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10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **OAKLAND DIVISION**

13
14 IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master File No. 07-CV-5944-JST
MDL No. 1917

15 _____
 16 This Document Relates to:
 17 *ALL DIRECT PURCHASER ACTIONS*

**DIRECT PURCHASER PLAINTIFFS’
 NOTICE OF MOTION AND MOTION FOR
 ORDER AUTHORIZING DISTRIBUTION
 OF SETTLEMENT FUNDS;
 MEMORANDUM OF POINTS AND
 AUTHORITIES IN SUPPORT THEREOF**

Date: May 26, 2022
 Time: 2:00 p.m.
 Judge: Honorable Jon S. Tigar
 Courtroom: 6 - 2nd Floor

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on Thursday, May 26, 2022, at 2:00 p.m., or as soon thereafter as counsel can be heard, before the Honorable Jon S. Tigar, United States District Judge, at the United States Courthouse, 1301 Clay Street, Courtroom 6, Oakland, California, Direct Purchaser Plaintiffs (“Plaintiffs”) will move this Court for an Order authorizing the distribution of settlement proceeds obtained in the Direct Purchaser Actions to class members who submitted valid claims.

Plaintiffs request that the Court enter an Order authorizing payment of all claims approved by the Settlement Administrator, KCC Class Action Services, LLC, the successor company of Gilardi & Co. LLC (“Settlement Administrator”)—less funds reserved for claims administration costs, taxes and other issues—from the settlement funds according to the pro rata Plan of Allocation previously approved by the Court. Plaintiffs further request that the Court enter an Order authorizing payment to the Settlement Administrator for notice and claims administration costs incurred but not yet paid.

This Motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities in Support Thereof, the Declaration of Rachel Christman re: Claims Processing and Distribution of the Net Settlement Funds (“Christman Declaration” or “Christman Decl.”), the [Proposed] Order Granting Direct Purchaser Plaintiffs’ Motion for an Order Authorizing Distribution of Settlement Funds, submitted herewith, as well as the complete files and records in this case, and upon such argument at the hearing on this motion and in further pleadings as may be presented to the Court.¹

¹ After Plaintiffs file this Motion, it will be posted, with all supporting materials, on the CRT settlement website (www.CRTDirectPurchaserAntitrustSettlement.com) maintained by the Settlement Administrator.

STATEMENT OF ISSUES TO BE DECIDED

1
2 1. Whether to adopt and approve the Settlement Administrator’s recommendations
3 regarding the ineligibility of the claims, as set forth in Exhibit B to the Christman Declaration.

4 2. Whether to authorize payment of all claims approved by the Settlement
5 Administrator from the settlement funds according to the pro rata Plan of Allocation and as set
6 forth in Exhibit D to the Christman Declaration.

7 3. Whether the Settlement Administrator shall be reimbursed for costs and expenses
8 incurred in the amount of \$1,291,445.86.

9 4. Whether to reserve \$70,660.76 for the payment of additional claims administration
10 costs and expenses, and \$250,000.00 for potential tax liability and other issues.

MEMORANDUM OF POINTS AND AUTHORITIES

11
12 **I. INTRODUCTION**

13 Direct Purchaser Plaintiffs (“Plaintiffs”) have settled this action with all Defendants, except
14 the Irico Defendants, resulting in settlement proceeds of \$212,200,000.00, plus accrued interest.²

15
16 ² The “Settling Defendants” are: Chunghwa Picture Tubes, Ltd., Hitachi, Ltd., Hitachi Asia, Ltd.,
17 Hitachi America, Ltd., Hitachi Electronic Devices (USA), Inc., Hitachi Displays, Ltd. (n/k/a Japan
18 Display Inc.), LG Electronics, Inc., LG Electronics USA, Inc., LG Electronics Taiwan Taipei Co.,
19 Ltd., Mitsubishi Electric Corporation, Mitsubishi Electric US, Inc., Mitsubishi Electric Visual
20 Solutions America, Inc., Panasonic Corporation (f/k/a Matsushita Electric Industrial Co., Ltd.),
21 Panasonic Corporation of North America, MT Picture Display Co., Ltd., Koninklijke Philips
22 Electronics N.V., Philips Electronics North America Corporation, Philips Electronics Industries
23 (Taiwan), Ltd., Philips da Amazonia Industria Electronica Ltda., Samsung SDI Co. Ltd., Samsung
24 SDI America, Inc., Samsung SDI Brasil, Ltd., Tianjin Samsung SDI Co., Ltd., Samsung Shenzhen
25 SDI Co., Ltd., SDI Malaysia Sdn. Bhd., SDI Mexico S.A. de C.V., Thomson SA (n/k/a
26 Technicolor SA), Thomson Consumer Electronics, Inc. (n/k/a Technicolor USA, Inc.), Toshiba
27 Corporation, Toshiba America Information Systems, Inc., Toshiba America Consumer Products,
28 L.L.C., and Toshiba America Electronic Components, Inc. (together with Chunghwa Picture Tubes
(Malaysia) Sdn. Bhd., Daewoo International Corporation, Daewoo Electronics Corporation (f/k/a
Daewoo Electronics Company, Ltd.), Shenzhen SEG Hitachi Color Display Devices, Ltd., Irico
Group Corporation, Irico Group Electronics Co., Ltd., Irico Display Devices Co., Ltd., LP Displays
International, Ltd. (f/k/a LG.Philips Displays), Matsushita Electronic Corporation (Malaysia) Sdn.
Bhd., Panasonic Consumer Electronics Co., Beijing-Matsushita Color CRT Company, Ltd., Philips
Consumer Electronics Co., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc.,
Samtel Color, Ltd., Tatung Company of America, Inc., Technologies Displays Americas LLC
(f/k/a Thomson Displays Americas LLC), Thai CRT Company, Ltd., Toshiba America, Inc.,
Toshiba America Consumer Products, Inc., Toshiba Display Devices (Thailand) Company, Ltd.,
and Videocon Industries, Ltd., “Defendants”).

