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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

17 IN RE: TFT-LCD (FLAT PANEL)
18 ANTITRUST LITIGATION

MDL No. 1827

CLASS ACTION

20 This Document Relates to:
21 ALL INDIRECT PURCHASER ACTIONS

**INDIRECT PURCHASER PLAINTIFFS’
NOTICE OF MOTION AND SECOND
MOTION FOR REIMBURSEMENT OF
EXPENSES**

Date: November 29, 2012
Time: 3:30 p.m.
Dept.: Courtroom 10, 19th Floor
Judge: The Hon. Susan Illston

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NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that on November 29, 2012 at 3:30 p.m., or as soon thereafter as the matter may be heard in the Courtroom of the Honorable Susan Illston, United States Judge for the Northern District of California, located at 450 Golden Gate Avenue, San Francisco, California, the Indirect Purchaser Plaintiffs (“IPPs”) and their counsel (“Class Counsel”) will and hereby do move this Court for an entry of an Order awarding reimbursement of litigation expenses in the amount of \$1,234,314.89 incurred by Class Counsel on behalf of class members.

This motion is based upon this Notice of Motion and Second Motion; the accompanying Memorandum of Points and Authorities in Support thereof; the Declaration of Jack W. Lee and exhibits thereto, filed herewith; the other records, pleadings, and papers filed in this action; and upon such other documentary and oral evidence or argument as may be presented to the Court at the hearing of this Motion.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Indirect Purchaser Plaintiffs (“IPPs”) and their counsel (“Class Counsel”) submit this Memorandum in Support of their Second Motion for Reimbursement of Expenses. The IPPs and Class Counsel have achieved precedent-setting settlements totaling \$1,082,055,647 (the “Settlements”) with all settling defendants. This Court preliminarily approved the IPPs’ settlements with the AUO, LG, and Toshiba defendants on July 31, 2012, and a nationwide Notice Program approved by the Court is currently underway. Dkt. # 6311. The last day to opt-out of, or file objections to, the AUO, LG, and Toshiba settlements is October 9, 2012. A Fairness Hearing on the AUO, LG, and Toshiba settlements is set for November 29, 2012 – the same day on which this Motion is noticed. The IPPs’ Motion for Attorneys’ Fees and Class Representative Incentive Awards is filed concurrently with this Motion.

Class Counsel seek \$1,234,314.89 for reimbursement of litigation costs and expenses at this time. This amount is in addition to the \$7,506,816.54 previously requested and found reasonable

1 by the Court subject to verification. Dkt. # 6128, Dkt # 6290. Class Counsel as a group have borne
 2 over \$8 million in expenses litigating this case for nearly six years with no guarantee of repayment.
 3 The reimbursements requested reflect actual and necessary out-of-pocket litigation expenses that
 4 Class Counsel have incurred as follows:

<i>Description</i>	<i>Cost Incurred</i>
Experts / Consultants	\$440,547.32
Electronic Document Database.....	\$128,283.46
Mediators' Fees.....	\$88,012.54
Special Master Fees	\$825.00
Deposition Costs	\$122,426.47
Hearing Transcripts.....	\$12,635.94
Translators / Interpreters	\$39,580.55
Foreign Service of Process.....	\$24,287.47
Conference Calls.....	\$8,803.29
Document Reproduction	\$27,586.78
Meetings.....	\$7,150.93
Technicians	\$997.78
Trial Consultants and Support	\$333,177.36
TOTAL.....	\$1,234,314.89

14 The types of expenses listed above are routinely approved by courts as proper litigation
 15 expenses. All the requested expenses were reasonable and necessary to the prosecution of this
 16 complex Multidistrict Litigation and all are verified by actual invoices, receipts, and other
 17 supporting documentation. This Motion does not include, and does not seek reimbursement for,
 18 “soft” costs related to any individual law firms’ travel, meals, or lodging.

