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

IN RE: LITHIUM ION BATTERIES
ANTITRUST LITIGATION

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

**[PROPOSED] ORDER GRANTING
DIRECT PURCHASER PLAINTIFFS'
MOTION FOR ORDER AUTHORIZING
DISTRIBUTION OF REMAINING
SETTLEMENT FUNDS**

This Document Relates to:
All Direct Purchaser Actions

Date: January 10, 2023
Time: 2:00 p.m.
Judge: Hon. Yvonne Gonzalez Rogers
Courtroom: 1

1 The Court, having considered Direct Purchaser Plaintiffs’ Motion for Order Authorizing
2 Distribution of Remaining Settlement Funds (“Motion”), the Declaration of James Page, Esq. in
3 Support of Direct Purchaser Plaintiffs’ Motion for Order Authorizing Distribution of Remaining
4 Settlement Funds (“Page Declaration”), the Declaration of William E. Kovacic, the pleadings
5 and other papers on file in this action, and the statements of counsel and the parties, hereby finds
6 that:

7 1. The Court previously approved a *pro rata* distribution of \$91,520,463.98 from the
8 settlement funds, ECF No. 2684, which was paid by paper check to 8,745 approved claimants,
9 ECF No. 2708-1, at ¶ 2, and of which \$11,352.49 remains.

10 2. The Court previously authorized reserving settlement funds for the payment of
11 additional claims administration costs in the amount of \$136,968.96, and for potential tax
12 liability and other issues in the amount of \$250,000.00. ECF No. 2684, at ¶ 3.

13 3. \$24.35 of the settlement funds were not previously distributed due to rounding.

14 4. The Settlement Administrator incurred a total of \$122,866.92 in additional
15 unreimbursed claims administration costs between January 1, 2020 and July 31, 2022, and these
16 costs and expenses were reasonably incurred in the ordinary course of administering the
17 settlements and were necessary given the nature and scope of the case.

18 5. The Settlement Administrator’s estimate that its remaining work from August 1,
19 2022 to the completion of its work on the case will cost \$14,102.04 is reasonable.

20 Accordingly, it is hereby ORDERED and DECREED that:

21 6. Direct Purchaser Plaintiffs’ Motion is GRANTED.

22 7. Additional *pro rata* payments totaling \$651,552.60 shall be paid from the
23 remaining settlement funds to the 114 previously approved claimants who (i) cashed their initial
24 checks and (ii) would also be eligible to receive more than \$10.00 in this proposed supplemental
25 distribution, as set forth in **Exhibit C** to the Page Declaration and **Attachment 1** hereto.

26 8. Thereafter, remaining settlement funds, if any, shall be designated to a *cy pres*
27 beneficiary, the George Washington University Law School Competition Law Center (“CLC”).
28 CLC is an appropriate recipient of the remaining settlement funds. The interests of CLC and its

1 focus on the antitrust laws and Section 1 of the Sherman Act are aligned with the interests of the
2 Direct Purchaser Class in this price-fixing class action. *See Six (6) Mexican Workers v. Arizona*
3 *Citrus Growers*, 904 F.2d 1301, 1307 (9th Cir. 1990).

4 9. The Settlement Administrator shall be reimbursed for costs and expenses incurred
5 in the amount of \$122,866.92.

6 10. The \$14,102.04 remainder of the \$136,968.96 previously reserved for claims
7 administration costs may be approved and paid by the Co-Lead Counsel for Direct Purchaser
8 Plaintiffs upon presentation of an invoice from the Settlement Administrator.

9 **IT IS SO ORDERED.**

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11 Dated: _____

HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

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Attachment 1



**In re Lithium Ion Batteries Antitrust Litigation – Direct Purchaser
Recommended Supplemental Payment Amounts**

Tracking Number	Payment Amount
1066	\$233.02
1999	\$398.70
2060	\$156.94
96155	\$145.75
97683	\$12,424.50
97868	\$20.64
98527	\$9,822.73
602568	\$2,211.34
634450	\$1,684.14
690852	\$668.78
709521	\$5,323.26
744469	\$55.67
922048	\$6,584.13
922068	\$23,578.99
922070	\$2,639.47
922076	\$11,607.51
922082	\$6,506.55
922087	\$1,915.99
922147	\$2,509.20
922150	\$115.31
922167	\$1,594.80
922210	\$1,585.04
922225	\$15,769.52
949763	\$1,938.94
971849	\$10.54
1174932	\$105.80
1175277	\$40.73
1176306	\$18.34
1176440	\$149,072.55
1176466	\$900.36
1176488	\$113.99
1176493	\$17.30
1176515	\$2,371.64
1176531	\$621.34
1180558	\$14.49
1180600	\$867.12
1183887	\$47.64
1183958	\$16.87
1184254	\$15.24
1184715	\$33.62

Tracking Number	Payment Amount
1185464	\$19.15
1185471	\$47.26
1185476	\$92.85
1185478	\$28,748.36
1185529	\$28,167.59
1185534	\$16.97
1185568	\$498.91
1185570	\$14.02
1185577	\$116.98
1188837	\$27.15
1188907	\$22.29
1188914	\$442.41
1188931	\$13.78
1188966	\$1,109.87
1188985	\$144.81
1188997	\$16.30
1189000	\$22.30
1189026	\$515.78
1189133	\$3,699.91
1189149	\$17,923.87
1189151	\$2,552.42
1189157	\$2,285.44
1189158	\$17,481.63
1189161	\$272.39
1189162	\$105.23
1189164	\$6,050.38
1189167	\$198.93
1189169	\$578.46
1189175	\$20,807.12
1189176	\$110.87
1189178	\$4,163.16
1189181	\$2,356.94
1189182	\$11.07
1189202	\$11.97
1189211	\$14.15
1189214	\$603.52
1189223	\$5,722.64
1189224	\$40,152.19
1189247	\$10,531.85
1189255	\$402.43
1189256	\$36.28
1189258	\$7,725.93
1189263	\$17.89
1189265	\$1,065.61
1189298	\$9,583.32
1189304	\$1,624.29

Tracking Number	Payment Amount
1189308	\$405.93
1189312	\$54.49
1189313	\$4,125.86
1189314	\$217.15
1189355	\$71.34
1189411	\$69.61
1189413	\$16.16
1189416	\$217.15
1189418	\$164.56
1189424	\$11.75
1189427	\$20,631.89
1189443	\$42,988.78
1189468	\$10.06
1189478	\$276.88
1189479	\$37.30
1189487	\$13,086.33
1189497	\$3,354.12
1189498	\$59.06
1189503	\$288.43
1189504	\$82.05
1189505	\$67.41
1189515	\$11.01
1189518	\$80.01
1189529	\$82,101.62
1189531	\$71.52
1189533	\$98.96
1189536	\$2,994.03
1189553	\$69.05
Total:	\$651,547.67