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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

IN RE CAPACITORS ANTITRUST LITIGATION  
THIS DOCUMENT RELATES TO:  
THE DIRECT PURCHASER CLASS ACTION

Master File No 3:17-md-02801-JD

Civil Action No. 3:14-cv-03264-JD

**~~PROPOSED~~ FINAL JUDGMENT OF  
DISMISSAL WITH PREJUDICE AS TO  
DEFENDANT AVX CORPORATION**

This matter has come before the Court to determine whether there is any cause why this Court should not approve the settlement between Plaintiffs Chip-Tech, Ltd., Dependable Component Supply Corp., eIQ Energy, Inc., and Walker Component Group, Inc. (together, the “Direct Purchaser Plaintiffs” or “Plaintiffs”), individually and on behalf of the Direct Purchaser Class (the “Class”), on the one hand, and AVX Corporation (“AVX”), on the other, set forth in the Settlement Agreement dated March 12, 2020 (the “Settlement Agreement”). The Court, after carefully considering all papers filed and proceedings held herein and otherwise being fully informed in the premises, has determined (1) that the settlement should be approved, and (2) that there is no just reason for delay of the entry of this Final Judgment approving the Settlement Agreement. Accordingly, the Court directs entry of Judgment, which shall constitute a final adjudication of this case on the merits as to AVX in accordance with the terms of the Settlement Agreement.

1 Good cause appearing therefore:

2 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

3 1. The Court has jurisdiction over the subject matter of the Action and over all parties to  
4 the Settlement Agreement, including all members of the Class.

5 2. The Court incorporates in this Final Judgment the definitions of terms set forth in the  
6 Settlement Agreement, MDL ECF No. 1300-2, Ex. A, as though they were fully set forth in this Final  
7 Judgment, except that the Court incorporates the definition of “Class” as defined in its preliminary  
8 approval order. MDL ECF No. 1340. As set forth in that order, the Class means:

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10 All persons (including individuals, companies, or other entities) that  
11 purchased Capacitors (including through controlled subsidiaries, agents,  
12 affiliates, or joint ventures) directly from any of the Defendants, their  
13 subsidiaries, agents, affiliates, or joint ventures from January 1, 2002 to  
14 December 31, 2013 (the “Class Period”), and such persons are: (a) inside  
15 the United States and were billed or invoiced for capacitors by one or more  
16 Defendants during the Class Period (*i.e.*, where capacitors were “billed to”  
17 persons within the United States); or (b) outside the United States and were  
18 billed or invoiced for capacitors by one or more Defendants during the  
19 Class Period, where such capacitors were imported into the United States  
20 by one or more Defendants (*i.e.*, where the capacitors were “billed to”  
21 persons outside the United States but “shipped to” persons within the  
22 United States).

23 Excluded from the Class are: (1) Defendants (and their subsidiaries,  
24 agents, and affiliates); (2) shareholders holding more than 10% equity  
25 interest in Defendants; (3) each member of the Class that timely requests  
26 exclusion by “opting out”; (4) governmental entities; and (5) the judges  
27 and chambers staff in this case, including their immediate families.

28 3. The Court finally approves and confirms the settlement set forth in the Settlement  
Agreement and finds that said settlement is, in all respects, fair, reasonable and adequate to the Class  
pursuant to Rule 23 of the Federal Rules of Civil Procedure.

4. The persons/entities identified in the “Summary of Entities Requesting Exclusion from  
Settlement with AVX Corporation,” attached as **Exhibit A**, have validly requested exclusion from the  
Settlement Class and, therefore, are excluded. Such persons and entities, and only such persons and  
entities, are not included in or bound by this Final Judgment to the extent they have requested  
exclusion from the settlement relating to AVX. Such persons and entities shall not receive any of the

1 proceeds obtained through the Settlement Agreement to the extent they have requested exclusion from  
2 the settlement relating to AVX.

3 5. This action is dismissed with prejudice as against AVX, each side to bear its own costs  
4 and attorneys' fees except as provided by the Settlement Agreement and the Court's orders.

5 6. All persons and entities who are Releasors are hereby barred and enjoined from  
6 commencing, prosecuting or continuing, either directly or indirectly, against the Releasees, in this or  
7 any other jurisdiction, any and all claims, causes of action or lawsuits, which they had, have, or in the  
8 future may have, arising out of or related to any of the Released Claims as defined in the Settlement  
9 Agreement. MDL ECF No. 1300-2, Ex. A.

10 7. The Releasors hereby and forever release and discharge the Releasees with respect to  
11 the Released Claims as defined in the Settlement Agreement. MDL ECF No. 1300-2, Ex. A.

12 8. Without affecting the finality of the Court's judgment in any way, the Court retains  
13 continuing and exclusive jurisdiction over the settlement and the Settlement Agreement, including all  
14 future proceedings concerning the administration, interpretation, consummation, and enforcement of  
15 the Settlement Agreement.

16 9. This document constitutes a final judgment and separate document for purposes of  
17 Federal Rule of Civil Procedure 58(a).

18 10. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules of Civil  
19 Procedure, that there is no just reason for delay in the entry of this Judgment, as a Final Judgment, as  
20 to the Plaintiffs, the Class, and AVX in accordance with the terms of the Settlement Agreement.  
21 Accordingly, the Court directs the Clerk to enter Judgment forthwith.

22  
23 IT IS SO ORDERED.

24 Dated: November 9, 2020

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28 HON. JAMES DONATO  
United States District Judge

# **EXHIBIT A**

**Summary of Entities Requesting Exclusion from Settlement with AVX Corporation**

<b>Requesting Entity</b>	<b>Entity/Affiliate with Record of Transactions</b>	<b>Location</b>
Dell Inc.	Dell Computer Corporation	Round Rock, TX
	EMC Corporation	Hopkinton, MA
	Wyse Technology	Round Rock, TX
Microsoft Mobile, Inc.; Microsoft Mobile Oy; and Microsoft Corporation	Microsoft Mobile	Redmond, WA
	Nokia	Naperville, IL
	Nokia	San Diego, CA