

MARIO N. ALIOTO, ESQ. (56433)
LAUREN C. CAPURRO, ESQ. (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP
2001 Union Street, Suite 482
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
E-mail: malioto@tatp.com
laurenrussell@tatp.com

Lead Counsel for the Indirect-Purchaser Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: CATHODE RAY TUBE (CRT)) MASTER FILE NO. 4:07-cv-5944-JST
ANTITRUST LITIGATION) Case No.: 4:17-cv-04067-JST

_____))
This Document Relates to:) MDL NO. 1917

ALL INDIRECT PURCHASER ACTIONS)
Luscher, et al. v. Mitsubishi Electric Corp.,) **NOTICE OF MOTION AND MOTION**
No. 4:17-cv-04067-JST) **TO APPROVE DISTRIBUTION OF**
) **RESIDUAL SETTLEMENT FUNDS**

) Date: January 29, 2025
) Time: 2:00 p.m.
) Courtroom: 6, 2nd Floor
) The Honorable Jon S. Tigar
)

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on January 29, 2025, at 2:00 p.m., or as soon thereafter as the matter may be heard, before the Honorable Jon S. Tigar, United States District Judge, Oakland Courthouse, located at 1301 Clay Street, Courtroom 6, 2nd Floor, Oakland, California, the Indirect Purchaser Plaintiffs (“IPPs”) will and hereby do move the Court for an Order authorizing the distribution of residual settlement proceeds remaining after payment of indirect purchaser class members’ claims.

IPPs request that the Court enter an Order approving the distribution of approximately \$1,646,183.49 in residual settlement funds from IPPs’ settlements with the Philips, Hitachi, Panasonic, Toshiba, Samsung SDI and Thomson defendants (the “First Round Settlements”) and IPPs’ settlement with defendant Mitsubishi Electric Corporation (“Mitsubishi Electric Settlement”) as follows: (1) To pay IPPs’ economic experts \$72,190.63 for work performed on behalf of IPPs in 2015 and 2016; (2) To pay \$160,535 to the Settlement Administrator for services performed to distribute the Mitsubishi Electric Settlement funds to claimants from January 1, 2025 through September 1, 2025, and to reserve \$24,958 for services and costs anticipated through the conclusion of administration; and (3) To pay the remainder of the residue (approximately \$1,388,499.86, if the Court grants IPPs’ other requests to pay expenses) to the American Antitrust Institute (“AAI”).

This Motion is based on this Notice of Motion, the following Memorandum of Points and Authorities in support thereof, the accompanying Declarations of Joseph Fisher and Mario N. Alioto, the pleadings and papers on file in this action and such other matters as may be presented to the Court at or prior to the hearing on the Motion.

Dated: December 1, 2025

/s/ Mario N. Alioto

Mario N. Alioto (56433)
Lauren C. Capurro (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT, LLP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2001 Union Street, Suite 483
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
malioto@tatp.com
lauren russell@tatp.com

**Lead Counsel for the Indirect Purchaser
Plaintiffs**

1 **I. Introduction**

2 All the settlement funds have been distributed to claimants from the Indirect Purchaser
3 Plaintiffs' ("IPPs") settlements with the Philips, Hitachi, Panasonic, Toshiba, Samsung SDI and
4 Thomson defendants (the "First Round Settlements"). *See* ECF No. 6504. In addition, the
5 distribution of settlement funds to claimants from IPPs' settlement with defendant Mitsubishi
6 Electric Corporation ("Mitsubishi Electric Settlement") is now also complete (except for some
7 outstanding uncashed checks that expired).¹

8 There is a residue resulting from these distributions of approximately \$1,646,183.49—
9 approximately \$454,000 from the First Round Settlements² and approximately \$1,192,183.49
10 from the Mitsubishi Electric Settlement. Alioto Decl. ¶ 2; Fisher Decl. ¶ 11. This residue amounts
11 to approximately 0.28% of the total \$580,750,000 settlement fund. Alioto Decl. ¶ 2. The residue
12 is the result of unclaimed monies, monies that were not paid because of post distribution auditing
13 that resulted in certain claims being denied, interest that accrued on the settlement funds during
14 the distribution process, and monies set aside for taxes and accounting fees.³

15 As with the First Round Settlements, it would not be practicable to incur the additional
16 administrative costs associated with issuing *pro rata* payments to over 252,000 claimants and
17 maintaining ongoing administrative services for an extended period.⁴ IPPs have met and conferred
18

19 ¹ There are settlement checks with an aggregate value of \$81,127.96 that were still valid and
20 uncashed, but which expired and became void as of November 28, 2025. Decl. of Joseph M. Fisher
21 Re: Update of Administrative Activities ("Fisher Decl.") ¶ 10. *See also id.* at ¶ 3 (describing
22 Settlement Administrator's efforts to distribute funds to claimants by, for example, obtaining better
23 addresses and reissuing checks to claimants).

24 ² This amount is higher than the last figure reported to the Court (ECF No. 6504) due to the receipt
25 of a refund for overpayment of 2024 taxes. Declaration of Mario N. Alioto In Support of IPPs'
26 Motion to Approve Distribution of Residual Settlement Funds (Alioto Decl.) ¶ 2.

27 ³ Fisher Decl. ¶ 10. The Settlement Agreements provide for the continuing payment of taxes and
28 accounting fees. Interest has accrued and continues to accrue on the settlement funds and additional
taxes will be payable, along with accounting fees. Alioto Decl. ¶ 3.

⁴ *See* Order Granting In Part and Denying In Part Admin. Motion Re: Remaining Settlement Funds,
dated June 20, 2025 ECF No. 6505 (finding that the residue from the First Round Settlements

1 with the Settlement Administrator on the appropriate disposition of these residual funds and
2 respectfully requests that the Court permit IPPs to use some of the funds to pay expenses, and that
3 the remainder be distributed *cy prè*s to the American Antitrust Institute (“AAI”), as set forth below.

