IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST LITIGATION

No. M 07-1827 SI
MDL. No. 1827

This Order Relates to:

The AASI Creditor Liquidating Trust, by and through Kenneth A. Welt, Liquidating Trustee v. AU Optronics, et al., Case No. 3:11-cv-5781 SI

CompuCom Systems, Inc. v. AU Optronics Corp., et al., Case No. 3:11-cv-6241 SI

Interbond Corp. of America v. AU Optronics Corp., et al., Case No. 3:11-cv-3763 SI

MetroPCS Wireless, Inc. v. AU Optronics Corp., et al., Case No. 3:11-cv-829 SI

Office Depot, Inc. v. AU Optronics Corp., et al., Case No. 3:11-cv-2225 SI

Tech Data Corp., et al. v. AU Optronics Corp., et al., Case No. 3:11-cv-5765 SI

Tracfone Wireless, Inc. v. AU Optronics Corp., et al., Case No. 3:10-cv-3205 SI

ORDER DENYING PLAINTIFFS' MOTION FOR RECONSIDERATION OF ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AS TO CERTAIN ALLEGED NON-PARTY CO-CONSPIRATORS

Re: Dkt. 9214, 9262

Plaintiffs have moved for reconsideration of this Court's Order Granting in Part and Denying in Part Defendants' Motion for Partial Summary Judgment as to Certain Alleged Non-Party Co-Conspirators, arguing that there was a "manifest failure by the Court to consider material facts." Dkt.

9214 at 2:16. Plaintiffs contend that the Court failed to consider evidence presented in plaintiffs' opposition brief regarding conspiratorial communications between IBM U.S. and Hitachi or Sharp regarding Dell during the 2001-2002 time frame. Defendants oppose reconsideration, arguing that the Court did consider that evidence and specifically addressed that evidence in the order, and that plaintiffs have failed to raise a triable issue of fact to defeat summary judgment.

The Court has reviewed the original summary judgment briefing as well as the reconsideration papers, and concludes that reconsideration is not warranted. As defendants note, the Court specifically referenced the Dell-related bilateral communications in the September 4, 2014 order. Dkt. 9206 at 5:5-9, 5:19-20. Further, as the Court noted in the September 4, 2014 order, plaintiffs do not claim damages based on purchases from Dell. Neither plaintiffs' summary judgment opposition nor the reconsideration motion addresses how the evidence regarding Dell raises a triable issue of fact regarding the conspiracy alleged in plaintiffs' complaints or claims for damages. Accordingly, the Court finds no error in the September 4, 2014 order granting summary judgment on plaintiffs' claims with regard to IBM U.S., and DENIES the motion for reconsideration. Dkt. 9214.

IT IS SO ORDERED.

Dated: February 23, 2015

SUSAN ILLSTON
United States District Judge