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12 *Co-Lead Class Counsel for Indirect-Purchaser Plaintiffs*

13
 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN FRANCISCO DIVISION**

17 IN RE TFT-LCD (FLAT PANEL)) Case No. 3:07-MD-1827 SI
 ANTITRUST LITIGATION) MDL No. 1827
)

18)
 19 This Document Relates to:) ~~PROPOSED~~ ORDER RE:
 20 All Indirect-Purchaser Actions;) DISTRIBUTION FROM ESCROW
) FUNDS FOR CLAIMS
) ADMINISTRATION

21 *State of Missouri, et al. v. AU Optronics*)
Corporation, et al., Case No. 10-cv-3619;)
 22 *State of Florida v. AU Optronics Corporation,*)
et al., Case No. 10-cv-3517; and)
 23)
 24 *State of New York v. AU Optronics*)
Corporation, et al., Case No. 11-cv-0711.)
)

The Honorable Susan Illston

[PROPOSED] ORDER RE: DISTRIBUTION FROM ESCROW FUNDS FOR CLAIMS ADMINISTRATION

1 WHEREAS, on December 27, 2011, the Court granted final approval to settlements
2 between the Indirect-Purchaser Plaintiffs (“IPPs”) and the States of Arkansas, California,
3 Florida, Michigan, Missouri, New York, West Virginia, and Wisconsin (“Settling States”) on the
4 one hand, and defendants Chimei, Chunghwa, Epson, HannStar, Hitachi, Samsung and Sharp, as
5 identified in the respective Settlement Agreements, and inclusive of related entities also
6 identified in the respective Settlement Agreements (collectively, “Group-I Settling Defendants”),
7 on the other hand; and

8 WHEREAS, on July 30, 2012, the Court granted preliminary approval to the settlements
9 between IPPs and the Settling States, and defendants AUO, LG and Toshiba, as identified in the
10 respective Settlement Agreements (collectively, “Group-II Settling Defendants” and with the
11 Group-I Settling Defendants referred to hereafter as “All Settling Defendants”), on the other
12 hand; and

13 WHEREAS, the Settlement Agreements with All Settling Defendants provide that the
14 costs of administration of the claims process shall be paid from the Settlement Fund of each
15 Settling Defendant, *pro rata*, based on each Settling Defendant’s Settlement Amount; and

16 WHEREAS, the cost of claims administration invoiced by Rust Consulting is \$47,499.27
17 (see Exhibit 1 attached hereto); and

18 WHEREAS, pursuant to the Settlement Agreements the following amounts may be
19 deducted from each Settling Defendant’s Settlement Fund to pay such costs of claims
20 administration:

| | | |
|----|----------|-------------|
| 21 | Chimei | \$4,840.70 |
| 22 | Chunghwa | \$232.88 |
| 23 | Epson | \$125.11 |
| 24 | HannStar | \$1,125.96 |
| 25 | Hitachi | \$1,710.99 |
| 26 | Samsung | \$10,535.34 |
| 27 | Sharp | \$5,070.13 |
| 28 | AUO | \$7,089.41 |

| | | |
|---|----------------|--------------------|
| 1 | LG | \$15,846.91 |
| 2 | <u>Toshiba</u> | <u>\$921.84</u> |
| 3 | TOTAL | \$47,499.27 |

4 WHEREAS, Well Fargo Bank, N.A. has informed the parties that it requires an order
5 from the Court before it will distribute payment for these additional costs;


6 THEREFORE, IT IS HEREBY ORDERED that Wells Fargo Bank, N.A. shall wire
7 **\$47,499.27** to the following account:

- 8 Bank of Texas
- 9 ABA/Routing # 111014325
- 10 Account # 8093434387
- 11 Account Name: Rust Consulting
- 12 Reference # 128325
- 13 Federal Tax ID # 41-1813634
- 14 Bank Contact: Mayra Landeros, (214) 987-8817

15 The balance of funds in the demand-deposit account, if any, shall be retained for
16 additional costs as they are incurred.

17
18 **IT IS SO ORDERED.**

19
20 Dated: 1 / 23, 2014



Hon. Susan Illston
United States District Judge

21
22
23
24
25
26
27 3251661v1

EXHIBIT 1



Invoice

625 MARQUETTE AVENUE, SUITE 880
MINNEAPOLIS, MN 55402
P 612.359.2000 | F 612.359.2050
WWW.RUSTCONSULTING.COM
FEDERAL ID #: 41-1813634