1 This Court has granted final approval of each of the settlement agreements and the time for appeal
2 has expired. All settlement payments have been made and were placed in interest-earning escrow
3 accounts. Notice of the settlements was sent to class members, certain class members opted out,
4 and potential class members submitted claims to the settlement proceeds.

5 The Settlement Administrator has completed an extensive, fair, and reasonable review of
6 the claims. As of March 31, 2022, the Net Settlement Funds, which include the settlement proceeds
7 plus interest, less Court-ordered attorneys' fees, already-paid costs and expenses incurred by the
8 Settlement Administrator, and incentive awards to Class Representatives, total approximately
9 \$143,930,610.22. Christman Decl. ¶ 29. After payment of unreimbursed notice and claims
10 administration costs of \$1,291,445.86, reserving funds for additional estimated administration costs
11 of \$70,660.76 and \$250,000.00 for potential tax liability and other issues, Plaintiffs propose
12 distribution now of \$142,318,494.27. *Id.* ¶ 34, Ex. D.

13 As set forth in the pro rata Plan of Allocation previously approved by the Court, payments
14 to class members will be based on the relative value of their purchases, determined by the cost of
15 the Cathode Ray Tubes ("CRTs") and/or CRT Finished Products they purchased. Over 99% of the
16 proceeds will be distributed to the top 113 claimants. *Id.* ¶ 34. The class will also benefit from
17 Plaintiffs' proposal to make a minimum payment to every eligible class member of \$10.00, even if
18 those class members' strict pro rata share of the settlement funds would be less, thus conserving
19 administrative costs.

20 Plaintiffs request that the Court enter the Proposed Order, submitted herewith, which
21 authorizes payment of all claims approved by the Settlement Administrator—less funds reserved for
22 claims administration costs, taxes and other issues—from the Net Settlement Funds according to the
23 pro rata Plan of Allocation previously approved by the Court.

24 **II. STATEMENT OF RELEVANT FACTS**

25 **A. Background of the Settlements**

26 This multidistrict litigation arises from an alleged worldwide conspiracy to fix prices of
27 CRTs. CRTs are the primary components of CRT televisions and computer monitors. The first of
28 many direct purchaser class actions was filed in November of 2007 alleging violations of Section 1

1 of the Sherman Act, 15 U.S.C. § 1, and Section 4 of the Clayton Act, 15 U.S.C. § 15. Defendants
 2 denied Plaintiffs' allegations and asserted numerous affirmative defenses. In exchange for the
 3 release of Plaintiffs' claims, Plaintiffs reached nine separate settlement agreements with Settling
 4 Defendants. The settlements total \$212,200,000.00.

5 The Court held final approval hearings on the settlements; determined that each settlement
 6 was fair, adequate, and reasonable; approved each settlement; approved a pro rata Plan of
 7 Allocation; found notice to the class for each settlement—all of which included the pro rata plan—
 8 was adequate and satisfied the requirements of due process; and dismissed the litigation with
 9 prejudice against Settling Defendants. *See* Order Granting Final Approval of Class Action
 10 Settlements with CPT & Philips ¶¶ 7, 8, 11 (ECF No. 1412); Final J. of Dismissal with Prejudice as
 11 to Defs. Koninklijke Philips Elecs. N.V., Philips Elecs. N. Am. Corp., Philips Elecs. Indus.
 12 (Taiwan), Ltd., & Philips da Amazonia Industria Electronica Ltda. ¶¶ 3, 6, 9 (ECF No. 1413); Final
 13 J. of Dismissal with Prejudice as to Defs. Chunghwa Picture Tubes (Malaysia) Sdn. Bhd. &
 14 Chunghwa Picture Tubes, Ltd. ¶¶ 3, 6, 9 (ECF No. 1414); Order Granting Final Approval of Class
 15 Action Settlement with Panasonic ¶¶ 7, 8, 11 (ECF No. 1508); Final J. of Dismissal with Prejudice
 16 as to Defs. Panasonic Corp. (f/k/a Matsushita Elec. Indus. Co., Ltd.), Panasonic Corp. of N. Am., &
 17 MT Picture Display Co., Ltd. ¶¶ 3, 6, 9 (ECF No. 1509); Final J. of Dismissal with Prejudice as to
 18 Def. Beijing Matsushita Color CRT Co., Ltd. ¶¶ 3, 6, 9 (ECF No. 1510); Order Granting Final
 19 Approval of Class Action Settlement with LG ¶¶ 7, 8, 11 (ECF No. 1621); Final J. of Dismissal
 20 with Prejudice as to Defs. LG Elecs., Inc.; LG Elecs. USA, Inc.; & LG Elecs. Taiwan Taipei Co.,
 21 Ltd. ¶¶ 3, 6, 9 (ECF No. 1622); Order Granting Final Approval of Class Action Settlement with
 22 Toshiba ¶¶ 7, 8, 10, 11 (ECF No. 1791); Final J. of Dismissal with Prejudice as to Defs. Toshiba
 23 Corp., Toshiba Am. Info. Sys., Inc., Toshiba Am. Consumer Prods., L.L.C., & Toshiba Am. Elec.
 24 Components, Inc. ¶¶ 3, 6, 9 (ECF No. 1792); Order Granting Final Approval of Class Action
 25 Settlements with Hitachi & Samsung SDI Defs. ¶¶ 7, 8, 10, 11 (ECF No. 3931); Final J. of
 26 Dismissal with Prejudice as to Defs. Samsung SDI Co. Ltd. (f/k/a Samsung Display Devices Co.,
 27 Ltd.); Samsung SDI Am., Inc.; Samsung SDI Brasil, Ltd.; Tianjin Samsung SDI Co., Ltd.;
 28 Samsung Shenzhen SDI Co., Ltd.; SDI Malaysia Sdn. Bhd.; & SDI Mexico S.A. de C.V. ¶¶ 3, 6, 9

