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*Chairman of the Executive Committee
for the Direct Purchaser Plaintiffs*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE OPTICAL DISK DRIVE
ANTITRUST LITIGATION

Case No. 3:10-md-02143 RS
MDL No. 2143

This Document Relates to:
ALL DIRECT PURCHASER ACTIONS

**DECLARATION OF RACHEL CHRISTMAN
RE PROPOSED RESIDUAL DISTRIBUTION
OF THE NET SETTLEMENT FUNDS**

1 I, Rachel Christman, declare as follows:

2 1. I am employed by Gilardi & Co., LLC (“Gilardi”), located at 1 McInnis Parkway,
3 Suite 250, San Rafael, California. Gilardi was hired by Class Counsel as the Settlement
4 Administrator in this matter. I am over 21 years of age and am not a party to this action. I have
5 personal knowledge of the facts set forth herein and, if called as a witness, could and would testify
6 competently thereto.

7 2. Gilardi was formed in 1984 to assist attorneys with securities, antitrust, consumer
8 protection class actions, and other similar matters. Gilardi specializes in designing, developing,
9 analyzing, and implementing settlement administration plans that support due process. During the
10 past 30 years Gilardi has administered class notice and class settlements in over 3,500 class
11 actions, and has distributed more than \$20 billion in assets.

12 3. I make this declaration in support of Direct Purchaser Plaintiffs’ Motion for Order
13 Authorizing Distribution of Remaining Settlement Funds and Cy Pres Distribution of Future
14 Remaining Funds.

15 4. On December 17, 2019, Gilardi issued payments to 25,424 class members who filed
16 valid claims. The aggregate amount of these payments was \$47,327,650.10. These payments
17 commenced mailing on December 17, 2019 and completed mailing on December 18, 2019. The
18 void date of these checks was April 15, 2020. 24,597 of the total payments issued (96.75%) were in
19 the minimum payment amount of \$10.00.

20 5. On January 8, 2020, Gilardi posted a copy of the Direct Purchaser Plaintiffs’ Notice
21 of Post-Distribution Accounting, filed January 8, 2020 (ECF No. 2910) to the Settlement website,
22 <http://odddirectpurchaserantitrustsettlement.com/>.

23 6. Beginning in February of 2020, Gilardi tracked the cashing of check payments and
24 engaged in targeted outreach to Class Members who had not cashed their checks as further outlined
25 below.

- 26 • As of February 15, 2020, there remained 5,995 uncashed payments in the aggregate
27 amount of \$4,063,545.15. 98.57% of this aggregate amount of uncashed payments

1 (\$4,005,415.15) was represented by 182 payments that exceeded the \$10.00 minimum
2 payment, and 98.28% (\$3,993,811.36) was represented by 19 payments to Top Claims
3 as defined in the *Declaration of Rachel Christman re Claims Processing and*
4 *Distribution of the Net Settlement Funds*, filed August 8, 2019 (ECF No. 2902-1), i.e.
5 claims valued at \$100,000 or more in claimed ODD Dollars. Gilardi individually
6 followed up with these 19 Class Members via phone and email outreach to ensure the
7 payments were negotiated, resulting in all but one payment in the amount of \$511.46
8 being cashed.

- 9 • As of February 10, 2020, Gilardi had received 1,429 checks, worth a total of
10 \$426,674.20, returned as undeliverable by the United States Postal Service. Gilardi was
11 able to search for new addresses for 1,423 payees of these checks and on February 26,
12 2020 reissued checks to the 1,022 payees for whom updated addresses were located. An
13 additional 144 checks were returned as undeliverable after February 10, 2020. Four of
14 the 144 payees contacted Gilardi to request reissued checks; all four checks were
15 reissued and cashed.
- 16 • As of June 16, 2020, there remained 116 uncashed payments of check for amounts over
17 \$10.00. Gilardi followed up with these 116 Class Members via email outreach to ensure
18 the payments were negotiated, resulting in the reissuance of 27 checks totaling
19 \$1,728.34.
- 20 • As of August 7, 2020, Gilardi followed up via telephone outreach with 37 Class
21 Members who had not cashed checks for amounts over \$10.00 to ensure the payments
22 were negotiated. Gilardi reached 12 Class Members, three of which requested reissued
23 checks. All three such reissued checks were ultimately cashed.

24 7. After issuing payments, Gilardi responded to and fulfilled a total of 1,102 requests
25 for a reissued payment, of which 765 were cashed. In addition to reissuing payments, Gilardi
26 allowed for initial payments to be negotiated beyond the April 15, 2020 void date to accommodate
27 requests from Class Members and the difficulty of negotiating physical checks due to COVID-19.

