

1 [Stipulating parties listed on signature page]

2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 SAN FRANCISCO DIVISION

6 In re: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

) Case No. 07-5944 SC

) MDL No. 1917

7
8 This Document Relates to:

) **STIPULATION AND [PROPOSED]**
) **ORDER OF DISMISSAL**

9 *Electrograph Systems, Inc., et al. v. Hitachi,*
Ltd., et al., No. 3:11-cv-01656-SC

10 *Electrograph Systems, Inc., et al. v. Technicolor*
SA, et al., No. 3:13-cv-05724-SC

11 *CompuCom Sys., Inc. v. Hitachi, Ltd., et al., No.*
12 *3:11-cv-06396-SC*

13 *Interbond Corp. of Am. v. Hitachi, Ltd. et al.,*
No. 3:11-cv-06276-SC

14 *Interbond Corp. of America v. Technicolor SA,*
15 *et al., No. 3:13-cv-05727-SC*

16 *Office Depot, Inc. v. Hitachi, Ltd. et al, No.*
3:11-cv-06276-SC

17 *Office Depot, Inc. v. Technicolor SA, et al., No.*
18 *3:13-cv-05726-SC*

19 *P.C. Richard & Son Long Island Corp., et al., v.*
Hitachi, Ltd., et al., No. 3:12-cv-02648-SC

20 *P.C. Richard & Son Long Island Corp., et al. v.*
Technicolor SA, et al., No. 3:13-cv-05725-SC

21 *Schultze Agency Services, LLC on behalf of*
22 *Tweeter Opco, LLC and Tweeter Newco, LLC v.*
Hitachi, Ltd., et al., No. 3:12-cv-2649-SC

23 *Schultze Agency Services, LLC on behalf of*
24 *Tweeter Opco, LLC and Tweeter Newco, LLC v.*
Technicolor SA., et al., No. 3:13-cv-05668-SC

1 Plaintiffs Electrograph Systems, Inc. and Electrograph Technologies, Corp. (collectively,
2 “Electrograph”); CompuCom Systems, Inc. (“CompuCom”); Interbond Corporation of America
3 (“BrandsMart”); Office Depot, Inc. (“Office Depot”); P.C. Richard & Son Long Island Corporation
4 (“P.C. Richard”); MARTA Cooperative of America, Inc. (“MARTA”); ABC Appliance, Inc. (“ABC
5 Warehouse”); and Schultze Agency Services, LLC on behalf of Tweeter Opco, LLC and Tweeter
6 Newco, LLC (“Tweeter”) (collectively, “Stipulating Plaintiffs”), and the undersigned Defendants, by
7 their respective attorneys and pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, state
8 as follows:

9 1. On October 3, 2013, Electrograph filed its Second Amended Complaint (“SAC”) in
10 this case (MDL Dkt. No. 1976). In its SAC, Electrograph asserts claims for relief against all
11 Defendants except Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies
12 Displays Americas LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions
13 America, Inc., and Mitsubishi Electric US, Inc. (f/k/a Mitsubishi Electric & Electronics USA, Inc.)
14 under the Sherman Act, the California Cartwright Act, California Unfair Competition Laws, the New
15 York Donnelly Act, and New York Unfair Competition Law.

16 2. On December 20, 2013, Electrograph filed its First Amended Complaint against
17 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
18 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
19 Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-4) In its FAC, Electrograph asserts claims for
20 relief under the Sherman Act, the California Cartwright Act, California Unfair Competition Laws,
21 the New York Donnelly Act, New and York Unfair Competition Law.

22 3. On October 3, 2013, CompuCom filed its First Amended Complaint (“FAC”) in this
23 case (MDL Dkt. No. 1975). In its FAC, CompuCom asserts claims for relief against all Defendants
24 except Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays
25 Americas LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc.,
26 and Mitsubishi Electric US, Inc. under the Sherman Act, the California Cartwright Act, California
27 Unfair Competition Law, and the New York Donnelly Act.

1 4. On October 3, 2013, BrandsMart filed its First Amended Complaint in this case
2 (MDL Dkt. No. 1974). In its FAC, BrandsMart asserts claims for relief against all Defendants
3 except Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays
4 Americas LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc.,
5 and Mitsubishi Electric US, Inc. under the Sherman Act and the Florida Deceptive and Unfair Trade
6 Practices Act.

