, hereby finds no just reason to delay the entry of Final
12 Judgment under Federal Rule of Civil Procedure 54(b). Accordingly, the Court directs entry of
13 Judgment, which shall constitute a final adjudication of the case on the merits as to Hitachi
14 Chemical in accordance with the terms of the Settlement Agreement.

15 Good cause appearing therefore:

16 **IT IS HEREBY ORDERED, AJUDGED, AND DECREED THAT:**

17 1. The Court has jurisdiction over the subject matter of this litigation, the Actions
18 within this litigation, and the parties to the Settlement Agreements, including all members of the
19 Settlement Class.

20 2. For purposes of this Judgment, except as otherwise set forth herein, the Court
21 adopts and incorporates the definitions contained in the Settlement Agreement as though they
22 were fully set forth in this Final Judgment. Specifically, “Class,” as defined in the Settlement
23 Agreement, means:

24 All persons and entities in the United States who, during the period
25 from April 1, 2002 to February 28, 2014, purchased one or more
26 Electrolytic Capacitor(s) from a distributor (or from an entity other
27 than a Defendant) that a Defendant or alleged co-conspirator
28 manufactured. Excluded from the Class are Defendants, their parent
companies, subsidiaries and Affiliates, any co-conspirators,
Defendants’ attorneys in this case, federal government entities and

1 instrumentalities, states and their subdivisions, all judges assigned to
2 this case, all jurors in this case, and all persons and entities who
3 directly purchased Capacitors from Defendants; and

4 All persons and entities in the United States who, during the period
5 from January 1, 2002 to February 28, 2014, purchased one or more
6 Film Capacitor(s) from a distributor (or from an entity other than a
7 Defendant) that a Defendant or alleged co-conspirator manufactured.
8 Excluded from the Class are Defendants, their parent companies,
9 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.

10 3. Those persons and entities identified in the list attached hereto as **Exhibit A** are
11 validly excluded from the Class. Such persons and entities are not included in or bound by this
12 Judgment. Such persons and entities are not entitled to any recovery of the settlement proceeds
13 obtained in connection with the Settlement Agreement.

14 4. The Court hereby dismisses on the merits and with prejudice IPPs' claims against
15 Hitachi Chemical, with each party to bear their own costs and attorneys' fees, except as provided
16 in the Settlement Agreement.

17 5. All persons and entities who are Releasers under the terms of the Settlement
18 Agreement are hereby barred and enjoined from commencing, prosecuting, or continuing, either
19 directly or indirectly, any claim against the Releasees, as defined in the Settlement Agreement, in
20 this or any other jurisdiction arising out of, or related to, any of the Released Claims.

21 6. The Releasees are hereby and forever released from all Released Claims as defined
22 in the Settlement Agreement.

23 7. Without affecting the finality of this Judgment in any way, this Court hereby
24 retains continuing jurisdiction over

25 a. implementation of these settlements and any distribution to members of the
26 Settlement Class pursuant to further orders of this Court;

27 b. disposition of the Settlement Fund;

- c. determining attorneys' fees, costs, expenses, interest and Class Representative incentive awards;
- d. the Action until Final Judgment contemplated hereby has become effective;
- e. hearing and ruling on any matters relating to the plan of allocation of settlement proceeds; and
- f. all parties to the Action and Releasing Parties, for the purpose of enforcing and administering the Settlement Agreement and the mutual releases and other documents contemplated by, or executed in connection with the Agreement.

8. This document constitutes a final judgment and separate documents for purposes of Federal Rule of Civil Procedure 58(a).

9. The Court finds that, pursuant to Federal Rules of Civil Procedure 54(a) and (b), Final Judgment should be entered, and further finds that there is no just reason for delay in the entry of Final Judgment, as to the parties to the Settlement Agreements. Accordingly, the Clerk is hereby directed to enter Final Judgment forthwith.

IT IS SO ORDERED.

Dated: October __, 2018

Hon. James Donato
United States District Court Judge

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EXHIBIT A

REQUESTS FOR EXCLUSION FROM HITACHI SETTLEMENT

| <u>Name</u> | <u>Exclusion Request Timely</u> |
|--------------------|--|
| Gayle L. Roberts | Yes |
| Peter Zdinak | Yes |
| LingoTeach Inc | Yes |