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 8 *Indirect Purchaser Plaintiffs*

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

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

MASTER FILE NO. 4:07-cv-5944-JST
 Case No.: 4:13-cv-03234-JST

15 MDL NO. 1917

16 This Document Relates to:

17 INDIRECT PURCHASER ACTIONS FOR
 18 THE 22 STATES

**DECLARATION OF JOSEPH M. FISHER
 RE: NOTICE, CLAIMS PROCESSING AND
 DISTRIBUTION OF SETTLEMENT FUNDS**

Hearing Date:
 Time:
 Courtroom:
 Judge:

1 I, Joseph M. Fisher, declare:

2 **INTRODUCTION**

3 1. Identification. I am the president of The Notice Company, Inc., a Massachusetts
4 corporation with offices at 94 Station Street, Hingham, MA 02043 (“The Notice Company” or
5 “Settlement Administrator”). The Notice Company is principally engaged in the administration of
6 class action settlements and lawsuits pending in courts around the United States, including the
7 dissemination of notice to class members, administering the claims process, and distributing the
8 proceeds of the litigation to the class. I have over 15 years of experience assisting attorneys with class
9 action notices and claims administration. I am also a member in good standing of the bars of the
10 Commonwealth of Massachusetts, the District of Columbia, and the Commonwealth of Virginia. I
11 am over 21 years of age and not a party to this action. I have personal knowledge of the facts set forth
12 herein and, if called as a witness, could and would testify thereto under oath.

13 2. I make this declaration to report on: (a) a summary of Notice Procedures; (b) The
14 Notice Company’s processing and validating the claims received; (c) calculating the total qualifying
15 indirect purchases of “CRT Products” by “End Users” and “Resellers”; and (d) providing the
16 methodology for calculating the *pro rata* share of the Net Settlement Funds to be distributed to
17 approved claimants.

18 3. “CRT Products” refers to products containing Cathode Ray Tubes (“CRTs”). “End
19 Users” refers to persons or entities who purchased CRT Products for their own use and not for resale.
20 “Resellers” refers to persons or entities who purchased CRT Products for the purpose of resale. This
21 Declaration is limited to claims by indirect purchasers and excludes claims for purchases made directly
22 from any of the defendant manufacturers. “Class Member” refers to persons or entities who qualify as
23 members of any of the certified and approved Settlements for indirect purchasers of CRT Products as
24 described below.

25 **SUMMARY OF NOTICE PROCEDURES**

26 4. I previously reported on implementation of notice programs for indirect purchasers of
27 CRTs in my declarations filed with the Court as follows:

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1 * ECF No. 1063: Declaration of Joseph M. Fisher Reporting on the Class Notice
2 Program for Settlement with Defendant Chunghwa Picture Tubes, Ltd., filed March 1, 2012;

3 * ECF No. 2511: Declaration of Joseph M. Fisher Reporting on the Class Notice
4 Program for the Certified Class and the Settlement with LG Defendants, filed March 28, 2014;

5 * ECF No. 3863: Declaration of Joseph M. Fisher Re Notice Program in Support of
6 Motion for Preliminary Approval of Class Action Settlements with the Philips, Panasonic,
7 Hitachi, Toshiba and Samsung SDI Defendants, filed May 29, 2015;

8 * ECF No. 4371: Declaration of Joseph M. Fisher Reporting on Class Notice
9 (Nationwide Class and Statewide Damages Classes), filed February 4, 2016;

10 * ECF No. 4372: Declaration of Joseph M. Fisher Re Objections to Notice, filed
11 February 4, 2016;

12 * ECF No. 4488: Declaration of Joseph M. Fisher Re Notice of Chunghwa Plan of
13 Distribution, filed March 15, 2016;

14 * ECF No. 4953-1: Declaration of Joseph M. Fisher Reporting on Chunghwa Notice,
15 filed October 11, 2016;

16 * ECF No. 5587-2: Declaration of Joseph M. Fisher Re Amendments To The
17 Settlements, filed September 16, 2019; and

18 * ECF No. 5758-1: Declaration of Joseph M. Fisher Re Implementation of Notice Plan,
19 filed June 12, 2020;

20 5. The Notice Company implemented notice programs for the indirect purchaser
21 settlements as follows:

22 a. Chunghwa Settlement: First Notice Program. Dissemination of notice relating
23 to the Chunghwa Settlement Agreement (“Chunghwa Notice 1”) began in October 2011,
24 affording Class Members the opportunity to object to or request exclusion from the Settlement.
25 Print notices appeared in *Parade Magazine*, *USA Weekend* magazine, *USA Today*, *The Sunday*
26 *New York Times* and *El Nueva Dia*; a press release was distributed through *PR Newswire*,
27 which was picked up and posted/published by 225 news organizations and media outlets, such
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1 as *Reuters* and *Yahoo Finance*; notices were posted online in both English and Spanish; and
2 notice was sent by first-class mail to every Fortune 500 Company for each of the class years
3 (1995 to 2007), to the largest private colleges, universities and private secondary schools in
4 the United States, to major resellers of consumer electronic products, to the 50 largest hospitals
5 in the United States, and to 57 attorneys general.

6 b. Certified Class and LG Settlement Notice Program. Dissemination of notice
7 relating to the “Litigated Class” of indirect, end-user purchasers of CRTs and to the LG
8 Settlement Class (“LG Notice”) began in January 2014, affording Class Members the
9 opportunity to object to or request exclusion from the Settlement. Print notices appeared in *The*
10 *Sunday Parade Magazine*, *USA Weekend* magazine, *USA Today*, *New York Times* and *El*
11 *Nueva Dia*; a press release was distributed through *PR Newswire*, which was picked up and
12 posted/published by 239 news organizations and media outlets, such as *Reuters* and *Yahoo*
13 *Finance*; notices were posted online in both English and Spanish; and notice was sent by first-
14 class mail to every Fortune 500 Company for each of the class years (1995 to 2007), to the
15 largest private colleges, universities and private secondary schools in the United States, to
16 major resellers of consumer electronic products, to the 50 largest hospitals in the United States,
17 and to 57 attorneys general.

