

1 through to class members. In other words, class members were
2 harmed by the cartel.

3 *Id.*, p.72. Dr. Netz concluded from established economic theory that pass-through rates could be
4 calculated when there are multiple levels of distribution. *Id.*, pp.76-77. Specifically, she
5 explained, “[a]s each [level in the CRT distribution chain] becomes more competitive, the pass-
6 through rate at each level approaches 100% and, therefore, the channel-length pass-through rate
7 also approaches 100%. The documentary evidence, from a variety of sources, indicates that each
8 of the distribution levels for monitors and TVs is highly competitive.” *Id.*, p.78. Dr. Netz
9 reached the same conclusion applying “cost-plus” pricing rules.¹⁶ *Id.*, p.79. She also reached the
10 same conclusion, “[r]egardless of the fact that [certain] products are differentiated across some
11 specifications and sold at differing prices.” *Id.*, pp.81-82. In addition, Dr. Netz concluded that
12 “100% pass-through of the (savings from the) eliminated overcharge is completely feasible even
13 if the firm is selling at a loss,” that is, “incurring marketing costs in the form of discounts or sale
14 prices is unrelated to whether input costs are being passed through.” *Id.*, p.83 (internal quotations
15 omitted).

16 Dr. Netz then explained how measurement of the pass-through rate of the antitrust
17 overcharge to indirect purchasers was also susceptible to common proof, and she noted that the
18 data that she employed for her studies provided a “conservative estimate of the pass-through
19 rate.” *Id.*, pp. 97-98. Dr. Netz again used a regression analysis to “regress the price at the lowest
20 point in the channel on the cost at the highest point in the channel,” with the “coefficient on the
21 upstream cost variable” proving the pass-through rate. *Id.*, pp.98-99. Dr. Netz acknowledged
22 that some differences may exist across some of the products (*i.e.*, screen size) that also impact
23 the price level. She therefore included variables to control for these different product
24 characteristics whenever the data permitted. *Id.*, p.99.

25 Dr. Netz then conducted 40 empirical pass-through studies¹⁷ using third-party data
26 produced in response to plaintiffs’ subpoenas as well as other data produced by defendants. Her

27 ¹⁶ “Cost-plus” pricing is the practice of applying a certain markup above cost to set price. *Id.*, p.79, n.255.

28 ¹⁷ In her Rebuttal, Dr. Netz notes that she conducted an additional seven pass-through studies, using data from K-
Mart, RadioShack, bestbuy.com and Sears. According to Dr. Netz, these studies yielded the same results, discussed,
infra.

1 studies were not based on data from each individual firm in the distribution channel, however,
2 because, according to Dr. Netz, pass-through could accurately be measured by obtaining a
3 representative sample of all the firms. *Id.*, p.99.

4 Three of Dr. Netz's pass-through studies were for sales of CRT products at Wal-Mart
5 stores, and 37 of her pass-through studies either involved data provided by CRT distributors (2),
6 used data provided by CRT product makers (5), used data provided by CRT product distributors
7 (4), or used data provided by CRT product resellers (27), including 12 brick and mortar retailers
8 such as Best Buy, Costco, Fry's, Office Max, Sam's Club and Wal-Mart, and 15 online retailers,
9 such as Amazon, Buy.com, CDW, Dell Gateway, PC Connection, PC Mall and Zones.¹⁸ Dr.
10 Netz's studies applied both a top-to-bottom approach and a top-and-bottom approach. The top-
11 to-bottom approach incorporated data from multiple levels of the channel including as many
12 intermediate resellers as necessary to trace specific products through the entire distribution chain
13 from the CRT manufacturer to the end customer. The top-and-bottom approach used retail or
14 street prices for products being sold to end-users as the downstream price. Dr. Netz also used an
15 approach that calculated pass-through for a single level in the distribution channel. *Id.*, pp.100-
16 Dr. Netz's top-and-bottom approach calculated a pass-through rate of 127%, and her top-to-
17 bottom approach calculated a pass-through rate of 102%. *Id.*, p.103. In total, for 30 of 40 of Dr.
18 Netz's studies in which she tested all levels of the distribution channel, Dr. Netz found a pass-
19 through rate statistically greater than 100%. For 10 of 40 of the studies, the pass-through rate
20 was not statistically significantly different from 100%. *Id.*, p.104. Dr. Netz concluded that class-
21 wide damages can be calculated using a common formulaic method. *Id.*, p.105.

22 Damages: With regard to damages, Dr. Netz explained, "[o]ne method for measuring the
23 antitrust damages to indirect purchasers is to first measure the antitrust overcharge imposed by
24

25 ¹⁸ Data from these retailers, Dr. Netz explained, represented over 74 million CRT products sold to end users between
26 1994 and 2011. Netz Rebuttal, p.74. The pass-through studies also contained large product distributors, she
27 explained, including Ingram Micro and Tech Data, representing almost 4 million CRT products sold beginning in
28 1997 and ending in 2010. *Id.* In addition, "[s]tudies for CRT monitor and television product manufacturers contain
sales of over 37 million CRT products, beginning in 1995 and ending in 2009." And Dr. Netz "conducted two
studies for tube distributors, containing sales of 15 million tubes beginning in 1994 and ending in 2002." Combined,
therefore, Dr. Netz's pass through studies "encompass over 131 million tubes and CRT products sold across all
levels of the distribution chain." *Id.*

1 Defendants on direct purchasers and to then measure the portion of that direct overcharge that
2 was passed down the distribution chain to members of the class.” *Id.*, p.83. To do this, Dr. Netz
3 discussed “several formulaic methods” for measuring the overcharge on direct purchasers based
4 on the “but-for price.” Because the “but-for world in which [defendants] set prices independently
5 did not exist . . . measuring the overcharge to direct purchasers necessarily involve[ed] making
6 predictions regarding outcomes that would have occurred had Defendants not engaged in
7 collusive conduct.” *Id.*, pp.83-84. Dr. Netz made these predictions based on (1) the economic
8 determinants method; (2) the benchmark comparisons method; (3) the simulation method; and
9 (4) the market power method. *Id.*, pp.83-97. Dr. Netz explained that she did not, at this stage of
10 the proceedings, conduct a full and complete review of all data produced or expected to be
11 produced, but she did describe these four “formulaic approaches” using evidence common across
12 the class and “for which [she had] engaged in sufficient investigation to assure [herself] that
13 such data [was] likely to be available to allow the method to be implemented.” *Id.*, p.84.

14 In summary, Dr. Netz found:

15
16 Defendants engaged in the alleged price fixing conduct, the CRT
17 cartel was effective at increasing prices in a common manner to
18 direct purchasers. Pass-through of the overcharges to direct
19 purchasers occurred on a common basis, leading to a common
20 impact on class members. That is, class members paid a higher
21 price for CRT monitors and TVs as a result of the cartel’s conduct.