19 II. BACKGROUND

20 A. OVERVIEW OF THE LITIGATION

21 This Multidistrict Litigation arises from a price-fixing conspiracy by major manufacturers
 22 of TFT-LCD (“LCD”) panels from 1999 through 2006. Third Consolidated Amended Complaint,
 23 Dkt. # 2694. The IPPs allege that the Defendants fixed prices and restrained competition relating
 24 to panels contained in televisions, notebooks computers, and monitors. *Id.* Based on their
 25 purchases of these products, the IPPs assert class claims for injunctive relief pursuant to Section 16
 26 of the Clayton Act, 15 U.S.C. § 26, for Defendants’ violations of Section 1 of the Sherman Act, 15
 27 U.S.C. § 1, and damages or restitution under relevant state antitrust, consumer protection and
 28 unjust enrichment laws. *Id.*

1 On March 28, 2010, the Court certified a nationwide injunctive class of indirect purchasers
2 who purchased TFT-LCD panels contained in televisions, laptops and/or monitors, and twenty-
3 three statewide indirect purchaser classes. *See* Dkt. # 1642. On June 14, 2010, the Ninth Circuit
4 denied Defendants' petitions for permission to appeal that decision pursuant to Fed. R. Civ. P.
5 23(f).

6 On January 26, 2012, the Court granted preliminary approval to settlements totaling \$538.6
7 million with the Chi Mei, Chunghwa, Epson, HannStar, Hitachi, Samsung, and Sharp Defendants.
8 Dkt. # 4688. The Court granted final approval to the above settlements on July 11, 2012. Dkt. #
9 6130.

10 As set forth in further detail in the Indirect-Purchaser Plaintiffs' and Settling States' Joint
11 Notice of Motion and Motion for Preliminary Approval of Combined Class, *Parens Patriae*, and
12 Governmental Entity Settlements with AUO, LG Display, and Toshiba Defendants (the
13 "Preliminary Approval Motion"), the IPPs have entered into settlement agreements with the
14 remaining three defendant groups totaling an additional \$543.5 million. Dkt. # 6141. On July 31,
15 2012, the Court granted preliminary approval to the IPP settlements with the AUO, LG, and
16 Toshiba Defendants. Dkt. # 6311. The IPPs' total settlements with all Defendants are
17 \$1,082,055,647.

18 The Settlements Agreements provide, in pertinent part, that counsel for the IPPs may apply
19 to the Court for the payment of costs. Declaration of Francis O. Scarpulla in Support of the
20 Preliminary Approval Motion ("Scarpulla Dec."), Dkt # 6141-1 (July 12, 2012), Exhs. A-C.

21 The IPPs have further summarized key events in this Multidistrict Litigation in the IPP
22 Motion for Attorneys' Fees and Incentive Awards, filed concurrently with this Motion, and will not
23 repeat those events here.

24 **B. LITIGATION COSTS FUND AND COSTS INCURRED**

25 Liaison Counsel has collected regular monetary contributions from certain law firms
26 representing the Class and placed these funds in a "Litigation Cost Fund." Declaration of Jack W.
27 Lee in Support of Indirect Purchaser Plaintiffs' Second Motion for Reimbursement of Expenses
28 ("Lee Dec."), ¶ 3. The overwhelming majority of joint litigation costs and expenses incurred by

1 the IPPs have been paid out of this Litigation Cost Fund. *Id.* Individual law firms have also paid
2 for certain litigation costs and expenses separately. *Id.* Class Counsel have advanced and incurred
3 well over \$8 million in joint litigation costs and expenses. *Id.*

4 **C. PRIOR REQUEST FOR REIMBURSEMENT OF COSTS**

5 On or about March 14, 2012, Class Counsel and the States Attorneys General filed a
6 Motion for Interim Reimbursement of Expenses (“Motion for Interim Expenses”). Dkt. # 5158. In
7 the Motion for Interim Expenses, the IPPs sought reimbursement of \$7,509,134.53 in expenses
8 incurred through December 31, 2011. *Id.* On July 11, the Court issued an Order stating that these
9 expenses “appear[ed] to be reasonable and necessary to the litigation,” and requested that the IPPs
10 submit copies of invoices for these expenses. Dkt. # 6128. On July 27, 2012, Liaison Counsel
11 filed a Supplemental Declaration in Support of the Motion for Interim Expenses that included
12 copies of invoices and other supporting documents, and revised the IPPs’ request for
13 reimbursement to \$7,506,816.54. Dkt. #6290. As of this date, the Court has not issued a final
14 order regarding the Motion for Interim Expenses. On August 29, 2012, however, the Court
15 amended its Order appointing Martin Quinn, Esq. as the Special Master and charged Mr. Quinn
16 with the additional duty of preparing reports and issuing a recommendation on fees and
17 reimbursement of expenses. Dkt. # 6580.