1 (ECF No. 3932); Final J. of Dismissal with Prejudice as to Defs. Hitachi, Ltd.; Hitachi Displays,
 2 Ltd. (n/k/a Japan Display Inc.); Hitachi Am., Ltd.; Hitachi Asia Ltd.; & Hitachi Elec. Devices
 3 (USA) Inc. ¶¶ 3, 6, 9 (ECF No. 3933); Order Granting Final Approval of Class Action Settlement
 4 with Thomson & TDA Defs. 1, 11–12 (ECF No. 4260); Final J. of Dismissal with Prejudice as to
 5 Defs. Thomson SA (now known as Technicolor SA) & Thomson Consumer Elecs., Inc. (now
 6 known as Technicolor USA, Inc.) ¶¶ 3, 5 (ECF No. 4416); Final J. of Dismissal with Prejudice as
 7 to Def. Technologies Displays Ams. LLC (formerly known as Thomson Displays Ams. LLC)
 8 (“TDA”) ¶¶ 3, 5 (ECF No. 4417); *In re Cathode Ray Tube (CRT) Antitrust Litig.*, No. 14-CV-2058
 9 JST, 2017 WL 2481782, at *1, *3–5 (N.D. Cal. June 8, 2017) (“Mitsubishi Final Approval
 10 Order”); and Final J. of Dismissal with Prejudice as to the Mitsubishi Elec. Defs. ¶¶ 4, 6 (ECF No.
 11 5170).

12 **B. Notice to Class Members Regarding the Settlements**

13 The Settlement Administrator sent notices to class members regarding the settlements and
 14 created a settlement website which contained the notices and other relevant information and
 15 documents, including the settlement agreements. *See* Declaration of Markham Sherwood re
 16 Dissemination of Notice to Class Members and Requests for Exclusion [re Chunghwa and Philips]
 17 ¶¶ 4–6 (ECF No. 1294) (“Chunghwa & Philips Notice Decl.”); Declaration of Markham Sherwood
 18 re Dissemination of Panasonic Notice to Class Members and Requests for Exclusion ¶¶ 4–6 (ECF
 19 No. 1434) (“Panasonic Notice Decl.”); Declaration of Markham Sherwood re Dissemination of LG
 20 Notice to Class Members and Requests for Exclusion ¶¶ 4–6 (ECF No. 1541) (“LG Notice Decl.”);
 21 Declaration of Markham Sherwood re Dissemination of Toshiba Notice to Class Members and
 22 Requests for Exclusion ¶¶ 4–6 (ECF No. 1696) (“Toshiba Notice Decl.”); Declaration of Ross
 23 Murray re Dissemination of Hitachi/Samsung Notice to Class Members and Requests for Exclusion
 24 ¶¶ 4–6 (ECF No. 2650) (“Hitachi & Samsung Notice Decl.”); Amended Declaration of Ross
 25 Murray re Dissemination of Thomson/TDA Notice to Class Members and Requests for Exclusion
 26 ¶¶ 4–6 (ECF No. 4020) (“Thomson Notice Decl.”); Declaration of Rachel Christman re
 27 Dissemination of Notice to Class Members re Mitsubishi Electric Settlement and Application for
 28 Attorneys’ Fees and Expenses and Incentive Awards ¶¶ 5–8 (ECF No. 5126) (“Mitsubishi Notice

1 Decl.”). The notices informed class members that the Plan of Allocation provides for distribution
2 of the Net Settlement Funds on a pro rata basis:

3 [E]ach Settlement Class member’s *pro rata* share of the Settlement Fund will be
4 determined by computing each valid claimant’s total CRT Product purchases
5 divided by the total valid CRT Product purchases claimed. This percentage is
6 multiplied to the Net Settlement Fund (total settlements minus all costs, attorneys’
7 fees, and expenses) to determine each claimants *pro rata* share of the Settlement
Fund. To determine your CRT Product purchases, CRT tubes (color display and
color picture) are calculated at full value (100%) while CRT televisions are valued
at 50% and CRT computer monitors are valued at 75%.

8 Chunghwa & Philips Notice Decl., Ex. A at 3. *See also* Panasonic Notice Decl., Ex. A at 3; LG
9 Notice Decl., Ex. A at 3; Toshiba Notice Decl., Ex. A at 3; Hitachi & Samsung Notice Decl., Ex. A
10 at 3; Thomson Notice Decl., Ex. A at 3; Mitsubishi Notice Decl., Ex. A at 3.