18 c. Notice of Five New Settlements, Including Notice of the Claims Process.
19 Dissemination of notice relating to the “Nationwide Class” and “Statewide Damages Classes”
20 of indirect, end-user purchasers of CRTs began in July 2015, affording Class Members the
21 opportunity to submit claims and to object to or request exclusion from the five Settlements.
22 Print notices appeared in *The Sunday Parade Magazine*, *American Profile* Sunday magazine,
23 *The Wall Street Journal*, *USA Today*, *The Sunday New York Times*, *San Francisco Chronicle*,
24 *El Nueva Dia*, *People* magazine, *Time* magazine, *Sports Illustrated* and *TV Guide*; press
25 releases in English and Spanish were distributed through *PR Newswire* and were picked up
26 and posted/published by 284 news organizations and media outlets in the United States and at
27 least 15 other countries; notices were posted online in both English and Spanish at
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1 www.CRTclaims.com resulting in approximately 2 million page views; and notice was
2 disseminated via paid digital media through *TVinsider.com*, *Parade.com*, *Facebook.com*,
3 *Google Ads*, *Google Search*, and *Yahoo! Bing Search*. The digital and print media campaign
4 reached an estimated 83% of the target demographic with an estimated frequency of 3.1. In
5 addition to the digital and print media program, notice was sent by first-class mail to every
6 Fortune 500 Company for each of the class years (1995 to 2007), to the largest private colleges,
7 universities and private secondary schools in the United States, to major resellers of consumer
8 electronic products and to the 50 largest hospitals in the United States. Further, more than 10.5
9 million notices were delivered by email, including emails delivered to more than 6.3 million
10 consumers and to more than 1.4 million small businesses who were selected based on
11 demographic characteristics consistent with the Class definition. All notices identified the
12 Court-approved deadline of December 7, 2015, for the submission of claims.

13 d. Chunghwa Settlement: Second Notice Program. Dissemination of notice
14 relating to the Chunghwa Settlement Agreement (“Chunghwa Notice 2”) began in July 2016,
15 to notify Resellers of the distribution of Chunghwa funds, to afford Resellers the opportunity
16 to object to the plan of distribution, to allow Resellers to submit claims for payment from the
17 Chunghwa settlement, to inform end-user claimants of the distribution of Chunghwa funds,
18 and to afford such End Users the opportunity to object to the plan of distribution. Notice was
19 mailed to all Resellers qualifying under the Chunghwa Settlement as identified utilizing the
20 North American Industry Classification System (NAICS); notice was sent by email to
21 Resellers identified by the Consumer Technology Publishing Group (CTPG); and notices were
22 posted online in both English and Spanish at www.CRTclaims.com. Additional notice was
23 provided through a digital program of paid website banner ads targeted to Resellers, print
24 notice published in the national edition of *The Sunday New York Times*, and nationwide press
25 releases, in both English and Spanish, distributed through *PR Newswire* that were picked up
26 and posted/published by 360 news organizations. All end-user claimants were sent notice by
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1 email or, in the absence of a valid email address, by regular mail. All notices identified the
2 Court-approved deadline of November 29, 2016, for the submission of claims by Resellers.

3 e. Notice of Amendments to the Settlements. Dissemination of notice relating to
4 the Amendments to the Settlements¹ began in March 2020 to notify all claimants of the
5 amendments and reduced fee award, to afford them an opportunity to submit objections or
6 comments, and to inform them of the date of the Fairness Hearing. Notice was provided by
7 email, or by regular mail in the absence of a valid email address, to all claimants or their
8 designated representatives, to all persons who previously objected or requested exclusion from
9 the Settlements, or who otherwise had contacted The Notice Company with a request that they
10 be notified of developments in the case. The Notice List consisted of 94,321 entries. Notices
11 in both English and Spanish were posted at the Settlement Website, www.CRTclaims.com.

12 6. As part of each of the notice programs described above, The Notice Company
13 established and maintained a dedicated website, toll-free phone line, and Post Office address where
14 potential Class Members could access or request additional documents and information relating to the
15 Settlements, including copies of the notices, claim forms, and other Court documents.

16 **REQUESTS FOR EXCLUSION**

17 7. Class Members were afforded the opportunity to request exclusion (opt out) from each
18 of the settlements. Exclusion from one settlement did not preclude Class Members from participating
19 in other settlements. For Class Member who were both End Users and Resellers, exclusion in one
20 capacity did not preclude participation in the other capacity. The Notice Company received a total of
21 14 requests for exclusion from 4 individuals and 10 companies. The Court granted all exclusion
22 requests. Attached hereto as Exhibit A is a list of all excluded persons and entities along with detail
23 identifying to which settlement each exclusion applies.

24 **SUMMARY OF THE CLAIMS PROCESS**

25 8. Eligible Class Members were urged to submit a claim online at www.CRTclaims.com.

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28 ¹ Amendments to the Settlements refers to the amendments that reduced the gross value of the Settlements by \$29,000,000 accompanied by a corresponding reduction in attorneys' fees.

1 The “Claim Form” could be found and completed or downloaded at www.CRTclaims.com, or Class
2 Members could obtain a copy by calling the Settlement Administrator toll free at 1-800-649-0963 or
3 by texting “CRTclaims” to 97000. The Claim Form, which was available in both English and Spanish,
4 requested Class Members to verify their eligibility under the Class Settlements, to provide purchase
5 data and contact information, and included a declaration of accuracy to be signed under penalty of
6 perjury. ECF Nos. 4371-5 and 4371-6. Online claims were required to be submitted on or before
7 December 7, 2015. Claim Forms submitted by mail were required to be postmarked by December 7,
8 2015. The Court granted a request by the California Attorney General to extend the deadline for natural
9 persons residing in California to submit claims to June 30, 2016. ECF No. 4339. “Timely Claims” for
10 End Users means those claims submitted in accordance with the respective deadlines of December 7,
11 2015 and June 30, 2016. For Resellers, “Timely Claims” means claims submitted on or before
12 November 29, 2016. Claims submitted after the Court-ordered deadlines are “Late Claims.”