4 **II. IPPs Request That IPPs’ Economic Experts Be Paid \$72,190.63 From The Residue**

5 IPPs respectfully request that IPPs’ economic experts, ApplEcon, be paid \$72,190.63 from
6 the residue for work performed on behalf of IPPs in 2015 and 2016. This work included preparing
7 for the trial that was scheduled to begin on March 9, 2015 (but which was taken off calendar on
8 February 9, 2015, ECF No. 3515), assisting counsel with IPPs’ opposition to defendants’ motion
9 to decertify the Indirect Purchaser State Classes (ECF No. 3585), and assisting counsel with
10 devising a plan of distribution and a comprehensive notice plan for the First Round Settlements.
11 These services totaled \$72,190.63 and have not been paid. Alioto Decl. ¶ 4.

12 These expenses were not submitted to the Court with IPPs’ September 2015 motion for
13 reimbursement of litigation expenses (ECF No. 4071) and were inadvertently omitted from IPPs’
14 June 2022 motion for distribution of the settlement funds (ECF No. 6025). Alioto Decl. ¶ 5.
15 ApplEcon’s invoices are the type of expense that is routinely charged to paying clients in a case
16 like this. *See Willner v. Manpower Inc.*, No. 11-cv-02846-JST, 2015 WL 3863625, at *7 (N.D.
17 Cal. June 22, 2015) (attorney may recover expenses normally charged to a paying client). This
18 Court has previously approved the payment of ApplEcon invoices for similar work from the
19 settlement funds. *See* ECF Nos. 4071-1 ¶ 130, Ex. C; 4740 at 16-17; 6025 at 23-24; 6040 ¶ 12.

20 IPP Lead Counsel has reviewed ApplEcon’s invoices for these services and believes they
21 were necessary and reasonable. Alioto Decl. ¶ 6. IPPs therefore request that \$72,190.63 be paid to
22 ApplEcon from the residue.

23 //

24
25
26 should be distributed to “an appropriate *cy pres* recipient.”); *see also* Fisher Decl. ¶ 12 (opining
27 that it would be impracticable to do another distribution to Mitsubishi Electric claimants because
28 the cost to distribute would exceed the value of the payments for over 95% of claimants).

1 **III. IPPs Request That the Settlement Administrator’s Fees and Costs for Administering**
2 **the Mitsubishi Electric Settlement Be Paid From the Residue**

3 Pursuant to this Court’s Order Granting Indirect Purchaser Plaintiffs’ Motion For Order
4 Authorizing Distribution of Settlement Funds (As Modified), ECF No. 6413, the Settlement
5 Administrator for the Mitsubishi Electric Settlement, The Notice Company, Inc., has implemented
6 the Court-approved plan to distribute the Mitsubishi Electric Settlement funds to claimants. *See*
7 ECF No. 6474-2; Fisher Decl. ¶¶ 3-4. On May 15, 2025, this Court granted IPPs’ Administrative
8 Motion for Permission to Pay the Settlement Administrator’s Administrative Costs, and authorized
9 payment of \$295,395 to the Settlement Administrator for work completed from July 1, 2024
10 through December 31, 2024. *See* ECF No. 6483; Fisher Decl. ¶¶ 5-6. The Settlement Administrator
11 has performed further services necessary for the distribution of Mitsubishi Electric settlement
12 funds to claimants from January 2025 through the present. *Id.* ¶¶ 3-4, 7-8.

13 These services have included continued communication with a large number of claimants
14 regarding their claims, address searches, reissuance of checks and other disbursements to
15 claimants, further claims auditing, various fraud prevention activities, working with the
16 accountants for the settlement funds to compute and pay taxes due on the interest earned by the
17 settlement funds, and maintaining the settlement website. Fisher Decl. ¶¶ 3-4. This work has
18 caused the administrative expenses to exceed the amount of funds currently set aside for the
19 payment of these administrative expenses. *Id.* ¶¶ 5-9.

20 The Settlement Administrator also anticipates future expenses for accounting fees, taxes,
21 further communications with claimants, continued maintenance of the settlement bank account and
22 fraud protection, and preparation of a final accounting of the Mitsubishi Electric settlement funds.
23 *Id.* ¶ 11.

24 The Settlement Administrator has submitted two invoices to IPP Lead Counsel: One
25 invoice for work completed during the period from January 1, 2025, through September 30, 2025,
26 totaling \$160,535 and a second invoice for services and costs anticipated through the conclusion
27 of administration totaling \$24,958. *Id.* ¶ 9.

1 IPP Lead Counsel has supervised the Settlement Administrator’s work and has reviewed
2 the invoices for these services and believes they were necessary and reasonable. Alioto Decl. ¶ 8.
3 IPPs therefore request that the Court authorize the payment of \$160,535 to the Settlement
4 Administrator from the residue. In addition, IPPs request that the Court authorize the reservation
5 of \$24,958 to pay the Settlement Administrator for services and costs anticipated through the
6 conclusion of administration of the Mitsubishi Electric Settlement. *Id.*

7 **IV. IPPs Request That the Balance of the Residue Be Distributed *Cy Près* to the**
8 **American Antitrust Institute**

9 On June 20, 2025, this Court ordered the parties to “meet and confer and nominate a *cy*
10 *près* recipient” for the residual funds remaining after distribution of the First Round Settlement
11 funds to claimants. ECF No. 6505 at 1.⁵ In addition, in its August 16, 2024 Order Granting Indirect
12 Purchaser Plaintiffs’ Motion for Order Authorizing Distribution of Settlement Funds (As
13 Modified), the Court ordered that, to the extent there are residual funds remaining after distribution
14 of the Mitsubishi Electric settlement funds to claimants, “the Settlement Administrator shall
15 propose a distribution plan to IPPs’ counsel, who shall submit a brief with a proposed order to the
16 Court explaining why the proposed plan would fairly distribute such funds.” ECF No. 6413 ¶ 5.

