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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CAPACITORS ANTITRUST LITIGATION

Master Docket No.: 3:17-md-2801-JD
Case No.: 3:14-cv-3264-JD

THIS DOCUMENT RELATES TO:
ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF SHAWN RYAN ON
BEHALF OF DEPENDABLE
COMPONENT SUPPLY CORP.**

I, Shawn Ryan, hereby declare as follows:

1. I, Shawn Ryan, was the owner and co-President of Dependable Component Supply Corporation (“Dependable”), one of four Class Representatives in this litigation. I submit this Declaration in support of the Direct Purchaser Class’s Motion for Attorney’s Fees and Reimbursement of Expenses. Unless otherwise indicated, I have personal knowledge of the facts set forth herein. If called as a witness, I can and would testify competently to them. I make this declaration pursuant to 28 U.S.C. § 1746.

2. I co-founded Dependable in 1985. At its maximum, Dependable employed approximately 120 employees in 2000. Dependable closed in August 2015.

3. On July 22, 2014, we filed a class action lawsuit in the Northern District of California against capacitor manufacturers alleging a conspiracy to fix, maintain and stabilize prices for film, tantalum and aluminum capacitors. In filing our lawsuit, we had a concern that participating in the litigation could impair our ongoing and potential future business operations. Nonetheless, we believe

1 that enforcing the antitrust laws is important and we decided to take the risk and pursue the litigation to
2 recover damages for our company and other class members.

3 4. Following the filing of our Complaint, our company agreed to remain a Class
4 representative in the subsequent filing of a Consolidated Class Complaint in the *In re Capacitors*
5 *Antitrust Litigation* (a consolidated class action complaint was filed December 4, 2014 and a second
6 amended consolidated class action complaint was filed July 22, 2015).

7 5. The obligation to respond to our lawyer's questions and to assemble information and
8 documents on behalf of Dependable principally fell upon myself and others at Dependable including
9 the individuals named below. After Dependable closed in 2015, the responsibility for providing
10 information and assistance to counsel fell almost exclusively on me.

11 6. The following persons assisted in providing information for this lawsuit on behalf of
12 Dependable: William Miller and Jerald Wilcox.

13 7. Specific Litigation Tasks. The following summarizes the various tasks we performed to
14 assist counsel in the prosecution of this lawsuit and an estimate of the number of hours devoted to each
15 task. Throughout this litigation contact was maintained by me, with the assistance of several other
16 employees and/or executives of our company, in order to monitor the case, provide input, comply with
17 discovery obligations, and fulfill various other duties on behalf of the Class, including consultations
18 with counsel about technical issues related to capacitor applications and consultations related to the
19 settlements in this case. The time spent working on this case as detailed below is time that otherwise
20 would have been spent by our executives and employees in connection with their regular job
21 responsibilities.

22 (a) Fact Gathering. In the early stages of the litigation and later, we assisted our
23 attorneys in gathering information about the capacitor industry, focusing at the outset on application
24 issues such as interchangeability and substitutability. We gathered documents to assist counsel and
25 conferred with them to provide them with sufficient information to file our lawsuit and to further
26 prepare the case.

27 (b) Formal Discovery – Collecting and Producing Paper and Electronic Documents.
28 As a class representative we were required to archive and later gather and produce large volumes of

1 paper documents and electronic information and data reflecting our business operations, including our
 2 purchases and use of capacitors. In order to respond to the Defendants discovery requests we performed
 3 the following tasks: we collected for production several boxes of hard-copy documents, we located and
 4 searched the e-mail files for several “key” custodians; we retrieved from storage the physical work
 5 station computers used by key custodians and searched the computer local hard-drives to extract
 6 relevant documents; among other tasks to respond to discovery requests.

7 (c) Responding to Formal Discovery. We also reviewed written responses to
 8 defendants’ discovery demands, some of which was prepared by reference to the documents we
 9 provided, including: discovery demands served by NCC on or about February 13, 2015 (interrogatories,
 10 requests for production of documents and requests for admission); Defendants’ first set of
 11 Interrogatories (dated March 6, 2015); Defendants’ second set of Interrogatories (dated June 3, 2015);
 12 Defendants third set of Interrogatories (dated November 17, 2017) and Defendants’ first set of Requests
 13 for Admission (dated December 22, 2017).