13 9. Notices to Class Members clearly explained that CRT Products were being categorized
14 as Standard CRT Televisions (screen size of less than 30 inches), Large CRT Televisions (screen size
15 of 30 inches or larger), or CRT Computer Monitors. *See*, for example, the Detailed Notice
16 disseminated in 2015 (ECF No. 4371-1 at p. 8, ¶ 9). Based on data obtained during the course of the
17 litigation, the plan for distribution assigned weights to different types of CRT Products based on the
18 overcharge evidence for each. Weights were assigned as follows: Claims for purchases of Standard
19 CRT Televisions were weighted as 1; Claims for purchases of Large CRT Televisions were weighted
20 as 4.3; and Claims for purchases of CRT Computer Monitors were weighted as 3. The Court approved
21 these weightings, and the plans of allocation in which they were included, in its Final Approval Orders
22 entered July 7, 2016 (ECF No. 4712), at pp. 26-29 and p. 37 ¶ 8, and November 11, 2016 (ECF No.
23 5040), and reaffirmed that approval in its Final Approval Order as to the amended settlements, entered
24 July 13, 2020 (ECF No. 5786) at p. 20. “CRT Weighted Units” refers to the number of CRT Products
25 calculated using the weights as described in this paragraph.

26 10. The Settlement Administrator received a total of 156,467 claims through May 5, 2020,
27 including more than 55,000 claims that were submitted as paper claims. End Users submitted 145,191
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1 Timely Claims with CRT Weighted Units claimed totaling 399,331,586,327. Another 5,263 Timely
2 Claims were submitted by Resellers with CRT Weighted Units claimed totaling 1,266,905,808. As
3 discussed below, the Settlement Administrator conducted an extensive review and audit process to
4 verify these claims, resulting in the acceptance (a) for End Users: 133,455 Timely Claims for
5 22,150,784 CRT Products representing 63,639,938 CRT Weighted Units and (b) for Resellers: 4,906
6 Timely Claims for 114,539,895 CRT Products representing 337,124,668 CRT Weighted Units.

7 11. Subsequent to the Court-approved deadlines for the submission of Timely Claims, the
8 Settlement Administrator continued to receive claim submissions both electronically and by mail
9 (“Late Claims” as defined above at ¶ 8). The Settlement Administrator continued to process and review
10 Late Claims that were submitted through May 5, 2020 (the “Cutoff Date”). For End Users, the
11 Settlement Administrator received 4,901 Late Claims submitted by the Cutoff Date amounting to
12 43,373,930 CRT Weighted Units. For Resellers, the Settlement Administrator received 1,112 Late
13 Claims submitted by the Cutoff Date amounting to 10,675,846 CRT Weighted Units. After review,
14 the Settlement Administrator found acceptable (a) for End Users: 3,914 Late Claims for 4,848,272
15 CRT Products representing 13,660,884 CRT Weighted Units and (b) for Resellers: 1,099 Late Claims
16 for 2,664,686 CRT Products representing 7,842,956 CRT Weighted Units.

17 12. The Settlement Administrator reviewed each Claim form received by the Cutoff Date
18 for compliance with the Settlements’ requirements. Some claims were found to be deficient or
19 incomplete. Among the various types of deficiencies found were the following:

- 20 • claims that were clearly outliers representing numbers that appear to be anomalies or
21 that materially deviate from an expected range, for example, an individual claiming to
22 have purchased billions of CRT Products (“Outlier Claims”);
- 23 • claims submitted by a third-party representative or agent on behalf of a claimant
24 (“Claims Aggregator”) who failed to provide purchase quantities for CRT Products on
25 the Claim Form or only partially completed this information so that the Claim Form
26 showed “N/A” or “TBD” or “0” or was blank or some combination thereof (referred to
27 as “Placeholder Claims”);

- 1 • claimants who directly submitted (not through a Claims Aggregator) incomplete claim
2 forms, including missing name and/or contact information, missing claim eligibility
3 information, missing purchase quantities, or failure to sign the Proof of Claim form;
- 4 • claims for ineligible purchases, such as purchases of CRT Products directly from any
5 of the Defendants, purchases of non-CRT Products, purchases of Sony-branded
6 products, purchases made outside of the Class Period, purchases made outside of the
7 United States, purchases made in a state that is not one of the 22 eligible states under
8 the Settlements, or multi-state purchases where central purchasing of all CRT Products
9 was asserted to have occurred in one of the eligible states;
- 10 • claims submitted by a Claims Aggregator on behalf of a claimant without an agreement
11 demonstrating the authority of the Claims Aggregator to act as the claimant’s agent or
12 representative;
- 13 • duplicate claims submitted by the same corporate claimant, for example, a parent
14 corporation submitting a claim that was inclusive of the CRT purchases of a subsidiary,
15 where the subsidiary had already submitted its own claim for those purchases;
- 16 • duplicate claims submitted by the same individuals, for example, the same individuals
17 submitting multiple claims with slight variations in their contact information, or
18 multiple claims from persons residing at the same address that appeared to represent
19 duplicate purchases of CRT Products;
- 20 • “Competing Claims” submitted by Claims Aggregators, where two Claims
21 Aggregators each submitted a claim on behalf of the same claimant;
- 22 • inflated claims where claimants asserted that all CRT televisions purchased were Large
23 rather than Standard sized (for which the overcharge and assigned CRT Weighted Units
24 were significantly higher) or that CRT Products were replaced at twice the industry
25 average;

26 13. When an Outlier Claim was detected, the Settlement Administrator contacted the
27 claimant and requested verification of the claim. In no instance was adequate verification or
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1 documentation received that could substantiate the extraordinary number of units claimed. The
2 Settlement Administrator denied 25 end-user Outlier Claims as unsubstantiated claims, resulting in
3 the removal of 398,813,815,013 CRT Weighted Units. The Settlement Administrator denied 6 Reseller
4 Outlier Claims as unsubstantiated claims, resulting in the removal of 843,588,656 CRT Weighted
5 Units. All of these denied claimants were sent notice of the denial. After removal of the Outlier Claims,
6 there were 150,067 claims by End Users for 142,115,475 CRT Products representing 561,145,244
7 CRT Weighted Units, and 6,369 claims by Resellers for 143,700,714 CRT Products representing
8 433,992,997 CRT Weighted Units.