11 C. Notice to Class Members Regarding the Claims Process

12 Potential class members were provided notice of two separate periods to submit claims. *See*
13 Christman Decl. ¶¶ 3(g), (i). During the second claims period, potential class members were also
14 permitted to supplement or amend their previous claims. *See In re Cathode Ray Tube (CRT)*
15 *Antitrust Litig.*, MDL No. 1917, Master Case No. C-07-5944 JST, Case No. 14-cv-2058 JST, 2017
16 WL 565003, at *7 (N.D. Cal. Feb. 13, 2017) (“Mitsubishi Preliminary Approval Order”);
17 Mitsubishi Notice Decl., Ex. A at 3.

18 The first claims period occurred following final approval of the Chunghwa, Philips,
19 Panasonic, LG, Toshiba, Hitachi, and Samsung settlements. On September 11, 2015, pursuant to
20 the Court’s Order Approving Claim Form and Directing Notice to Class Members regarding
21 Distribution of Settlement Fund at 1 (ECF No. 3934) (“Order Approving Claim Form”), the
22 Settlement Administrator mailed, via U.S. Postal Service, Notice Regarding Claims and Proof of
23 Claim forms to the 16,941 unique names and addresses on the class list. Declaration of Ross
24 Murray re Dissemination of Notice and Claim Forms to Class Members and Lack of Objections to
25 Plaintiff’s Motion for Attorneys’ Fees and Costs ¶ 4 (ECF No. 4114-2) (“Claim Form Notice
26 Decl.”). The Settlement Administrator updated the class list, including by researching company
27 names lacking addresses, adding addresses where found, processing the names and addresses
28 through the National Change of Address Database to update any addresses on file with the United

1 States Postal Service. *Id.* The Settlement Administrator also sent the Notice Regarding Claims to
2 the 873 unique email addresses on the class list, providing information about how to obtain Proof
3 of Claim forms and how to submit them by mail or through the CRT settlement website
4 (www.CRTDirectPurchaserAntitrustSettlement.com). *See id.* ¶¶ 5–7, Ex. A; Christman Decl.
5 ¶ 3(g). Summary notice was also provided by publication in the *Wall Street Journal*. Claim Form
6 Notice Decl. ¶ 10, Ex. C; Christman Decl. ¶ 4. Potential class members had ninety (90) days to
7 submit a Proof of Claim form; the deadline was December 10, 2015. Order Approving Claim Form
8 at 1; Claim Form Notice Decl., Ex. A.

9 The second claims period occurred following final approval of the remaining settlements.
10 On or before February 27, 2017, pursuant to the Mitsubishi Preliminary Approval Order, the
11 Settlement Administrator mailed, via U.S. Postal Service, notice to the 19,609 unique names and
12 addresses on the updated class list informing potential class members of a second opportunity to
13 submit claims, or to amend their previous claims, along with information on how to do so. *See*
14 Mitsubishi Notice Decl. ¶¶ 5, 7, Ex. A at 3; Christman Decl. ¶ 3(i). The Settlement Administrator
15 also sent the same notice to the 1,343 unique email addresses on the class list. Declaration of
16 Rachel Christman re Class Members’ Response to Notice ¶ 4 (ECF No. 5163-2) (“Mitsubishi Final
17 Approval Decl.”). Summary notice was also provided by publication in the *New York Times* and
18 the *Wall Street Journal*. Mitsubishi Notice Decl. ¶ 11, Exs. B, C; Christman Decl. ¶ 4. Potential
19 class members had ninety (90) days, or until May 29, 2017, to submit a new or amended Proof of
20 Claim form. Mitsubishi Preliminary Approval Order *7; Mitsubishi Notice Decl., Ex. A at 3.

21 The Settlement Administrator responded to inquiries and communications from claimants
22 by postal mail to an established Post Office Box, by email to a monitored account, and by
23 telephone calls to a dedicated toll-free telephone number. Christman Decl. ¶ 4; *see also id.* ¶ 28.
24 The Settlement Administrator also created and maintained a settlement website
25 (www.CRTDirectPurchaserAntitrustSettlement.com), which made available the settlement
26 agreements, the preliminary approval orders, the Final Approval Orders, the Final Judgments, the
27 notices, and a downloadable Proof of Claim form. *Id.* ¶ 4. In addition, claimants could submit their
28 Proof of Claim forms through the website from September 11, 2015 through December 10, 2015,

1 and from February 27, 2017 through May 29, 2017. *See* Order Approving Claim Form at 1; Claim
2 Form Notice Decl., Ex. A; Mitsubishi Preliminary Approval Order *7; Mitsubishi Notice Decl.,
3 Ex. A at 3; Christman Decl. ¶ 6. The format of the Proof of Claim form was designed to be clear
4 and simple so that potential claimants could easily fill out the form and provide information
5 required in support of their claims. Christman Decl. ¶ 6.