14 (d) Rule 30(b)(6) Deposition. I served as our company designee and appeared for a
 15 Rule 30(b)(6) deposition. The topics for which I was required to prepare and provide testimony were
 16 quite extensive. These were the topics set forth in the deposition notice served on behalf of all named
 17 defendants:

- 18 (1) YOUR proposed, attempted, AND actual purchases of ANY CAPACITORS
 19 from ANY entity, including, but not limited to, the dates, quantities, types,
 20 manufacturers, specifications, technical requirements, product characteristics,
 21 price quotes, actual prices, AND terms AND conditions of those CAPACITOR
 22 purchases, AND the details of negotiations of those purchases, including ANY
 23 discounts, rebates, OR price reductions, that serve as the basis for YOUR
 24 allegations in the COMPLAINTS that YOU are a “direct” purchaser of
 25 CAPACITORS.
- 26 (2) YOUR perception, knowledge, AND/OR monitoring of the supply, demand,
 27 market conditions, pricing, AND discounting of CAPACITORS, including
 28 YOUR budgets, forecasts, OR strategies with respect to YOUR purchases of
 ANY CAPACITORS.
- (3) YOUR sales of ANY CAPACITORS, including YOUR customers OR potential
 customers, the prices at AND time periods during which YOU sold such
 CAPACITORS, AND the manner in which YOU established pricing for YOUR
 sales of such CAPACITORS.

- 1 (4) ALL facts that YOU contend support YOUR allegations in the COMPLAINTS
2 that the alleged unlawful conspiracy:
- 3 a. Resulted in the setting of prices of CAPACITORS OR the allocation of
4 customers with respect to Original Equipment Manufacturer (“OEM”),
5 Contract Manufacturer (“CM”), AND/OR non-OEM AND non-CM sales
6 of CAPACITORS;
- 7 b. Restricted the output OR restrained the capacity of CAPACITORS sold
8 in the United States;
- 9 c. Affected the CAPACITORS’ industry outside the context of OEM
10 procurement events OR CM procurement events for CAPACITORS;
- 11 d. Existed over at least the CLASS PERIOD;
- 12 e. Harmed others in the putative CLASS; AND
- 13 f. Was fraudulently concealed from YOU, including the identification,
14 description, date, location, source, AND persons involved in ALL
15 statements that YOU read, heard, OR otherwise became aware of upon
16 which YOU base this contention.
- 17 (5) The specific injury that YOU allege YOU suffered because of the unlawful
18 conspiracy alleged in the COMPLAINTS AND ALL damages YOU allege that
19 YOU suffered as a result thereof, the amount of damages, how the damages were
20 calculated, AND ALL facts that YOU contend support the damages that YOU
21 are claiming.
- 22 (6) YOUR COMMUNICATIONS with ANY manufacturer, marketer, retailer, OR
23 distributor of CAPACITORS concerning ANY CAPACITORS, including, but
24 not limited to, COMMUNICATIONS regarding actual OR proposed purchases
25 of CAPACITORS, including pricing, rebates, discounts, OR other terms offered
26 by competing manufacturers, marketers, retailers AND/OR distributors.
- 27 (7) YOUR corporate structure AND/OR organization, including, but not limited to,
28 ALL departments OR other sub-units, divisions, parents, subsidiaries, affiliates,
AND joint ventures, AND the identity of ALL of YOUR personnel involved in
the purchase, sale, AND/OR use of CAPACITORS from ANY entity.
- (8) The location AND manner in which YOU maintain, retain, AND destroy YOUR
DOCUMENTS relevant to this litigation, including
- a. YOUR records of proposed, attempted, AND actual purchases of ANY
CAPACITORS from ANY entity AND/OR sales of ANY
CAPACITORS to ANY entity;
- b. YOUR knowledge of the source, location, AND custody of ANY
information relevant to the allegations set forth in the COMPLAINTS,

1 AND YOUR efforts to collect, maintain, AND preserve such
2 information; AND

3 c. The source, location, AND custody of DOCUMENTS requested by
4 DEFENDANTS in this litigation, including, without limitation,
DOCUMENTS in paper OR electronic form.

