

1 Steve W. Berman (*pro hac vice*)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
2 1301 Second Avenue, Suite 2000  
Seattle, WA 98101  
3 Telephone: (206) 623-7292  
Facsimile: (206) 623-0594  
4 steve@hbsslaw.com

5 Shana E. Scarlett (217895)  
HAGENS BERMAN SOBOL SHAPIRO LLP  
6 715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
7 Telephone: (510) 725-3000  
Facsimile: (510) 725-3001  
8 shanas@hbsslaw.com

9 *Lead Counsel for Indirect*  
*Purchaser Class*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 IN RE OPTICAL DISK DRIVE PRODUCTS  
15 ANTITRUST LITIGATION

No. 3:10-md-2143 RS (JCS)  
MDL No. 2143

17 *This Document Relates to:*

STATUS UPDATE REGARDING CLAIMS  
DISTRIBUTION

18 ALL INDIRECT PURCHASER ACTIONS  
19

DATE ACTION FILED: Oct. 27, 2009

1 Indirect Purchaser Plaintiffs (IPPs) submit this status update regarding claims distribution  
 2 pursuant to this Court’s Order Granting Motion for Attorney Fees and Motion for Distribution (ECF  
 3 No. 3062). One appeal remains pending in this action by Objector Conner Erwin, of the award of  
 4 attorneys’ fees to class counsel, Hagens Berman Sobol Shapiro LLP. Plaintiffs’ responding brief is  
 5 due on February 14, 2022, and Objector Erwin’s answering brief (if any) is due on March 7, 2022.

6 Over the past few months, the claims administrator (Epiq) has conducted an audit of a  
 7 number of claims. The claims administrator conducted an audit on the following categories of  
 8 claims:

- 9 • 563 higher value claims for a total of 138,082,745,497 units;
- 10 • all claims for 100,000 or more claimed units;
- 11 • claims that appeared to be potentially from non-Settlement States of 10,000 or more units;
- 12 • 1,979 claims with no claimed purchase values;
- 13 • 32,345 claims that did not have proper third-party authorization to file for a total of  
 14 43,505,159 units; and
- 15 • 64,699 duplicate claim filings for a total of 158,030,791,710 units.<sup>1</sup>

16 The outcome of the auditing process is reflected in the following summary of valid versus  
 17 rejected claims:

Count Type	Total Claims	Computer Drive Count	Standalone Drive Count	Total Drive Count
All Claims	561,254	74,770,425,224	83,260,366,486	158,030,791,710
Valid Claims	461,846	34,444,797	3,498,337	37,943,134
Rejected Claims	99,408	74,735,980,427	83,256,868,149	157,992,848,576

22 Based on the updated number of valid claims and device count, this means that the estimated award  
 23 to class members will be \$3.92 per device. Some further details for the Court regarding the  
 24 distribution are:

- 25 • 69,215 claims were for a single unit and would have an award of approximately \$3.92;

27 <sup>1</sup> These categories include some overlap. For example, some larger claims were also missing  
 28 third-party authorizations. Alternatively, some larger claims filers submitted multiple large claims,  
 which would be both high value claims and duplicate claims.

- 1 • 390,999 claims are for 10 or fewer total units (awards range from \$3.92 to \$39.20);
- 2 • 69,750 claims are for greater than 10 units but less than 5,000 units (values range from
- 3 \$43.12 to \$19,552.96);
- 4 • 1,096 claims are for 5,000 or more units (award values range from \$19,600 to
- 5 \$3,611,821.36);
- 6 • The highest claim is for 921,383 units (estimated award value \$3,611,821.36, claimant is
- 7 General Electric);
- 8 • The median claim is for 4 units (estimated award of \$15.68);
- 9 • The average claim is for 81.31 units; and
- 10 • The average estimated award is approximately \$318.74.

11 In this case, plaintiffs have retained a vendor specializing in distribution of digital payments,  
12 DigitalPay. Given Epiq's recent completion of the audit, indirect purchasers propose filing a  
13 proposed order within 30 days regarding the method and schedule for the distribution of the monies  
14 by DigitalPay. As an example of the type of distribution contemplated, DigitalPay recently  
15 undertook the distribution of the settlement funds to 3.8 million claimants in the indirect purchaser  
16 class in the *Edward v. National Milk Producers Federation*, Case No. 11-cv-04766-JSW.<sup>2</sup> Indirect  
17 purchasers contemplate filing a proposed similar method of digital distribution and proposed timeline  
18 here.

19 DATED: January 18, 2022

HAGENS BERMAN SOBOL SHAPIRO LLP

20 By /s/ Shana E. Scarlett  
21 SHANA E. SCARLETT

22 Shana E. Scarlett (217895)  
23 715 Hearst Avenue, Suite 202  
24 Berkeley, CA 94710  
25 Telephone: (510) 725-3000  
26 Facsimile: (510) 725-3001  
shanas@hbsslaw.com

27 <sup>2</sup> See, e.g., Declaration of Jonathan Mendelson re Report of Number of Claimants and Amount to  
28 be Distributed to Each Level of Claimant, Case No. 11-cv-04766-JSW, ECF No. 491 (filed July 10,  
2017).

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*Lead Counsel for Indirect Purchaser Class*