6 **D. The Settlement Administrator’s Review of Claims**

7 The Settlement Administrator received and processed 4,080 Proof of Claim forms,
8 including 73 received after the May 29, 2017 deadline. *Id.* ¶ 7. The total value of CRT claims
9 received—tubes valued at 100%, monitors valued at 75%, and televisions valued at 50%, referred
10 to as “Calculated CRT Purchases”—exceeded \$19 billion. *Id.* For quality control purposes, each
11 paper and electronic Proof of Claim form submitted was given a unique claim number and entered
12 into a database. *Id.*

13 The Settlement Administrator reviewed each submitted Proof of Claim form, including late
14 submissions, to determine whether it was complete. *Id.* ¶ 9. Proof of Claim forms included the
15 following deficiencies: a) missing purchase information; b) missing signature; c) ineligible
16 purchases; or d) missing or insufficient proof of authority to file on behalf of the claimant. *Id.* The
17 Settlement Administrator sent a “Notice of Deficient Claim” to all such claimants, advising them
18 of the deficiency and requesting a correction. *Id.* ¶ 10. The Settlement Administrator reviewed and
19 corrected deficiencies that were provided, but did not perform any further outreach to insufficient
20 responses unless requested by the claimant. *Id.*

21 The Settlement Administrator also reviewed all filed claims to determine if any were
22 duplicative, or if any competing claims were submitted by different entities on behalf of the same
23 claimant. *Id.* ¶ 9. As part of its review, the Settlement Administrator removed identical claims and
24 consolidated partial duplicates. *Id.* ¶ 11. Where competing claims were filed, the Settlement
25 Administrator defaulted to the claim filed by the claimant (where a competing claim had been
26 filed by a Third Party Filer), or reached out to both parties to identify the master and duplicate
27 claims. *Id.* The Settlement Administrator resolved all complete duplicate, partial duplicate and
28 competing claims. *Id.*

1 The Settlement Administrator also reviewed all filed claims for potential fraud. *Id.* ¶ 12. It
 2 flagged claims where certain criteria were met, including: a) multiple claims filed using a single IP
 3 address; b) multiple claims filed with a pattern of slight variance in the claim name, email address,
 4 and/or mailing address; and c) claims filed by individuals who have been previously identified as
 5 fraudulent filers in other cases administered by the Settlement Administrator. *Id.* Claims
 6 determined to be fraudulent were rejected and sent a “Notice of Rejected Claim.” *Id.* Claims
 7 identified as potentially fraudulent were sent a “Request for Documentation.” *Id.* Where no
 8 response was provided, the potentially fraudulent claim was rejected without further outreach. *Id.*
 9 Where a response was provided, the Settlement Administrator reviewed the response and made a
 10 determination. *Id.*

11 The Settlement Administrator sent a total of 7,667 notifications and requests regarding all
 12 4,080 claims on a rolling basis as determinations were made. *Id.* ¶ 13. To the extent multiple
 13 claims could be addressed in a single notification or request (for entities who filed claims on
 14 behalf of multiple claimants), or where a notification or request served multiple purposes (for
 15 example, outlining a deficiency and also requesting documentation), they were consolidated. *Id.*
 16 The deadline to respond or dispute for each notification or request has passed. *Id.*

17 All claims were subject to review and/or audit by the Settlement Administrator. *Id.* ¶ 14.
 18 All claims calculated to be valued over \$100,000 in Calculated CRT Purchases³—which
 19 constituted 89.59% of the total dollar value of all claims—were audited and are referred to as
 20 “Top Claims.” Christman Decl. ¶ 14. Claims which fell below the review threshold are referred to
 21 as “Basic Claims.” *Id.* In total, 323 Top Claims were audited. *Id.* For the claims selected for audit,
 22 the purchase data provided by Defendants were compared to the purchase amounts submitted by
 23 the claimants. *Id.* ¶¶ 15–16. The Settlement Administrator approved Top Claims that were
 24 consistent with sales records produced by Defendants. *Id.* ¶ 15. For Top Claims that were greater
 25 than the amounts reflected in Defendants’ records, or were not contained therein, the Settlement
 26

27 ³ For the purposes of determining each approved claimant’s pro rata allocation, claims for CRT
 28 tubes were valued at 100% of their purchase price, CRT computer monitors were valued at 75%,
 and CRT televisions were valued at 50%. *See, e.g.,* Chunghwa & Philips Notice Decl., Ex. A at 3.

1 Administrator requested and reviewed documentation submitted by the claimant to determine
 2 whether each claim was valid. *Id.* ¶¶ 15–16. The Settlement Administrator manually reviewed tens
 3 of thousands of line items across numerous Top Claims to determine eligibility. *Id.* ¶ 18. Where
 4 claimants did not respond to requests for documentation, they were notified that their claims were
 5 adjusted to the amount reflected in the Defendant data or, if there was no such data, that the claim
 6 was denied. *Id.* ¶ 15. The Settlement Administrator has sent letters to all claimants notifying them
 7 of its final determination of their claims. *Id.* ¶¶ 23, 28.

8 In sum, after the completion of audits, document and data review, communications with
 9 claimants, and processing of late claims, the total purchases by all approved claimants was
 10 \$7,509,205,905.76 in Calculated CRT Purchases, approximately \$11,521,511,132.69, or 60.54%,
 11 less than the total purchases claimed in the Proof of Claim forms as initially submitted. *See id.* ¶¶ 7,
 12 26. A total of 577 claims were ineligible. *Id.* ¶ 27, Ex. B. The rejected claims break down as
 13 follows:

- 14 • 316 claims were rejected because the claimant’s response to the Notice of Deficient
 15 Claim and/or the Request for Documentation did not provide sufficient information or
 16 documentation to substantiate the claim, or the claimant did not respond;
- 17 • 234 claims were rejected because the claim was deemed to be fraudulent;
- 18 • 23 claims were rejected because the entirety of the purchases claimed were either
 19 indirect purchases of CRTs or CRT Finished Products manufactured by the Defendants
 20 or Co-Conspirators, or were CRTs or CRT Finished Products manufactured by a non-
 21 Defendant or Co-Conspirator;
- 22 • 2 claims were rejected because the entirety of the purchases claimed were not CRTs or
 23 CRT Finished Products; and
- 24 • 2 claims were rejected because the claimant entities were subsidiaries and/or affiliates
 25 of Defendants or Co-Conspirators and thus are not members of the class.