17 As set forth above, the distribution of settlement funds to claimants in both the First Round
18 Settlements and the Mitsubishi Electric Settlement is now complete (except for some outstanding
19 uncashed checks that expire shortly). There is a residue of approximately \$454,000 from the First
20 Round Settlements and approximately \$1,192,183.49 from the Mitsubishi Electric Settlement, for
21

22 ⁵ The First Round Settlement Agreements provide that after the Agreements become final, the
23 settlement funds “shall be distributed in accordance with a plan to be submitted at the appropriate
24 time by Plaintiffs, subject to approval by the Court.” E.g., ECF Nos. 3862-1 (Philips) ¶ 21, 3862-
25 2 (Panasonic) ¶ 20, 3863-3 (Hitachi) ¶ 20. The Agreements further provide that defendants shall
26 have no “responsibility, financial obligation, or liability whatsoever with respect to” the
27 distribution or administration of the settlement funds. *Id.* Because the settlements are final,
28 defendants have no interest in the distribution of the settlement funds. Thus, IPPs have not met and
conferred with defendants regarding distribution of the residue to an appropriate *cy près* recipient.
IPPs have instead consulted with the Settlement Administrator and the potential *cy près* recipient
regarding this motion. Alioto Decl. ¶ 9.

1 a total residue of \$1,646,183.49. IPPs have requested that the Court authorize payment of expenses
2 totaling \$257,683.63 from the residue. If the Court grants these requests, the residue from all
3 settlements would be approximately \$1,388,499.86 (less taxes and accountant fees, and any
4 additional Mitsubishi Electric settlement checks that were cashed before they expired on
5 November 28, 2025). This amounts to approximately 0.24% of the total \$580,750,000 settlement
6 fund. Alioto Decl. ¶ 10.

7 Pursuant to this Court’s Orders, IPP Counsel has consulted with the Settlement
8 Administrator and has concluded that the AAI is an appropriate *cy près* recipient for the residual
9 settlement funds in this case. *Id.* ¶ 11. The AAI is a non-profit organization that engages in
10 research, education, and advocacy on the benefits of competition and the use of antitrust
11 enforcement. AAI’s activities have a nexus to the underlying antitrust statutes and the interests of
12 class members such that absent class members will benefit from the distribution of funds *cy près*
13 to AAI. IPPs thus request that the residual settlement funds in this case be distributed *cy près* to
14 the AAI. *Id.*

15 **A. *Cy Près* Distribution Is Appropriate Here**

16 “Most class actions result in some unclaimed funds” which may be distributed *cy près*
17 when such distribution provides the “‘next best’ distribution.” *Six (6) Mexican Workers v. Arizona*
18 *Citrus Growers*, 904 F.2d 1301, 1307-08 (9th Cir. 1990). District courts “have broad discretionary
19 powers in shaping equitable decrees” for distribution of such funds. *Id.* at 1307. In the Ninth
20 Circuit, where direct monetary payments to the class are infeasible because each class member’s
21 recovery would be de minimis, *see Lane v. Facebook, Inc.*, 696 F.3d 811, 821 (9th Cir. 2012), a
22 *cy près* remedy is appropriate where it “account[s] for the nature of the plaintiffs’ lawsuit, the
23 objectives of the underlying statutes, and the interests of the silent class members, including their
24 geographic diversity.” *Nachshin v. AOL, LLC*, 663 F.3d 1034, 1036 (9th Cir. 2011); *see also*
25 *Dennis v. Kellogg Co.*, 697 F.3d 858, 865 (9th Cir. 2012) (“there [must] be a driving nexus between
26 the plaintiff class and the *cy près* beneficiaries. A *cy près* award must be guided by (1) the
27
28

1 objectives of the underlying statute(s) and (2) the interests of the silent class members, and must
2 not benefit a group too remote from the plaintiff class.”).

3 As this Court has recognized, *cy prè*s distribution of unclaimed or non-distributable
4 portions of this class action settlement fund is appropriate here. *See* ECF No. 6505 at 1. The total
5 residue is approximately \$1,388,499.86 (assuming the Court grants IPP Lead Counsel’s requests
6 to first pay expenses from the residue). Further distributions to claimants are unfeasible because
7 each claimant’s recovery would be *de minimis*. There are insufficient funds for a second round of
8 payments assuming a minimum payment of \$10.00 per claimant, as required by the Court-
9 approved plan of distribution.⁶ Even a minimum payment of \$5.00 per claimant is infeasible.⁷ If
10 *pro rata* payments were issued with **no** minimum value per claimant, over 95% of claimants would
11 receive a payment of 50 cents (\$0.50) or less. The cost of issuing and delivering each 50-cent
12 payment would exceed the value of the payment.⁸ Fisher Decl. ¶ 12.

13 In addition, the Settlement Administrator has already conducted two rounds of distributions
14 for the First Round Settlements, and another round for the Mitsubishi Electric Settlement. The
15 Settlement Administrator’s efforts included obtaining better addresses for claimants whose paper
16 checks were returned as undeliverable and re-sending those checks to new addresses,
17 communicating with claimants and third-party claim filers to encourage claimants to cash their
18 checks, and reissuing expired checks to claimants upon request. Fisher Decl. ¶ 3.