9 14. When Placeholder Claims submitted by Claims Aggregators were identified, the
10 Settlement Administrator contacted the Claims Aggregator to request that the missing claims data be
11 provided. If the Claims Aggregator did not provide the missing numbers of CRT Units by the Cutoff
12 Date, the Settlement Administrator informed the Claims Aggregator that the claim would be denied.

13 15. When the Settlement Administrator identified ineligible purchases in a claim
14 submission, it contacted the claimant or its authorized representative, identified the issue and provided
15 an opportunity for the claim to be corrected. In some cases, when data was available that would allow
16 the Settlement Administrator to correct the problem (for example, a portion of the CRT purchases
17 identified as being made in an ineligible state), the Settlement Administrator would inform the
18 claimant of a proposed adjustment to the submitted claim that would be applied in the absence of any
19 further response from the claimant.

20 16. When the Settlement Administrator identified duplicate claims, it issued notices of
21 duplication with specific instructions and deadlines to resolve the duplicate issue. Examples of
22 duplicate claims included exact matches between two claims, near-exact matches (such as two entities
23 at the exact same address with slight variations in the name), overlapping claims within a household,
24 or a parent-subsidiary duplicate. The Settlement Administrator informed claimants or their authorized
25 representatives how the duplicate issue would be resolved if sufficient responses were not received.
26 In the event that a set of duplicate claims were all submitted on the same date, the Settlement
27 Administrator selected one claim and informed all the affected claimants of this selection. In the event
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1 that a set of duplicate claims were submitted on different dates, the Settlement Administrator applied
2 the following “Priority Rule”: More recent submissions would be treated as an update to prior
3 submissions and would be utilized, with one exception; if the more recent submission was a Late
4 Claim, then the Settlement Administrator would utilize the last-filed Timely Claim. In all instances
5 the affected claimants were afforded an opportunity to request a different approach for resolving their
6 duplicate claim submissions.

7 17. When the Settlement Administrator identified individual claims as potentially
8 duplicative (for example, multiple claims submitted from a single mailing address or from a single IP
9 address, excluding claims submitted by Claims Aggregators), the Settlement Administrator sent a
10 Notice of Deficiency which included a request for supporting documentation. Where no response was
11 provided, duplicative claims were rejected without further outreach or reduced to a minimum value of
12 \$25 when the Settlement Administrator determined that the claimant had a reasonable basis for
13 asserting the purchase of at least one CRT Product. When responses were provided, the Settlement
14 Administrator reviewed the responses and provided a determination.

15 18. When the Settlement Administrator identified Competing Claims submitted by two
16 Claims Aggregators, it informed the respective Claims Aggregators of the duplication and requested
17 that they resolve the overlap among themselves and with the claimant. An agreement signed by both
18 Claims Aggregators, or a letter of direction signed by the claimant, or the withdrawal by one of the
19 Claims Aggregators of its competing claim submission, was sufficient to resolve the Competing
20 Claims. If no resolution was received from the Claim Aggregators or the claimant, the Settlement
21 Administrator implemented the Priority Rule identified above and informed the Claims Aggregators
22 of its determination. As of the date hereof, all identified Completing Claims have been determined as
23 described in this paragraph.

24 19. When the Settlement Administrator identified inflated claims, claims from ineligible
25 states, or claims based on assertions of company purchases made from a central office in one of the
26 22 eligible states, the Settlement Administrator was required to investigate and procure data regarding
27 the types and frequency of CRT Product purchases by certain types of business during the Class
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1 Period, or investigate whether the claimant did, in fact, purchase their CRT Products from a central
2 office located in one of the 22 States, which required numerous communications with the claimant or
3 its representative to substantiate their claims.

4 20. When the Settlement Administrator identified other deficiencies, it sent a “Notice of
5 Deficiency” to claimants or their representatives and provided them with an opportunity to correct the
6 incomplete or deficient nature of their claims. When no response was provided, the Settlement
7 Administrator rejected the deficient claim and sent notice of such rejection or, when the Settlement
8 Administrator determined that the claimant had a good-faith basis for asserting the purchase of at least
9 one CRT Product, it reduced the claim to the minimum value of \$25. When the claimant or its
10 representative responded to a Notice of Deficiency, the Settlement Administrator reviewed the
11 response and, if the response was adequate, corrected the deficiency as requested by the claimant. If
12 the response was not adequate, the claimant or its representative was so informed and requested
13 promptly to update its response.

14 21. The Settlement Administrator issued its notifications to claimants on a rolling basis as
15 claims were received and as warranted by reviews. To the extent multiple claims could be addressed
16 in a single notice to a Claims Aggregator, the notices were consolidated. All notices regarding the
17 rejection (in whole or in part) of a claim contained a response deadline which could vary based on
18 specific circumstances or discussions with the claimant. To the extent a claimant requested additional
19 time to respond or submitted a response within a reasonable time after a given deadline, the Settlement
20 Administrator considered those responses to be timely if relevant documentation or information was
21 provided.

22 **AUDIT CRITERIA AND RESULTS**

23 22. All claims were subject to review and/or audit by the Settlement Administrator. For
24 claims submitted directly by Class Members, the Settlement Administrator set an audit threshold at
25 purchases of 30 CRT Products for individual claims, 100 CRT Products for small businesses, 250 CRT
26 Products for medium businesses, and 1,000 CRT Products for large businesses, where business size
27 was based on the number of employees as reported by the claimant. Where business size could not be
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1 determined, the audit threshold was set at the purchase of 50 CRT Products. Claimants were selected
2 and placed into an audit pool consisting of 2,190 entities. For claims submitted by Claims Aggregators,
3 the Settlement Administrator began by auditing large claims, meaning the top 5% of claims submitted
4 by each Claims Aggregator. If the Settlement Administrator found that its audits resulted in substantial
5 reductions of claimed purchases of CRT Products for a Claims Aggregator, then other claims
6 submitted by that Claims Aggregator were added to the audit list. The Settlement Administrator also
7 selected additional claims for audit based on comparisons of claim submissions by comparable
8 companies.

