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**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:

DIRECT PURCHASER CLASS ACTIONS

**FINAL JUDGMENT OF DISMISSAL
WITH PREJUDICE AS TO DEFENDANTS
SAMSUNG ELECTRONICS CO., LTD.;
SAMSUNG ELECTRONICS AMERICA,
INC.; TOSHIBA CORP.; TOSHIBA
AMERICA INFORMATION SYSTEMS,
INC.; TOSHIBA SAMSUNG STORAGE
TECHNOLOGY CORP.; AND TOSHIBA
SAMSUNG STORAGE TECHNOLOGY
KOREA CORP.**

1 This matter has come before the Court to determine whether this Court should approve the
2 settlement with Defendants Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.;
3 Toshiba Corp.; Toshiba America Information Systems, Inc.; Toshiba Samsung Storage Technology
4 Corp.; and Toshiba Samsung Storage Technology Korea Corp. (“Toshiba/Samsung” or
5 “Defendants”) set forth in the Settlement Agreement (“Toshiba/Samsung Settlement Agreement”),
6 dated September 25, 2015, relating to the above-captioned litigation. The Court, after carefully
7 considering all papers filed and proceedings held herein and otherwise being fully informed in the
8 premises, has determined (1) that the settlement should be approved, and (2) that there is no just
9 reason for delay of the entry of this Final Judgment approving the Toshiba/Samsung Settlement
10 Agreement. Accordingly, the Court directs entry of Judgment which shall constitute a final
11 adjudication of this case on the merits in accordance with the terms of the Toshiba/Samsung
12 Settlement Agreement. Good cause appearing therefor, it is:

13 **ORDERED, ADJUDGED AND DECREED THAT:**

- 14 1. The Court has jurisdiction over the subject matter of the Action and over all parties
15 to the Toshiba/Samsung Settlement Agreement, including all members of the Class.
- 16 2. The definitions of terms set forth in the Toshiba/Samsung Settlement Agreement are
17 incorporated hereby as though fully set forth in this Judgment.
- 18 3. The Court hereby finally approves and confirms the settlement set forth in the
19 Toshiba/Samsung Settlement Agreement and finds that said settlement is, in all respects, fair,
20 reasonable and adequate to the Class pursuant to Rule 23 of the Federal Rules of Civil Procedure.
- 21 4. Pursuant to Fed. R. Civ. P. 23(g), Saveri & Saveri, Inc. is appointed as counsel for
22 the Class. This firm has and will fairly and competently represent the interests of the Class.
- 23 5. The persons/entities identified in Exhibit C to the Declaration of Rachel Christman
24 re Dissemination of BenQ, Pioneer, PLDS, QSI, Sony, TEAC, and TSST Notice to Class Members
25 and Claims Process, filed on March 24, 2016, have validly requested exclusion from the Class and,
26 therefore, are excluded. Such persons/entities are not included in or bound by this Final Judgment.
- 27
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1 Such persons/entities are not entitled to any recovery of the settlement proceeds obtained through
2 the Toshiba/Samsung Settlement.

3 6. This Court hereby dismisses on the merits and with prejudice the Class Action in
4 favor of Toshiba/Samsung, with all parties to bear their own costs and attorneys' fees.

5 7. The Releasees are hereby and forever released and discharged with respect to any
6 and all claims or causes of action which the Releasors had or have arising out of or related to any
7 of the Released Claims as defined in the Toshiba/Samsung Settlement Agreement.

8 8. Without affecting the finality of this Judgment in any way, this Court hereby retains
9 continuing jurisdiction over: (a) implementation of this settlement and any distribution to Class
10 Members pursuant to further orders of this Court; (b) disposition of the Settlement Fund; (c)
11 hearing and determining applications by Plaintiffs' counsel for attorneys' fees, costs, expenses, and
12 interest; (d) the Action until the Final Judgment contemplated hereby has become effective and
13 each and every act agreed to be performed by the parties all have been performed pursuant to the
14 Toshiba/Samsung Settlement Agreement; (e) hearing and ruling on any matters relating to the plan
15 of allocation of settlement proceeds; and (f) all parties to the Action and Releasors, for the purpose
16 of enforcing and administering the Toshiba/Samsung Settlement Agreement and the mutual
17 releases and other documents contemplated by, or executed in connection with the
18 Toshiba/Samsung Settlement Agreement.

19 9. The Court finds, pursuant to Rules 54(a) and (b) of the Federal Rules of Civil
20 Procedure, that this Final Judgment should be entered and further finds that there is no just reason
21 for delay in the entry of this Judgment, as a Final Judgment, as to the parties to the
22 Toshiba/Samsung Settlement Agreement. Accordingly, the Clerk is hereby directed to enter
23 Judgment forthwith.

24 IT IS SO ORDERED.

25
26 Dated: _____

27 Hon. Richard Seeborg
28 United States District Judge