19
20
21 _____
22 ⁶ The amount to be distributed at \$10 per claimant would exceed the fund balance (ignoring all
costs of distribution) by more than \$1.5 million.

23 ⁷ The amount to be distributed at \$5 per claimant would exceed the fund balance (ignoring all costs
of distribution) by more than \$0.25 million.

24 ⁸ The cost of distributing 252,000 payments is projected to exceed \$1.00 per payment. Postage
25 would be a significant cost factor as most claimants did not request digital payments. The price of
26 first-class U.S. postage at the metered rate is currently \$0.74. A discounted postage rate of \$0.593
27 (the automation 5-digit letter rate) is available for bulk mailings that meet specific USPS standards
for automated processing, although there are increased costs associated with preparing mail in a
way that allows the USPS to process it using automated machinery.

1 Therefore, the “next best use” for the residual settlement funds in this case is to distribute
2 them *cy prè*s to a charitable organization that will benefit absent class members.

3 **B. The American Antitrust Institute Is An Appropriate *Cy Prè*s Recipient of the**
4 **Residual Funds In This Antitrust Class Action**

5 It is an appropriate use of *cy prè*s funds to promote research, education, and advocacy
6 activities that indirectly benefit the victims of antitrust violations by improving the administration
7 of the antitrust laws. *See, e.g.,* Albert A. Foer, *Enhancing Competition Through the Cy Prè*s
8 *Remedy: Suggested Best Practices*, 24 *Antitrust* 86 (Spring 2010) (discussing authorities);
9 American Law Institute, *Principles of the Law of Aggregate Litigation* § 3.07 & Comment b.
10 (2010).

11 Applying this *cy prè*s doctrine, IPP Lead Counsel has identified AAI as an appropriate *cy*
12 *prè*s recipient of the residue in this case, which alleges an international price-fixing cartel that
13 harmed U.S. consumers and businesses. AAI is a 501(c)(3) not-for-profit organization devoted to
14 promoting competition that protects consumers, businesses, and society through research,
15 education, and advocacy nationally.⁹

16 AAI has been described as a “titan in the antitrust arena.”¹⁰ It advocates on behalf of
17 unrepresented consumers and other antitrust victims before the U.S. Department of Justice, the
18 Federal Trade Commission, the courts, and other federal and state agencies on a wide range of
19 competition issues.¹¹ AAI has filed more than one hundred *amicus* briefs in every federal circuit
20 court and in state courts.¹² For example, AAI recently filed an *amicus* brief in the Ninth Circuit in
21 *Seagate Technology LLC, et al. v. NHK Spring Co., LTD., et al.*, No. 24-4470 (9th Cir.), arguing
22 that the appellate court should reverse the district court’s interpretation of the Foreign Trade
23

24 ⁹ *See* <https://www.antitrustinstitute.org/about-us/>.

25 ¹⁰ *Conrad v. Jimmy John’s Franchise, LLC*, No. 3:18-cv-00133-NJR-RJD, 2019 U.S. Dist. LEXIS
26 94411, at *6–7 (S.D. Ill. May 21, 2019) (Rosenstengel, C.J.).

27 ¹¹ *See* <https://www.antitrustinstitute.org/work-products/type/public-comments/>

28 ¹² *See* <https://www.antitrustinstitute.org/work-products/type/amicus-briefs/>.

1 Antitrust Improvements Act, 15 U.S.C. §6a (“FTAIA”), because it would effectively exempt
2 certain international cartels from liability to United States consumers.¹³

3 Thus, AAI’s work has a close nexus to the nature of this litigation, which alleged domestic
4 injury from an international price-fixing conspiracy in violation of federal and state antitrust,
5 consumer protection, and unfair competition laws. The application of the FTAIA was a critical
6 legal issue in this case. *See, e.g.*, ECF No. 4910. AAI advocates to ensure that federal and state
7 antitrust laws afford adequate deterrence of international cartels—like the CRT cartel—which
8 harm U.S. consumers and businesses.¹⁴ In addition, AAI conducts significant work on the
9 damaging effects of cartels and the importance of private antitrust remedies in deterring such
10 conduct. Research by AAI has shown that current cartel fines inadequately deter collusion and that
11 higher fines, private litigation recoveries, and/or more aggressive enforcement are necessary to
12 protect cartel victims.¹⁵ AAI has also sponsored empirical research detailing the benefits of private
13 antitrust enforcement.¹⁶ The national scope of AAI’s scholarship and advocacy activities will
14 advance the interests and geographic diversity of absent class members.

15
16 ¹³ *See* [https://www.antitrustinstitute.org/work-product/aai-asks-ninth-circuit-to-reject-ftaia-
17 interpretation-that-would-exempt-certain-international-cartels-from-liability-to-u-s-consumers-
18 seagate-v-nhk/](https://www.antitrustinstitute.org/work-product/aai-asks-ninth-circuit-to-reject-ftaia-interpretation-that-would-exempt-certain-international-cartels-from-liability-to-u-s-consumers-seagate-v-nhk/)

19 ¹⁴ *See, e.g.*, Brief for The American Antitrust Institute as Amicus Curiae in Support of Petitioner,
20 *Motorola Mobility LLC v. AU Optronics Corp.*, 775 F.3d 816, 824 (7th Cir. 2015) (No. 14-1122),
21 2015 WL 1798940, at *5–12 (Apr. 16, 2015) (arguing against ruling that permits certain
22 international cartels to avoid paying damages to victimized American consumers and businesses);
23 Randy M. Stutz & Richard M. Brunell, Comments on Proposed Update to Antitrust Guidelines for
24 International Enforcement and Cooperation, Am. Antitrust Inst. (Dec. 1, 2016), *available at*
25 [https://www.antitrustinstitute.org/wp-content/uploads/2018/08/International-Guidelines-
26 Comments-As-Filed.pdf](https://www.antitrustinstitute.org/wp-content/uploads/2018/08/International-Guidelines-Comments-As-Filed.pdf).