9 23. Considering all submitted claims, including Outlier Claims, reviews and audits were
10 performed on claims that represent over 99% of all CRT Weighted Units claimed. Excluding Outlier
11 Claims, reviews and audits were performed on 53,589 claims that accounted for over 98% of claimed
12 CRT Weighted Units. The audit process involved reviewing voluminous purchase data and multiple
13 sources of documentation for numerous claims. Other claims had little or no contemporaneous
14 purchase records available which required vetting by other means, such as investigations of publicly
15 available records, CRT television and computer monitor industry data, and other third-party data
16 sources. The Settlement Administrator reviewed and evaluated the claimed CRT Weighted Units as
17 follows: 83% were directly reviewed or audited; 9% were submitted by a Claims Aggregator whose
18 previous audits resulted in no (zero) reduction in units claimed, leading the Settlement Administrator
19 to treat further audits of their claims as not justified; and over 6% were submitted by Claims
20 Aggregators that previously resolved audits for other claims in a manner that demonstrated a
21 reasonable process for validating the claims submission process and accepting the calculations
22 utilized.

23 24. Audit notices were sent to all audited claims, providing instructions to claimants or
24 their representatives on how to respond to the audit and the deadline for responses. If no response was
25 received, a second-chance audit notice was sent, providing a new deadline for response and informing
26 the claimant that if no response was received, then claimed purchases of numerous CRT Products
27 would be reduced to a claim for a \$25 minimum payment. When the Settlement Administrator received
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1 responses with sufficient support for the originally claimed units, or for revised purchase quantities
2 submitted by the claimant or its authorized representative, the claims were accepted or revised and the
3 audit was closed. For those audits where questions remained after audit responses were received and
4 more information was required, the Settlement Administrator pursued follow-up communications until
5 the audit was resolved with the claimant. In some cases Class Counsel was involved in assisting and
6 resolving disputed audits.

7 25. Timely Claims submitted by End Users were resolved as follows:

- 8 • 145,191 Timely Claims were submitted;
- 9 • 11,095 were withdrawn or marked as duplicates;
- 10 • 25 were denied as Outlier Claims;
- 11 • 616 were rejected due to claim deficiencies (for example, direct purchaser claims or
12 purchases made in ineligible states);
- 13 • 4,207 were accepted with an adjustment in the number of CRT Products claimed;
- 14 • 31,322 were reduced to a minimum claim value of \$25;
- 15 • 97,926 were accepted with no change from the original number of CRT Products
16 claimed;
- 17 • a total of 133,455 claims were accepted, either partially or fully based on original
18 submissions, representing 63,639,938 CRT Weighted Units in the aggregate; and
- 19 • an estimated 12,149 claims with relatively low numbers of CRT purchases will have
20 their payment increased to \$25 from what would otherwise result from a *pro rata*
21 distribution of funds.

22 26. Late Claims Submitted by End Users as of the Cutoff Date were resolved as follows:

- 23 • 4,901 Late Claims submitted;
- 24 • 625 were withdrawn or marked as duplicates;
- 25 • 362 were rejected due to claim deficiencies;
- 26 • 535 were accepted with a reduction in CRT Products claimed;
- 27 • 251 were reduced to a minimum claim value of \$25;

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- 3,128 were accepted with no change from the original number of CRT Products claimed;
- a total of 3,914 Late Claims will be accepted, either partially or fully based on original submissions, representing 13,660,884 CRT Weighted Units in the aggregate; and
- an estimated 486 Late Claims with relatively low numbers of CRT Product purchases will have their payment increased to \$25 from what would otherwise result from a *pro rata* distribution of funds.

27. Timely Claims submitted by Resellers were resolved as follows:

- 5,263 Timely Claims were submitted;
- 335 were withdrawn or marked as duplicates;
- 6 were denied as outliers;
- 16 were rejected due to claim deficiencies;
- 173 were accepted with a reduction in CRT Products claimed;
- 4,733 were accepted with no change from the original number of CRT Products claimed;
- a total of 4,906 claims were accepted, either partially or fully based on original submissions, representing 337,124,668 CRT Weighted Units in the aggregate; and
- an estimated 4,584 claims with relatively low numbers of CRT Product purchases will have their payment increased to \$25 from what would otherwise result from a *pro rata* distribution of funds.

28. Late Claims submitted by Resellers as of the Cutoff Date were resolved as follows:

- 1,112 Late Claims submitted;
- 13 were withdrawn or marked as duplicates;
- 18 were accepted with a reduction in CRT Products claimed;
- 1,081 were accepted with no change from the original number of CRT Products claimed;

- a total of 1,099 claims will be accepted, either partially or fully based on original submissions, representing 7,842,956 CRT Weighted Units in the aggregate; and
- an estimated 1,059 claims with relatively low numbers of CRT Product purchases will have their payment increased to \$25 from what would otherwise result from a *pro rata* distribution of funds

29. Late Claims, as reviewed above, are very large in terms of the number of claims, as well as the numbers of CRT Weighted Units which directly determine the monetary value of those claims. If all Late Claims were paid in full based on 100% of their CRT Weighted Units, the Late Claims would substantially dilute the value of Timely Claims.

30. The Settlement Administrator's review process identified and eliminated invalid Outlier Claims for both End Users and Resellers. Excluding Outlier Claims, the Settlement Administrator's review process identified and eliminated 88% of the CRT Weighted Units from End User Timely Claims, 65% from End User Late Claims, 20% of the CRT Weighted Units from Reseller Timely Claims and 27% of the CRT Weighted Units from Reseller Late Claims.

31. The Settlement Administrator has notified all claimants or their representatives of the final determination of claims that were disputed or subject to audit. If, subsequent to the date of this Declaration, the Settlement Administrator becomes aware of information that would render an approved claim invalid or would materially alter the calculation of CRT Weighted Units, the Settlement Administrator may deny or alter such claim consistent with the practices described in this Declaration, or withhold payment until such issues are resolved.