DATE: 12/17/13
INVOICE #: 138852
MATTER #: 8292

TO: Francis O. Scarpulla
Zelle Hofmann Voelbel & Mason LLP
44 Montgomery Street
Suite 3400
San Francisco, CA 94104
fscarpulla@zelle.com
jdc@coopkirk.com

| PROJECT |
|--|
| <i>LCD Indirect November 2013 Claims Administration Services</i> |

| | |
|---|-----------------------------------|
| Project Database | \$ 32.00 |
| Project Management | 5,381.98 |
| Technical Consulting | 56.40 |
| Initial Notice | 177.66 |
| Follow-Up Notice | 35.25 |
| Website Modification | 56.40 |
| Document Receipting | 124.74 |
| Claim Forms Submitted (468 @ \$0.15 each) | 70.20 |
| Scanning | 136.08 |
| Correspondence/ Admin Mail | 2,925.00 |
| Data Capture | 8,327.08 |
| Return Mail Processing | 10.80 |
| Claims Validation & Audits | 21,639.74 |
| Deficiency Claim Processing | 2,037.50 |
| Deficiency Notification | 249.95 |
| Mailroom & Data Capture Management | 24.30 |
| Call Center Support | 340.26 |
| | SUBTOTAL 41,625.34 |
| Expenses: Other Charges and Out-of-Pocket Costs | |
| Call Center/ Telecommunications | 3,123.34 |
| Postage/ Federal Express | 1,321.87 |
| Shredding/ Storage | 830.92 |
| Photocopies/ Faxing/ Printing | 322.80 |
| Website Hosting | 275.00 |
| | SUBTOTAL 5,873.93 |
| | TOTAL INVOICE \$ 47,499.27 |

PAYMENT TERMS: NET DUE UPON RECEIPT

WIRE INFORMATION

ACCOUNT #: 8093434387
ABA/ROUTING # WIRE or ACH: 111014325
BANK: BANK OF TEXAS, DALLAS, TX 75225
BANK CONTACT: MAYRA LANDEROS 214.987.8817
REFERENCE: INVOICE NUMBER

RUST

PAYMENT MAILING ADDRESS:
P O BOX 142589
DRAWER #9051
Irving, TX 75014-2589

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Zelle Hofmann Voelbel & Mason LLP
44 Montgomery Street
Suite 3400
San Francisco, CA 94104
fscarpulla@zelle.com
jdc@coopkirk.com

Re: LCD Indirect - Project Database 829202

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|----------------|----|-------|-------|-------|
| Rebecca Zoubek | RZ | 80.00 | 0.40 | 32.00 |
| Total Fees: | | | | 32.00 |

Total Services 32.00

Total Expenses .00

Total This Matter 32.00

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Project Management 829206

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|-----------------|----|--------|-------|----------|
| April Hyduk | AH | 192.00 | 6.80 | 1,305.60 |
| Doreen McGinley | DM | 125.00 | 0.90 | 112.50 |
| Justin Honse | JH | 164.00 | 5.40 | 885.60 |
| Robin Niemiec | RN | 199.00 | 7.30 | 1,452.70 |
| Sandra Peters | SP | 192.00 | 7.74 | 1,486.08 |
| Sylvia Nettles | SN | 93.00 | 1.50 | 139.50 |
| Total Fees: | | | | 5,381.98 |

Total Services 5,381.98

Total Expenses ----- .00

Total This Matter ----- 5,381.98

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Technical Consulting 829207

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|--------------|-----|--------|-------|-------|
| Greg Brown | GSB | 141.00 | 0.20 | 28.20 |
| Lee Anderson | LA | 141.00 | 0.20 | 28.20 |
| Total Fees: | | | | 56.40 |

Total Services 56.40

Total Expenses ----- .00

Total This Matter ----- 56.40

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Initial Notice 829211

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|----------------|----|--------|-------|--------|
| Derrick Wersal | DW | 141.00 | 1.26 | 177.66 |
| Total Fees: | | | | 177.66 |

Total Services 177.66

Total Expenses .00

Total This Matter 177.66

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Follow-Up Notice 829213

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEE\$ |
|---------------|----|--------|-------|-------|
| Brittany Flom | BF | 141.00 | 0.25 | 35.25 |
| Total Fees: | | | | 35.25 |

Total Services 35.25

Total Expenses .00

Total This Matter 35.25

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Website Modification 829223

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|-------------|-----|--------|-------|-------|
| Greg Brown | GSB | 141.00 | 0.40 | 56.40 |
| Total Fees: | | | | 56.40 |

Total Services 56.40

Total Expenses .00

Total This Matter 56.40

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Document Receipting 829230

For Professional Services Rendered:

| TIMEKEEPER | | | RATE | HOURS | FEEES |
|-------------|-----|-----|-------|-------|--------|
| Processor | 244 | 244 | 54.00 | 2.31 | 124.74 |
| Total Fees: | | | | | 124.74 |

Total Services 124.74

Total Expenses .00

Total This Matter 124.74

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Scanning 829231

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|----------------------|-----|-------|-------|--------|
| Scan Image Processor | 144 | 54.00 | 2.52 | 136.08 |
| Total Fees: | | | | 136.08 |

Total Services 136.08

Total Expenses .00

Total This Matter 136.08

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Correspondence/Admin Mail 829232

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|-----------------|----|--------|-------|----------|
| Doreen McGinley | DM | 125.00 | 23.40 | 2,925.00 |
| Total Fees: | | | | 2,925.00 |

