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17 *Co-Lead Counsel for Direct Purchaser Plaintiffs*

18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**  
 20 **OAKLAND DIVISION**

21 IN RE: LITHIUM ION BATTERIES  
 22 ANTITRUST LITIGATION

Case No. 13-md-02420-YGR  
 MDL No. 2420

**DIRECT PURCHASER PLAINTIFFS’  
 FINAL POST-DISTRIBUTION  
 ACCOUNTING**

23 This Document Relates to:  
 24 *All Direct Purchaser Actions*

Judge: Hon. Yvonne Gonzalez Rogers  
 Courtroom: 1

1 Direct Purchaser Plaintiffs submit the following Post-Distribution Accounting regarding  
2 the distribution of settlement funds authorized by the Court’s Order Granting Direct Purchaser  
3 Plaintiffs’ Motion for Order Authorizing Distribution of Remaining Settlement Funds, ECF  
4 No. 2761 (Jan. 5, 2023) (“Order”). This accounting is recommended by the United States  
5 District Court, Northern District of California’s *Procedural Guidance for Class Action*  
6 *Settlements* (Nov. 1, 2018; modified Dec. 5, 2018 and Aug. 4, 2022), available at  
7 <https://www.cand.uscourts.gov/forms/procedural-guidance-for-class-action-settlements/>  
8 (“*Guidance*”).

9 All check payments authorized by the Order were mailed on April 14, 2023.  
10 Declaration of James Page, Esq. Regarding Final Distribution of Settlement Funds ¶ 2 (“Final  
11 Page Decl.”), submitted herewith. The Settlement Administrator conducted extensive outreach  
12 to recipients of uncashed checks and reissued check payments upon request. *Id.* ¶ 4. All of the  
13 settlement checks sent to approved claimants have become stale, and all but six (6)—with a  
14 total value of \$82.21—have been cashed. *Id.*

15 In accordance with paragraph 8 of the Order, the remaining amount of \$3,964.02 has  
16 been paid to the *cy pres* beneficiary, the George Washington University Law School  
17 Competition Law Center. *Id.* ¶ 6.

18 Co-Lead Counsel for Direct Purchaser Plaintiffs have approved and paid additional  
19 administrator costs in the amount of \$14,102.04, as authorized by paragraph 10 of the Order.  
20 *Id.* ¶ 7. The Settlement Administrator has been paid in full, and confirms that it has accounted  
21 for any potential tax liability and filed all necessary tax returns. *Id.* ¶¶ 7–8. Following the  
22 payments to the *cy pres* designee and the Settlement Administrator, no settlement funds remain.  
23 *Id.* ¶ 7.

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<u>Requested Information</u> <sup>1</sup>	<u>Response</u>	<u>Source</u>
Total settlement fund	<b>\$139,300,000.00</b>	ECF No. 2322 at 1:6 & n.1, 3:24
Total number of class members	Unknown	Not applicable (n/a)
Total number of class members to whom notice was sent and not returned as undeliverable	<b>815,102</b>	ECF No. 2584-1 ¶ 8
Number and percentage of claim forms submitted	<b>9,892 (1.21%</b> of 815,102 claim forms printed and mailed to potential class members and not returned as undeliverable)	ECF No. 2584-1 ¶¶ 8, 10
Number and percentage of opt-outs	<b>227</b> class members opted out of one or more settlements ( <b>0.03%</b> of 815,102 class members to whom notice was sent and not returned as undeliverable)	ECF No. 2584-1 ¶¶ 6, 8
Number and percentage of objections	<b>5 (0.0006%</b> of 815,102 class members to whom notice was sent and not returned as undeliverable) <sup>2</sup>	ECF Nos. 1250, 1251 (Sony settlement); ECF Nos. 2159, 2170 (LG Chem, Samsung SDI, and TOKIN settlements); <i>see</i> ECF No. 2161 (attorneys' fees)
Average recovery per claimant (mean)	<b>\$10,465.46</b> (initial distribution)	ECF No. 2708-1 ¶ 3
	<b>\$5,715.33</b> (residual distribution)	Final Page Decl. ¶ 3
Median recovery per claimant	<b>\$10.00</b> (initial distribution)	ECF No. 2708-1 ¶ 3
	<b>\$282.66</b> (residual distribution)	Final Page Decl. ¶ 3
Maximum recovery per claimant	<b>\$20,909,715.22</b> (initial distribution)	ECF No. 2708-1 ¶ 3
	<b>\$149,072.55</b> (residual distribution)	Final Page Decl. ¶ 3

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

<sup>2</sup> In addition, there were two objections that were subsequently withdrawn. *See* ECF Nos. 1843, 1844, 1867, 1886 (Maxell, NEC, Panasonic, and Toshiba settlements); ECF Nos. 2196, 2300 (attorneys' fees).

<u>Requested Information</u> <sup>1</sup>	<u>Response</u>	<u>Source</u>
Minimum recovery per claimant	<b>\$10.00</b> (initial distribution) <b>\$10.06</b> (residual distribution)	ECF No. 2708-1 ¶ 3 Final Page Decl. ¶ 3
Methods of notice to class members	USPS mail, <i>Wall Street Journal</i> , settlement website	ECF No. 2584-1 ¶ 5
Methods of payment to class members	Check	ECF No. 2708-1 ¶ 2; Final Page Decl. ¶ 2
Number of checks not cashed	<b>2,720</b> of 8,745 mailed (21 days after initial distribution) <b>847</b> of 8,745 mailed (end of initial distribution) <b>6</b> of 114 mailed (end of residual distribution)	ECF No. 2708-1 ¶ 4 <i>See</i> ECF No. 2755 ¶¶ 3, 5 Final Page Decl. ¶¶ 2, 4
Value of checks not cashed	<b>\$4,283,525.30</b> (21 days after initial distribution) <b>\$11,352.49</b> (end of initial distribution) <b>\$82.21</b> (end of residual distribution)	ECF No. 2708-1 ¶ 4 ECF No. 2755 ¶ 6 Final Page Decl. ¶ 4
Amounts distributed to each <i>cy pres</i> recipient	<b>\$3,964.02</b>	Final Page Decl. ¶ 6
Administrative costs	<b>\$2,894,635.02</b>	ECF No. 2584-1 ¶ 25; ECF No. 2684 ¶ 3; Final Page Decl. ¶ 7
Attorneys' fees and costs	<b>\$45,144,573.35</b> of which \$41,790,000.00 were fees and \$3,354,573.35 were costs	ECF No. 2322 at 3:23–28
Attorneys' fees in terms of percentage of the settlement fund	<b>30%</b>	ECF No. 2322 at 3:23–24
Plaintiffs' counsel's updated lodestar total	<b>\$72,489,066.75</b>	ECF No. 2322 ¶ 8
Lodestar multiplier	<b>0.58</b>	ECF No. 2322 at 2:2–4

This Post-Distribution Accounting will be posted on the settlement website ([www.BatteriesDirectPurchaserAntitrustSettlement.com](http://www.BatteriesDirectPurchaserAntitrustSettlement.com)) maintained by the Settlement Administrator. *See Guidance*, Post-Distribution Accounting ¶ 2.

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DATED: May 1, 2024

Respectfully submitted,

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