NET SETTLEMENT FUNDS AMOUNTS

32. Class Counsel administered the individual settlement funds and has confirmed to the Settlement Administrator that after the addition of interest earned on the consolidated funds and after the deduction of Court-authorized attorneys' fees and expenses, litigation expenses and costs, notice and claims administration costs (including current and projected costs), and the class representative incentive awards proportionately from each settlement fund, the balance of Settlement Funds to be distributed is \$420,040,926.21 as of the date of this declaration. This breaks out to:

- 1 • \$ 6,321,228.55 from the Chunghwa Settlement (the “Chunghwa Fund”);
- 2 • \$ 128,592,095.15 from the Philips Settlement (the “Philips Fund”);
- 3 • \$ 51,294,912.91 from the Panasonic Settlement (the “Panasonic Fund”);
- 4 • \$ 18,484,638.88 from the LG Settlement (the “LG Fund”);
- 5 • \$ 21,793,495.45 from the Toshiba Settlement (the “Toshiba Fund”);
- 6 • \$ 19,949,672.76 from the Hitachi Settlement (the “Hitachi Fund”);
- 7 • \$ 163,616,425.76 from the Samsung SDI Settlement (the “Samsung Fund”); and
- 8 • \$ 9,988,456.74 from the Thomson/TDA Settlement (the “Thomson Fund”).

9 33. To date, the Settlement Administrator has billed \$2,803,183.42 in connection with five
10 (5) notice programs that began in 2011 for the Chunghwa settlement, with the most recent notice
11 program occurring in 2020 in connection with the amendments to the Settlements. The Settlement
12 Administrator submitted declarations that were filed with the Court reporting on each of these notice
13 programs as listed above at ¶ 4. The Settlement Administrator received payments for the notice
14 programs totaling \$2,721,843.42 from the Defendants’ Escrow Accounts and \$81,340.00 from Class
15 Counsel.

16 34. To date, the Settlement Administrator has billed \$3,602,006.62 in connection with
17 administration of the claims process for End Users and for Resellers that has lasted more than six and
18 a half years starting in September 2015 through May 2022. The Settlement Administrator received
19 payments for such services totaling \$1,685,519.84 from the Defendants’ Escrow Accounts and
20 \$1,817,246.65 from the Future Expense Fund. The Settlement Administrator’s billed but unpaid fees
21 total \$99,240.13. Finally, the Settlement Administrator estimates that the remaining work will cost
22 between \$500,000 and \$600,000 in additional administration costs and fees associated with
23 distribution of payments to Class Members, reaching claimants who submitted claims nearly seven
24 years ago, ongoing communications with claimants and their representatives, and the closing of the
25 case in The Notice Company’s files. Attached hereto as Exhibit B is an accounting of the amounts
26 incurred as well as the estimated amount of administration fees remaining.

1 35. Additionally, the Settlement Administrator proposes that a reserve of \$10,000,000
2 should be withheld, on a pro rata basis, from funds distributed to claimants being awarded \$1 million
3 or more, to address any contingencies that may arise with respect to claims, to pay for any
4 unanticipated future fees or expenses that are authorized by the Court and incurred in connection with
5 administering the Settlement, as well as any further escrow fees, taxes, and the costs of preparing
6 appropriate tax returns. Should the requested reserve be approved, the funds remaining for distribution
7 to approved claimants after withholding the reserve will be \$410,040,926.21. The amount initially
8 allocated for Resellers would be \$3,068,846.70, calculated as 50% of the Chunghwa fund net of its
9 *pro rata* share of the requested reserve fund. The amount initially allocated for End Users would be
10 \$406,972,079.50, calculated as the balance of the Chunghwa fund plus the funds from the other
11 settlements, all net of the requested reserve fund. The reserve fund, to the extent unused, would be
12 distributed to those claimants who participated in funding the reserve amount. Payments will be issued
13 by check or electronically.

14 **CALCULATION OF APPROVED CLAIM AMOUNTS**

15 36. For End User claims, the distribution formula requires a weighted *pro rata* distribution
16 to all members of the 22 Indirect Purchaser State Classes that filed valid claims, subject to a minimum
17 payment of at least \$25 per claimant and a maximum payment of three times the estimated money
18 damages per claimant. The minimum payment will be achieved by first calculating payments by
19 allocating funds based on each claimant's CRT Weighted Units, identifying those claims that would
20 receive less than \$25, and then going through a process of recalculating payments so that all claims
21 are grossed up to a \$25 minimum payment. Class Counsel has informed me that, subject to the \$25
22 minimum payment requirement, payments per claimant will not exceed the allowable maximum
23 amount so long as the Settlement Administrator calculates individual payments utilizing the assigned
24 weights associated with the purchased CRT Products as described above at ¶ 9.

25 37. The Chunghwa Fund, which is currently valued at \$6,321,228.55, or \$6,137,693.41 net
26 of the reserve fund, is treated differently than funds from the other Settlements. The Court-approved
27 Plan of Distribution for the Chunghwa Settlement allocates to the Attorneys General of Illinois and
28

1 Oregon 8.59% and 2.37%, respectively, from the Chunghwa settlement fund. On January 25, 2019,
2 the Court ordered the distribution of \$540,788 to the Attorney General of Illinois and \$149,204 to the
3 Attorney General of Oregon. ECF No. 5376. Pursuant to the parties' Joint Stipulation, there will be
4 no further payments to Illinois or Oregon. ECF No. 5372. The balance of the fund is to be allocated
5 *pro rata* among the remaining 22 states (including the District of Columbia), where each state's *pro*
6 *rata* share is determined by computing its population as a percentage of the total population of all 24
7 states that were eligible to participate in the Chunghwa Settlement using Census figures from the year
8 2000. A chart showing the population percentages to be applied when calculating the *pro rata* shares
9 of each state is attached as Exhibit C hereto. Resellers will receive up to 50% of each state's fund. The
10 remaining balance of the states' funds will be allocated to each state's End User claims.