18 **D. CLASS NOTICE**

19 All notice requirements for this costs motion have been met. Pursuant to order of the
20 Court, the IPPs have implemented a Notice Program to inform members of the IPP class of the
21 Settlements, the dates for any objections, and the final approval date. Dkt # 6141. The class notice
22 states explicitly that “Class Counsel and the Attorneys General will ask the Court for ...
23 reimbursement of their costs and expenses.” Dkt. # 6141-13, Exh. 3. Pursuant to the Court’s
24 Order granting preliminary approval of the settlements, Class Counsel published initial notice to
25 the class on August 8, 2012. *Lee Dec.*, ¶ 21.

1 **III. ARGUMENT**

2 **A. PLAINTIFFS ARE ENTITLED TO REIMBURSEMENT OF LITIGATION**
 3 **EXPENSES**

4 Class Counsel may be reimbursed for reasonable and necessary litigation costs from a
 5 common settlement fund established for the benefit of class members. Fed R. Civ. P. 23(h) (“the
 6 court may award reasonable attorneys’ fees and nontaxable costs that are authorized by law or by
 7 the parties’ agreement”); Fed. R. Civ. P. 54(d) (allowing costs to prevailing parties); *In re Media*
 8 *Vision Tech. Sec. Litig.*, 913 F.Supp. 1362, 1366 (N.D. Cal. 1995). A common fund has been
 9 created by the settlements that have already been finally approved by the Court, and the AUO, LG,
 10 and Toshiba settlements are also currently before the Court for final approval. Class Counsel
 11 should thus be reimbursed for their expenses as set forth herein. The Settlement Agreements also
 12 provide that reimbursement of litigation costs and expenses shall be paid to Class Counsel out of
 13 the settlement funds, if approved by the Court. *See e.g.*, Scarpulla Dec., Exh. A (IPPs’ Settlement
 14 Agreement with the AUO Defendants), ¶ 32.

15
 16 **B. THE REQUESTED REIMBURSEMENT OF EXPENSES IS REASONABLE**

17 The IPPs and Class Counsel now request reimbursement for expenses incurred from
 18 January 1, 2012 to the present, as well as expenses incurred prior to 2012 that were not included in
 19 the Motion for Interim Reimbursement of Expenses, in the amount of \$1,234,314.89. These
 20 expenses were reasonable and necessary in this litigation, and have been expended for the direct
 21 benefit of class members in this action. *See Media Vision*, 913 F.Supp. at 1366. Copies of
 22 invoices and other supporting documents for these expenses are attached as Exhibits 1-14 to the
 23 Declaration of Jack W. Lee, filed herewith. Class Counsel will request reimbursement at a later
 24 date for other costs and expenses which continue to accrue in representing the IPP class.

25 The expenses sought by Class Counsel are of the type customarily approved by courts as
 26 proper, reimbursable litigation expenses. *See Media Vision*, 913 F.Supp. at 1366. Litigation costs
 27 and expenses that are typically determined to be “reasonable,” and therefore reimbursable, include:
 28 “(1) witness fees; (2) expert or specialist fees; (3) special master; (4) transcripts of hearings and

1 depositions; (5) copying charges; (6) travel; (7) long-distance and conference telephone; (8)
2 postage; (9) delivery services; (10) computerized legal research; [and] (11) settlement
3 administration costs.” A. Conte, *Attorney Fee Awards*, § 2.19 (3d ed., 2004). The litigation costs
4 and expenses for which Class Counsel seek reimbursement at this time are as follows:

5 1. Experts/Consultants. The IPPs have continued to incur costs for expert economists
6 and consultants since January 2012. IPP experts Janet Netz, Ph.D. of ApplEcon and William
7 Comanor, Ph.D. of Economic Associates have devoted time since January 2012 to opposing
8 Defendants’ motion to exclude the IPP experts, preparing damages reports, preparing for trial
9 testimony, and providing analysis regarding the distribution of settlement funds. Lee Dec., ¶ 8.
10 IPP expert James T. McClave, Ph.D. of InfoTech Inc. has also assisted in these efforts since
11 January 2012. *Id.* Class Counsel retained Hemming Morse, LLP to review and analyze defendant
12 financial documents in preparation for settlement negotiations. *Id.* Class Counsel also retained
13 Stanford Consulting Group to review and analyze investment guidelines and investment options for
14 the IPP settlement fund. *Id.*