22 *Id.*, p.1

23 Defendants’ Challenges to Dr. Netz: In challenging Dr. Netz’s report, Defendants
24 submitted a report of their own expert, Robert D. Willig, Ph.D. Dr. Willig is a professor of
25 economics at Princeton University.

26 Dr. Willig concluded that:

27 The fact of impact on all (or almost all) of the members of the
28 proposed IPP class from the alleged collusion among the defendant
CRT producers cannot be established by means of common
evidence. Prices of the different CRT finished products and

1 CRTs¹⁹ changed very differently from each other from month to
2 month, quarter to quarter and over the span of the class period, and
3 this heterogeneity was due to substantially different market forces
4 that applied to various CRT product segments at various points
5 during the class period.²⁰ Moreover, pass-through rates were not
6 uniform across various stages of the long and complex distribution
7 channels²¹ and a significant fraction of cost changes may not have
8 been passed on to end-users at all by some manufacturers and re-
9 sellers. The substantial variation in the rate at which costs were
10 passed through (if at all) is another reason why the substantial
11 diversity of pricing levels and movements that is apparent from the
12 pricing data shows that individualized inquiries would be
13 necessary to assess whether most of the members of the proposed
14 class were impacted by the alleged collusion.

15 Dr. Willig critiqued Dr. Netz's economic analyses and performed his own regression
16 analyses, reaching conclusions diametrically opposed to those of Dr. Netz. Based on this
17 analysis, defendants maintain, it is clear that Dr. Netz offered no common method of establishing
18 classwide impact or injury. Defendants contend that, "Dr. Netz has failed to acknowledge real
19 world differences among the prices paid by direct and indirect purchasers and makes no attempt
20 to assess whether pass-through rates vary by product or by consumers; instead she simply
21 assumes that all CRTs (including CPTs and CDTs) are in the same market and subject to the
22 same pass-through rates." Opp., p.21 (quotations omitted). Basically, defendants contend, Dr.
23 Netz's made the unwarranted assumption that all manufacturers, retailers, and distributors of
24 CRT finished products passed on 100% or more of any CRT price increase to each and every
25 customer without considering contrary record evidence of disparate price levels. The Report
26 now examines each of defendants' principal critiques.

27 Attack on Dr. Netz's Pass-Through Analysis: Defendants (and Dr. Willig) maintain that
28 Dr. Netz's impact/injury analysis is flawed in three respects: (1) Dr. Netz improperly used

25 ¹⁹ Differences between the CRT finished products and between CRTs themselves are partly responsible for the
26 disparity in pricing, Dr. Willig explained. Such differences included "features such as application (TVs or computer
27 monitors), brand, size, shape, resolution, the inclusion or exclusion of deflection yokes, type of mask, electrical
28 properties, and the extent and type of customization." Willig Decl., ¶15.

²⁰ One such market force that Dr. Willig noted was the "fierce competition from LCD and plasma display
technologies that rapidly shrunk the CRT share of the display marketplace." *Id.*, ¶16.

²¹ *See id.*, ¶¶ 120, 121; *see also id.*, ¶135 (attributing differences in pass-through rates to differences in direct
purchasers business models and strategies).

1 averages or aggregated data; (2) Dr. Netz used data samples that are too small and
2 unrepresentative; and (3) Dr. Netz did not consider anecdotal evidence purportedly showing that
3 pass-through was not uniform. None of these arguments have merit.

4 Use of Averages: Defendants maintain that Dr. Netz's purported pass-on analyses are
5 inherently unreliable because they calculate "average" as opposed to actual pricing data. Opp.,
6 p.22 (citing Netz Decl., pp. 103-04, Exhs. 34-39). As defendants explain, it is undisputed that
7 different customers could pay different prices for the same CRT product depending on the time
8 of purchase, individualized discounts, product bundling, and a wide variety of other reasons;
9 thus, Dr. Netz should have calculated the actual pass-on rate charged to class members for
10 finished CRT products on a transaction-by-transaction basis rather than examining average
11 prices.

12 Dr. Netz's analysis accounted for these variations by explaining that both prices with
13 reference to common target prices, and those that were impacted by some individual variance
14 such as a special discount or clearance sale, all embodied a basic overcharge caused by cartel
15 pricing. Therefore, despite the presence anecdotally of special customer deals, her analysis of
16 common impact does not require individualized inquiries. *See, e.g.*, Netz Decl., pp. 81-83.
17 Moreover, defendants' arguments against averaging are undercut by the fact that Dr. Willig also
18 used average data in his own analyses. *See* Willig Decl. ¶124 ("Yet in 43% of the instances in
19 which Zone's average cost of procuring a CRT monitor model changed by at least 5% from one
20 month to the next"; *id.* at 56 ("I consider only instances in which Zones' (weighted average)
21 procurement cost for a model changed by at least 5%") Further, in *LCDs* and other cases,
22 courts have held that averaged and aggregated data may be used to demonstrate pass-through.
23 *LCDs*, 267 F.R.D. at 605. For example, in *LCDs*, the court found persuasive the following
24 language from the *Gordon v. Microsoft* opinion, where the court rejected similar arguments
25 pertaining to averages as those put forth by defendants here:

26
27 The damages question for trial is presumably not about whether a
28 specific Microsoft price increase found its way through the

1 distribution chain and resulted in an increase in the price paid by a
2 specific class member. Rather, the question is how a series of
3 Microsoft price increases, and/or a series of Microsoft failures to
4 reduce prices, impacted the price each consumer paid. The
5 question of what would have happened but for Microsoft's
6 monopoly overcharge is a hypothetical, and a hypothetical
7 question generally cannot be answered by historical data about
8 what actually happened, but must often be answered by general
9 principles about what generally tends to happen. Thus, average
10 pass through rates appear reasonable and even necessary to prove
11 damages here.

12 *LCDs*, 267 F.R.D. at 605 (quoting *Gordon v. Microsoft Corp.*, 2003 WL 23105550, at *3 and
13 citing with approval *SRAM*, 264 F.R.D. at 614 (rejecting defendants' criticism that indirect
14 purchaser plaintiffs' use of average and aggregated data in their structural model could yield
15 "false-positive pass-through").