27 ¹⁵ *See, e.g.*, John M. Connor & Robert H. Lande, *Cartels as Rational Business Strategy: Crime*
28 *Pays*, 34 *Cardozo L. Rev.* 427 (2012) (originally published as AAI Working Paper No. 11-08); *see also* John M. Connor & Robert H. Lande, *Not Treble Damages: Cartel Recoveries Are Mostly Less Than Single Damages*, 100 *Iowa L. Rev.* 1997 (2015).

¹⁶ *See* American Antitrust Institute & University of San Francisco School of Law, *The Vital Role of Private Enforcement in the U.S.: Commentary on the 2018 Antitrust Annual Report: Class Action Filings in Federal Court* (May 14, 2019), *available at* https://www.antitrustinstitute.org/wp-content/uploads/2019/05/AAI_USF-Commentary_2018-

1 Courts in this district and many other jurisdictions have found AAI to be an appropriate
2 recipient of *cy prè*s payments in antitrust class actions, including in the closely related indirect
3 purchaser *LCD* case. See *In re TFT-LCD (Flat Panel) Antitrust Litig.*, 07-md-1827-SI, MDL No.
4 1827, ECF No. 9595 (N.D. Cal. Dec. 12, 2019) (order granting motion to distribute residual funds
5 to AAI). See also, e.g., *In Re Pub'n Paper Antitrust Litig.*, No. 3:04MD1631SRU, 2009 WL
6 2351724 (D. Conn. July 30, 2009) (class action brought by indirect end users of publication paper:
7 “Because the plaintiffs’ claims here are based on antitrust injury, the next best use for the
8 settlement funds is to disburse those funds to charitable institutions designed to guard against
9 antitrust injury and protect consumers.”); *In re Visa Check/MasterMoney Antitrust Litig.*, No. 96-
10 CV-5238 JG, 2011 WL 5029841, at *9 (E.D.N.Y. Oct. 24, 2011) (class action challenging alleged
11 tying arrangements; “AAI has made significant contributions to the development and enforcement
12 of the antitrust laws and will no doubt make effective use of the funds it receives.”); *In re*
13 *Easysaver Rewards Litig.*, 906 F.3d 747, 760 (9th Cir. 2018), *cert. denied sub nom. Perryman v.*
14 *Romero*, 139 S. Ct. 2744 (2019) (affirming awards “to support scholarship in the area of internet
15 privacy and data security” in a case involving nationwide claims that defendants enrolled plaintiffs
16 in rewards programs without their consent and then mishandled their billing information).

17 In IPP Counsel’s judgment, the AAI is an appropriate *cy prè*s recipient whose mandate
18 bears a sufficient nexus to this case and to the advancement of class members’ interests. Thus, IPP
19 Counsel recommends that the Court authorize the distribution of *cy prè*s funds to the AAI. Alioto
20 Decl. ¶ 11.

21 V. CONCLUSION

22 For all the foregoing reasons, IPPs respectfully request that the Court grant their motion to
23 approve distribution of the residual settlement funds, as set forth above.

24
25 Antitrust-Class-Action-Report_Final_5.14.19.pdf; Robert H. Lande & Joshua P. Davis, *Benefits*
26 *from Private Antitrust Enforcement: An Analysis of 40 Cases*, 42 U. S. F. L. Rev. 879 (2008)
27 (originally published as a Report of the American Antitrust Institute); see also Joshua P. Davis &
28 Robert H. Lande, *Toward an Empirical and Theoretical Assessment of Private Antitrust*
Enforcement, 36 Seattle U. L. Rev. 1269 (2013).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Dated: December 1, 2025

By: /s/ Mario N. Alioto

Mario N. Alioto (56433)
Lauren C. Capurro (241151)
TRUMP, ALIOTO, TRUMP & PRESCOTT LLP
2001 Union Street, Suite 482
San Francisco, CA 94123
Telephone: (415) 563-7200
Facsimile: (415) 346-0679
Email: malioto@tatp.com
laurenrussell@tatp.com

Lead Counsel for Indirect Purchaser Plaintiffs

1 Mario N. Alioto (56433)
 Lauren C. Capurro (241151)
 2 TRUMP, ALIOTO, TRUMP & PRESCOTT LLP
 3 2001 Union Street, Suite 482
 San Francisco, CA 94123
 4 Telephone: 415-563-7200
 Facsimile: 415- 346-0679
 5 Email: malioto@tatp.com
lauren russell@tatp.com

6
 7 *Lead Counsel for the Indirect Purchaser*
Plaintiffs

8
 9
 10 UNITED STATES DISTRICT COURT
 11
 12 NORTHERN DISTRICT OF CALIFORNIA
 13
 14 OAKLAND DIVISION

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

MASTER FILE NO. 4:07-cv-5944-JST
 Case No.: 4:17-cv-04067-JST

MDL No. 1917

15 This Document Relates to:
 16
 17 *INDIRECT PURCHASER ACTIONS FOR*
THE 22 STATES

**DECLARATION OF MARIO N. ALIOTO
 IN SUPPORT OF INDIRECT
 PURCHASER PLAINTIFFS’ MOTION TO
 APPROVE DISTRIBUTION OF
 RESIDUAL SETTLEMENT FUNDS**

18 *Luscher, et al. v. Mitsubishi Electric Corp.,*
 19 No. 4:17-cv-04067-JST

Hearing Date: January 29, 2026
 Time: 2:00 p.m.
 Courtroom: 6, 2nd Floor (Oakland)
 Judge: Honorable Jon S. Tigar

1 I, Mario N. Alioto, declare:

2 1. I am an attorney duly licensed by the State of California and am admitted to practice
3 before this Court. I am a partner with the law firm Trump, Alioto, Trump & Prescott, LLP and my
4 firm serves as Lead Counsel for the Indirect Purchaser Plaintiffs (“IPPs”) in the above-captioned
5 action. I submit this declaration in support of IPPs’ Motion to Approve Distribution of Residual
6 Settlement Funds remaining after payment of indirect purchaser class members’ claims. The
7 matters set forth herein are within my personal knowledge and if called upon and sworn as a witness
8 I could competently testify regarding them.

