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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MDL No. 1917

Case No. C-07-5944 JST

This Order Relates To:

**ORDER GRANTING FINAL
APPROVAL**

ALL INDIRECT PURCHASER ACTIONS

ECF No. 4953

United States District Court
Northern District of California

Before the Court is the Indirect Purchaser Plaintiffs’ (“IPPs”) Memorandum of Points and Authorities in Support of Final Approval of Plan of Distribution of Chunghwa Settlement Fund, ECF No. 4953. The Court previously granted a motion for preliminary approval of the plan, ECF No. 4712, and held a fairness hearing on November 14, 2016. The Court will grant the motion.

I. BACKGROUND

A. The Parties and Claims

The history of this case is well known to the parties, objectors, and interested states. By way of summation, this case is predicated upon an alleged conspiracy to price-fix cathode ray tubes (“CRTs”), a core component of tube-style screens for common devices including televisions and computer monitors. This conspiracy ran from March 1, 1995 to November 25, 2007, involved many of the major companies that produced CRTs, and allegedly resulted in overcharges of hundreds of millions, if not billions, of U.S. dollars to domestic companies that purchased and sold CRTs or finished products containing CRTs for purposes such as personal use. A civil suit was originally filed in 2007, ECF No. 1, consolidated by the Joint Panel on Multidistrict Litigation shortly thereafter, see ECF No. 122, assigned as an MDL to Judge Samuel Conti, see id., and ultimately transferred to the undersigned, see ECF No. 4162. This order concerns the settlement

1 of one part of this expansive case.

2 **B. Procedural Background**

3 In 2011, the IPPs settled with Chunghwa¹ for \$10,000,000. The Chunghwa Settlement
 4 postponed approval of the allocation of funds pending additional settlements with the remaining
 5 Defendants. On July 7, 2016, the Court granted final approval of the settlements between the IPPs
 6 and those other Defendants. ECF No. 4712. In the same order, the Court preliminarily approved
 7 the Chunghwa Settlement allocation plan and notice procedures,² but ordered that the claim period
 8 be reopened for 120 days for resellers in the 24 Chunghwa Settlement states. *Id.* at 31. The Court
 9 gave resellers 60 days to object to the settlement because they had “not been given notice of the
 10 plan or the opportunity to file claims.” *Id.* The Court explained that its “review of the notice,
 11 allocation, and distribution procedures [were] akin to a preliminary approval of the revised
 12 Chunghwa settlement.” ECF No. 4712 at 32. The IPPs have now submitted a memorandum of
 13 points and authorities in support of final approval of the Chunghwa Settlement allocation plan,
 14 stating that that “[n]otice was provided in accordance with the Court’s Order.” ECF No. 4953 at
 15 2.

16 **II. FINAL APPROVAL OF THE ALLOCATION PLAN**

17 **B. Analysis**

18 Consistent with its previous order granting preliminary approval, the Court now finally
 19 approves the IPP’s proposed allocation plan and notice procedures.

20 **1. Adequacy of Notice**

21 “The class must be notified of a proposed settlement in a manner that does not
 22 systematically leave any group without notice.” *Officers for Justice v. Civil Serv. Comm’n of*
 23 *City & Cty. of San Francisco*, 688 F.2d 615, 624 (9th Cir. 1982) (citation omitted). “Notice is
 24 satisfactory if it “generally describes the terms of the settlement in sufficient detail to alert those

25 _____
 26 ¹ “Chunghwa” includes Chunghwa Picture Tubes, Ltd. See ECF Nos. 992 (preliminary approval,
 granted August 9, 2011), 1105 (final approval, granted March 22, 2012).

27 ² As the IPPs explain in their memorandum, the Special Master originally disapproved of the
 28 Chunghwa distribution plan, which was revised and accepted by the Special Master, ECF No.
 4445, and this Court.

1 with adverse viewpoints to investigate and to come forward and be heard.” Mendoza v. Tucson
 2 Sch. Dist. No. 1, 623 F.2d 1338, 1352 (9th Cir. 1980).

3 Notice procedures for the Chunghwa Settlement were outline in the Court’s July 7, 2016
 4 Order. ECF No. 4712 at 31-33. The Court determined that the “forms of notice . . . [were] the
 5 best notice possible” and “expressly approve[d] the use of emails banner ads, and any other
 6 mechanism previously used in this case to ensure maximal reach to resellers.” Id.