11 38. In order to allow for payment of Late Claims submitted on or before the Cutoff Date,
12 Class Counsel will seek Court approval of the following proposal for distribution of funds
13 ("Distribution Proposal"): (a) Late Claims submitted prior to the Cutoff Date will be paid at 50%
14 value, as compared to Timely Claims, which will be paid at 100% value; (b) application of the 50%
15 reduction to Late Claims will not reduce the value of any such claim to less than the minimum payment
16 of \$25 (unless the minimum payment is reduced to less than \$25 for all claimants); (c) Placeholder
17 Claims which as of the Cutoff Date did not show good-faith, bona fide number of CRT units purchased
18 will not be paid; and (d) if any residual remains in the Net Settlement Fund after distribution checks
19 become stale, such residual will be shared as follows: (i) if the residual is less than or equal to \$12
20 million, it will be shared *pro rata* by the Late Claimants who were previously paid (other than those
21 awarded a minimum payment of \$25), subject to a minimum threshold set at the Settlement
22 Administrator's discretion, and (ii) if the residual is more than \$12 million, it will be shared *pro rata*
23 by all claimants who were previously paid (other than those awarded a minimum payment of \$25),
24 subject to a minimum threshold set at the Settlement Administrator's discretion. All claimants were
25 informed of the Court-authorized deadlines for End Users, Resellers and California natural persons.
26 The Settlement website continues to inform claimants that the Court has not yet decided whether Late
27 Claims will be paid. The proposal to pay Late Claims at 50% value has been shared with the
28

1 Aggregators and will be posted on the Settlement website. I believe the proposal properly balances the
2 interests of all claimants.

3 39. A schedule showing claims for End Users is attached hereto as Exhibit D. The schedule
4 lists all approved End User claimants showing the number of CRT Weighted Units approved for each
5 claim. The number of CRT Weighted Units is reduced by 50% for Late Claims submitted on or before
6 the Cutoff Date, as provided in the Distribution Proposal. Assuming the Court approves the payments
7 from the Settlement funds requested by Class Counsel and approves the calculation of the Net
8 Settlement Funds set forth above, a single CRT Weighted Unit has a Settlement value for End Users
9 of approximately \$5.90 subject to a \$25 minimum payment per claimant. Thus, for example, an
10 individual End User claimant with an approved Timely Claim for one Large Television (4.3 CRT
11 Weighted Units), one Standard Television (1 CRT Weighted Unit), and three computer monitors (9
12 CRT Weighted Units) would receive approximately \$84.37 based on a total of 14.3 CRT Weighted
13 Units. If this was a Late Claim, it would receive approximately \$42.19. For End Users with claims
14 valued at or greater than \$1 million who are subject to the \$10,000,000 reserve fund, their initial
15 distribution would be based on a CRT Weighted Unit valued at \$5.56.

16 40. A schedule showing claims for Resellers is attached hereto as Exhibit E. The schedule
17 lists all approved Reseller claimants showing the number of CRT Weighted Units approved for each
18 claim. The number of CRT Weighted Units is reduced by 50% for Late Claims submitted on or before
19 the Cutoff Date, as provided in the Distribution Proposal. Assuming the Court approves the payments
20 from the Settlement funds requested by Class Counsel and approves the calculation of the Net
21 Settlement Funds set forth above, a CRT Weighted Unit has a Settlement value for Resellers of
22 approximately \$0.01 subject to a \$25 minimum payment per claimant.

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

25 Executed at Hingham, Massachusetts, this 23rd day of June, 2022.

26
27 
28 _____
JOSEPH M. FISHER

DECLARATION OF JOSEPH M. FISHER

EXHIBIT A

| Exclusion # | Name | Complete Description | Excluded from Chunghwa Settlement | Excluded from LG Settlement | Excluded from 2015 Settlements |
|-------------|--------------------------|---|-----------------------------------|-----------------------------|--------------------------------|
| 1 | Robert Robinson | | | | Yes |
| 2 | Bonnie Bryant | | | | Yes |
| 3 | Michael Katz | | | | Yes |
| 4 | Circuit City Stores | Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc. Liquidating Trust, on behalf of itself and Circuit City Stores, Inc. and its affiliated debtors | Yes | | |
| 5 | Old Comp | Old Comp Inc. and each of its parents, predecessors, successors, subsidiaries, agents, affiliates, partners, acquisitions, assignors, divisions, departments, and offices, including, but not limited to, -Old Comp Inc. (formerly known as CompUSA Inc.) -CompUSA GP Holdings Company -CompUSA Holdings Company -CompUSA Stores L.P. -CompUSA Management Company -CompTeam Inc. -Cozone.com Inc. -BeOn Inc. (formerly known as CompUSA PC Inc.) -BeOn Operating Company (formerly known as CompUSA PC Operating Company) -Computer City Inc. -Good Guys Inc. -Good Guys California, Inc. -Goodguys.com Inc. | Yes | | |
| 6 | PBE Consumer Electronics | PBE Consumer Electronics, LLC and related entities | Yes | | |
| 7 | Petters Company | Douglas A. Kelley, as Chapter 11 Trustee for Petters Company, Inc. and related entities and as Receiver for Petters Company, LLC and related entities | Yes | | |
| 8 | Radioshack | RadioShack Corporation and each of its parents, predecessors, successors, subsidiaries, agents, affiliates, partners, acquisitions, assignors, divisions, departments, and offices, including, but not limited to, RadioShack Corporation | Yes | | |

| | | | | | |
|----|------------------------|---|-----|-----|-----|
| 9 | Sears | Sears, Roebuck and Co. and Kmart Corporation and each of its parents, predecessors, successors, subsidiaries, agents, affiliates, partners, acquisitions, assignors, divisions, departments, and offices, including, but not limited to, -Sears, Roebuck and Co. -Sears Holding Corporation -Sears Holdings Management Corporation -Kmart Corporation -Kmart Management Corporation -Kmart Holdings Corporation | Yes | | Yes |
| 10 | Target | Target Corporation and each of its parents, predecessors, successors, subsidiaries, agents, affiliates, partners, acquisitions, assignors, divisions, departments, and offices, including, but not limited to, Target Corporation | Yes | | |
| 11 | ViewSonic | ViewSonic Corporation and each of its parents, predecessors, successors, subsidiaries, agents, affiliates, partners, acquisitions, assignors, divisions, departments, and offices, including, but not limited to, -Viewsonic Corporation -ViewSonic International Corporation -Viewsonic Display Limited -Viewsonic Hong Kong Limited | Yes | | |
| 12 | Wal-Mart | Wal-Mart Stores, Inc. and its subsidiaries and affiliates, including but not limited to Wal-Mart Stores East, LP; Wal-Mart Stores Texas, LLC; Wal-Mart Louisiana, LLC; Wal-Mart Stores Arkansas, LLC; and Walmart.com USA, LLC (collectively operating as Walmart); and Sam's West, Inc. and Sam's East, Inc. (collectively operating as Sam's Club) | Yes | | |
| 13 | Rhodrick Harden | Rhodrick Harden from Columbus, Ohio | Yes | | |
| 14 | McDonald's Corporation | | | Yes | |