26 *Id.* All claimants who submitted ineligible claims were notified of any deficiencies, were given the
 27 opportunity to cure the deficiencies, and failed to cure the deficiencies. *Id.* In addition, 307 were
 28 marked as duplicate claims and 1,362 were withdrawn by the claimant, the vast majority of which

1 were withdrawn in response to a request for documentation and/or Notice of Deficient Claim. *Id.*
 2 ¶ 25.

3 After the completion of processing and auditing claims, the Settlement Administrator has
 4 notified all claimants of the final determination of their claims. *Id.* ¶ 28. Attached as Exhibit D to
 5 the Christman Declaration is a list of the 1,834 approved claimants and their proposed pro rata
 6 payments from the Net Settlement Funds based on the dollar amount each class member paid to
 7 Defendants for direct purchases of CRTs and CRT Products during the Class Period. *Id.* ¶¶ 7 n.2,
 8 32–34.

9 **E. Settlement Funds Available for Distribution**

10 The Settlement Administrator has performed a thorough audit of the individual settlement
 11 funds. *Id.* ¶ 29. As of March 31, 2022, approximately \$143,930,610.22 remains in the Net
 12 Settlement Funds, which includes the settlement proceeds plus accrued interest, less Court-ordered
 13 attorneys' fees, costs and expenses, and incentive benefits to Class Representatives. *Id.* In addition,
 14 from September 11, 2015 through December 31, 2021, the Settlement Administrator has incurred
 15 claims administration and notice costs in the amount of \$1,291,445.86 that have not yet been paid.
 16 *Id.* ¶ 30, Ex. C. The Settlement Administrator has also submitted an estimated budget of
 17 \$70,660.76 for all remaining claims administration costs. *Id.* This figure includes the cost of
 18 providing reports and materials in support of the instant Motion, printing and mailing distribution
 19 checks to eligible claimants by prepaid first-class mail, issuing replacement checks for
 20 undeliverable mailings upon request by authorized claimants, and continuing to respond to
 21 inquiries from class members. *Id.* Plaintiffs also recommend reserving \$250,000.00 of the Net
 22 Settlement Funds for potential tax liability and other issues that may arise. *Id.* ¶ 31.⁴ Thus,
 23 \$142,318,503.60 is available for distribution which is equal to the current Net Settlement Funds of
 24 \$143,930,610.22, less \$1,291,445.86 to be paid for notice and claims administration costs incurred
 25 and billed, and less \$320,660.76 to be held in reserve of which \$70,660.76 is for further unpaid
 26

27 ⁴ To the extent this reserve is not required, these funds would be combined with the funds from
 28 uncashed checks and distributed in like manner in accordance with instructions provided by the
 Court for uncashed checks. *Id.* n.3.

1 administration costs and \$250,000.00 is for potential tax liability and other issues. *See id.* ¶¶ 29–
2 31.⁵

3 Accordingly, after accounting for administrative costs incurred (\$1,291,445.86), and
4 reserving for future administrative costs (\$70,660.76), and tax liability or other issues
5 (\$250,000.00), a total of \$142,318,503.60 Net Settlement Funds are available for distribution.
6 Christman Decl. ¶ 31.

7 **F. Calculations of Claimants' Pro Rata Shares**

8 To calculate the payment amounts to approved claimants, the Settlement Administrator
9 followed the Court-approved Plan of Allocation. *Id.* ¶¶ 32–33. The Settlement Administrator
10 administered each settlement fund separately in accordance with the class definition of that
11 settlement fund. *Id.* ¶ 32. Each claimant's approved purchases of CRT tubes, CRT computer
12 monitors, and/or CRT color televisions were converted to Calculated CRT Purchases to arrive at
13 the approved amount for each approved claim from each individual settlement fund from which the
14 claimant was entitled to draw upon for those particular purchases. *Id.* ¶ 33. For example, a claimant
15 that opted out of a particular settlement was not entitled to receive funds from that particular
16 settlement fund, and purchases from those defendants did not count toward that claimant's total
17 qualifying purchases for the purposes of determining that claimant's pro rata share of each
18 settlement. *Id.* ¶ 32. Each claimant's approved purchases were then divided by the total number of
19 claimed purchases eligible to receive funds from that particular settlement fund to calculate each
20 eligible claimant's pro rata share (%) of each fund. *Id.* ¶ 33.

21 Once these percentages were established for each claimant, they were applied against the
22 corresponding settlement funds to determine the claimant's strict pro rata share of each particular
23 settlement fund. *Id.* ¶ 35, Ex. E. This process was performed for all claimants and across each of
24 the nine settlement funds. Attached as Exhibit E to the Christman Declaration is a schedule of all
25 claimants with each approved claimant's strict pro rata share of each Settlement Fund.

26
27 ⁵ Of the \$142,318,503.60 total funds available for the proposed distribution, *id.* ¶ 31, \$9.33 would
28 not be distributed at this time due to rounding issues. *Id.* ¶ 34. These funds would be distributed at
a later date. *See supra*, n.4.

1 Furthermore, as explained in greater detail below, Lead Counsel recommends that the Court
2 set a payment “floor” such that each approved claimant is paid no less than \$10.00. Accordingly,
3 the Settlement Administrator re-calculated the payment for each of the claims that would have
4 resulted in a payment of less than \$10.00 under a strict pro rata distribution. *Id.* ¶ 34. Attached as
5 Exhibit D to the Christman Declaration is a schedule of all claimants with each approved
6 claimant’s recommended total pro rata share of the total Settlement Funds after accounting for the
7 \$10.00 minimum payment for all approved claimants.

