

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA**

*A court authorized this notice. This is not a solicitation from a lawyer.*

# Settlements Have Been Reached by Direct Purchaser Plaintiffs, Through Their Attorneys Led by Court-Appointed Counsel, the Joseph Saveri Law Firm, Inc., with Some of the Defendants in an Antitrust Class Action Lawsuit Involving Capacitors

*In re Capacitors Antitrust Litigation, No. 3:14-cv-03264-JD (N.D. Cal.)*

### What is this lawsuit about?

The lawsuit alleges that certain defendants engaged in an unlawful conspiracy to fix, raise, maintain or stabilize the prices of aluminum, tantalum, or film capacitors ("Capacitors"). Plaintiffs allege that, as a result of the unlawful conspiracy involving Capacitors, they and other direct purchasers paid more for Capacitors than they would have absent the alleged conspiracy. Defendants deny Plaintiffs' claims.

### Who can submit a claim?

The settlements include all persons and entities in the United States—excluding those who filed a timely opt-out of the litigation class in accordance with the terms of the 2019 Notice of Certification of Class of Direct Purchasers of Capacitors—that purchased Capacitors (including through controlled subsidiaries, agents, affiliates or joint-ventures) directly from any defendant or subsidiary, agent, affiliate, or joint venture of a defendant at any time between January 1, 2002, and December 31, 2013, where the Capacitors were billed to or shipped to the purchaser's address in the United States (the "Settlement Class"). The period for opting out of the litigation class has now closed.

### Who represents the Settlement Class?

The Court has appointed the Joseph Saveri Law Firm, Inc. ([www.SaveriLawFirm.com](http://www.SaveriLawFirm.com)) to represent the Settlement Class. You may also retain your own counsel at your expense.

### Who are the Settling Defendants?

Settlements have been reached with defendants AVX Corp. ("AVX"); ELNA Co., Ltd., and ELNA America Inc. (collectively "ELNA"); Holy Stone Enterprise Co., Ltd., Milestone Global Technology, Inc. (D/B/A HolyStone International) and Vishay Polytech Co., Ltd. (collectively, "Holy Stone"); KEMET Corporation and KEMET Electronics Corporation (collectively, "KEMET"); Panasonic Corporation, Panasonic Corporation of North America, SANYO Electric Co., Ltd., and SANYO North America Corporation (collectively "Panasonic"); Shinyei Kaisha, Shinyei Technology Co., Ltd., Shinyei Capacitor Co., Ltd. and Shinyei Corporation of America, Inc. (collectively, "Shinyei"); Shizuki Electric Co., Inc. ("Shizuki"); and Taitso Corporation and Taitso America, Inc. (collectively "Taitso"); AVX, ELNA, Holy Stone, KEMET, Panasonic, Shinyei, Shizuki and Taitso collectively, the "Settling Defendants") in partial settlement of the class action lawsuit (the "Settlement Agreements"). The Settling Defendants expressly deny Plaintiffs' allegations. Plaintiffs are still pursuing claims against other defendants who have not yet settled. Other defendants have previously settled with Plaintiffs. More details available in the Long Form Notice available at the Settlement Website ([www.CapacitorsAntitrustSettlement.com](http://www.CapacitorsAntitrustSettlement.com)).

### What does the settlement provide?

The settlement provides for the payment of USD \$232,050,000 to the Settlement Class. As explained in greater detail in the Long Form Notice available at the Settlement Website; (a) AVX will pay \$65,000,000; (b) ELNA will pay \$25,000,000; (c) Holy Stone will pay \$28,000,000; (d) KEMET will pay \$62,000,000; (e) Panasonic will pay \$45,000,000; (f) Shinyei will pay \$2,950,000; (g) Shizuki will pay \$1,000,000 and (h) Taitso will pay \$3,100,000. In addition, Panasonic agrees to assist Plaintiffs in the ongoing litigation against the non-settling defendants by providing cooperating witnesses and information. Plaintiffs' counsel appointed by the Court, the Joseph Saveri Law Firm, Inc., will ask the Court to approve a deduction of \$200,000 from the Settlement Fund to reimburse expenses for notifying Settlement Class members of the settlement.

The attorneys representing the Settlement Class will also ask the Court to approve payment of \$69,615,000 (30% of the Settlement Fund) in attorneys' fees, payable upon the Court's approval of the requested fees. Class Counsel will also seek \$9,500,000 (approximately 3.6% of the Settlement Fund) to reimburse incurred litigation costs and expenses.

Settlement Funds will be distributed to Settlement Class members upon approval by the Court, after deducting any attorneys' fees and reimbursement for costs and expenses approved by the Court. Plaintiffs' lawyers, led by the Joseph Saveri Law Firm, Inc., will continue to pursue the lawsuit against the remaining defendants.

### What are my rights?

To receive a share of the Settlement Fund, you will need to sign and mail a Claim Form. A copy of the Claim Form is available at the Settlement Website. You may also call the claims administrator at 1-866-903-1223 for a paper Claim Form.

You may submit a completed Claim Form by: (1) uploading it online via the Settlement Website, by no later than August 28, 2020 at 11:59 p.m., Pacific Time; or (2) mailing a completed Claim Form to the Claims Administrator, *In re Capacitors Antitrust Lawsuit - 6985*, at P.O. Box 2563, Faribault, MN 55021-9563, postmarked no later than August 28, 2020.

If you do not want to be legally bound by the settlement, you must exclude yourself in writing by August 28, 2020, in the manner described in part 20 of the Long Form Notice (available on the Settlement Website). If you do not exclude yourself from the lawsuit, you will not be able to sue, or continue to sue, the Settling Defendants with respect to the legal claims in this case. If you do nothing, you will be bound by the Settlements if approved by the Court.

If you wish to comment on or disagree with any aspect of the proposed settlements, you must do so in writing no later than August 28, 2020. The United States District Court for the Northern District of California will hold a Fairness Hearing at 450 Golden Gate Avenue, San Francisco, California 94102 on September 17, 2020 at 10:00 a.m. If there are objections or comments, the Court will consider them at that time. You may appear at the hearing, but you do not have to.

### **PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.**

**This is a Summary Notice.** For more details, call toll free 1-866-903-1223, or visit [www.CapacitorsAntitrustSettlement.com](http://www.CapacitorsAntitrustSettlement.com). You may also write to the Claims Administrator, *In re Capacitors Antitrust Lawsuit - 6985*, P.O. Box 2563, Faribault, MN 55021-9563.

**This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Settlement Agreements available at [www.capacitorsantitrustsettlement.com](http://www.capacitorsantitrustsettlement.com), by contacting Class Counsel at 1-415-500-6800, by accessing the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, California, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.**

**For Information: [www.CapacitorsAntitrustSettlement.com](http://www.CapacitorsAntitrustSettlement.com) 1-866-903-1223**