1 After ensuring all requests for reissued payments had been fulfilled and given adequate time to
2 cash, Gilardi reissued its final checks to Class Members on September 11, 2020. Class Members
3 continued to cash checks through October 29, 2020. Gilardi placed a final stop payment on all
4 uncashed checks on October 30, 2020.

5 8. As of the date of this declaration, 21,517 checks in the aggregate amount of
6 \$47,281,786.36 have been cashed, leaving 3,907 checks (15.37% of total checks issued) in the
7 aggregate amount of \$45,863.74 (0.10% of the total amount issued) uncashed. 738 of the 827
8 checks over \$10.00 were cashed, representing \$47,073,996.36 of the total \$47,327,650.10
9 approved for distribution. *Id.* The value of the largest check not cashed was \$511.46. 84.48%
10 (20,779) of the \$10.00 minimum payment checks were cashed.

11 9. On November 11, 2019, Gilardi was contacted by a representative for a Class
12 Member who filed a claim associated with Claim ID No. ODDA3-700009744 regarding the
13 amount of its approved payment. Gilardi promptly researched the approved claim amount and
14 determined that due to a typographical error during claim processing, it had recorded in its database
15 that the claimant associated with Claim ID No. ODDA3-700009744 belonged to only the HLDS
16 Class Period when it should have been marked as belonging to both the HLDS and non-HLDS
17 Class Periods. This claimant's approved payment should have been \$67,769.74 but was approved
18 for \$15,915.96 and therefore had been under-paid by \$51,853.78. Gilardi subsequently undertook a
19 systematic review of claims of a similar type which had been processed using the same method as
20 the claim associated with Claim ID No. ODDA3-700009744 and confirmed this was an isolated
21 incident. With the approval of Plaintiffs' Counsel, Gilardi notified the representative of the
22 claimant associated with Claim ID No. ODDA3-700009744 of this finding and the claimant agreed
23 to accept a corrective payment in the amount of the under payment in conjunction with any
24 approved residual distribution to Class Members to be approved by the Court. Gilardi made the
25 \$15,915.96 payment to the claimant associated with Claim ID No. ODDA3-700009744 and the
26 claimant cashed the check.

1 10. To date, Gilardi has billed and been paid \$1,681,569.90. Gilardi has incurred
2 additional costs in the amount of \$106,727.96 for work performed from February 1, 2019 through
3 April 30, 2021, and estimates that remaining work will cost \$11,135.67 in additional administration
4 fees. This amount assumes Court approval of the weighted *pro-rata* method of re-distribution
5 outlined in paragraph 12 below. In total, Gilardi's actual and estimated administrative costs for this
6 matter are \$1,799,433.53 which is in line with the estimated costs described in paragraph 28 of the
7 *Declaration of Rachel Christman re Claims Processing and Distribution of the Net Settlement*
8 *Funds*, filed August 8, 2019 (ECF No. 2902-1). Gilardi requests approval to immediately pay the
9 incurred and unpaid administrative costs totaling \$106,727.96 from the Settlement Fund and to
10 withhold \$11,135.67 for estimated administrative costs through completion of this matter, to be
11 paid upon presentation of an approved invoice to Plaintiffs' Counsel. Attached hereto as Exhibit A
12 is an accounting of the amounts incurred but not paid as well as the estimated amount of
13 administration fees remaining.

14 11. As of the date of this declaration, the balance of the Net Settlement Fund is
15 \$413,960.19 including the \$250,000.00 reserve designated for tax liability and other issues, and the
16 \$117,863.63 reserved for additional administration costs for Gilardi to complete its work in this
17 matter. Gilardi has accounted for any potential tax liability and determined that the \$250,000.00
18 reserve should be distributed to Class Members. After withholding \$51,853.78 for the corrective
19 payment to the claimant associated with Claim ID No. ODDA3-700009744, incurred
20 administration costs of \$106,727.96, and future administrative costs of \$11,135.67, the remaining
21 amount available for a residual distribution to Class Members is \$244,242.78 (the "Net Residual
22 Amount").

