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

**IN RE CAPACITORS ANTITRUST  
LITIGATION**

**MDL No. 3:17-md-02801-JD  
Case No. 3:14-cv-03264-JD**

**THIS DOCUMENT RELATES TO:  
ALL INDIRECT PURCHASER ACTIONS**

**~~PROPOSED~~ FINAL JUDGMENT OF  
DISMISSAL WITH PREJUDICE AS TO  
SHINYEI DEFENDANTS**

1 The Court previously granted final approval of the class settlement between the Indirect  
2 Purchaser Plaintiffs and defendants Shinyei Technology Co., Ltd. and Shinyei Capacitor Co.,  
3 Ltd. (Shinyei), and Taitso Corp. (Taitso). MDL Dkt. No. 1665. The Court further found,  
4 pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, that final judgments of dismissal  
5 with prejudice as to the settling defendants should be entered, and that there was no just reason  
6 for delay in the entry of the final judgments in accordance with the Settlement Agreements. *Id.*  
7 Accordingly, the Court enters judgment, which constitutes a final adjudication of the IPPs’  
8 action on the merits as to Shinyei, in accordance with the terms of the Settlement Agreement  
9 between the IPPs and Shinyei, dated June 4, 2021.

10 **IT IS CONSEQUENTLY ORDERED THAT:**

11 1. The Court has jurisdiction over the subject matter of this litigation, the actions  
12 within this multi-district litigation, and the parties to the Settlement Agreements, including all  
13 members of the Settlement Class.

14 2. For purposes of this Judgment, except as otherwise set forth herein, the Court  
15 incorporates the definitions contained in the Settlement Agreement. Specifically, “Class,” as  
16 defined in the Settlement Agreement, means:

17 All persons and entities in the Indirect Purchaser States (as defined herein) who,  
18 during the period from January 1, 2002, to February 28, 2014, purchased one or  
19 more Capacitor(s) from a distributor (or from an entity other than a Defendant)  
20 that a Defendant or alleged co-conspirator manufactured. Excluded from the Class  
21 are Defendants; their parent companies, subsidiaries and Affiliates; any co-  
22 conspirators; Defendants’ attorneys in this Action; federal government entities  
23 and instrumentalities, states and their subdivisions; all judges assigned to this  
24 Action; all jurors in this Action; and all Persons who directly purchased  
25 Capacitors from Defendants.

26 “Indirect Purchaser States” means California, Florida, Michigan, Minnesota,  
27 Nebraska, and New York.

28 3. Those persons and entities identified in **Exhibit A** were validly excluded from the  
Class. MDL Dkt. No. 1665. These persons and entities are not included in or bound by this  
Judgment, and they are not entitled to any recovery of the settlement proceeds obtained in  
connection with the Settlement Agreement.

1           4.       The Court dismisses on the merits and with prejudice IPPs' claims against  
2 Shinyei, with each party to bear their own costs and attorneys' fees, except as provided in the  
3 Settlement Agreement.

4           5.       All persons and entities who are Releasors under the terms of the Settlement  
5 Agreement are barred and enjoined from commencing, prosecuting, or continuing, either directly  
6 or indirectly, any claim against the Releasees, as defined in the Settlement Agreement, in this or  
7 any other jurisdiction arising out of, or related to, any of the Released Claims.

8           6.       The Releasees are released from all Released Claims as defined in the Settlement  
9 Agreement.

10          7.       Without affecting the finality of this Judgment in any way, this Court retains  
11 continuing jurisdiction over:

- 12           a.       implementation of these settlements and any distribution to Class members
- 13                   pursuant to further orders of this Court;
- 14           b.       disposition of the Settlement Fund;
- 15           c.       determining attorneys' fees, costs, expenses, and interest;
- 16           d.       the Action until Final Judgment contemplated hereby has become effective;
- 17           e.       hearing and ruling on any matters relating to the plan of allocation of
- 18                   settlement proceeds; and
- 19           f.       all parties to the Action and Releasing Parties, for the purpose of enforcing
- 20                   and administering the Settlement Agreement and the mutual releases and other
- 21                   documents contemplated by, or executed in connection with, the Agreement.

22          8.       This document constitutes a final judgment and separate document for purposes  
23 of Rule 58(a).

24           **IT IS SO ORDERED.**

25  
26 Dated: May 10, 2022

  
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JAMES DONATO  
United States District Judge

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**EXHIBIT A**

**Requests for Exclusion from Shinyei Settlement**

<b><u>Name</u></b>	<b><u>Exclusion Request Timely</u></b>
James Tylman	Yes
Dell Inc. on behalf of itself and its wholly-owned subsidiaries	Yes
William B Higinbotham	Yes