7 5. On December 20, 2013, BrandsMart filed its First Amended Complaint against
8 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
9 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
10 Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-6) In its FAC, BrandsMart asserts claims for
11 relief under the Sherman Act and the Florida Deceptive and Unfair Trade Practices Act.

12 6. On October 3, 2013, Office Depot filed its First Amended Complaint in this case
13 (MDL Dkt. No. 1977). In its FAC, Office Depot asserts claims for relief against all Defendants
14 except Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays
15 Americas LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc.,
16 and Mitsubishi Electric US, Inc. under the Sherman Act, the Florida Deceptive and Unfair Trade
17 Practices Act, the California Cartwright Act, and California Unfair Competition Laws.

18 7. On December 20, 2013, Office Depot filed its First Amended Complaint against
19 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
20 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
21 Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-8) In its FAC, Office Depot asserts claims for
22 relief under the Sherman Act, the Florida Deceptive and Unfair Trade Practices Act, the California
23 Cartwright Act, and California Unfair Competition Laws.

24 8. On October 3, 2013, P.C. Richard filed its First Amended Complaint in this case
25 (MDL Dkt. No. 1979). In its FAC, P.C. Richard asserts claims for relief against all Defendants
26 except Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays
27 Americas LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc.,
28 and Mitsubishi Electric US, Inc. under the Sherman Act and the New York Donnelly Act.

1 9. On December 20, 2013, P.C. Richard filed its First Amended Complaint against
2 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
3 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
4 Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-10) In its FAC, P.C. Richard asserts claims for
5 relief under the Sherman Act and the New York Donnelly Act.

6 10. On October 3, 2013, MARTA filed its First Amended Complaint in this case (MDL
7 Dkt. No. 1979). In its FAC, MARTA asserts claims for relief against all Defendants except
8 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
9 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
10 Mitsubishi Electric US, Inc. under the Sherman Act, the Arizona Revised Statutes §§ 44-1401, *et*
11 *seq.*, and the Illinois Antitrust Act.

12 11. On December 20, 2013, MARTA filed its First Amended Complaint against
13 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
14 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
15 Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-10) In its FAC, MARTA asserts claims for relief
16 under the Sherman Act, the Arizona Revised Statutes §§ 44-1401, *et seq.*, and the Illinois Antitrust
17 Act.

18 12. On October 3, 2013, ABC Warehouse filed its First Amended Complaint in this case
19 (MDL Dkt. No. 1979). In its FAC, ABC Warehouse asserts claims for relief against all Defendants
20 except Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays
21 Americas LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc.,
22 and Mitsubishi Electric US, Inc. under the Sherman Act and the Michigan Compiled Laws §§
23 445.771, *et seq.*

24 13. On December 20, 2013, ABC Warehouse filed its First Amended Complaint against
25 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
26 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
27 Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-10) In its FAC, ABC Warehouse asserts claims
28 for relief under the Sherman Act and the Michigan Compiled Laws §§ 445.771, *et seq.*

1 14. On October 3, 2013, Tweeter filed its First Amended Complaint in this case (MDL
2 Dkt. No. 1979). In its FAC, Tweeter asserts claims for relief against all Defendants except
3 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
4 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
5 Mitsubishi Electric US, Inc. under the Sherman Act.

6 15. On December 20, 2013, Tweeter filed its First Amended Complaint against
7 Technicolor SA, Technicolor USA, Inc., Videocon Industries, Ltd., Technologies Displays Americas
8 LLC, Mitsubishi Electric Corporation, Mitsubishi Electric Visual Solutions America, Inc., and
9 Mitsubishi Electric US, Inc. (MDL Dkt. No. 2279-10). In its FAC, Tweeter asserts claims for relief
10 under the Sherman Act.

11 16. Stipulating Plaintiffs now desire to dismiss with prejudice their claims against
12 Defendants under the specific state laws outlines in paragraphs 1-13, above, with the exception of
13 the claims of BrandsMart and Office Depot under the Florida Deceptive and Unfair Trade Practices
14 Act. Except as described in the following Paragraph, BrandsMart and Office Depot are not
15 dismissing, and will continue to prosecute, those Florida Deceptive and Unfair Trade Practices Act
16 claims. Further, Stipulating Plaintiffs are not dismissing, and will continue to prosecute, all claims
17 against Defendants brought pursuant to federal law, including the Sherman Act and the Clayton Act.