23 12. If the Net Residual Amount were to be re-distributed under a strict *pro-rata*
24 distribution, Gilardi estimates that the cost to administrate the residual distribution would exceed
25 the amount available to distribute. Even if the administrative costs were consistent with the
26 assumptions in paragraph 10 above, 21,293 Class Members would receive a residual payment of
27 less than \$1.00, most of which would likely go un-cashed. In addition, the previous \$10.00
28

1 payments were larger than if the previous and proposed distributions were allocated on a strict pro
2 rata basis, without adjusting each claim to the \$10.00 minimum payment. If the Net Residual
3 Amount were to be re-distributed using a weighted *pro-rata* distribution where only those Class
4 Members who would receive at least \$10.00 under a strict *pro-rata* distribution will receive a
5 residual payment, the volume of checks drastically decreases while the value of checks to the
6 payable Class Members increases. Gilardi therefore recommends issuing residual payments only to
7 Class Members who were authorized to be paid more than \$10.00 from the initial distribution,
8 participated in the initial settlement distribution by cashing their checks, and would be entitled to
9 an additional pro rata payment of at least \$10.00 from the remaining Net Settlement Funds. Class
10 Members who would otherwise qualify for further distribution but did not cash their first checks
11 have not been recommended for further payment since it is unlikely that they would cash their
12 second, smaller checks. Once residual payments are made to the 138 Class Members, Gilardi
13 estimates that the administration costs of any additional future distributions would exceed the
14 monetary benefit to Class Members.

15 13. Under the proposed weighted *pro-rata* residual distribution, 138 Class Members
16 would receive a residual payment of approximately 0.519% of their initial payment amount (or in
17 the case of the claim associated with Claim ID No. ODDA3-700009744, the initial payment
18 amount + the corrective amount). Attached hereto as Exhibit B is a schedule of all claimants
19 recommended for a residual payment and each approved claimant's proposed payment. The
20 average (mean) proposed additional payment to the 138 Class Members would be \$1,769.88; the
21 payments would range from \$10.45 to \$33,190.88. The sum of the proposed additional payments is
22 \$244,242.76, which is \$0.02 less than the amount available to distribute due to rounding.

23
24 I declare under penalty of perjury that the foregoing is true and correct, and that this declaration
25 was executed this 19th day of July 2021.

26 
27 _____
28 RACHEL CHRISTMAN

EXHIBIT A



7/19/2021
 Optical Disk Drive Antitrust
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 Saveri & Saveri, Inc.
 706 Sansome Street
 San Francisco, CA 94111-1730

P.O. Box 6191, Novato, CA 94948-6191
 415-798-5900, 800-211-5201
 www.kccllc.com
 Fed Tax ID# 20-8049009

Optical Disk Drive Direct Purchaser Antitrust Litigation
 Administrative Cost Accounting

Unpaid Administration Fees:

Invoice Date	Invoice Number	Invoice Amount
11/25/2019	US_GILH1595780	\$35,225.48
TBD	US_GILH1749476	\$71,502.48

\$106,727.96

Estimated Additional Costs Through Distribution of Funds \$11,135.67

Total Estimated Remaining Costs \$117,863.63

EXHIBIT B



Optical Disk Drive Products

Recommended Residual Distribution Approved Claimants with Payment Amount

Gilardi Claim ID	Proposed Distribution Amount
ODDA3-400196581	\$33,190.88
ODDA3-400064863	\$32,070.30
ODDA3-400070146	\$16,430.63
ODDA3-400065274	\$11,478.60
ODDA3-400064871	\$11,039.64
ODDA3-103902490	\$10,967.55
ODDA3-400069792	\$10,462.51
ODDA3-400070774	\$9,932.67
ODDA3-400067935	\$8,552.47
ODDA3-400065754	\$8,455.35
ODDA3-400049244	\$8,011.47
ODDA3-400066181	\$6,836.14
ODDA3-700001603	\$5,526.63
ODDA3-103421360	\$3,969.42
ODDA3-400066653	\$3,550.86
ODDA3-100707700	\$3,245.52
ODDA3-400066483	\$2,912.39
ODDA3-101787510	\$2,550.23
ODDA3-400056461	\$2,509.28
ODDA3-400065460	\$2,507.87
ODDA3-400066432	\$2,325.85
ODDA3-400065614	\$2,215.65
ODDA3-400065339	\$2,181.70
ODDA3-400059070	\$2,078.34
ODDA3-400061147	\$1,820.10
ODDA3-400066319	\$1,552.21
ODDA3-400066645	\$1,478.22
ODDA3-400069598	\$1,369.79
ODDA3-700002235	\$1,364.37
ODDA3-103063412	\$1,324.68
ODDA3-400065347	\$1,319.17
ODDA3-700002561	\$1,311.82
ODDA3-400071690	\$1,279.13
ODDA3-400066394	\$1,177.91
ODDA3-700007741	\$1,124.35
ODDA3-400179393	\$1,114.91
ODDA3-400069849	\$1,109.99
ODDA3-400069520	\$1,040.29
ODDA3-400069148	\$990.54
ODDA3-400065428	\$980.96
ODDA3-700008110	\$975.19
ODDA3-400069768	\$972.11
ODDA3-700005838	\$917.69
ODDA3-400065894	\$898.73
ODDA3-400065258	\$870.36
ODDA3-400067277	\$840.72
ODDA3-400070278	\$820.62



