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14 **IN THE UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
15 **(SAN FRANCISCO DIVISION)**

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

Case No. Master File No. 3:07-md-1827 SI

Case No. 3:10-4346 SI

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18 This Document Relates to Individual
Case No. 3:10-cv-4346 SI

**[PROPOSED] ORDER GRANTING
APPROVAL OF PLAINTIFF STATE OF
OREGON'S SETTLEMENTS WITH
ALL DEFENDANTS**

19
20 STATE OF OREGON, *ex rel* Ellen F.
Rosenblum, Attorney General,

21 Plaintiff,

22 v.

Hearing Date: October 30, 2015
Time: 9:00 A.M.
Courtroom: 10

23 AU OPTRONICS CORPORATION,
et al.,

The Honorable Susan Y. Illston

24
25 Defendants.

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1 The Oregon Attorney General has brought before this Court three matters for
2 review and approval: (1) nine separate proposed settlement agreements (“Proposed
3 Settlements”) which the Oregon Attorney General believes are reasonable and in the best
4 interests of Oregon and its citizens; (2) a proposed plan for providing notice of these
5 settlements (“Notice Plan”) to Oregon political subdivisions and natural persons that
6 indirectly purchased TFT-LCD panels during the period 2002 through 2006 which were
7 incorporated into monitors, laptop computers, and televisions (“LCD Products”) sold in
8 Oregon; and (3) a proposed plan for distribution of the settlement proceeds which
9 together with the Notice Plan afford Oregon political subdivisions and natural persons
10 “[A] reasonable opportunity to secure an appropriate portion of net monetary relief.”
11 ORS 646.780(5)(a).
12

13 The Proposed Settlements presented by the Oregon Attorney General are with the
14 Chi Mei, Hitachi Displays, Sharp, Samsung, Epson, LG Display, AUO, Toshiba, and
15 HannStar defendants (as identified in the Proposed Settlements, and inclusive of related
16 entities identified in the Proposed Settlements) (collectively “Defendants”). The Court
17 has reviewed the Proposed Settlements and the State of Oregon’s Notice of Motion and
18 Motion for Approval of Settlements (“Motion for Approval”) and supporting
19 declarations. After carefully considering all papers filed and proceedings held herein
20 and otherwise being fully informed in the premises:
21

22 NOW, THEREFORE, IT IS HEREBY ORDERED THAT:
23

- 24 1. The Proposed Settlements are approved pursuant to ORS 646.775(3).
- 25 2. The Court finds that the terms of the Proposed Settlements fall within the range
26 of reasonableness for approval.

- 1 3. The Court finds that the notice by publication, as proposed by Oregon, would not
2 deny due process of law to any natural person or political subdivision, and
3 constitutes valid, due, and sufficient notice. The Court finds that the proposed
4 Notice Plan and forms of notice comport with the due process of law and are
5 proper under 646.775(2) and (3).
6
- 7 4. Within 15 days of this Order, the Oregon Attorney General is directed to cause
8 the summary notice substantially in the form of the Notice of Settlement attached
9 as the first page to Exhibit A to the Declaration of Tim D. Nord dated September
10 24, 2015 (“Nord Declaration”) and filed with this Court to be published as
11 described in the Notice Plan. The Oregon Attorney General is further ordered to
12 post the summary notice along with the long form notice (which together are
13 Exhibit A to the Nord Declaration) on the Oregon Attorney General’s website.
14
- 15 5. Within 15 days of this Order, the Oregon Attorney General is directed to mail
16 Oregon political subdivisions summary notice substantially in the form of the
17 Notice of Settlement attached as the first page to Exhibit A of the Nord
18 Declaration.
19
- 20 6. The Court finds that ORS 646.775(2)(b) provides that any natural person or
21 Oregon political subdivision on whose behalf the Oregon Attorney General
22 brings a *parens patriae* action pursuant to ORS 646.775(1)(a) must have the
23 opportunity to exclude themselves from the Proposed Settlements. Any natural
24 persons or Oregon political subdivisions may exercise their right to be excluded
25 from the Proposed Settlements by mailing an election of exclusion no later than
26 60 days after commencement of the Notice Plan to the appropriate address