9 2. There is a residue resulting from the distributions of IPPs’ settlements with the
10 Philips, Hitachi, Panasonic, Toshiba, Samsung SDI and Thomson defendants (the “First Round
11 Settlements”) and IPPs’ settlement with defendant Mitsubishi Electric Corporation (“Mitsubishi
12 Electric Settlement”) of approximately \$1,646,183.49. There is approximately \$454,000 from the
13 First Round Settlements¹ and approximately \$1,192,183.49 from the Mitsubishi Electric
14 Settlement. This residue amounts to approximately 0.28% of the total \$580,750,000 settlement
15 fund.

16 3. The Settlement Agreements provide for the continuing payment of taxes and
17 accounting fees. Interest has accrued and continues to accrue on the settlement funds and additional
18 taxes will be payable, along with accounting fees.

19 4. I request that IPPs’ economic experts, AppEcon, be paid \$72,190.63 from the
20 residue for work performed on behalf of IPPs in 2015 and 2016. This work included preparing for
21 the trial that was scheduled to begin on March 9, 2015 (but which was taken off calendar on
22 February 9, 2015, ECF No. 3515), assisting counsel with IPPs’ opposition to defendants’ motion
23 to decertify the Indirect Purchaser State Classes (ECF No. 3585), and assisting counsel with
24 devising a plan of distribution and a comprehensive notice plan for the First Round Settlements.
25 These services totaled \$72,190.63 and have not been paid.

26 _____
27 ¹ This amount is higher than the last figure reported to the Court (ECF No. 6504) due to the receipt
28 of a refund for overpayment of 2024 taxes.

1 5. These ApplEcon expenses were not submitted to the Court with IPPs’ September
2 2015 motion for reimbursement of litigation expenses (ECF No. 4071) and were inadvertently
3 omitted from IPPs’ June 2022 motion for distribution of the settlement funds (ECF No. 6025).

4 6. I have reviewed ApplEcon’s invoices for these services and believe they were
5 necessary and reasonable.

6 7. The Settlement Administrator has submitted two invoices to me for his work
7 administering the payment of claims for the Mitsubishi Electric Settlement: One invoice for work
8 completed during the period from January 1, 2025, through September 30, 2025, totaling \$160,535;
9 and, a second invoice for services and costs anticipated through the conclusion of administration
10 totaling \$24,958.

11 8. I have supervised the Settlement Administrator’s work throughout the
12 administration of the Mitsubishi Electric Settlement and have reviewed the invoices for the
13 Settlement Administrator’s services and believe they were necessary and reasonable. I request that
14 the Court authorize the payment of \$160,535 to the Settlement Administrator from the residue. In
15 addition, I request that the Court authorize the reservation of \$24,958 to pay the Settlement
16 Administrator for services and costs anticipated through the conclusion of administration of the
17 Mitsubishi Electric Settlement.

18 9. On June 20, 2025, this Court ordered the parties to “meet and confer and nominate
19 a *cy près* recipient” for the residual funds remaining after distribution of the First Round Settlement
20 funds to claimants. ECF No. 6505 at 1. The First Round Settlement Agreements provide that after
21 the Agreements become final, the settlement funds “shall be distributed in accordance with a plan
22 to be submitted at the appropriate time by Plaintiffs, subject to approval by the Court.” E.g., ECF
23 Nos. 3862-1 (Philips) ¶ 21, 3862-2 (Panasonic) ¶ 20, 3863-3 (Hitachi) ¶ 20. The Agreements
24 further provide that defendants shall have no “responsibility, financial obligation, or liability
25 whatsoever with respect to” the distribution or administration of the settlement funds. *Id.* Because
26 the settlements are final, defendants have no interest in the distribution of the settlement funds.
27 Thus, I have not met and conferred with defendants regarding distribution of the residue to an
28

1 appropriate *cy prè*s recipient. I have instead consulted with the Settlement Administrator and the
2 potential *cy prè*s recipient regarding this motion.

3 10. As set forth above, there is a total residue of \$1,646,183.49. IPPs are requesting that
4 the Court authorize payment of expenses totaling \$257,683.63 from the residue. If the Court grants
5 these requests, the residue from all settlements would be approximately \$1,388,499.86 (less taxes
6 and accountant fees, and any additional Mitsubishi Electric settlement checks that were cashed
7 before they expired on November 28, 2025). This amounts to approximately 0.24% of the total
8 \$580,750,000 settlement fund.

9 11. I propose that the remainder of the residue after payment of the above expenses be
10 distributed *cy prè*s. Pursuant to this Court’s Orders, I have consulted with the Settlement
11 Administrator and have concluded that the American Antitrust Institute (“AAI”) is an appropriate
12 *cy prè*s recipient for the residual settlement funds in this case. The AAI is a non-profit organization
13 that engages in research, education, and advocacy on the benefits of competition and the use of
14 antitrust enforcement. AAI’s activities have a nexus to the underlying antitrust statutes and the
15 interests of class members such that absent class members will benefit from the distribution of
16 funds *cy prè*s to AAI. I recommend that the Court authorize the *cy prè*s distribution of the residual
17 settlement funds in this case to the AAI.