5 (9) YOUR participation in this litigation, including:

6 a. YOUR responses to ANY interrogatories served by DEFENDANTS, the
7 identity of ALL PERSONS who provided information contained in
8 YOUR responses, AND ANY information that may relate to those
interrogatories AND/OR YOUR responses;

9 b. The circumstances that led YOU to participate in this lawsuit, including
10 ANY AND ALL efforts YOU have made to investigate YOUR
allegations AND claims;

11 c. The relationship between YOU AND Direct Purchaser Plaintiffs'
12 counsel, including the circumstances AND substance of ANY
13 COMMUNICATIONS between YOU AND Direct Purchaser Plaintiffs'
14 counsel before their engagement as counsel, AND ANY AND ALL
agreements YOU have with Direct Purchaser Plaintiffs' counsel; AND

15 d. YOUR duties AND responsibilities as a named Direct Purchaser Plaintiff
16 in this lawsuit AND ANY prior experience as a class representative
17 AND/OR a plaintiff in other litigations, AND YOUR knowledge of other
members of the putative CLASS.

18 (10) YOUR knowledge of the subjects identified in the above SUBJECT AREAS at
19 the time YOU became involved in this lawsuit, AND the identity of ALL
20 PERSONS with knowledge of the subjects identified in the above SUBJECT
21 AREAS.

22 In addition to the above topics, defendant NCC served a separate 30(b)(6) notice that
23 included the following topics:

24 (1) Your purchases of Large Can Capacitors in the United States.

25 (2) Your suppliers of Large Can Capacitors in the United States.

26 (3) Your end use of Large Can Capacitors in the United States.

27 (4) Your sale of Large Can Capacitors in the United States.

28 (5) Your knowledge or understanding of pricing practices for Large Can Capacitors
sold in the United States.

- 1 (6) Your damages alleged in the Operative Complaint as a result of your purchase of
2 Large Can Capacitors in the United States.
- 3 (7) Your knowledge or understanding of supply, demand, market conditions, market
4 reports, and financial reports for Large Can Capacitors.
- 5 (8) Your Employees responsible for purchasing or selling Large Can Capacitors in
6 the United States.

7 Because of the numerous deposition topics, preparation for the deposition was very time
8 consuming requiring the collection of information from several employees within the company and the
9 review of company records to be prepared to answer deposition questions. Prior to the deposition, as
10 our 30(b)(6) deponent, I received and reviewed over many documents in order to adequately prepare
11 for the deposition. Additionally, I had several telephone conversations with counsel and I and other
12 employees met with counsel to prepare for the deposition. Following the deposition, we took time to
13 review the testimony to assure its accuracy.

14 (e) Deposition of Jerald Wilcox and William Miller. In addition to my deposition as
15 the Dependable Rule 30(b)(6) representative, Defendants also took the deposition of Jerald Wilcox, a
16 purchasing manager at Dependable, and William Miller, vice president of purchasing at Dependable. In
17 order to prepare for his deposition, Mr. Wilcox met with counsel and reviewed numerous documents.
18 Following his deposition, Mr. Wilcox spent time to review the testimony to assure its accuracy. In
19 order to prepare for his deposition, Mr. Miller likewise met with counsel and reviewed numerous
20 documents. Following his deposition, Mr. Miller spent time to review the testimony to assure its
21 accuracy.

22 8. In total, my best estimate is that Dependable personnel spent approximately 80 hours in
23 performing the tasks identified above, the majority of which time was expended by me.

24 9. Throughout the seven-plus years of this litigation, we have always made ourselves
25 available to assist counsel in the prosecution of this case on behalf of all Class members and will
26 continue to do so as the case progresses.

27 10. In light of our extensive efforts which have significantly benefited the Class, we
28 respectfully suggest that a Service Award of \$75,000 would be fair.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed on June 14,
2 2022.

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4 By: /s/ Shawn Ryan
5 Shawn Ryan
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