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**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

**[PROPOSED] ORDER GRANTING DIRECT
PURCHASER PLAINTIFFS' MOTION FOR
ORDER AUTHORIZING DISTRIBUTION
OF REMAINING SETTLEMENT FUNDS
AND CY PRES DISTRIBUTION OF FUTURE
REMAINING FUNDS**

Date: September 2, 2021
Time: 1:30 p.m.
Judge: Hon. Richard Seeborg
Courtroom: 3

1 The Court, having considered Direct Purchaser Plaintiffs’ Motion for an Order Authorizing
2 Distribution of Remaining Settlement Funds and Cy Pres Distribution of Future Remaining Funds
3 (“Motion”), the Declaration of Rachel Christman re Proposed Residual Distribution of the Net
4 Settlement Funds (“Christman Declaration”), the Declaration of Diana L. Moss, the pleadings and
5 other papers on file in this action, and the statements of counsel and the parties, hereby finds that:

6 1. The Court previously approved a pro rata distribution of \$47,327,650.10 from the
7 Net Settlement Funds to 25,424 approved claimants, ECF No. 2906, of which \$45,863.74 remains.

8 2. The Court previously authorized reserving Net Settlement Funds for the payment of
9 additional claims administration costs in the amount of \$117,863.63, and for potential tax liability
10 and other issues in the amount of \$250,000.00.

11 3. \$232.82 of the Net Settlement Funds were not previously distributed due to
12 rounding.

13 4. The payment associated with Claim ID No. ODDA3-700009744 was calculated
14 incorrectly due to a typographical error by the Settlement Administrator during claim processing.
15 Specifically, the Settlement Administrator recorded in its database that the claimant belonged to
16 only the HLDS Class Period when it should have been marked as belonging to both the HLDS and
17 non-HLDS Class Periods. This claimant’s approved payment should have been \$67,769.74 but was
18 approved for \$15,915.96.

19 5. The Settlement Administrator incurred a total of \$106,727.96 in additional
20 unreimbursed claims administration costs between February 1, 2019, and April 30, 2021, and these
21 costs and expenses were reasonably incurred in the ordinary course of administering the
22 settlements and were necessary given the nature and scope of the case.

23 6. The Settlement Administrator’s estimate that its remaining work from May 1, 2021
24 to the completion of its work on the case will cost \$11,135.67 is reasonable.

25 Accordingly, it is hereby ORDERED and DECREED that:

26 7. Direct Purchaser Plaintiffs’ Motion is GRANTED.

27 8. The claimant associated with Claim ID No. ODDA3-700009744 shall be paid
28 \$51,853.78 from the \$250,000.00 reserve in order to correct a claims processing error. The

1 \$198,146.22 remainder of the reserve, along with the \$45,863.74 remaining from the initial
2 distribution and the \$232.82 in Net Settlement Funds not previously distributed due to rounding
3 (\$198,146.22 + \$45,863.74 + \$232.82 = \$244,242.78), shall be distributed as set forth below.

4 9. Additional pro rata payments totaling \$244,242.76 shall be paid from the remaining
5 Net Settlement Funds to the 138 approved claimants who were authorized to be paid more than
6 \$10.00 from the initial distribution, participated in the initial settlement distribution by cashing
7 their checks, and would be entitled to an additional pro rata payment of at least \$10.00 from the
8 remaining Net Settlement Funds, as set forth in Exhibit B to the Christman Declaration and
9 Attachment 1 hereto.

10 10. Thereafter, remaining settlement funds, if any, shall be designated to a cy pres
11 beneficiary, the American Antitrust Institute (“AAI”). AAI is an appropriate recipient of the
12 remaining settlement funds. The interests of AAI and its focus on the antitrust laws and Section 1
13 of the Sherman Act are aligned with the interests of the *ODD* Direct Purchaser Class in this price-
14 fixing class action. *See Six (6) Mexican Workers v. Arizona Citrus Growers*, 904 F.2d 1301, 1307
15 (9th Cir. 1990).

16 11. The Settlement Administrator shall be reimbursed for costs and expenses incurred in
17 the amount of \$106,727.96.

18 12. \$11,135.67 of the Net Settlement Funds shall be reserved for the payment of
19 additional claims administration costs in the amount of \$11,135.67 and may be approved and paid
20 by the Chairman of the Executive Committee for the Direct Purchaser Plaintiffs upon presentation
21 of an invoice.

22 **IT IS SO ORDERED.**

23
24 Dated: _____

25
26 _____
27 HON. RICHARD SEEBORG
28 CHIEF UNITED STATES DISTRICT JUDGE

ATTACHMENT 1



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 **\$244,242.78**