DECLARATION OF JOSEPH M. FISHER

EXHIBIT B

COST SUMMARY

| NOTICE PROGRAM COSTS | | | PAID FROM FUTURE EXPENSE FUND | PAID FROM DEFENDANTS' ESCROW FUNDS |
|--|---|------------------------|-------------------------------|------------------------------------|
| 10/4/11 | Original Chunghwa Notice | \$ 377,268.50 | | |
| 11/15/11 | Original Chunghwa Notice | \$ 61,365.75 | | |
| 2/1/12 | Original Chunghwa Notice | \$ 61,365.75 | | |
| | TOTAL | | | \$ 500,000.00 |
| 12/24/13 | Certified Class & LG | \$ 190,000.00 | | |
| 1/27/14 | Certified Class & LG | \$ 335,000.00 | | |
| | TOTAL | | | \$ 525,000.00 |
| 7/30/15 | 5-Defendants Settlement | \$ 525,000.00 | | |
| 7/31/15 | 5-Defendants Settlement | \$ 475,000.00 | | |
| 8/4/15 | 5-Defendants Settlement | \$ 625,000.00 | | |
| | TOTAL | | | \$ 1,625,000.00 |
| 7/25/16 | Chunghwa - Counsel Share | \$ 41,340.00 | | |
| 8/2/16 | Chunghwa - Defendants' Share | \$ 71,843.42 | | \$ 71,843.42 |
| | TOTAL | \$ 113,183.42 | | |
| 3/19/20 | Notice of Amendments to Settlements - Counsel Payment | \$ 40,000.00 | | |
| | TOTAL NOTICE COSTS | \$ 2,803,183.42 | | \$ 2,721,843.42 |
| CLAIMS ADMINISTRATION (End Users & Resellers) | | | | |
| PAYMENTS RECEIVED | | | | |
| 10/5/16 | Wire | \$ 887,979.52 | \$ 887,979.52 | |
| 10/5/16 | Wire | \$ 361,210.12 | \$ 361,210.12 | |
| 9/28/17 | Wire | \$ 267,107.01 | \$ 267,107.01 | |
| 4/19/18 | Wire | \$ 300,000.00 | \$ 300,000.00 | |
| 9/18/19 | Check (NCOA update) | \$ 950.00 | \$ 950.00 | |
| 4/7/20 | Wire | \$ 1,000,000.00 | | \$ 1,000,000.00 |
| 3/30/22 | Wire | \$ 545,172.66 | | \$ 545,172.66 |
| 4/5/22 | Wire | \$ 140,347.18 | | \$ 140,347.18 |
| | TOTAL ADMIN COSTS (invoices through August 2021) | \$ 3,502,766.49 | \$ 1,817,246.65 | \$ 1,685,519.84 |
| ADDITIONAL ADMINISTRATION INVOICES | | | | |
| 9/21 - 12/21 | Claims Admin: Sept - Dec, 2021 | \$ 22,922.69 | | |
| 1/22 - 5/22 | Claims Admin: Jan - May, 2022 | \$ 76,317.44 | | |
| | TOTAL NEW INVOICES | \$ 99,240.13 | | |

COST SUMMARY

| | | | |
|--|------------------------|------------------------|------------------------|
| TOTAL ADMIN COSTS (invoices through May 2022) | \$ 3,602,006.62 | | |
| | | | |
| GRAND TOTAL: NOTICE & ADMIN | \$ 6,405,190.04 | \$ 1,817,246.65 | \$ 4,407,363.26 |
| Portion Paid by Defendants | \$ 6,224,609.91 | | |
| Portion Paid by Class Counsel | \$ 81,340.00 | | |
| Portion Currently Unpaid | \$ 99,240.13 | | |

| | |
|---|-------------------------------|
| PROJECTED COSTS | |
| Administration and Check Issuance | |
| Postage | |
| Declarations | |
| TOTAL (Excludes Costs for a Possible Second Round of Distribution) | \$500,000 to \$600,000 |

DECLARATION OF JOSEPH M. FISHER

EXHIBIT C

| | Area | Resident Population (April 1, 2000) | % Share |
|----|----------------------|--|-----------------|
| 1 | Arizona | 5,130,632 | 3.548% |
| 2 | California | 33,871,648 | 23.421% |
| 3 | District of Columbia | 572,059 | 0.396% |
| 4 | Florida | 15,982,378 | 11.051% |
| 5 | Hawaii | 1,211,537 | 0.838% |
| 6 | Illinois | 12,419,293 | 8.587% |
| 7 | Iowa | 2,926,324 | 2.023% |
| 8 | Kansas | 2,688,418 | 1.859% |
| 9 | Maine | 1,274,923 | 0.882% |
| 10 | Michigan | 9,938,444 | 6.872% |
| 11 | Minnesota | 4,919,479 | 3.402% |
| 12 | Mississippi | 2,844,658 | 1.967% |
| 13 | Nebraska | 1,711,263 | 1.183% |
| 14 | Nevada | 1,998,257 | 1.382% |
| 15 | New Mexico | 1,819,046 | 1.258% |
| 16 | New York | 18,976,457 | 13.121% |
| 17 | North Carolina | 8,049,313 | 5.566% |
| 18 | North Dakota | 642,200 | 0.444% |
| 19 | Oregon | 3,421,399 | 2.366% |
| 20 | South Dakota | 754,844 | 0.522% |
| 21 | Tennessee | 5,689,283 | 3.934% |
| 22 | Vermont | 608,827 | 0.421% |
| 23 | West Virginia | 1,808,344 | 1.250% |
| 24 | Wisconsin | 5,363,675 | 3.709% |
| | Total | 144,622,701 | 100.000% |