7 In their memorandum and accompanying declaration and exhibits, the IPPs outline how
 8 they “implemented [the] Chunghwa notice program”:

- 9 • direct mail notice to 88,121 resellers of CRT Products identified using the North American
 10 Industry Classification System (NAICS) (id. ¶ 5);
- 11 • direct email notice to 27,928 resellers of CRT Products identified through the Consumer
 12 Technology Publishing Group (id. ¶ 6);
- 13 • digital notice via paid advertisements on the TWICE website, an online magazine that
 14 provides multichannel-marketing solutions targeted to resellers of consumer electronics
 and computers (id. ¶ 7);
- 15 • publication notice in the Sunday New York Times (id. ¶ 8);
- 16 • English and Spanish press releases carried by 360 domestic and foreign websites with a
 17 total potential audience of approximately 166 million (id. ¶ 9);
- 18 • direct mail and/or email notice to all end user members of the Chunghwa Settlement
 19 Class who filed claims (id. ¶¶ 11-12);
- 20 • Direct email notice to an additional 1,110 persons who had previously registered at the
 21 settlement website to request updates or who had previously opted out of the end user
 settlements (id. ¶ 13); and
- 22 • Publication on the CRT settlement website, www.crtclaims.com. (id. ¶ 4.)

23 ECF No. 4953 at 5 (citations to Fisher Declaration in Support of the IPP’s memorandum). The
 24 form of the notice used matched the form approved by this Court, and outlined the terms of the
 25 settlement and allocation plan described below. The only changes from the Court-approved form
 26 were “(1) the amount of the Net Settlement Fund was changed to more accurately reflect the
 27 deductions for attorneys’ fees and the Chunghwa Settlement’s share of litigation expenses (see
 28 Final Approval Order at 32 (‘The notice must be updated to reflect the proper settlement figure

1 available for distribution.’); (2) the September 30, 2016 deadline for objecting to the plan of
 2 distribution, the November 29, 2016 deadline for filing a claim, and the November 14, 2016
 3 Fairness Hearing date, were added.” Id. at n.7. No objections to either the form of the notice or
 4 the means of distribution were received. Id. at 9.

5 In light of the IPP’s actions, the lack of objections, and the Court’s prior order granting
 6 preliminary approval of the notice program, the Court finds the parties have sufficiently provided
 7 notice to the settlement class members. See Lundell v. Dell, Inc., Case No. 05–3970 JWRS, 2006
 8 WL 3507938, at *1 (N.D. Cal. Dec. 5, 2006) (holding that notice sent via email and first class mail
 9 constituted the “best practicable notice” and satisfied due process requirements).

10 2. Plan of Distribution

11 “Approval of a plan of allocation of settlement proceeds in a class action . . . is governed
 12 by the same standards of review applicable to approval of the settlement as a whole: the plan must
 13 be fair, reasonable and adequate.” In re Oracle Sec. Litig., No. C–90–0931–VRW, 1994 WL
 14 502054, at *1–2 (N.D. Cal. June 16, 1994) (citing Class Pls. v. City of Seattle, 955 F.2d 1268,
 15 1284–85 (9th Cir. 1992)).

16 Some aspects of the allocation plan have already been finally approved by this Court.
 17 Under the Chungwa Settlement, funds will distributed to claimants in 24 states *pro rata* in
 18 accordance with those states’ respective populations in 2000. ECF No. 4712 at 29. The Attorneys
 19 General of Illinois and Oregon will be allocated 8.59% and 2.37% of the Net Settlement Fund,
 20 respectively. The Attorneys General will distribute these monies to residents of Illinois and
 21 Oregon, with the remaining funds distributed to claimants in the other 22 states. ECF No. 922.

22 What remains to be finalized is the allocation of the Settlement funds between resellers and
 23 end-user claimants within these 22 states. The IPPs have proposed that each state’s “pro rata share
 24 will be divided 50/50 between resellers and end-users, and then distributed to reseller and end-user
 25 claimants on a pro rata basis.” ECF No. 4953 at 6. Under this plan, “payment amounts will be
 26 based on the number of valid claims filed, as well as on the number and type of CRT Product(s)
 27 purchased: Standard CRT Television (screen size of less than 30 inches); Large CRT Television
 28 (screen size of 30 inches or larger); or CRT Computer Monitor.” Id. “[C]laims for different types