1 identified in Exhibit A to the Nord Declaration. Any election of exclusion must
2 be in writing, set forth the name, address, and telephone number of the person or
3 entity that wishes to be excluded, and must be signed by the person or entity
4 seeking exclusion. Any natural person or Oregon political subdivision that does
5 not properly and timely elect exclusion shall be bound by the terms and
6 provisions of the Proposed Settlements so approved following entry of final
7 judgments of dismissal. Such terms and provisions shall include, but are not
8 limited to, the releases, waivers, and covenants described in the Proposed
9 Settlements whether or not such person or entity makes a claim against the
10 settlement funds.
11

- 12 7. Pursuant to the Proposed Settlements, as provided in language included in each
13 of the Proposed Settlements, no later than 15 days after the last date for mailing
14 an election of exclusion, the State of Oregon shall provide to the respective
15 Defendants calculations showing whether exclusions were sufficient in number
16 to trigger Defendants' option to rescind their respective settlement agreements.
17 In addition, the State of Oregon is required within this same time period to
18 provide each of the Defendants with a complete list of those political
19 subdivisions and natural persons that elected exclusion. In the event one or more
20 of the settlement agreements does not become effective in accordance with the
21 terms of one or more of the settlement agreements, this order shall be null and
22 void as to that settlement agreement.
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- 1 8. The Oregon Attorney General’s motion for attorney fees, investigative and
2 expert costs, and reimbursement of discovery costs to respective Oregon entities
3 shall be filed no later than December 18, 2015.
- 4 9. Oregon Attorney General shall be allowed to remove from the settlement funds
5 held at U.S. Bank up to \$815,000 to be held in trust and which may be drawn
6 against to pay for administrative, notice and claims processing expenses as
7 contemplated by the Proposed Settlements.
- 8
- 9 10. The Court finds the preliminary plan of distribution set out in the Motion for
10 Approval, together with the Oregon Attorney General’s Notice Plan, meet the
11 requirement of ORS 646.775(5)(a) as the Notice Plan and plan of distribution
12 together are reasonably designed to provide natural persons and Oregon local
13 governmental entities a reasonable opportunity to secure an appropriate portion
14 of the amounts Defendants have agreed to pay under the terms of the Proposed
15 Settlements. No distributions to state agencies, political subdivisions, or natural
16 persons shall occur until judgments dismissing all defendants named in Oregon’s
17 Second Amended Complaint are entered by this Court and the Court enters a
18 final judgment directing distribution.
- 19
- 20 11. With the exception of actions required to effectuate the Proposed Settlements or
21 that are otherwise permitted by this order, the Proposed Settlements, or agreed to
22 by the Oregon Attorney General and the Defendants, all further proceedings as to
23 the Defendants involving claims released in the Proposed Settlements are hereby
24 stayed. This stay includes actions by the Oregon Attorney General on behalf of
25 Oregon state agencies and in her *parens patriae* capacity, and actions by any
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natural person or Oregon political subdivision purporting to assert claims directly or indirectly against Defendants.

12. The Court retains exclusive jurisdiction over this action to consider all further matters arising out of or connected with the Proposed Settlements.

IT IS SO ORDERED.

Dated: October 30, 2015



THE HONORABLE SUSAN ILLSTON
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on the 25th day of September, 2015, I electronically filed the
3 **[PROPOSED] ORDER GRANTING APPROVAL OF PLAINTIFF STATE OF**
4 **OREGON'S SETTLEMENTS WITH ALL DEFENDANTS** with the Clerk of the
5 Court using the CM/ECF system, which will automatically send email notification to the
6 parties and counsel of record.
7

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