Total Services 2,925.00

Total Expenses .00

Total This Matter 2,925.00

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Data Capture 829234

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|------------------------|-----|--------|-------|----------|
| Data Capture Processor | 144 | 54.00 | 0.27 | 14.58 |
| Doreen McGinley | DM | 125.00 | 66.50 | 8,312.50 |
| Total Fees: | | | | 8,327.08 |

Total Services 8,327.08

Total Expenses .00

Total This Matter 8,327.08

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Return Mail Processing 829235

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|------------------|----|-------|-------|-------|
| Juliana Calderin | JC | 54.00 | 0.20 | 10.80 |
| Total Fees: | | | | 10.80 |

Total Services 10.80

Total Expenses .00

Total This Matter 10.80

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Claims Validation & Audits 829236

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|-----------------|----|--------|-------|-----------|
| April Hyduk | AH | 192.00 | 2.90 | 556.80 |
| Doreen McGinley | DM | 125.00 | 1.40 | 175.00 |
| Justin Honse | JH | 164.00 | 4.00 | 656.00 |
| Kenneth Rivera | KR | 90.00 | 48.20 | 4,338.00 |
| Paul Vedder | PV | 142.00 | 3.84 | 545.28 |
| Robin Niemiec | RN | 199.00 | 0.50 | 99.50 |
| Sandra Peters | SP | 192.00 | 55.75 | 10,704.00 |
| Taryn Diddle | TD | 54.00 | 1.30 | 70.20 |
| Travis Duarte | TD | 54.00 | 83.24 | 4,494.96 |
| Total Fees: | | | | 21,639.74 |

Total Services 21,639.74

Total Expenses .00

Total This Matter 21,639.74

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Deficiency Claim Processing 829237

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|-----------------|----|--------|-------|----------|
| Doreen McGinley | DM | 125.00 | 16.30 | 2,037.50 |
| Total Fees: | | | | 2,037.50 |

Total Services 2,037.50

Total Expenses .00

Total This Matter 2,037.50

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Deficiency Notification 829238

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|----------------|----|--------|-------|--------|
| Julie Zitzmann | JZ | 121.00 | 0.75 | 90.75 |
| Robin Niemiec | RN | 199.00 | 0.80 | 159.20 |
| Total Fees: | | | | 249.95 |

Total Services 249.95

Total Expenses .00

Total This Matter 249.95

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Mailroom & Data Capture Management 829239

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|--------------------|--------|-------|-------|-------|
| Mailroom Processor | 151144 | 54.00 | 0.45 | 24.30 |
| Total Fees: | | | | 24.30 |

Total Services 24.30

Total Expenses .00

Total This Matter 24.30

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Call Center Support 829247

For Professional Services Rendered:

| TIMEKEEPER | | RATE | HOURS | FEEES |
|-----------------|-----|-----------|-------|--------|
| CSR | 240 | 240 52.00 | 0.18 | 9.36 |
| Doreen McGinley | DM | 125.00 | 0.10 | 12.50 |
| Robin Niemiec | RN | 199.00 | 1.60 | 318.40 |

Total Fees: 340.26

Total Services 340.26

Total Expenses .00

Total This Matter 340.26

Inv# 138852
Date Dec 17, 2013
Client Number 8292

Re: LCD Indirect - Expenses

829290

For Professional Services Rendered:

Expense Detail:

| Reference | Date | Description | Amount |
|--------------------------------|----------|-------------------------------------|----------|
| ----- | ---- | ----- | ----- |
| Call Center/Telecommunications | | | |
| | 11/26/13 | Live Call Center Support; 137 Calls | 1,535.00 |
| | 11/26/13 | Line Maintenance Charge Schedule | 130.00 |
| | 11/30/13 | Conference Calls 703.2 Minutes | 274.25 |
| | 11/30/13 | IVR 1458.92 Minutes | 612.75 |
| | 11/30/13 | IVR System Charge | 250.00 |
| | 11/30/13 | Long Distance 2677.8 Minutes | 321.34 |
| | | Subtotal | 3,123.34 |
| Postage/Federal Express | | | |
| | 11/25/13 | Weekly Mail Pickup | 2.48 |
| | 11/27/13 | Postage; 2823 pieces | 1,298.58 |
| | 11/27/13 | Weekly Mail Pickup | 20.81 |
| | | Subtotal | 1,321.87 |
| Shredding/Storage | | | |
| | 11/30/13 | Storage and/or Shredding 43 Boxes | 86.00 |
| | 11/30/13 | Data Storage November 2013 | 732.92 |
| | 11/30/13 | Storage and/or Shredding 6 Boxes | 12.00 |
| | | Subtotal | 830.92 |
| Photocopies/Faxing/Printing | | | |
| | 11/30/13 | Photocopies/Faxing/Printing ;1614 | 322.80 |
| | | Subtotal | 322.80 |
| Website Hosting | | | |
| | 11/26/13 | Web Monitor & Host | 275.00 |
| | | Subtotal | 275.00 |

Inv# 138852
Date Dec 17, 2013
Client Number 8292

| | |
|-------------------|----------|
| Total Expenses | 5,873.93 |
| | ----- |
| Total This Matter | 5,873.93 |
| | ----- |