15 Class Counsel also request reimbursement for work performed by IPP experts George A.
16 Hay, Ph.D. and Stephen A. Degnan, Ph.D. prior to January 2012 that Class Counsel paid for during
17 this calendar year. *Id.* These costs, totaling \$86,621.66, were not included in the Motion for
18 Interim Expenses. *Id.*

19 Class Counsel request reimbursement of a total of \$440,547.32 in expert costs at this time.
20 Lee Dec., ¶ 8, Exh. 2. These expert costs are recoverable because the experts’ work has been
21 crucial to the prosecution of this action, including analyzing overcharge, impact, pass-through, and
22 damages to the Class. *See Media Vision*, 913 F.Supp. at 1366. Expert expenses are routinely
23 billed to clients, and it is thus appropriate for Class Counsel to recover these costs. *In re*
24 *Omnivision Techs*, 559 F.Supp. 2d 1036, 1048-49 (N.D. Cal. 2007). In complex litigation such as
25 this, courts do “not doubt the necessity for counsel to retain expert assistance...” *See Media Visio*
26 *n*, 913 F.Supp. at 1366-67.

27 2. Electronic Document Database. Defendants have produced in discovery more than
28 7.8 million documents, totaling more than 40 million pages. Lee Dec., ¶ 9. Plaintiffs loaded these

1 documents into a shared web-based electronic document management system for review and
2 analysis. *Id.* This document management system allowed Class Counsel to review, analyze, and
3 code these documents for use at depositions, in numerous motions, and in preparation for trial. *Id.*
4 Class Counsel were able to do this work from their respective offices because they had access to
5 the database. *Id.* Class Counsel have incurred costs of \$128,283.46 in maintaining and servicing
6 the electronic document database since January 2012. Lee Dec., ¶ 9, Exh. 3.

7 3. Mediators. The parties have also incurred significant costs for several highly
8 experienced mediators who successfully negotiated the Settlements. Lee Dec., ¶ 10. These
9 mediators include Professor Eric D. Green, the Hon. Daniel Weinstein (Ret.), and the Hon. Vaughn
10 Walker (Ret.). *Id.* The mediators conducted numerous mediation sessions, as well as numerous
11 calls and conference calls with the parties. *Id.* Class Counsel have paid a total of \$88,012.54 in
12 mediator costs since January 2012. Lee Dec., ¶ 10, Exh. 4. Such mediation fees are normally
13 billed to fee-paying clients, and thus are recoverable. *See Frenz v. Quereshi*, 1999 U.S. Dist.
14 LEXIS 4329 at *18-19 (D. Or. March 11, 1999); *see also Media Vision*, 913 F. Supp. at 1366.

15 4. Special Master Fees. In its August 29, 2012 Order, the Court appointed Martin
16 Quinn, Esq. of JAMS to prepare reports and issue recommendations on the subjects of
17 reimbursement of expenses and awards of attorneys' fees. Dkt. # 6580. Class Counsel have
18 incurred costs of \$825.00 for these services to date. Lee Dec., ¶ 11, Exh. 5. These costs are
19 reasonable and necessary to the litigation, and have been incurred pursuant to the Court's Order.
20 Class Counsel anticipate that they will continue to incur costs for Special Master fees going
21 forward and will request reimbursement for these additional costs at a later date. *Id.* at ¶ 11.

22 5. Deposition Costs. More than 180 depositions were taken by the parties in this case.
23 Lee Dec., ¶ 12. Many of these depositions were multiple days. *Id.* Class Counsel request
24 reimbursement for \$122,426.47 in deposition costs and deposition transcripts (including finance
25 charges) at this time. Lee Dec., ¶ 12, Exh. 6. \$5,627.69 of this amount was paid to Hitachi
26 counsel, by agreement of the parties, to reimburse Hitachi for transportation costs for depositions
27 taken in the United States. *Id.* at ¶ 12. Deposition costs are recoverable "if necessarily obtained for
28 use in the case." *Media Vision*, 913 F.Supp. at 1371.

1 6. Hearing Transcripts. Class Counsel have paid a total of \$12,635.94 for transcripts
2 of Court proceedings before this Court and the Special Master since January 2012. Lee Dec., ¶ 13,
3 Exh. 7. These transcripts were necessary to ensure that Class Counsel followed the Court's
4 specific requests, and to monitor developments in the AUO criminal trial and the Toshiba-DPP
5 trial. *Id.* at ¶ 13. These costs are also allowed by statute as taxable costs. *See* 28 U.S.C. § 1920(2).

