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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE CAPACITORS ANTITRUST LITIGATION

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

THIS DOCUMENT RELATES TO:
THE DIRECT PURCHASER CLASS ACTION

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

**~~PROPOSED~~ FINAL JUDGMENT OF
DISMISSAL WITH PREJUDICE AS TO
DEFENDANTS KEMET CORPORATION
AND KEMET ELECTRONICS
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, on the one hand, and KEMET Corporation and KEMET Electronics Corporation (collectively, “KEMET”), on the other, set forth in the Settlement Agreement dated November 8, 2019 (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

1 adjudication of this case on the merits as to KEMET in accordance with the terms of the Settlement
2 Agreement.

3 Good cause appearing therefore:

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

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

7 2. The Court incorporates in this Final Judgment the definitions of terms set forth in the
8 Settlement Agreement, MDL ECF No. 1068-2, Ex. A, as though they were fully set forth in this Final
9 Judgment, except that the Court incorporates the definition of “Class” as defined in its preliminary
10 approval order. MDL ECF No. 1340. As set forth in that order, Class means:

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

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

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 KEMET,” 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

1 entities, are not included in or bound by this Final Judgment to the extent they have requested
2 exclusion from the settlement relating to KEMET. Such persons and entities shall not receive any of
3 the proceeds obtained through the Settlement Agreement to the extent they have requested exclusion
4 from the settlement relating to KEMET.

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

7 6. All persons and entities who are Releasors are hereby barred and enjoined from
8 commencing, prosecuting or continuing, either directly or indirectly, against the Releasees, in this or
9 any other jurisdiction, any and all claims, causes of action or lawsuits, which they had, have, or in the
10 future may have, arising out of or related to any of the Released Claims as defined in the Settlement
11 Agreement. MDL ECF No. 1068-2, Ex. A.

12 7. The Releasors hereby and forever release and discharge the Releasees with respect to
13 the Released Claims as defined in the Settlement Agreement. MDL ECF No. 1068-2, Ex. A.

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

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

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

24 IT IS SO ORDERED.

25 Dated: November 9, 2020


26 
27 _____
28 HON. JAMES DONATO
United States District Judge

EXHIBIT A

Summary of Entities Requesting Exclusion from Settlement with KEMET

Requesting Entity	Entity/Affiliate with Record of Transactions	Location
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