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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’  
NOTICE OF SECOND POST-  
DISTRIBUTION ACCOUNTING**

Judge: Hon. Richard Seeborg

PLEASE TAKE NOTICE that in accordance with the United States District Court, Northern District of California’s *Procedural Guidance for Class Action Settlements* (updated Nov. 1 and Dec. 5, 2018), available at <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/> (“*Guidance*”), Direct Purchaser Plaintiffs hereby submit the following Post-Distribution Accounting regarding the distribution of settlement funds authorized by the Court’s Order Granting Direct Purchaser Plaintiffs’ Motion for Order Authorizing Distribution of Remaining Settlement Funds and Cy Pres Distribution of Future Remaining Funds, ECF. No. 3061 (Sept. 2, 2021).<sup>1</sup> Checks were mailed to eligible claimants on February 4, 2022. Declaration of Derek Smith re Residual Distribution to Approved Claimants from the Net Settlement Funds ¶ 3 (“Smith Decl.”), submitted herewith. The void date of all checks is May 5, 2022. *Id.* ¶ 4.

| <u>Requested Information</u> <sup>2</sup>   | <u>Response</u>  | <u>Source</u>         |
|---|--|-----------------------|
| Total settlement fund   | <b>\$74,900,000</b>  | ECF No. 2902 at 2     |
| Total number of class members   | Unknown  | n/a                   |
| Total number of class members to whom notice was sent and not returned as undeliverable | <b>436,488</b> potential class members via USPS and 274,874 via email on 5/31/2013 (HLDS notice)   | ECF No. 986-3 ¶¶ 4–5  |
|   | <b>325,278</b> potential class members via USPS on 12/13/2013 (Panasonic notice)                   | ECF No. 1220-2 ¶ 4    |
|   | <b>446,751</b> potential class members via USPS and 176,866 via email on 3/23/2015 (claims notice) | ECF No. 1570-1 ¶¶ 6–7 |
|   | <b>325,312</b> potential class members via USPS on 5/8/2014 (NEC notice)                           | ECF No. 1358-2 ¶ 4    |
|   | <b>253,627</b> potential class members via USPS on 1/7/2016 (BenQ,                                 | ECF No. 1825 ¶ 4      |

<sup>1</sup> The initial distribution checks were mailed to eligible claimants on December 17 and 18, 2019, *see* Declaration of Rachel Christman re Payments to Approved Claimants from the Net Settlement Funds ¶ 4, ECF No. 2910-1 (Jan. 8, 2020), as authorized by the Court’s Order Granting Direct Purchaser Plaintiffs’ Motion for Order Authorizing Distribution of Settlement Funds, ECF No. 2906 (Sept. 16, 2019).

<sup>2</sup> *See Guidance*, Post-Distribution Accounting ¶ 1(a).

| <u>Requested Information<sup>2</sup></u>       | <u>Response</u>  | <u>Source</u>   |
|--|--|---|
|  | Pioneer, PLDS, QSI, Sony, TEAC, TSST, and claims notice) (258,778 notices sent less 5,151 returned as undeliverable)   |   |
| Number and percentage of claim forms submitted | <b>28,146 (11.1%</b> of total number of 253,627 potential class members to whom notice was sent via USPS on 1/7/2016 and not returned as undeliverable)  | ECF No. 2902-1 ¶ 8  |
| Number and percentage of opt-outs              | <p><b>135</b> class members opted out of one or more settlements, including:</p> <p><b>74</b> from the HLDS settlement (<b>0.02%</b> of 436,488 potential class members sent notice via USPS on 5/31/2013)</p> <p><b>32</b> from the Panasonic settlement (<b>0.01%</b> of 325,278 potential class members sent notice via USPS on 12/13/2013)</p> <p><b>40</b> from the NEC settlement (<b>0.01%</b> of 325,312 potential class members sent notice via USPS on 5/8/2014)</p> <p><b>23</b> from the BenQ, Pioneer, PLDS, QSI, Sony, TEAC, and TSST settlements (<b>0.01%</b> of 253,627 potential class members sent notice via USPS on 1/7/2016 and not returned as undeliverable)</p> | <p>ECF No. 2902-1 ¶ 6, Ex. A</p> <p>ECF No. 986-3 ¶ 9, Ex. C</p> <p>ECF No. 1220-2 ¶ 8, Ex. C</p> <p>ECF No. 1358-2 ¶ 8, Ex. C</p> <p>ECF No. 1825 ¶ 8, Ex. C</p> |
| Number and percentage of objections            | <p><b>4</b> to HLDS settlement (<b>0.001%</b> of 436,488 potential class members sent notice via USPS)</p> <p><b>0</b> to Panasonic settlement</p> <p><b>0</b> to NEC settlement</p> <p><b>0</b> to BenQ, Pioneer, PLDS, QSI, Sony, TEAC, and TSST settlements</p>   | <p>ECF No. 986-3 ¶ 10</p> <p>ECF No. 1220-2 ¶ 9</p> <p>ECF No. 1358-2 ¶ 9</p> <p>ECF No. 1824 at 13; <i>see also</i> ECF Nos. 1825 ¶ 9, 1815</p>                  |