Optical Disk Drive Products

Recommended Residual Distribution Approved Claimants with Payment Amount

Gilardi Claim ID	Proposed Distribution Amount
ODDA3-700009760	\$786.97
ODDA3-400069245	\$736.11
ODDA3-400065436	\$698.49
ODDA3-700009337	\$612.11
ODDA3-400030489	\$601.82
ODDA3-400039192	\$598.10
ODDA3-400204606	\$543.20
ODDA3-400066343	\$513.80
ODDA3-400225638	\$476.72
ODDA3-400066106	\$467.82
ODDA3-700009230	\$453.60
ODDA3-400064952	\$422.48
ODDA3-400176050	\$404.85
ODDA3-700009744	\$351.70
ODDA3-700002588	\$300.71
ODDA3-400053225	\$299.06
ODDA3-400064979	\$289.13
ODDA3-400066335	\$249.53
ODDA3-400063212	\$239.38
ODDA3-700009272	\$238.33
ODDA3-400064294	\$234.75
ODDA3-700002596	\$233.03
ODDA3-400065690	\$229.13
ODDA3-400073463	\$225.19
ODDA3-700009841	\$223.89
ODDA3-400068532	\$223.27
ODDA3-700005854	\$197.17
ODDA3-900000368	\$186.40
ODDA3-400023202	\$164.10
ODDA3-400052121	\$154.80
ODDA3-400069393	\$153.87
ODDA3-400069482	\$151.95
ODDA3-400069512	\$147.34
ODDA3-400069350	\$132.07
ODDA3-700006010	\$126.73
ODDA3-400068362	\$121.60
ODDA3-400066092	\$120.48
ODDA3-400069563	\$107.87
ODDA3-700002502	\$106.21
ODDA3-400064391	\$99.73
ODDA3-400068621	\$94.05
ODDA3-400066475	\$93.79
ODDA3-400070219	\$89.49
ODDA3-400069610	\$80.49
ODDA3-102961131	\$79.90
ODDA3-400216515	\$72.64
ODDA3-400063107	\$67.77



Optical Disk Drive Products

Recommended Residual Distribution Approved Claimants with Payment Amount

Gilardi Claim ID	Proposed Distribution Amount
ODDA3-400070669	\$65.49
ODDA3-900000422	\$62.13
ODDA3-700005994	\$60.71
ODDA3-700002529	\$59.96
ODDA3-700002600	\$57.56
ODDA3-400069342	\$57.48
ODDA3-900000406	\$52.19
ODDA3-102112312	\$51.78
ODDA3-400065916	\$50.91
ODDA3-700002570	\$49.48
ODDA3-400066084	\$45.92
ODDA3-700009825	\$45.67
ODDA3-400069199	\$44.72
ODDA3-400048736	\$44.70
ODDA3-400070120	\$44.55
ODDA3-400073633	\$43.67
ODDA3-400064464	\$41.02
ODDA3-700001352	\$40.94
ODDA3-400069369	\$35.19
ODDA3-400065371	\$34.65
ODDA3-900000384	\$31.32
ODDA3-400064154	\$26.81
ODDA3-400065452	\$26.29
ODDA3-400070090	\$22.28
ODDA3-400066890	\$19.29
ODDA3-400069679	\$19.11
ODDA3-400068710	\$17.39
ODDA3-700001590	\$16.52
ODDA3-400065304	\$15.76
ODDA3-106119788	\$15.75
ODDA3-400061163	\$15.71
ODDA3-400067390	\$15.62
ODDA3-400046369	\$15.48
ODDA3-700002537	\$15.03
ODDA3-400132567	\$14.11
ODDA3-400072564	\$13.74
ODDA3-700002618	\$13.70
ODDA3-400066378	\$13.14
ODDA3-700007750	\$12.79
ODDA3-700002014	\$12.53
ODDA3-700002294	\$11.65
ODDA3-400068486	\$11.21
ODDA3-400067269	\$10.93
ODDA3-900000414	\$10.45

Total **\$244,242.76**