16 Finally, while Dr. Netz did use averages or aggregate data, she did not "disregard actual
17 prices," as defendants maintain. Where transaction-level data was available in usable form, a
18 review of the record indicates that Dr. Netz used actual, transactional cost and pricing data for
19 nearly all of the third parties she analyzed. *See* Netz Decl., p.99 (describing use of "transaction-
20 level data" from third parties); p.100 (describing use of "actual transaction-level cost and prices"
21 produced by Wal-Mart); p.102 (noting that the "top-and-bottom approach uses retail or 'street'
22 prices for products being sold to end-users"); Exh. 34 (noting that "Transaction Price" was used
23 for pass-through studies of CRT products purchased and sold by a variety of retailers)

24 Whether Data Samples are Representative: Defendants also claim that Dr. Netz's
25 methodology is flawed because her data samples are too small and unrepresentative. Defendants
26 attack Dr. Netz for not reviewing the data of eight major retailer-plaintiff groups who have
27 asserted that they did not pass on any increases in CRT costs to their customers. *See* Opp., p.25
28 & n.50 (citing pleadings of Direct Action Plaintiffs ("DAPs")).

29 The Interim Special Master finds this criticism unpersuasive. First, allegations in
30 pleadings are an unreliable source of facts on which to base expert conclusions compared to
31 market data, economic theory and mathematical analysis. Second, a review of the record shows
32 that Dr. Netz performed studies covering the full-length of the CRT distribution channel, studies

1 that calculated pass-through for each level in the distribution channel, and studies for all firms in
2 the distribution channel that produced usable data. Netz Decl., pp.97-98. Dr. Netz utilized data
3 from multiple entities at each level of the CRT distribution channel, including tube distributors,
4 CRT product makers, CRT product distributors and CRT product resellers. Dr. Netz's pass-
5 through studies include over 40 data sets from 29 different entities representing over 131 million
6 CRTs; they cover transactions beginning as early as February 1994 and continuing to November
7 2011; and they incorporate over 100 million price and cost observations. See Netz Decl., p.104,
8 Exhs. 34, 36, 40-43; Netz Rebuttal Decl., §X.A.2, Ex. RR-34. This data certainly is not "tiny" or
9 "unrepresentative."

10 Moreover, Dr. Netz examined data from numerous brick-and-mortar retailers, including
11 Costco, Best Buy, Fry's, Office Max, Sam's Club, and Wal-Mart. She also examined data from
12 numerous online retailers, including Amazon, Buy.com, CDW, Dell, Gateway, PC Connection,
13 PC Mall, and Zones. Dr. Netz's retailer data alone included over 45 million price or cost
14 observations. See Netz Decl., Ex. 34. As such, defendants' claim that Dr. Netz's "study at the
15 retail level . . . analyzed the pricing data of only two retailer-plaintiffs (Costco and Best Buy), is
16 specious.

17 Also, in response to these criticisms, Dr. Netz performed seven additional pass-through
18 studies using data from other direct action plaintiffs.²² See Netz Rebuttal Decl. §X.A.2.
19 Tellingly, these studies resulted in pass-through rates greater than or equal to 100%. *Id.*

20 Contrary Evidence of Disparate Pricing: Defendants also challenge Dr. Netz's
21 impact/injury analyses based on the fact that Dr. Netz "ignore[d] the unrebutted record evidence
22 [from Costco and Best Buy] that not all manufacturers, wholesalers, and retailers of finished
23 CRT products could pass on any alleged increases in the price of CRTs." Having reviewed the
24 totality of the evidence, the Interim Special Master finds that defendants' anecdotal testimony
25 which consists mostly of deposition excerpts regarding two companies' practices do not
26

27 _____
28 ²² These DAPs included K-Mart, Radio Shack, bestbuy.com and Sears. *Id.*

1 overcome Dr. Netz's empirical analysis of 27 million price and cost observations in the Best Buy
2 data, 8 million price and cost observations in the Costco data, and 55 million total price and cost
3 observations of multiple retailers of CRT products. Moreover, in *LCDs* the same argument was
4 raised and rejected. *LCDs III*, 2012 WL 555090, at *8 (N.D. Cal. Feb.21, 2012.)

5 Attack on Dr. Netz's Findings of Common Impact on Direct Purchasers: Defendants
6 challenge Dr. Netz's methodology for proving that all direct purchasers paid supra-competitive
7 prices for every CRT on many of the same grounds they employed to attack her pass-through
8 analysis. Specifically, defendants maintain, (1) Dr. Netz's "target price" analysis suffers several
9 fatal deficiencies that render it incapable of demonstrating classwide impact to direct purchasers:
10 (2) Dr. Netz's "target price" analysis falsely assumes that "target" prices set as to sales within
11 Asia applied to CRTs sold in the United States and covered the entire alleged class period; (3)
12 Dr. Netz's did not calculate any "but-for" price; and (4) there is no reliable evidence of a
13 common CRT "price structure."

14 Purported Methodological Flaws: Again, defendants attack Dr. Netz for employing
15 averaging in her analysis. They complain that she did not compare target prices for specific
16 tubes to actual prices for those same tubes. The Interim Special Master does not agree that this is
17 a meaningful criticism. Dr. Netz empirically compared the cartel target prices defendants listed
18 in their Glass Meeting conspiracy notes to the actual sales prices charged by defendants for the
19 CRT product types listed in those meeting notes. Netz Decl., pp.61-64; Netz Rebuttal Decl.,
20 p.33. For example, Dr. Netz explained, "[n]early all [of the meeting notes] indicated the size
21 and application of the CRT to which they applied and the period for which they were effective;"
22 thus, she chose to use these characteristics to "make a comparison between target and actual
23 prices for a large portion of the transaction data while remaining confident that target and actual
24 prices had been matched with relative accuracy." Netz Rebuttal Decl., p.33. Based on that
25 comparison, Dr. Netz found that target prices and actual prices matched well, and concluded that
26 "the cartel was generally successful in raising prices towards its target prices." *Id.*, p.64. Dr.
27 Netz's approach does not ignore meaningful individual price variations.

1 Defendants also challenge Dr. Netz's use of average sales prices, arguing that because
2 Dr. Netz used average instead of transaction-level prices, she never examined the actual prices
3 for CRTs that were charged by defendants in the market, nor did she examine the numerous price
4 differences that existed for such sales. The Interim Special Master rejected defendants' argument
5 that Dr. Netz's use of averaging was impermissible, *supra*. The same analysis applies here.

6 Defendants also contend that Dr. Netz ignored the testimony of SDI, which claimed that
7 its CRT prices differed based on customer, type of product, region, size, and specifications,
8 resulting in "thousands of prices" for CRTs. As stated above, the Interim Special Master rejects
9 defendants' reliance on anecdotal testimony of outlier circumstances as a substitute for Dr.
10 Netz's detailed, record-based analysis. Dr. Netz explained why price differentials of the sort SDI
11 asserted do not detract from her conclusion that a price structure existed:

12
13 The but-for world differs from the actual world only with respect
14 to the challenged conduct. Therefore, . . . in the but-for world CRT
15 manufacturers would have had relationships with certain buyers,
16 just as they did in the actual world; CRT manufacturers would
17 have offered special price concessions to those buyers in the but-
18 for as well as the actual world. I use the term price structure as a
19 shorthand to refer to all of these qualitative and categorical
20 characteristics of CRT prices that are the same in the actual and
21 but-for worlds. The price structure therefore includes price
22 differentials at a point in time associated with product
23 differentiation and price differentials at a point in time due to
24 buyer-seller relationships.