6 7. Professional Interpreters/Translators. The IPPs have incurred costs of \$39,580.55
7 for interpreter and translator costs since January 2012. Lee Dec., ¶ 14, Exh. 8. Because millions of
8 pages of documents produced in this matter were in Chinese, Japanese, or Korean, Class Counsel
9 were required to expend significant resources to translate these documents. *Id.* at ¶ 14. Third party
10 vendors and technical staff have been utilized in the translation of these documents produced by
11 Defendants. *Id.* Further, most of the witnesses deposed by Class Counsel required the services of
12 professional interpreters during their depositions. *Id.* The costs of such services are taxable by
13 statute. 28 U.S.C. § 1920(6).

14 8. Service of Process. Class Counsel request reimbursement of \$24,287.47 for costs
15 incurred in serving the class action complaint on the defendants in Japan, Korea, and Taiwan. Lee
16 Dec., ¶ 15, Exh. 9. Service of process fees for overseas entities are a necessary expense in any
17 litigation involving defendants based outside the United States and thus these costs should be
18 reimbursed. *See* Local Rule 54-3(a)(2).

19 9. Conference Calls. Class Counsel request reimbursement of \$8,803.29 for
20 conference call costs paid out of the litigation fund. Lee Dec., ¶ 16, Exh. 10. All of these
21 conference calls were necessary for Class Counsel to discuss strategy, case management,
22 settlement negotiations, and trial preparation. *Id.* These conference call costs are the type
23 normally charged to fee-paying clients, and are thus recoverable. *Media Vision*, 913 F.Supp. at
24 1368-69; *see also Lopez v. San Francisco Unified Sch. Dist.*, 385 F.Supp.2d 981, 1002 (N.D. Cal.
25 2006) (Illston, J.). All of the costs are for conference calls hosted by outside vendors; none of
26 these costs are for Class Counsel law firm internal telephone services. Lee Dec., ¶ 16.

27 10. Document Reproduction. Class Counsel request reimbursement of \$27,586.78 for
28 document reproduction costs paid out of the litigation fund. Lee Dec., ¶ 17, Exh. 11. This

1 consisted primarily of documents produced by the parties and third-parties in response to discovery
2 requests, and exhibits used by Class Counsel at depositions and in preparation for trial. *Id.* at ¶ 17.
3 Preparing copies of these documents was reasonable and necessary to effectuate representation of
4 the class at all stages of this case, and these costs should thus be reimbursed. *See Media Vision,*
5 913 F.Supp. at 1367-68. Copies of these documents were provided either in electronic format on
6 hard drives, or in hard copy format. Lee Dec., ¶ 17. All requests for reimbursement for hard
7 copies are for payments to outside vendors who completed voluminous document reproduction
8 requests. *Id.* Utilization of these outside vendors was reasonable and necessary because of the
9 volume of documents involved. These costs are not normally absorbed as part of law firm overhead
10 and are also allowed by statute as taxable costs. *See* 28 U.S.C. § 1920(4).

11 11. Meeting Costs. Class Counsel request reimbursement for \$7,150.93 in IPP class
12 representative and counsel meeting costs paid out of the litigation fund. Lee Dec., ¶ 18, Exh. 12.
13 These national meetings were necessary in order to provide updates to the class representatives on
14 case status, prepare them for deposition, and prepare for testimony at trial. *Id.* at ¶ 18. Class
15 Counsel hosted these national meetings at hotel conference rooms in the San Francisco bay area.
16 *Id.* Due to the number of class representatives and Class Counsel, these meetings could not be held
17 at Class Counsel offices. *Id.*

18 12. Technicians. Class Counsel incurred costs of \$997.78 for technicians who analyzed
19 the products purchased by IPP class representatives that contained LCD panels. Lee Dec., ¶ 19,
20 Exh. 13. The IPPs retained these technicians to provide information regarding class representative
21 purchases in response to Defendants' discovery requests. *Id.* at ¶ 19. These costs were thus
22 reasonable and necessary in this litigation, and are therefore reimbursable.

23 13. Trial Consultants and Support. Class Counsel request reimbursement for
24 \$333,177.36 in jury consultant work, trial graphics support, and trial presentation support paid out
25 of the litigation fund. Lee Dec., ¶ 20, Exh. 14.

