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*Chairman of the Executive Committee
for the Direct Purchaser Plaintiffs*

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

IN RE OPTICAL DISK DRIVE
ANTITRUST LITIGATION

Case No. 3:10-md-02143 RS

MDL No. 2143

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**DIRECT PURCHASER PLAINTIFFS’
REPLY BRIEF IN SUPPORT OF MOTION
FOR ORDER AUTHORIZING
DISTRIBUTION OF SETTLEMENT FUNDS**

Date: September 12, 2019
Time: 1:30 p.m.
Judge: Hon. Richard Seeborg
Courtroom: 3

STATEMENT OF ISSUES TO BE DECIDED

1
2 1. Whether to adopt and approve the Settlement Administrator’s recommendations
3 regarding the ineligibility (Exhibit B to the Christman Declaration) and eligibility (Exhibit D to the
4 Christman Declaration) of the claims.

5 2. Whether to authorize payment of all claims approved by the Settlement
6 Administrator from the Net Settlement Funds according to the *pro rata* Plan of Allocation
7 previously approved by the Court.

8 3. Whether the Settlement Administrator shall be reimbursed for costs and expenses
9 incurred in the amount of \$235,764.80.

10 4. Whether to reserve in the Net Settlement Funds \$117,863.63 for the payment of
11 additional claims administration costs, and \$250,000.00 for potential tax liability and other issues.

12 5. Whether claimant identified by claim ID ODDA3-400172623 is entitled to a
13 payment of \$122,925.00 from the Net Settlement Funds.

REPLY BRIEF

14
15 **I. INTRODUCTION**

16 Direct Purchaser Plaintiffs (“Plaintiffs”) respectfully submit this Reply Brief in support of
17 their Motion for an Order Authorizing Distribution of Settlement Funds, ECF No. 2902 (“Motion”
18 or “Mot.”). While one claimant has informed the Court of his dissatisfaction with his *pro rata* share
19 of the Net Settlement Funds, the Court should deny his request and enter an Order authorizing
20 payment of approximately \$47 million to the 25,424 approved claimants.

21 **II. STATEMENT OF RELEVANT FACTS**

22 After Plaintiffs filed their Motion, the Notice of Motion and Motion, the Memorandum of
23 Points and Authorities in Support Thereof, the Declaration of Rachel Christman re Claims
24 Processing and Distribution of the Net Settlement Funds (“Christman Declaration” or “Christman
25 Decl.”), and the [Proposed] Order Granting Direct Purchaser Plaintiffs’ Motion for an Order
26 Authorizing Distribution of Settlement Funds were posted on the ODD settlement website
27 (www.ODDDirectPurchaserAntitrustSettlement.com) maintained by the Settlement Administrator.
28 Declaration of Rachel Christman in Support of Direct Purchaser Plaintiffs’ Reply in Support of

1 Motion for an Order Authorizing Distribution of Settlement Funds ¶ 2 (“Christman Reply
2 Declaration”).

3 On August 7, 2019, claimant Alan Lansing, identified by claim ID ODDA3-400172623,
4 sent a letter to the Court requesting that he be paid \$122,925.00. The letter was received by the
5 Court on August 12, 2019. ECF No. 2903. Under the proposed distribution, claim ID ODDA3-
6 400172623 would receive \$261.43. *Id.* at 1; Christman Decl., Ex. D at 412.

7 The deadline to oppose the Motion has passed and no other opposition or objections were
8 filed.

9 **III. ARGUMENT**

10 Plaintiffs’ proposed distribution is fair, adequate and reasonable, and gives no preferential
11 treatment to any individual claimant. All approved claimants are entitled to a *pro rata* share of the
12 Net Settlement Funds, less expenses and reserve, according to the *pro rata* Plan of Allocation. Mot.
13 at 10. The *pro rata* Plan of Allocation finally approved by the Court will compensate class
14 members based on the extent of their injuries. *Id.* at 11 (citing *In re Citric Acid Antitrust Litig.*, 145
15 F. Supp. 2d 1152, 1154 (N.D. Cal. 2001)). Notices about the settlements and the claims process
16 informed the class about the *pro rata* allocation. Mot. at 4–5.

17 Mr. Lansing appears to have misunderstood, or is unsatisfied with, his *pro rata* allocation.
18 As indicated in the correspondence he received from the Settlement Administrator and attached to
19 his letter: “Your payment amount will be a pro-rated portion of this Total Approved Amount
20 [\$122,925.00] based on the sum total of Approved Amounts for all timely and valid claims.” ECF
21 No. 2903 at 3. The \$122,925.00 represents the total value, in ODD Dollars, of all of the ODD
22 Products he purchased. The approved amounts for all approved claims total \$7,840,620,146.96 in
23 ODD Dollars. Mot. at 8. Claim ID ODDA3-400172623’s proposed payment was calculated
24 according to the *pro rata* Plan of Allocation applied to all other approved claims. Mr. Lansing’s
25 objection appears to be based on a misunderstanding of the *pro rata* Plan of Allocation. His
26 purchases are being treated like all other approved claims. Plaintiffs therefore maintain that the
27 payment for claim ID ODDA3-400172623 should be \$261.43.

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1 **IV. CONCLUSION**

2 Plaintiffs request that the Court enter the Proposed Order, previously submitted, which
3 authorizes payment of all claims approved by the Settlement Administrator, as set forth in Exhibit
4 D to the Christman Declaration—less funds reserved for claims administration costs, taxes and
5 other issues—from the Net Settlement Funds according to the *pro rata* Plan of Allocation
6 previously approved by the Court. The request by the claimant identified by claim ID ODDA3-
7 400172623 to be paid \$122,925.00 from the Net Settlement Funds should be denied.

8
9 Dated: August 23, 2019

Respectfully submitted,

10 /s/ R. Alexander Saveri

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