25 Netz Rebuttal Decl., p.39.

26 Assumption that Asia-based Target Prices Impacted the U.S. Market: Many of the Glass
27 Meeting target prices applied to CRTs referenced sales to Asian product manufacturers or
28 distributors. Yet Dr. Netz employed those target prices to analyze price overcharges for products
29 sold in the United States. She also assumed that the target prices reviewed were sufficient in
30 quantity to cover a representative portion of the class period.

31 With regard to coverage of the class period, the target prices that Dr. Netz used in her
32 analysis covered points in time spanning the entire class period. *See* Pl. Exhs. RR-41, RR-42.
33 Moreover, in response to defendants' criticism, Dr. Netz "identified and reviewed additional

1 cartel meeting notes which contained target prices and added these new data to the pool of target
2 prices [she] used in [her] original analysis. The search for new target prices was in response to
3 criticism that the target prices did not cover enough of the class period to be meaningful.” Netz
4 Rebuttal, p.32.

5 With regard to U.S. sales, there is no dispute that most of the CRTs sold to class members
6 were manufactured in Asia and then sold into the United States in finished televisions and
7 monitors. The CRT cartel target pricing for sales of tubes to Asian manufacturers, therefore, is
8 relevant — indeed critically important — to the analysis. Netz Rebuttal Decl. §VII.D.3.
9 Moreover, in her Rebuttal report, Dr. Netz empirically compared global cartel target prices to the
10 actual transaction prices of CPTs manufactured in North America, and she found that the North
11 American CPT prices more closely matched target prices than she found for CPTs generally. *See*
12 *id.* Exh. 27.

13 Failure to Calculate But-For Prices: Defendants also challenge Dr. Netz’s failure to
14 calculate any “but-for” prices. However, because plaintiffs need not prove the merits of their
15 entire case in chief at the class certification stage, defendants’ argument is of no avail. *See In re*
16 *Ethylene Propylene Diene Monomer (“EPDM”) Antitrust Litig.*, 256 F.R.D. 82, 101 (D.Conn.
17 2009).

18 Unwarranted Price Structure Conclusion: Defendants’ criticism of Dr. Netz’s conclusion
19 that a price structure existed for CRT tubes is discussed repeatedly above. Dr. Netz provided a
20 reasonable basis for her use of a hedonic regression analysis to support her conclusion that there
21 is a price structure among all CRTs, so that if a price of one particular CRT model was raised, all
22 prices of neighboring tubes would increase by a similar amount. Dr. Netz’s hedonic regressions
23 do not improperly rely upon average prices, as defendants maintain, and their failure to control
24 for resolution, masks, dot pitch, MPRII/TCO and frequency is not fatal to plaintiffs’ claim. As
25 discussed above, Dr. Netz quite intentionally and with legitimate empirical reasons controlled
26 only for the major variables of date, application, size and finish. Defendants, therefore, have
27 failed to show how Dr. Netz’s price structure analysis would render plaintiffs claims susceptible
28 to individualized inquiries.

1 Attack on Dr. Netz’s Methodology to Calculate Classwide Damages: With regard to
2 damages, the Interim Special Master concludes that Dr. Netz has offered a reliable methodology
3 to assess classwide damages using common proof. Indeed, as discussed above, Dr. Netz has
4 substantively described four detailed and widely-accepted methodologies to calculate the “but
5 for price” that consumers would have paid absent the conspiracy. Netz Decl., pp.83-97
6 (describing before and after method, benchmark comparisons method, merger simulation model
7 and market power method). Dr. Netz’s judgments regarding the likely availability of data are
8 based on her review of the types of evidence defendants and other firms in the CRT industry
9 regularly collected, as well as her experience in conducting related empirical research in the
10 academic field and the antitrust litigation context. See Netz Rebuttal Decl. §IX.A. Based upon
11 these analyses, Dr. Netz stated that the direct overcharge and the pass-through rate can be
12 calculated using a common method based on common evidence. See Netz Rebuttal Decl. at 5-6.

13 The “validity of [Dr. Netz’s] methods will be adjudicated at trial based upon economic
14 theory, data sources, and statistical techniques that are common to the class,” not at the class
15 certification stage. *LCDs*, 267 F.R.D. at 606 (quoting *In re NASDAQ Market –Makers Antitrust*
16 *Litig.*, 169 F.R.D. 493, 521 (S.D.N.Y. 1996). Unlike the situation in *Allied Orthopedic*
17 *Appliances, Inc. v. Tyco Healthcare Group L.P.*, 247 F.R.D. 156, 175 (C.D. Cal. 2007), a case
18 relied upon by defendants in their Opposition brief, none of these four methods lacks a
19 benchmark to serve as a basis for a workable damage formula.²³ Rather, Dr. Netz identified the
20 types of data required for each method, she explained how the required data for implementing
21 the method was common to all class members, and she demonstrated that each model has been
22 estimated using real-world data similar to the data available or likely to become available here.

23 Further, courts “have never required a precise mathematical calculation of damages
24 before deeming a class worthy of certification.” *In re Scrap Metal Antitrust Litig.*, 527 F.3d 517,
25 535 (6th Cir.2008); see also *LCDs*, 267 F.R.D. at 606 (quoting SRAM, 2008 WL 4447592, at *6

26
27 ²³ Defendants’ reliance on *Piggly Wiggly Clarksville, Inc. v. Interstate Brands Corp.*, 100 Fed. App’x 296, 300 (5th
28 Cir. 2004) is equally unpersuasive because unlike in *Piggly Wiggly*, Dr. Netz has successfully explained how to
assign numerical values to all factors relevant to her regression analysis and has identified obtainable data to be used
with her four approaches later.