18

19 I declare under penalty of perjury that the foregoing is true and correct. Executed this 1st
20 day of December 2025 at San Francisco, California.

21

22

/s/ Mario N. Alioto
Mario N. Alioto

23

24

Lead Counsel for the Indirect Purchaser Plaintiffs

25

26

27

28

1 Mario N. Alioto (56433)
2 Lauren C. Capurro (241151)
3 TRUMP, ALIOTO, TRUMP & PRESCOTT LLP
4 2001 Union Street, Suite 482
5 San Francisco, CA 94123
6 Telephone: 415-563-7200
7 Facsimile: 415- 346-0679
8 Email: malioto@tatp.com
9 lauren russell@tatp.com

6 *Lead Counsel for the*
7 *Indirect Purchaser Plaintiffs*

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

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

MASTER FILE NO. 4:07-cv-5944-JST
Case No.: 4:17-cv-04067-JST

14 MDL NO. 1917

15 This Document Relates to:

16 *Luscher, et al. v. Mitsubishi Electric Corp.,*
17 No. 4:17-cv-04067-JST

**DECLARATION OF JOSEPH M. FISHER IN
SUPPORT OF MOTION TO DISTRIBUTE
RESIDUAL SETTLEMENT FUNDS**

18 Date: January 29, 2026
19 Time: 2:00 p.m.
20 Courtroom: 6, 2nd Floor

21 Judge: Honorable Jon S. Tigar

1 I, Joseph M. Fisher, declare:

2 **INTRODUCTION**

3 1. I am the president of The Notice Company, Inc., a Massachusetts corporation with
4 offices at 94 Station Street, Hingham, MA 02043 (“The Notice Company” or “Settlement
5 Administrator”). The Notice Company is principally engaged in the administration of class action
6 settlements and lawsuits pending in courts around the United States, including the dissemination of
7 notice to class members, administering the claims process, and distributing the proceeds of the
8 litigation to the class. I have over 20 years of experience assisting attorneys with class action notices
9 and claims administration. I am also a member in good standing of the bars of the Commonwealth
10 of Massachusetts, the District of Columbia, and the Commonwealth of Virginia. I am over 21 years
11 of age and not a party to this action. I have personal knowledge of the facts set forth herein and, if
12 called as a witness, could and would testify thereto under oath.

13 2. I make this declaration to update the Court on administrative activities undertaken to
14 support the indirect purchaser settlement with Mitsubishi Electric Corp. (the “Mitsubishi
15 Settlement”). This declaration also supports a proposed order authorizing payment to the Settlement
16 Administrator of (1) \$160,535 in administrative costs and expenses incurred from January 1, 2025,
17 through September 30, 2025, and (2) \$24,958 of additional administrative expenses projected through
18 the conclusion of administration.

19 3. My last update to the Court was in my Declaration filed May 9, 2025, where I reported
20 on administrative activities through December 31, 2024. ECF No. 6474-2. During 2025, the
21 Settlement Administrator continued the process of distributing payments to claimants in the
22 Mitsubishi Settlement and engaging in the following tasks:

- 23 a. The Settlement Administrator continued to communicate with claimants and
24 respond to a large number of claims and payment inquiries. During the first six
25 months of the year, call times averaged 27,852 minutes (over 464 hours) per month.
- 26 b. The Settlement Administrator actively engaged with claimants and third-party
27 claim filers to answer questions and manage the re-issuance of payments as needed.

28

1 c. The Settlement Administrator continued to monitor the distribution of payments
2 via paper checks and through digital disbursement methods that included ACH,
3 PayPal, Venmo, Zelle and E-Mastercard. An audit identified 23,392 claimants
4 whose payments were not successfully delivered. The Settlement Administrator
5 reissued payments as needed, including 10,119 checks totaling \$109,362.75. These
6 reissuances were achieved by:

- 7 i. Obtaining better addresses through third-party address searches for
8 claimants whose paper checks were returned as undeliverable by the U.S.
9 Postal Services;
- 10 ii. Issuing paper checks in place of unsuccessful digital-payment distributions;
11 and
- 12 iii. Following up on claimants' requests for reissuance of payments due to lost,
13 destroyed or otherwise undelivered payments.

14 d. The Settlement Administrator continued working with the issuing bank and with
15 the digital disbursement processor to identify and prevent numerous attempts to
16 improperly obtain funds belonging to the Class. The Settlement Administrator's
17 fraud-prevention activities included the following:

- 18 i. Daily monitoring of every check presented;
- 19 ii. Blocking all attempted ACH transactions;
- 20 iii. Engaging a positive-pay system that uses a five-point verification process
21 prior to the approval of check presentments in order to help prevent payment
22 of unauthorized checks and payment of duplicate presentations;
- 23 iv. Working through a digital disbursement process that (A) used multiple
24 advanced security protocols, encryption and verifications to facilitate secure
25 digital payments and (B) screened all identified payees against the Specially
26 Designated Nationals and Blocked Persons list ("SDN List") and other
27

1 sanctions lists administered by the Office of Foreign Assets Control
2 (“OFAC”).

3 e. The Settlement Administrator continued working with the accounting firm Miller
4 Kaplan to assure payment of taxes on the interest earned on claimant funds for the
5 Mitsubishi Electric Settlement.

6 4. The Settlement Administrator continues to maintain a dedicated Settlement website
7 (*www.CRTClaims.com*), toll-free phone line, and Post Office address where claimants can access or
8 request additional documents and information relating to the Settlement.