8 **III. ARGUMENT**

9 Plaintiffs request an Order authorizing the distribution of the Net Settlement Funds to the
10 approved claimants in the amounts set forth in Exhibit D to the Christman Declaration. Entry of an
11 Order permitting a distribution of the Net Settlement Funds to all approved claimants is proper and
12 appropriate at this time because final judgments have been entered and the time to appeal the
13 settlement agreements has expired. *See 4 Newberg on Class Actions*, § 12:19 (5th ed.). The Court
14 has approved a pro rata Plan of Allocation. As set forth in the notices, the Settlement Funds will be
15 allocated on a pro rata basis based on the dollar value of each class member’s purchase(s) of CRTs
16 and CRT Products in proportion to the total claims filed; purchases of CRTs are valued at 100% of
17 their purchase price, computer monitors are valued at 75%, and televisions are valued at 50%.
18 Chunghwa & Philips Notice Decl., Ex. A at 3; Panasonic Notice Decl., Ex. A at 3; LG Notice
19 Decl., Ex. A at 3; Toshiba Notice Decl., Ex. A at 3; Hitachi & Samsung Notice Decl., Ex. A at 3;
20 Thomson Notice Decl., Ex. A at 3; Mitsubishi Notice Decl., Ex. A at 3. To determine each
21 claimant’s pro rata share of the Net Settlement Funds, the Settlement Administrator calculated each
22 valid claimant’s total qualifying purchases and divided those purchases by the total qualifying
23 purchases claimed; the resulting percentages were then each multiplied by each Net Settlement
24 Fund in which the claimant is participating, i.e., is not a claimant who filed for payment from one
25 of more settlement funds from which it requested exclusion (total settlement minus proportional
26 share of all costs, attorneys’ fees, and expenses). Christman Decl. ¶¶ 32–33; *see also id.*, Ex. A (list
27 of requests for exclusion and Opt-Out Claimants). Attached as Exhibit E to the Christman
28 Declaration is a schedule of all claimants with each approved claimant’s strict pro rata share of

1 each settlement fund.

2 Distribution of the Net Settlement Funds, as set forth in Exhibit D to the Christman
3 Declaration, will give effect to the approved pro rata Plan of Allocation compensating class
4 members based on the extent of their injuries. *See In re Anthem, Inc. Data Breach Litig.*, 327
5 F.R.D. 299, 332 (N.D. Cal. 2018) (“A plan of allocation that reimburses class members based on
6 the type and extent of their injuries is generally reasonable.”). The proposed plan of distribution
7 provides for a payment to all class members with valid claims and, as discussed above and further
8 below, sets a “floor” such that each approved claimant is paid no less than \$10.00.

9 The Settlement Administrator has completed a fair, reasonable, and adequate review of the
10 claims. Courts typically give “deference” to decisions of an impartial settlement administrator who
11 facilitates the implementation of a settlement agreement. *In re Int’l Air Transp. Surcharge Antitrust*
12 *Litig.*, No. M 06-01793 CRB, 2011 WL 6337625, at *2 (N.D. Cal. Dec. 19, 2011), *aff’d*, 577 F.
13 App’x 711 (9th Cir. 2014) (“The Settlement Administrator, who was involved in the mediation and
14 negotiation of the settlement agreements, and has been administering the funds for three years, has
15 direct and extensive knowledge of this case. . . . Thus, the Court must give some deference to his
16 recommendation as to factual matters.”). The Settlement Administrator established and followed
17 quality control measures to ensure that each claim was properly tracked and notified claimants of
18 potential deficiencies, including incomplete Proof of Claim forms that were not signed and
19 certified, Proof of Claim forms that appeared potentially duplicative, and Top Claims that lacked
20 supporting information. Christman Decl. ¶¶ 7, 9–10.

21 Claimants had adequate opportunity to cure any deficiencies by providing additional
22 information or documentation. *See, e.g., id.* ¶¶ 10–13, 22–23, 28. The Settlement Administrator
23 processed late claims, and also considered late responses to requests for information considered to
24 be timely if relevant documentation and/or information was provided. *Id.* ¶¶ 7, 13. Additionally,
25 where possible, the Settlement Administrator used data provided by Settling Defendants to help
26 substantiate certain claims. *See id.* ¶¶ 15–16. Third, the Settlement Administrator and Lead
27 Counsel spent a significant amount of time working with claimants and/or their representatives or
28 counsel to resolve claim disputes. *Id.* ¶¶ 23, 28.

1 The efforts of the Settlement Administrator and Lead Counsel substantially increased
2 eligible claimants' pro rata recoveries. At the start of the claims process, the value of all claims
3 received was calculated to be in excess of \$19 billion. *Id.* ¶ 7. After the completion of audits,
4 document review, communications with claimants, and processing of late claims, the Settlement
5 Administrator determined that total purchases by approved claimants was approximately \$7.5
6 billion, over \$11.5 billion less than the total value of the original Proof of Claim forms submitted.
7 *Id.* ¶ 26.