1 (“In price-fixing cases, ‘[p]laintiffs are not required to supply a precise damage formula at the
2 certification stage.”)). Thus, the fact that Dr. Netz did not actually calculate the “but-for” prices
3 paid by consumers using any one of her methodologies is not dispositive of plaintiffs’ motion for
4 certification. This conclusion is not precluded by the Supreme Court’s recent *Comcast* decision.
5 Indeed, *Comcast* did not articulate any requirement that a damage calculation be performed at
6 the class certification stage.²⁴ Instead, it merely rejected plaintiffs’ expert’s damage model,
7 which addressed impact based on four impact theories, because the expert had not isolated
8 damages resulting from the single theory of antitrust impact that the district court had accepted.
9 *Comcast*, 133 S.Ct. at 1431. The Supreme Court held that “a model purporting to serve as
10 evidence of damages in this class action must measure only those damages attributable to that
11 theory.” *Id.* at 1433. Here, it is undisputed that plaintiffs assert, and Dr. Netz analyzes, only one
12 theory of antitrust liability and impact. As a result, *Comcast* has no application as to the damage
13 analysis here.²⁵

14 Defendants raise multiple other objections to Dr. Netz’s damages methodologies. These
15 objections, however, are mere quibbles with Dr. Netz’s approach.²⁶ As other courts have

17 ²⁴ This conclusion is supported by the court’s decision in *In re High-Tech Employee Antitrust Litig.*, No. 11-CV-
18 02509-LHK, 2013 WL 1352016, *28-29 (N.D. Cal April 5, 2 or 3), where, after discussing the *Comcast* decision,
19 the court still did not require plaintiffs’ expert to have performed a damage calculation at the class certification
20 stage. In fact, the court granted class certification despite the fact that plaintiffs’ expert only proposed a “plausible”
21 model for calculating damages. *Id.* (quoting *Comcast*, 133 S.Ct. at 1426 for proposition that damages “[c]alculations
22 need not be exact, but at the class-certification stage (as at trial) any model supporting a plaintiff’s damages case
23 must be consistent with its liability case, particularly with respect to the alleged anticompetitive effect of the
24 violation”) (emphasis added). *High-Tech*, therefore, undermines Defendants’ position.

25 ²⁵ Defendants also contend that *Comcast* rejected the approach taken by the court in *LCDs* because *Comcast* requires
26 a more rigorous approach. The *LCDs* court engaged in a rigorous approach, however. See *LCDs*, 267 F.R.D. at 600-
27 606. Indeed, the court acknowledged the need for a rigorous analysis, stating that its analysis should be “as rigorous
28 as necessary to determine whether class certification is appropriate.” *Id.* at 591.

29 ²⁶ In their Opposition brief, defendants argue that, “Plaintiffs bear the burden of showing, through common proof,
30 that every class member paid a higher price than he would have absent the alleged conspiracy.” See Defendants’
31 Opp. at pp. 19-20 (emphasis added) (citing *In re New Motor Vehicles Canadian Export Antitrust Litig.*, 522 F.3d 6,
32 19 n.18 (1st Cir. 2008); *Blades*, 400 F.3d at 570, 573-74). However, “it is not necessary for Plaintiffs to show that
33 every single class member was injured. . . .” *Rubber Chemicals*, 232 F.R.D. at 353. It is well-settled that “[c]lass
34 certification is not precluded simply because a class may include persons who have not been injured by the
35 defendants’ conduct.” *In re Rail Freight Fuel Surcharge Antitrust Litig.*, 2012 WL 2870207, at *36 (quoting *Mims*
36 *v. Stewart Title Guar. Co.*, 590 F.3d 298, 308 (5th Cir. 2009)); see also *Kohen.*, 571 F.3d at 677 (“What is true is
37 that a class will often include persons who have not been injured by the defendant’s conduct Such a possibility
38 or indeed inevitability does not preclude class certification”) (citations omitted), cert. denied sub nom; *DG v.*
Devaughn, 594 F.3d 1188, 1201 (10th Cir. 2010) (“That a class possibly or even likely includes persons unharmed
by a defendant’s conduct should not preclude certification.”) (citation omitted).

1 recognized, “the issue at class certification is not which expert is the most credible, or the most
2 accurate modeler, but rather have the plaintiffs demonstrated that there is a way to prove a class-
3 wide measure of damages through generalized proof.” *EPDM*, 256 F.R.D. at 100. Plaintiffs are
4 not required to “prove the merits of their case-in-chief at the class certification stage. They need
5 not demonstrate that their multiple regression analysis captures all the proper variables and thus
6 reaches the ‘right’ answer, as the defendants would require them to.... It is unnecessary to delve
7 further into the merits by going point-by-point through each expert’s theory to decide who has
8 designed the ‘better’ multiple regression equation.” *Id.* at 101. Accordingly, the Interim Special
9 Master concludes that defendants’ additional objections are not a basis on which to deny
10 certification.

11 Having undertaken a rigorous analysis of plaintiffs’ evidence (particularly, the reports of
12 Dr. Netz), the Interim Special Master finds that Plaintiffs have satisfied their burden of showing
13 that common questions predominate on proof of the cartel’s price-fixing activities, the direct
14 purchasers’ payment of supra-competitive pricing as a result of the alleged cartel, on proof of
15 common impact on class members, and on proof of damages. Defendants’ numerous challenges
16 to Dr. Netz’s methodology are insufficient to render plaintiffs’ proof susceptible to
17 individualized inquiries. Plaintiffs, therefore, have met their burden of demonstrating
18 predominance pursuant to Rule 23(b)(3) at the class certification stage.

19 2. Superiority

20 Plaintiffs must also demonstrate that a class action is “superior to other available methods
21 for fairly and efficiently adjudicating the controversy.” Fed.R.Civ.P. 23(b)(3). To satisfy this
22 requirement, plaintiffs must show: (1) the class members’ interests in individually controlling the
23 prosecution or defense of separate actions; (2) the extent and nature of any litigation concerning
24 the controversy already begun by or against class members; (3) the desirability or undesirability
25 of concentrating the litigation of the claims in the particular forum; and (4) the likely difficulties
26 in managing a class action. Fed. R. Civ. P. 23(b)(3). Other considerations include the reduction
27 of litigation costs and promotion of efficiency achieved through class litigation, the availability
28 of realistic alternatives, whether the costs of individual suits outweigh potential recovery, and

1 agreement among the proposed class as to whether class treatment is appropriate. *Local Joint*
2 *Executive Bd. of Culinary/Bartender Trust Fund v. Las Vegas Sands, Inc.*, 244 F.3d 1152, 1163
3 (9th Cir.2001); *Valentino v. Carter-Wallace, Inc.*, 97 F.3d 1227, 1234-35 (9th Cir.1996). In an
4 antitrust action, when common questions are found to predominate, “courts generally have ruled
5 that the superiority prerequisite of Rule 23(b)(3) is satisfied.” Wright, Miller & Kane, *Federal*
6 *Practice and Procedure: Civil Procedure* § 1781, at 254–55 (3d ed.2004).