9 5. In 2024, the Court authorized a reserve amount of \$345,475 to cover future payments
10 to The Notice Company and accountants for the period commencing July 1, 2024. Order Granting
11 Indirect Purchaser Plaintiffs’ Motion for Order Authorizing Distribution of Settlement Funds, filed
12 August 16, 2024, ECF No. 6413 (“Funding Order”) at ¶ 7. This amount was based on the Settlement
13 Administrator’s best estimate at the time of remaining costs likely to be incurred for the period
14 commencing July 1, 2024, consisting of administrative costs of \$330,475 and accounting fees of
15 \$15,000 for a total of \$345,475. Declaration of Joseph M. Fisher Re: Notice, Claims Processing and
16 Distribution of Settlement Funds, filed July 19, 2024, ECF No. 6406-1, at ¶ 25.

17 6. The Court previously authorized payment to the Settlement Administrator of \$295,395
18 in administrative fees for work completed during the period from July 1, 2024, to December 31, 2024.
19 Order Granting Indirect Purchaser Plaintiffs’ Administrative Motion for Permission to Pay the
20 Settlement Administrator’s Administrative Costs, filed May 15, 2025, ECF No. 6483 (“May 2025
21 Payment Order”) at ¶ 1.

22 7. The Settlement Administrator has not been paid for services performed subsequent to
23 December 31, 2024, in administering the Mitsubishi Settlement.

24 8. The Settlement Administrator has submitted to IPP Counsel two invoices: One invoice
25 for work completed during the period from January 1, 2025, through September 30, 2025, totaling
26 \$160,535 (“September 2025 Invoice”) and a second invoice for services and costs anticipated through
27

28

1 the conclusion of administration (“Final Invoice”) totaling \$24,958. These two invoices exceed by
2 \$135,413 the Settlement Administrator’s previous estimate of remaining administrative costs.

3 9. The Settlement Administrator has kept IPP Counsel informed of the activities
4 underlying these ongoing administrative costs. *See* Indirect Purchaser Plaintiffs’ Administrative
5 Motion for Permission to Pay the Settlement Administrator’s Administrative Costs, filed May 9,
6 2025, ECF No. 6474 (“5-9-25 Motion”) (reviewing the Settlement Administrator’s activities from
7 July 1, 2024, through December 31, 2024).

8 10. As of the date of this Declaration, funds remaining in the settlement account for
9 Mitsubishi claimants total \$1,192,183.49. Included in this total are (a) \$81,127.96 reserved for
10 settlement checks that remain outstanding and not returned as undeliverable, where the latest
11 expiration date on any check is November 28, 2025; (b) \$863,779.76 representing the aggregate value
12 of uncashed payments for claimants that are no longer outstanding or deliverable (consisting of
13 payments that could not be delivered to a valid address, were never deposited and are no longer valid,¹
14 or allocated to claims that were subsequently withdrawn); and (c) \$247,275.77 of funds not allocated
15 for distribution consisting of interest earned on the account subsequent to the calculation of individual
16 payment amounts minus funds withdrawn to pay taxes and accounting fees.²

17 11. The Settlement Administrator anticipates remaining costs to include the following:

- 18 a. Additional accounting fees
- 19 b. Tax payments, both federal and state
- 20 c. Additional costs of the Settlement Administrator, including the following:
 - 21 i. correspondence with claimants via phone and email;

22
23 ¹ Numerous claims from the original CRT settlements, which were automatically submitted in the
24 Mitsubishi settlement, proved to be associated with claimants who could no longer be contacted
25 through emails and/or mailing addresses. The Settlement Administrator attempted to update the
26 contact information for these claimants through direct email, through the use of the U. S. Postal
27 Service’s Nation Change of Address service, and through third-party address searches.

28 ² A portion of funds not allocated for distribution to claimants was set aside for estimated costs of
administration; the remaining balance of the set-aside amount is \$50,080. *See* 5-9-25 Motion
 (“Payment of the December [2024] Invoice would leave a balance of \$50,080 in the Administration
Fund”).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- ii. Continued maintenance of the settlement bank account, including fraud prevention activities; and
- iii. Preparing a post-distribution report including a final accounting of the Mitsubishi Electric Settlement Funds.

12. The Settlement Administrator does not anticipate issuing a second round of payments to claimants. With over 252,000 accepted claims and residual funds expected to be less than \$1,006,691³, a viable distribution plan is not within reach. Residual funds are insufficient to support the issuance of a second round of payments assuming a fixed minimum value of \$10.00 per claimant⁴ or even \$5.00 per claimant.⁵ If *pro rata* payments were issued with **no** required minimum value per claimant, over 95% of claimants would receive a payment of 50 cents (\$0.50) or less. The cost of issuing and delivering each 50-cent payment would exceed the value of the payment.⁶

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed at Hingham, Massachusetts, this 24th day of November, 2025.



JOSEPH M. FISHER

³ Payment of administrative invoices would reduce the current fund balance to \$1,006,690.49. Funds may also need to be expended for anticipated taxes and accounting fees. There are also outstanding checks valued at \$81,127.96 that may be deposited by the check-expiration date of November 28, 2025.

⁴ The amount to be distributed at \$10 per claimant would exceed the fund balance (ignoring all costs of distribution) by more than \$1.5 million.

⁵ The amount to be distributed at \$5 per claimant would exceed the fund balance (ignoring all costs of distribution) by more than \$0.25 million

⁶ The cost of distributing 252,000 payments are projected to exceed \$1.00 per payment. Postage would be a significant cost factor as most claimants did not request digital payments. The price of first-class U.S. postage at the metered rate is currently \$0.74. A discounted postage rate of \$0.593 (the automation 5-digit letter rate) is available for bulk mailings that meet specific USPS standards for automated processing, although there are increased costs associated with preparing mail in a way that allows the USPS to process it using automated machinery.