|    |   |  |   |
|----|---|--|---|
| 1  | Average recovery per claimant                 | <b>\$1,861.53</b> (initial distribution)   | ECF No. 2910-1 ¶ 4                                |
| 2  |   | <b>\$2,145.63</b> (residual distribution)  | Smith Decl. ¶ 3                                   |
| 3  | Median recovery per claimant                  | <b>\$10.00</b> (initial distribution)  | ECF No. 2910-1 ¶ 4                                |
| 4  |   | <b>\$231.08</b> (residual distribution)  | Smith Decl. ¶ 3                                   |
| 5  | Largest amount paid to class members          | <b>\$6,395,647.33</b> (initial distribution)   | ECF No. 2910-1 ¶ 4                                |
| 6  |   | <b>\$52,205.48</b> (residual distribution)   | Smith Decl. ¶ 3                                   |
| 7  | Smallest amount paid to class members         | <b>\$10.00</b> (initial distribution)  | ECF No. 2910-1 ¶ 4                                |
| 8  |   | <b>\$10.46</b> (residual distribution)   | Smith Decl. ¶ 3                                   |
| 9  | Methods of notice to class members            | USPS, email, <i>Wall Street Journal</i> , settlement website   | ECF No. 2902-1 ¶¶ 4–5                             |
| 10 | Methods of payment to class members           | Paper checks sent via USPS, FedEx (initial distribution)   | ECF No. 2910-1 ¶ 4                                |
| 11 |   | Paper checks sent via USPS (residual distribution)   | Smith Decl. ¶ 3                                   |
| 12 | Number of checks not cashed                   | <b>10,624</b> (21 days after initial distribution)   | ECF No. 2910-1 ¶ 5                                |
| 13 |   | <b>3,907</b> (end of initial distribution)   | ECF No. 3044-1 ¶ 8                                |
| 14 |   | <b>59</b> (21 days after residual distribution)  | Smith Decl. ¶ 4                                   |
| 15 | Value of checks not cashed                    | <b>\$8,775,232.62</b> (21 days after initial distribution)   | ECF No. 2910-1 ¶ 5                                |
| 16 |   | <b>\$45,863.74</b> (end of initial distribution)   | ECF No. 3044-1 ¶ 8                                |
| 17 |   | <b>\$88,878.79</b> (21 days after residual distribution)   | Smith Decl. ¶ 4                                   |
| 18 | Amounts distributed to each cy pres recipient | n/a  | n/a   |
| 19 | Administrative costs                          | <b>\$1,799,433.53</b> of which \$1,445,805.10 were notice costs, \$235,764.80 were claims costs, and \$117,863.63 were estimated future claims costs | ECF No. 2902-1 ¶ 28                               |
| 20 | Attorneys' fees and costs                     | <b>\$25,879,756.75</b> of which \$22,470,000 were fees and \$3,409,756.75 were costs   | ECF Nos. 1535-1 ¶¶ 32–33, 1658, 1802-1 ¶ 21, 1851 |

|   |              |                     |
|---|--------------|---------------------|
| 1 Attorneys' fees in terms of percentage of the settlement fund | <b>30%</b>   | ECF Nos. 1658, 1851 |
| 2 Multiplier  | <b>0.832</b> | ECF No. 1851        |

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4 Following the filing of this Notice of Post-Distribution Accounting, it will be posted on the  
5 ODD settlement website (www.ODDDirectPurchaserAntitrustSettlement.com) maintained by the  
6 Settlement Administrator. *See Guidance*, Post-Distribution Accounting ¶ 2.

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8 Dated: February 25, 2022

Respectfully submitted,

9 /s/ R. Alexander Saveri

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