7 According to plaintiffs, a class action is the superior method for managing this litigation
8 because the damages suffered by each putative class member are not large; and therefore, there is
9 no realistic alternative approach for class members to recover the damages that defendants
10 caused. *See Wiener v. Dannon Co., Inc.*, 255 F.R.D. 658, 671 (C.D. Cal. 2009). Plaintiffs also
11 contend that, because of the CAFA and the fact that the Judicial Panel on Multidistrict Litigation
12 ordered that all CRT cases be transferred to this District Court, prongs 2 and 3 of the superiority
13 analysis are also satisfied. And finally, plaintiffs assert that a class action is more manageable
14 than any other procedure available for the treatment of the factual and legal issues raised by
15 plaintiffs’ claims. While there may be some variations in how different states handle antitrust
16 and consumer protection claims, these variations can be readily managed by grouping the
17 indirect-purchaser states in accordance with their approaches to those claims.

18 The Interim Special Master agrees that, in light of the above, each of the 22 proposed
19 statewide classes is separately manageable, as are the classes as a whole. As the court noted in
20 *LCDs*, “[i]n antitrust cases such as this, . . . damages . . . are likely to be too small to justify
21 litigation, but a class action would offer those with small claims the opportunity for meaningful
22 redress.” *LCDs*, 267 F.R.D. at 608 (quoting *SRAM*, 2008 WL 447592, at *7.)

23 A class action, therefore, is superior to other available methods of adjudication.

24 Conclusion

25 Having conducted a “rigorous analysis” of the required elements for certification,
26 including an examination of the merits of the case as necessary to determine certification
27 questions, and made a particularly detailed study of the Rule 23(b)(3) predominance element, all
28 as commanded by recent case law from the Supreme Court, the Ninth Circuit and this District,

1 the Interim Special Master concludes that the proposed classes meet the requirements of Rule
2 23(a) and 23(b)(3). Accordingly, the Interim Special Master recommends that the Court grant
3 Indirect-Purchaser Plaintiffs' motion for class certification. The Interim Special Master
4 recommends that the Court certify the following statewide classes for damages pursuant to
5 Federal Rule of Civil Procedure 23(a) and 23(b)(3):

6
7 **ARIZONA:**

8 All persons and entities in Arizona who, from March 1, 1995 to
9 November 25, 2007, as residents of Arizona, purchased Cathode
10 Ray Tubes incorporated in televisions and monitors in Arizona
11 indirectly from any defendant or subsidiary thereof, or any
12 named affiliate or any named co-conspirator, for their own use
13 and not for resale. Specifically excluded from this Class are
14 defendants; the officers, directors, or employees of any
15 defendant; the parent companies and subsidiaries of any
16 defendant; the legal representatives and heirs or assigns of any
17 defendant; and the named affiliates and coconspirators. Also
18 excluded are any federal, state, or local governmental entities,
19 any judicial officers presiding over this action, members of their
20 immediate families and judicial staffs, and any juror assigned to
21 this action.

22
23 **CALIFORNIA:**

24 All persons and entities in California who, from March 1, 1995
25 to November 25, 2007, as residents of California, purchased
26 Cathode Ray Tubes incorporated in televisions and monitors in
27 California indirectly from any defendant or subsidiary thereof, or
28 any named affiliate or any named co-conspirator, for their own
use and not for resale. Specifically excluded from this Class are
defendants; the officers, directors, or employees of any
defendant; the parent companies and subsidiaries of any
defendant; the legal representatives and heirs or assigns of any
defendant; and the named affiliates and coconspirators. Also
excluded are any federal, state, or local governmental entities,
any judicial officers presiding over this action, members of their
immediate families and judicial staffs, and any juror assigned to
this action.

DISTRICT OF COLUMBIA:

All persons and entities in the District of Columbia who, from
March 1, 1995 to November 25, 2007, as residents of the District
of Columbia, purchased Cathode Ray Tubes incorporated in

1 televisions and monitors in the District of Columbia indirectly
2 from any defendant or subsidiary thereof, or any named affiliate
3 or any named co-conspirator, for their own use and not for resale.
4 Specifically excluded from this Class are defendants; the
5 officers, directors, or employees of any defendant; the parent
6 companies and subsidiaries of any defendant; the legal
7 representatives and heirs or assigns of any defendant; and the
8 named affiliates and coconspirators. Also excluded are any
9 federal, state, or local governmental entities, any judicial officers
10 presiding over this action, members of their immediate families
11 and judicial staffs, and any juror assigned to this action.

8 FLORIDA:

9 All persons and entities in Florida who, from March 1, 1995 to
10 November 25, 2007, as residents of Florida, purchased Cathode
11 Ray Tubes incorporated in televisions and monitors in Florida
12 indirectly from any defendant or subsidiary thereof, or any
13 named affiliate or any named co-conspirator, for their own use
14 and not for resale. Specifically excluded from this Class are
15 defendants; the officers, directors, or employees of any
16 defendant; the parent companies and subsidiaries of any
17 defendant; the legal representatives and heirs or assigns of any
18 defendant; and the named affiliates and coconspirators. Also
19 excluded are any federal, state, or local governmental entities,
20 any judicial officers presiding over this action, members of their
21 immediate families and judicial staffs, and any juror assigned to
22 this action.

18 HAWAII:

19 All persons and entities in Hawaii who, from June 25, 2002 to
20 November 25, 2007, as residents of Hawaii, purchased Cathode
21 Ray Tubes incorporated in televisions and monitors in Hawaii
22 indirectly from any defendant or subsidiary thereof, or any
23 named affiliate or any named co-conspirator, for their own use
24 and not for resale. Specifically excluded from this Class are
25 defendants; the officers, directors, or employees of any
26 defendant; the parent companies and subsidiaries of any
27 defendant; the legal representatives and heirs or assigns of any
28 defendant; and the named affiliates and coconspirators. Also
excluded are any federal, state, or local governmental entities,
any judicial officers presiding over this action, members of their
immediate families and judicial staffs, and any juror assigned to
this action.

IOWA:

1 All persons and entities in Iowa who, from March 1, 1995 to
2 November 25, 2007, as residents of Iowa, purchased Cathode
3 Ray Tubes incorporated in televisions and monitors in Iowa
4 indirectly from any defendant or subsidiary thereof, or any
5 named affiliate or any named co-conspirator, for their own use
6 and not for resale. Specifically excluded from this Class are
7 defendants; the officers, directors, or employees of any
8 defendant; the parent companies and subsidiaries of any
9 defendant; the legal representatives and heirs or assigns of any
10 defendant; and the named affiliates and coconspirators. Also
11 excluded are any federal, state, or local governmental entities,
12 any judicial officers presiding over this action, members of their
13 immediate families and judicial staffs, and any juror assigned to
14 this action.

