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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

**IN RE: CATHODE RAY TUBE (CRT)  
ANTITRUST LITIGATION**

Master File No. 07-cv-5944-JST  
Case No. 17-cv-04067-JST

MDL No. 1917

This document relates to:

*Luscher v. Mitsubishi Electric Corp.*,  
No. 17-cv-04067-JST

**[PROPOSED] ORDER GRANTING FINAL  
APPROVAL OF CLASS ACTION  
SETTLEMENT WITH DEFENDANT  
MITSUBISHI ELECTRIC CORPORATION**

Hon. Jon S. Tigar

1 The Indirect Purchaser Plaintiffs’ (“IPPs”) have filed a Motion for Final Approval of Class  
2 Action Settlement with Defendant Mitsubishi Electric Corporation (“Mitsubishi Electric”). The  
3 Court, having reviewed the motion, the settlement agreement between IPPs and Mitsubishi Electric  
4 (“Settlement Agreement”), the pleadings and other papers on file in this Action, and the statements  
5 of counsel and the parties, hereby finds that the motion should be GRANTED.

6 NOW, THEREFORE, IT IS HEREBY ORDERED:

7 1. The Court has jurisdiction over the subject matter of this litigation, and all actions  
8 within this litigation and over the parties to the Settlement Agreement, including all members of  
9 the Settlement Class and Mitsubishi Electric.

10 2. For purposes of this Order, except as otherwise set forth herein, the Court adopts  
11 and incorporates the definitions contained in the Settlement Agreement.

12 3. Pursuant to Rule 23(e)(2) of the Federal Rules of Civil Procedure, after a hearing,  
13 the Court hereby finally approves and confirms the Settlement set forth in the Settlement  
14 Agreement and finds that said Settlement is, in all respects, fair, reasonable, and adequate to the  
15 Settlement Class within the meaning of Rule 23 and directs its consummation according to its  
16 terms. Specifically:

17 a. The class representatives and counsel have vigorously represented the  
18 interests of the Settlement Class;

19 b. The Settlement Agreement was negotiated by arm’s-length, informed, and  
20 non-collusive negotiations between counsel for IPPs and Mitsubishi Electric under the supervision  
21 of a Magistrate Judge;

22 c. The relief provided for the Settlement Class is adequate, considering: (i) the  
23 costs, risks, and delay of trial and appeal, particularly in light of the complex nature of IPPs’ case;  
24 (ii) the effectiveness and straightforwardness of the proposed claims process, which is similar to  
25 the process this Court previously approved; and (iii) the reasonableness of the request for an award  
26 of attorneys’ fees and reimbursement of litigation expenses.

1 d. The Settlement Agreement treats class members equitably relative to each  
2 other. IPPs propose to use the same weighted pro-rata plan of distribution that this Court has  
3 approved for the prior settlements in this case. This Court thus finds IPPs' Plan of Distribution is  
4 fair, reasonable, and adequate.

5 5. The Plan of Distribution set forth in the Class notice is, in all respects, fair, adequate,  
6 and reasonable. Accordingly, the Court hereby grants final approval of the Plan of Distribution.

7 6. The Court does hereby find, for the reasons set forth in its October 31, 2022  
8 Preliminary Approval Order, ECF No. 6104, and for purposes of judgment on the Settlement  
9 Agreement only, that the Settlement Class defined in that Order satisfies the requirements for class  
10 certification under Federal Rule of Civil Procedure 23(a) and 23(b)(3).

11 7. The Court hereby confirms the appointment of Mario N. Alioto and Trump, Alioto,  
12 Trump & Prescott, LLP as Settlement Class Counsel pursuant to Rule 23(g), and finds that these  
13 Settlement Class Counsel have protected and will continue to fairly and adequately protect the  
14 interests of the Settlement Class.

15 8. The notice given to the Class of the Settlements set forth in the Settlement  
16 Agreement and other matters set forth therein was the best notice practicable under the  
17 circumstances. Said notice provided due and adequate notice of the proceedings and of the matters  
18 set forth therein, including the Settlement set forth in the Settlement Agreement, to all persons  
19 entitled to such notice, and said notice fully satisfied the requirements of Rule 23 of the Federal  
20 Rules of Civil Procedure, the requirements of due process, and all applicable state laws.

21 9. Ali Ratzel of Jefferson City, Missouri, the class member who made a timely request  
22 to opt out of the Settlement, is excluded from the Settlement Class.

23 10. The Court hereby dismisses on the merits and with prejudice the claims asserted by  
24 the IPPs against Mitsubishi Electric, which were certified as a settlement class in the Court's Order  
25 Granting Final Approval, with IPPs and Mitsubishi Electric to bear their own costs and attorneys'  
26 fees except as provided for in the Settlement Agreement.



1           15.     Accordingly, the Clerk is hereby directed to enter Judgment forthwith against  
2 Mitsubishi Electric.

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SO ORDERED this 6th day of November, 2023.

  
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HON. JON S. TIGAR  
UNITED STATES DISTRICT JUDGE