8 Finally, Lead Counsel recommends that the Court set a payment "floor" such that each
9 approved claimant is paid no less than \$10.00. Of the 1,834 valid claims submitted, 374 approved
10 claimants would receive payments of less than \$10.00 under a strict pro rata distribution. *Id.* ¶ 34;
11 *see also id.*, Ex. E. Although the proposed \$10.00 payment is greater than the value of some
12 individuals' claims, such a threshold would conserve administration funds and provide a greater net
13 benefit to the class overall because:

- 14 • Issuing certain checks for amounts less than \$10.00 would result in administrative costs
15 greater than the amount of the payment;
- 16 • Checks of less than \$10.00 are less likely to be cashed;
- 17 • Uncashed checks result in additional administrative expenses related to tracking
18 uncashed, expired checks, and reissuing checks to replace them.

19 *Id.* ¶ 34.

20 Courts in this District and elsewhere have set minimum distribution payments for all
21 approved claimants, thereby adjusting the pro rata plan of allocation in order to ensure meaningful
22 participation in the settlements and conserve administration costs. For example, in the *ODD* direct
23 purchaser action, Judge Seeborg authorized minimum payments of \$10.00 to all class members
24 who submitted valid claims. Order Granting Direct Purchaser Pls.' Mot. for Order Authorizing
25 Distribution of Settlement Funds ¶ 8, Attachment 2, *In re Optical Disk Drive Antitrust Litig.*, No.
26 3:10-md-02143 RS (N.D. Cal. Sept. 16, 2019) (ECF Nos. 2906, 2906-1).

27 Similarly, in the *Lithium Ion Batteries* direct purchaser action, Judge Gonzalez Rogers
28 approved a \$10.00 "floor" payment for small claimants. Corrected Order Authorizing Distribution

1 of Settlement Funds (DPP Settlements) ¶ 1, *In re Lithium Ion Batteries Antitrust Litig.*, No. 13-md-
2 02420-YGR, MDL No. 2420 (N.D. Cal. Dec. 14, 2020) (ECF No. 2684) (“In order to conserve
3 administration costs and therefore provide a greater net benefit to the class overall, the Settlement
4 Administrator shall distribute to each approved claimant with an eligible claim a minimum
5 payment of \$10.00 regardless of the value of the claimant’s strict pro rata share of the total
6 settlement funds.”). *See also In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, No.
7 M-02-1486-PJH, 2013 WL 12333442, at *13–14, 80–81, 91 n.250 (N.D. Cal. Jan. 8, 2013) (noting
8 the court’s broad powers in ensuring an equitable distribution of settlement proceeds and affirming
9 the fairness, reasonableness and adequacy of plan of distribution that “adjusts all claimants’ *pro*
10 *rata* ‘payments’ by raising all of the claims . . . of less than \$10.00 up to \$10.00”), *report and*
11 *recommendation adopted by* 2014 WL 12879520 (N.D. Cal. June 27, 2014); *In re Ins. Brokerage*
12 *Antitrust Litig.*, 297 F.R.D. 136, 143 (D.N.J. 2013) (“as a matter of administrative efficiency, all
13 Settlement Class members will receive a minimum payment of at least \$10, and the payments to
14 Settlement Class members that would otherwise receive less than \$10 on a straight pro rata basis
15 will be increased to \$10”); *In re Initial Pub. Offering Sec. Litig.*, 671 F. Supp. 2d 467, 498
16 (S.D.N.Y. 2009) (“Each Authorized Claimant with a valid Recognized Claim will receive—at a
17 minimum—ten dollars no matter how small his, her, or its Recognized Claim. . . . [A] minimum
18 claim amount is required to enable class members with relatively small claims to participate
19 meaningfully.”) (footnote omitted); *Standard Iron Works v. ArcelorMittal*, No. 08 C 5214, 2015
20 WL 6165024, at *2 (N.D. Ill. Oct. 20, 2015) (\$100 minimum); *In re Auto. Parts Antitrust Litig.*,
21 No. 12-md-02311, 2019 WL 7877812, at *2 (E.D. Mich. Dec. 20, 2019) (\$100 minimum); *Mehling*
22 *v. New York Life Ins. Co.*, 248 F.R.D. 455, 463 (E.D. Pa. 2008) (\$50 minimum); *Slipchenko v.*
23 *Brunel Energy, Inc.*, No. H-11-1465, 2015 WL 338358, at *3 (S.D. Tex. Jan. 23, 2015) (\$100
24 minimum); *Downes v. Wisconsin Energy Corp. Ret. Account Plan*, No. 09-C-0637, 2012 WL
25 1410023, at *3 (E.D. Wis. Apr. 20, 2012) (\$250 minimum).

26 In sum, distributing the Net Settlement Funds to all approved claimants, as set forth above
27 and in Exhibit D to the Christman Declaration, gives effect to the Plan of Allocation previously
28 approved by the Court, and is fair, reasonable, and adequate.

1 **IV. CONCLUSION**

2 For the foregoing reasons, Plaintiffs respectfully request that the Court enter an Order: 1)
3 approving the Settlement Administrator’s recommendations regarding the ineligibility of claims set
4 forth in Exhibit B to the Christman Declaration; 2) authorizing payment of all claims approved by
5 the Settlement Administrator according to the pro rata Plan of Allocation, as set forth in Exhibit D
6 to the Christman Declaration; 3) authorizing payment to the Settlement Administrator for
7 unreimbursed costs and expenses incurred in the amount of \$1,291,445.86; and 4) authorizing
8 Plaintiffs to reserve in escrow \$70,660.76 for the payment of additional claims administration
9 costs, as well as \$250,000 for potential tax liability or other issues.

10
11 Dated: March 31, 2022

Respectfully submitted,

12
13 /s/ R. Alexander Saveri

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