18 17. Office Depot will not maintain any claim for relief under the Florida Deceptive and
19 Unfair Trade Practices Act which is based upon purchases by OfficeMax Incorporated (or its
20 subsidiaries) through 2003. With respect to such OfficeMax Incorporated purchases, Office Depot is
21 maintaining and will continue to prosecute its claims brought pursuant to federal law, including the
22 Sherman Act and the Clayton Act.

23 18. Stipulating Plaintiffs and Defendants agree that each party shall bear its own costs
24 and attorneys' fees in connection with the dismissed claims.

25 19. As a result of the dismissals of these state law claims with prejudice, and contingent
26 upon the Court's approval of this Stipulation, Defendants will withdraw certain pending summary
27 judgment motions, in whole or in part, as follows:
28

1 a. Defendants Chunghwa Picture Tubes, Ltd. and Chunghwa Picture Tubes
2 (Malaysia) Sdn. Bhd.'s Motion for Summary Judgment on Direct Action Plaintiffs'
3 State Law Claims on Due Process Grounds (MDL Dkt. No. 2973) is withdrawn as to
4 CompuCom's claims under California and New York law, P.C. Richard's claims
5 under New York law, MARTA's claims under Arizona and Illinois law, ABC
6 Warehouse's claims under Michigan law, and Office Depot's claims under California
7 Law, but continues to apply to all other claims and Plaintiffs addressed in the motion.

8 b. Defendants' Notice of Motion and Motion for Partial Summary Judgment as
9 to Indirect Purchaser Plaintiffs' and Certain Direct Action Plaintiffs' State Law
10 Claims on Statute of Limitations Grounds (MDL Dkt. No. 2978) is withdrawn as to
11 Electrograph's claims under New York law only, and continues to apply to all other
12 claims and Plaintiffs addressed in the motion.

13 c. Thomson Consumer's Notice of Motion and Motion for Summary Judgment
14 and Partial Summary Judgment (MDL Dkt. No. 2981) is withdrawn as to
15 Electrograph's claims under New York law and P.C. Richard's claims under New
16 York law.

17 d. Defendant Technologies Displays Americas LLC's Motion for Summary
18 Judgment (MDL Dkt. No. 2984) is withdrawn as to Electrograph's claims under
19 California and New York law, Office Depot's claims under California law, P.C.
20 Richard's claims under New York law, MARTA's claims under Arizona and Illinois
21 law, and ABC Warehouse's claims under Michigan law, but remains as to Office
22 Depot's and BrandsMart's Florida claims.

23 e. Defendants' Notice of Motion and Motion for Summary Judgment With
24 Respect to MARTA (MDL Dkt No. 2994) is withdrawn as to MARTA's claims under
25 Arizona and Illinois law.

26 f. Defendants' Joint Notice of Motion and Motion for Partial Summary
27 Judgment Against Electrograph, P.C. Richard and MARTA on Choice of Law
28 Grounds (MDL Dkt. No. 3000) is withdrawn.

1 g. Defendants' Joint Notice of Motion and Motion for Partial Summary
2 Judgment Against CompuCom Systems, Inc. on Choice of Law Grounds (MDL Dkt.
3 No. 3002) is withdrawn.

4 h. Defendants' Joint Notice of Motion and Motion for Partial Summary
5 Judgment Against Office Depot on Choice of Law Grounds (MDL Dkt. No. 3021) is
6 withdrawn.

7 i. Defendants' Notice of Motion and Motion for Partial Summary Judgment on
8 Plaintiffs' Indirect Purchaser Claims Based on Foreign Sales (MDL Dkt. No. 3005) is
9 withdrawn as to Electrograph's claims under California and New York law,
10 CompuCom's claims under California and New York law, Office Depot's claims
11 under California law, P.C. Richard's claims under New York law, MARTA's claims
12 under Arizona and Illinois law, and ABC Warehouse's claims under Michigan law,
13 but remains as to Office Depot's and BrandsMart's Florida claims.