KANSAS:

15 All persons and entities in Kansas who, from March 1, 1995 to
16 November 25, 2007, as residents of Kansas, purchased Cathode
17 Ray Tubes incorporated in televisions and monitors in Kansas
18 indirectly from any defendant or subsidiary thereof, or any
19 named affiliate or any named co-conspirator, for their own use
20 and not for resale. Specifically excluded from this Class are
21 defendants; the officers, directors, or employees of any
22 defendant; the parent companies and subsidiaries of any
23 defendant; the legal representatives and heirs or assigns of any
24 defendant; and the named affiliates and coconspirators. Also
25 excluded are any federal, state, or local governmental entities,
26 any judicial officers presiding over this action, members of their
27 immediate families and judicial staffs, and any juror assigned to
28 this action.

MAINE:

1 All persons and entities in Maine who, from March 1, 1995 to
2 November 25, 2007, as residents of Maine, purchased Cathode
3 Ray Tubes incorporated in televisions and monitors in Maine
4 indirectly from any defendant or subsidiary thereof, or any
5 named affiliate or any named co-conspirator, for their own use
6 and not for resale. Specifically excluded from this Class are
7 defendants; the officers, directors, or employees of any
8 defendant; the parent companies and subsidiaries of any
9 defendant; the legal representatives and heirs or assigns of any
10 defendant; and the named affiliates and coconspirators. Also
11 excluded are any federal, state, or local governmental entities,
12 any judicial officers presiding over this action, members of their
13 immediate families and judicial staffs, and any juror assigned to
14 this action.

1 immediate families and judicial staffs, and any juror assigned to
2 this action.

3 MICHIGAN:

4 All persons and entities in Michigan who, from March 1, 1995 to
5 November 25, 2007, as residents of Michigan, purchased
6 Cathode Ray Tubes incorporated in televisions and monitors in
7 Michigan indirectly from any defendant or subsidiary thereof, or
8 any named affiliate or any named co-conspirator, for their own
9 use and not for resale. Specifically excluded from this Class are
10 defendants; the officers, directors, or employees of any
11 defendant; the parent companies and subsidiaries of any
12 defendant; the legal representatives and heirs or assigns of any
13 defendant; and the named affiliates and coconspirators. Also
14 excluded are any federal, state, or local governmental entities,
15 any judicial officers presiding over this action, members of their
16 immediate families and judicial staffs, and any juror assigned to
17 this action.

18 MINNESOTA:

19 All persons and entities in Minnesota who, from March 1, 1995
20 to November 25, 2007, as residents of Minnesota, purchased
21 Cathode Ray Tubes incorporated in televisions and monitors in
22 Minnesota indirectly from any defendant or subsidiary thereof, or
23 any named affiliate or any named co-conspirator, for their own
24 use and not for resale. Specifically excluded from this Class are
25 defendants; the officers, directors, or employees of any
26 defendant; the parent companies and subsidiaries of any
27 defendant; the legal representatives and heirs or assigns of any
28 defendant; and the named affiliates and coconspirators. Also
excluded are any federal, state, or local governmental entities,
any judicial officers presiding over this action, members of their
immediate families and judicial staffs, and any juror assigned to
this action.

MISSISSIPPI:

All persons and entities in Mississippi who, from March 1, 1995
to November 25, 2007, as residents of Mississippi, purchased
Cathode Ray Tubes incorporated in televisions and monitors in
Mississippi indirectly from any defendant or subsidiary thereof,
or any named affiliate or any named co-conspirator, for their own
use and not for resale. Specifically excluded from this Class are
defendants; the officers, directors, or employees of any
defendant; the parent companies and subsidiaries of any
defendant; the legal representatives and heirs or assigns of any
defendant; and the named affiliates and coconspirators. Also

1 excluded are any federal, state, or local governmental entities,
2 any judicial officers presiding over this action, members of their
3 immediate families and judicial staffs, and any juror assigned to
4 this action.

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NEBRASKA:

All persons and entities in Nebraska who, from July 20, 2002 to November 25, 2007, as residents of Nebraska, purchased Cathode Ray Tubes incorporated in televisions and monitors in Nebraska indirectly from any defendant or subsidiary thereof, or any named affiliate or any named co-conspirator, for their own use and not for resale. Specifically excluded from this Class are defendants; the officers, directors, or employees of any defendant; the parent companies and subsidiaries of any defendant; the legal representatives and heirs or assigns of any defendant; and the named affiliates and coconspirators. Also excluded are any federal, state, or local governmental entities, any judicial officers presiding over this action, members of their immediate families and judicial staffs, and any juror assigned to this action.

NEVADA:

All persons and entities in Nevada who, from February 4, 1999 to November 25, 2007, as residents of Nevada, purchased Cathode Ray Tubes incorporated in televisions and monitors in Nevada indirectly from any defendant or subsidiary thereof, or any named affiliate or any named co-conspirator, for their own use and not for resale. Specifically excluded from this Class are defendants; the officers, directors, or employees of any defendant; the parent companies and subsidiaries of any defendant; the legal representatives and heirs or assigns of any defendant; and the named affiliates and coconspirators. Also excluded are any federal, state, or local governmental entities, any judicial officers presiding over this action, members of their immediate families and judicial staffs, and any juror assigned to this action.

NEW MEXICO:

All persons and entities in New Mexico who, from March 1, 1995 to November 25, 2007, as residents of New Mexico, purchased Cathode Ray Tubes incorporated in televisions and monitors in New Mexico indirectly from any defendant or subsidiary thereof, or any named affiliate or any named co-conspirator, for their own use and not for resale. Specifically excluded from this Class are defendants; the officers, directors, or employees of any defendant; the parent companies and

1 subsidiaries of any defendant; the legal representatives and heirs
2 or assigns of any defendant; and the named affiliates and
3 coconspirators. Also excluded are any federal, state, or local
4 governmental entities, any judicial officers presiding over this
5 action, members of their immediate families and judicial staffs,
6 and any juror assigned to this action.

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NEW YORK:

All persons and entities in New York who, from March 1, 1995 to November 25, 2007, as residents of New York, purchased Cathode Ray Tubes incorporated in televisions and monitors in New York indirectly from any defendant or subsidiary thereof, or any named affiliate or any named co-conspirator, for their own use and not for resale. Specifically excluded from this Class are defendants; the officers, directors, or employees of any defendant; the parent companies and subsidiaries of any defendant; the legal representatives and heirs or assigns of any defendant; and the named affiliates and coconspirators. Also excluded are any federal, state, or local governmental entities, any judicial officers presiding over this action, members of their immediate families and judicial staffs, and any juror assigned to this action.

NORTH CAROLINA:

All persons and entities in North Carolina who, from March 1, 1995 to November 25, 2007, as residents of North Carolina, purchased Cathode Ray Tubes incorporated in televisions and monitors in North Carolina indirectly from any defendant or subsidiary thereof, or any named affiliate or any named co-conspirator, for their own use and not for resale. Specifically excluded from this Class are defendants; the officers, directors, or employees of any defendant; the parent companies and subsidiaries of any defendant; the legal representatives and heirs or assigns of any defendant; and the named affiliates and coconspirators. Also excluded are any federal, state, or local governmental entities, any judicial officers presiding over this action, members of their immediate families and judicial staffs, and any juror assigned to this action.

