

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

This document relates to:

All Indirect-Purchaser Plaintiff Class
Actions;

*State of Missouri, et al. v. AU Optronics
Corporation, et al.*, Case No. 10-cv-3619;

*State of Florida v. AU Optronics
Corporation, et al.*, Case No. 10-cv-3517;
and

*State of New York v. AU Optronics
Corporation, et al.*, Case No. 11-cv-0711.

Case No. 07-cv-01827

**DECLARATION OF
KATHERINE KINSELLA
RE OBJECTIONS TO NOTICE**

I, Katherine Kinsella, being duly sworn, hereby declare as follows:

1. I am President of Kinsella Media, LLC (“KM”), a legal notification firm in Washington, D.C. specializing in the design and implementation of notification programs to reach putative class members (and here, members of *parens patriae* groups) primarily in consumer, antitrust and mass tort actions and claimants in bankruptcy. My business address is 2120 L Street, NW, Suite 860, Washington, D.C. 20037. My telephone

number is (202) 686-4111. My firm developed the Notice Program for use in this litigation.

2. I have reviewed all of the objections to the proposed Settlements submitted in response to the notice given to putative Class Members. In my opinion, no objection implicated the method or form of notice in any substantive way. Only two objections complained about notice issues, and in those instances the issues raised were either inaccurate or irrelevant from the standpoint of effective communication with Class Members. I will address here the Objection of Stefan Rest (“Rest Objection”) and the Objection of Allison Paul and Johnny Kessel to Proposed Settlement and Notice of Intent to Appear (“Paul Objection”).
 - a) I am well aware that class action notices in federal courts need to be in plain language. We followed the principles set out in the illustrative, “model” forms of notice created by the Federal Judicial Center to satisfy the plain language requirements of Federal Rule of Civil Procedure 23(c)(2). Rule 23 requires that a class action notice be clear and concise. It is impossible as a practical matter for the Notices to contain every term from the Settlement Agreement and still fulfill these requirements. In my view, and based upon my experience, the Notices contained all of the necessary information for Class Members to determine whether to opt out of the Class or the *parens patriae* group and are consistent with notices that I have prepared or opined on in the past. In addition, Class Members had access to all Settlement Agreements on the case website.
 - b) The Rest Objection states “that the class definition is not contained in the class notice.” There are 25 different class definitions in this case. In the spirit of fulfilling the “concise” requirements of Rule 23, we decided to summarize the Class definition in the Notices and point Class Members to the Settlement website where the Court’s orders, which include the specific class definitions, can be viewed. The summary of the Class definitions is accurate. As for the objection that one must access the website for information, Gfk MRI demographic data establishes that the people included in this Class are heavy Internet users. In fact, 90.9% of Adults 25 and older with a Household Income of \$60,000 visited the

Internet in the past 30 days. Furthermore, throughout the Notices we point Class Members to a toll-free number that they can call for more information, including copies of any Court orders, if they cannot or choose not to use the Internet.

- c) The Paul Objection contends that there was a “lack of information regarding how class members can participate” All of the Notices clearly told Class Members that no money would be distributed at this time:
- i. The Publication Notice states “No money will be distributed yet. Plaintiffs’ counsel will pursue the lawsuits against the Non-Settling Defendants. All funds received in this case will be distributed together at the conclusion of the lawsuits or as ordered by the Court. You will need to file a valid claim to receive a payment. Notice about the claims process will be made available at a later date. If you want to receive notice about the claims process or future settlements you should register at www.LCDclass.com.”
 - ii. The Long Form Notice tells Class Members: “In order to receive a payment you will need to file a valid claim form when the claims period begins. A notice about the claims process will be made available after the conclusion of the lawsuits or as ordered by the Court. **If you want to receive a notice about the claims process or future settlements you should register at www.LCDclass.com or by calling 1-855-225-1886.**”
3. In preparing the Notices in this case, we have employed well-established communications methods thoroughly vetted in our field. We subscribe and adhere to the high standards embodied in the Advisory Committee’s notes accompanying the proposed changes to Federal Rule 23(c)(2), expressed as follows:

The direction that the class-certification notice be couched in plain easily understood language is added as a reminder of the need to work unremittingly at the difficult task of communicating with class members.

4. The Notices prepared in this matter fully account for this concern and were written and designed to the highest communication standards.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Katherine Kinsella

Katherine Kinsella

Executed in Washington, D.C. this 4th day of May.