14 j. Defendants' Joint Notice of Motion and Motion for Summary Judgment
15 Based Upon Plaintiffs' Failure to Distinguish Between Actionable and Non-
16 Actionable Damages Under the FTAIA (MDL Dkt. No. 3008) is withdrawn as to
17 Electrograph's claims under California and New York law, CompuCom's claims
18 under California and New York law, Office Depot's claims under California law, P.C.
19 Richard's claims under New York law, MARTA's claims under Arizona and Illinois
20 law, and ABC Warehouse's claims under Michigan law, but remains as to Office
21 Depot's and BrandsMart's Florida claims.

22 k. Defendants' Joint Notice of Motion and Motion for Partial Summary
23 Judgment Against Certain Direct Action Plaintiffs on Due Process Grounds (MDL
24 Dkt. No. 3029) is withdrawn as to CompuCom's claims under California and New
25 York law and Office Depot's claims under California law.

26 l. Defendants' Joint Notice of Motion and Motion for Partial Summary
27 Judgment Against Certain Direct Action Plaintiffs on State Law Claims Limited to
28

Intrastate Activity (MDL Dkt. No. 3031) is withdrawn as to MARTA's claims under Arizona law, but remains as to Office Depot's and BrandsMart's Florida claims.

m. Defendants' Joint Re-Notice of Motion for Partial Summary Judgment Against Indirect Purchaser Plaintiffs and Certain Direct Action Plaintiffs for Lack of Antitrust Injury and Antitrust Standing Under Federal and Certain State Laws (MDL Dkt. No. 3123) is withdrawn as to Electrograph's claims under California and New York law, CompuCom's claims under California and New York law, Office Depot's claims under California law, P.C. Richard's claims under New York law, MARTA's claims under Illinois law, and ABC Warehouse's claims under Michigan law, but remains as to Office Depot's and BrandsMart's Florida claims.

n. Defendant Beijing Matsushita Color CRT Co., Ltd.'s Notice of Motion and Motion for Summary Judgment for Failure to Adduce Evidence Sufficient to State a Claim in Light of the FTAIA and for Lack of Standing to Seek Injunctive Relief (MDL Dkt. No. 2990) is withdrawn as to Electrograph's claims under California and New York law.

o. Any other motion that seeks to dismiss any of the Stipulating Plaintiffs' state law claims referenced in Paragraph 1-13, except BrandsMart's and Office Depot's Florida claims, is withdrawn as to those claims.

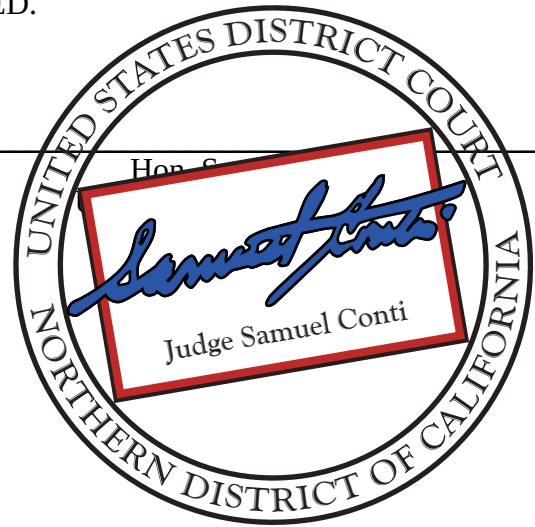
20. This stipulation and the Court's order thereon shall have no bearing on the applicability of the aforementioned motions in the cases of plaintiffs other than the Stipulating Plaintiffs.

WHEREFORE, the parties stipulate and agree that the Stipulating Plaintiffs' state law claims referenced in Paragraph 1-13 are dismissed with prejudice. This dismissal does not apply to the claims of Stipulating Plaintiffs brought under federal law (including the Sherman Act and the Clayton Act), or to the claims of BrandsMart and Office Depot brought under the Florida Deceptive and Unfair Trade Practices Act.

1 The undersigned parties jointly and respectfully request that the Court enter this stipulation
2 as an order.

3
4 PURSUANT TO STIPULATION, IT IS SO ORDERED.

5
6 Dated: 12/18/2014



Pursuant to Local Rule 5-1(i), the filer attests that the concurrence in the filing of this document has been obtained from each of the below signatories.

Dated: December 12, 2014

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