26 The IPP jury consultants conducted two separate focus groups, each with three mock jury
27 panels, over three full days. *Id.* at ¶ 20. The jury consultants assisted Class Counsel in refining
28 trial strategy and themes. *Id.* The jury consultant costs were thus reasonable and necessary to

1 prosecuting this case, and are reimbursable. *See, e.g., In re Broadcom Corp. Secs. Litig.*, 2005
2 U.S. Dist. LEXIS 41993 (C.D. Cal. 2005) at *27-28; *Villegas v. Hackett*, 2008 U.S. Dist. LEXIS
3 48576 (S.D. Cal. 2008) at *24-25.

4 Class Counsel also utilized trial graphics and trial presentation support to prepare
5 demonstrative aids, excerpts of deposition testimony with voice-over English translations, and key
6 exhibits to be shown to the jury at trial. Lee Dec., ¶ 20. The costs incurred for trial graphics and
7 trial presentation support are reimbursable under Local Rule 54-3(d)(5), as these vendors provided
8 charts, diagrams, videotapes (including synchronized videotaped depositions), and other visual aids
9 that would have been reasonably necessary to assist the jury or the Court at trial. *See Hynix*
10 *Semiconductor, Inc. v. Rambus, Inc.*, 697 F.Supp.2d 1139, 1150-51 (N.D. Cal. 2010); *City of*
11 *Alameda v. Nuveen Mun. High Income Opportunity Fund*, 2012 U.S. Dist. Lexis 7403 (N.D. Cal.
12 2012) at *10, 19-21 (Illston, J.).

13 **C. THE IPP'S HAVE PROVIDED ADEQUATE NOTICE OF THIS REQUEST** 14 **FOR REIMBURSEMENT**

15 In compliance with Federal Rule of Civil Procedure 23(h), Class Counsel have provided
16 notice to the parties and class members of this request for reimbursement of expenses. Pursuant to
17 the Court's Order granting preliminary approval of the AUO, LG, and Toshiba settlements, Class
18 Counsel began implementing a notice program and publishing notice of these settlements on
19 August 8, 2012. Lee Dec., ¶ 21. Class Counsel also provided notice of the prior settlements
20 pursuant to this Court's orders. *Id.* These notices state that "Class Counsel and the Attorneys
21 General will ask the Court for ... reimbursement of their costs and expenses." Dkt. # 4688, Exh.
22 A; Dkt. # 6141-13, Exh. 3.

23 Pursuant to the Court's July 31, 2012 Order, this Motion will be made publicly available
24 both through the Court's ECF system, and posted on the IPPs' settlement website at
25 <https://lcdclass.com>. Lee Dec., ¶ 21. Further, the noticed hearing date of November 29, 2012 for
26 this motion is the same date and time as the Fairness Hearing on the Settlements. Dkt. #6311.

27 Notice that Class Counsel would be applying for reimbursement of expenses was also
28 provided to all parties and class members through the Settlement Agreements, which are publicly

1 available on the website <https://lcdclass.com>. These Agreements included provisions that, prior to
2 the hearing on final approval of these settlements, Plaintiffs would move for reimbursement of
3 litigation costs. Scarpulla Dec., Exh. A-C; Declaration of Francis O. Scarpulla in Support of
4 Indirect-Purchaser Plaintiffs' and Settling States' Joint Motion for Preliminary Approval of
5 Combined Class, *Parens Patriae*, and Governmental Entity Settlements, Dkt # 4424-1, Exhs. A-G.
6 Specifically, these settlements state: "Settling Class Counsel shall be awarded such fees and
7 reimbursed such costs and expenses from the Settlement Fund as are approved by the Court ..."

8 *Id.*

9
10 **IV. CONCLUSION**

11 Based on the foregoing, Plaintiffs respectfully request that the Court grant Class Counsel's
12 request for reimbursement of \$1,234,314.89 in litigation costs and expenses and order that the
13 funds be withdrawn from the Settlement fund and transferred to the Indirect Purchaser Plaintiffs'
14 LCD Litigation Costs Fund.

15
16 Dated: September 7, 2012

MINAMI TAMAKI LLP

17
18 By: /s/ Jack W. Lee

Jack W. Lee

19 *Liaison Counsel for the Indirect Purchaser*
20 *Plaintiffs*