NORTH DAKOTA:

All persons and entities in North Dakota who, from March 1, 1995 to November 25, 2007, as residents of North Dakota, purchased Cathode Ray Tubes incorporated in televisions and monitors in North Dakota indirectly from any defendant or subsidiary thereof, or any named affiliate or any named co-conspirator, for their own use and not for resale. Specifically

1 excluded from this Class are defendants; the officers, directors,
2 or employees of any defendant; the parent companies and
3 subsidiaries of any defendant; the legal representatives and heirs
4 or assigns of any defendant; and the named affiliates and
5 coconspirators. Also excluded are any federal, state, or local
6 governmental entities, any judicial officers presiding over this
7 action, members of their immediate families and judicial staffs,
8 and any juror assigned to this action.

6 SOUTH DAKOTA:

7 All persons and entities in South Dakota who, from March 1,
8 1995 to November 25, 2007, as residents of South Dakota,
9 purchased Cathode Ray Tubes incorporated in televisions and
10 monitors in South Dakota indirectly from any defendant or
11 subsidiary thereof, or any named affiliate or any named co-
12 conspirator, for their own use and not for resale. Specifically
13 excluded from this Class are defendants; the officers, directors,
14 or employees of any defendant; the parent companies and
15 subsidiaries of any defendant; the legal representatives and heirs
16 or assigns of any defendant; and the named affiliates and
17 coconspirators. Also excluded are any federal, state, or local
18 governmental entities, any judicial officers presiding over this
19 action, members of their immediate families and judicial staffs,
20 and any juror assigned to this action.

16 TENNESSEE:

17 All persons and entities in Tennessee who, from March 1, 1995
18 to November 25, 2007, as residents of Tennessee, purchased
19 Cathode Ray Tubes incorporated in televisions and monitors in
20 Tennessee indirectly from any defendant or subsidiary thereof, or
21 any named affiliate or any named co-conspirator, for their own
22 use and not for resale. Specifically excluded from this Class are
23 defendants; the officers, directors, or employees of any
24 defendant; the parent companies and subsidiaries of any
25 defendant; the legal representatives and heirs or assigns of any
26 defendant; and the named affiliates and coconspirators. Also
27 excluded are any federal, state, or local governmental entities,
28 any judicial officers presiding over this action, members of their
immediate families and judicial staffs, and any juror assigned to
this action.

26 VERMONT:

27 All persons and entities in Vermont who, from March 1, 1995 to
28 November 25, 2007, as residents of Vermont, purchased Cathode
Ray Tubes incorporated in televisions and monitors in Vermont
indirectly from any defendant or subsidiary thereof, or any

1 named affiliate or any named co-conspirator, for their own use
2 and not for resale. Specifically excluded from this Class are
3 defendants; the officers, directors, or employees of any
4 defendant; the parent companies and subsidiaries of any
5 defendant; the legal representatives and heirs or assigns of any
6 defendant; and the named affiliates and coconspirators. Also
7 excluded are any federal, state, or local governmental entities,
8 any judicial officers presiding over this action, members of their
9 immediate families and judicial staffs, and any juror assigned to
10 this action.

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WEST VIRGINIA:

8 All persons and entities in West Virginia who, from March 1,
9 1995 to November 25, 2007, as residents of West Virginia,
10 purchased Cathode Ray Tubes incorporated in televisions and
11 monitors in West Virginia indirectly from any defendant or
12 subsidiary thereof, or any named affiliate or any named co-
13 conspirator, for their own use and not for resale. Specifically
14 excluded from this Class are defendants; the officers, directors,
15 or employees of any defendant; the parent companies and
16 subsidiaries of any defendant; the legal representatives and heirs
17 or assigns of any defendant; and the named affiliates and
18 coconspirators. Also excluded are any federal, state, or local
19 governmental entities, any judicial officers presiding over this
20 action, members of their immediate families and judicial staffs,
21 and any juror assigned to this action.

WISCONSIN:

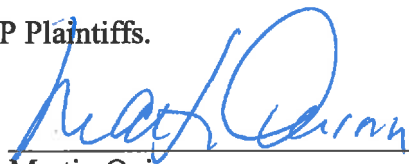
18 All persons and entities in Wisconsin who, from March 1, 1995
19 to November 25, 2007, as residents of Wisconsin, purchased
20 Cathode Ray Tubes incorporated in televisions and monitors in
21 Wisconsin indirectly from any defendant or subsidiary thereof, or
22 any named affiliate or any named co-conspirator, for their own
23 use and not for resale. Specifically excluded from this Class are
24 defendants; the officers, directors, or employees of any
25 defendant; the parent companies and subsidiaries of any
26 defendant; the legal representatives and heirs or assigns of any
27 defendant; and the named affiliates and coconspirators. Also
28 excluded are any federal, state, or local governmental entities,
any judicial officers presiding over this action, members of their
immediate families and judicial staffs, and any juror assigned to
this action.

1 The Interim Special Master recommends that the following individuals and entities be
2 named as Class Representatives:

3	<u>State</u>	<u>Plaintiff</u>
4	Arizona	Brian Luscher
5	California	Jeffrey Figone
6	California	Steven Ganz
7	District of Columbia	Lawyers' Choice Suites, Inc.
8	Florida	David Rooks
9	Hawaii	Daniel Riebow
10	Iowa	Travis Burau
11	Kansas	Southern Office Supply, Inc.
12	Maine	Kerry Lee Hall
13	Michigan	Lisa Reynolds
14	Minnesota	Barry Kushner
15	Minnesota	David Norby
16	Mississippi	Charles Jenkins
17	Nebraska	Steven Fink
18	Nevada	Gloria Comeaux
19	New Mexico	Craig Stephenson
20	New York	Janet Ackerman
21	New York	Louise Wood
22	North Carolina	Patricia Andrews
23	North Dakota	Gary Hanson
24	South Dakota	Jeff Speaect
25	Tennessee	Albert Sidney Crigler
26	Vermont	Margaret Slagle
27	West Virginia	John Larch
28	Wisconsin	Brigid Terry

1 The Interim Special Master recommends that Trump, Alioto, Trump & Prescott LLP be
2 designated and appointed as Class Counsel for the IP Plaintiffs.

3
4 Dated: June 20, 2013



Martin Quinn
Interim Special Master

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7 Approved/Disapproved/Modified

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9 DATED: _____

Hon. Samuel Conti
United States District Judge

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