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Mitsubishi Buyer Class Wins Cert. In CRT Price-Fixing MDL

By **Matthew Bultman**

Law360, New York (July 8, 2015, 1:43 PM ET) -- A California federal judge certified a class of direct purchaser plaintiffs Wednesday accusing Mitsubishi Electric Corp. of conspiring to fix the prices of cathode ray tubes in televisions, ruling buyers of Mitsubishi televisions could easily determine whether they were in the class.

The plaintiffs — customers who directly purchased CRTs, mainly retail companies — had asked U.S. District Judge Samuel Conti to certify a class of buyers of televisions made by Mitsubishi, the only remaining defendant in their suit after a host of other electronics makers have settled.

On Wednesday, Judge Conti sided with the purchasers, granting class certification and ruling that the class is, contrary to Mitsubishi's arguments, ascertainable and not overbroad. Judge Conti wrote that the class definition allows those who bought a CRT television from Mitsubishi and its affiliates or subsidiaries to easily determine whether they fall within the class based on a "review of their sales records and invoices."

"While the scope of the class as worded may seem broad at first blush, there is little danger of being unable to ascertain whether one is a member of the class or accidentally including somebody without standing," Judge Conti wrote. "[Plaintiffs] limit the scope of the class to those who, within a specific date and location, purchased from a defined group a 'CRT product.'"

Judge Conti also found that the plaintiffs' economic expert, Jeffrey J. Leitzinger of One Research Inc., convincingly showed that there is "evidence common to members of the proposed class" of the effect of the alleged price-fixing.

The direct purchaser class does not overlap with a previously certified indirect-purchaser class, Judge Conti wrote, but he did order the plaintiffs to specifically identify the Mitsubishi affiliates that potential class members may have bought televisions from.

The suit is part of multidistrict litigation involving scores of plaintiffs making antitrust claims against various electronics companies for their alleged roles in an anti-competitive scheme involving a once-central component of television sets.

The MDL, consolidated in 2008, grew to contain several suits brought by the so-called direct-action plaintiffs.

The direct purchasers had accused the companies of limiting the supply of CRTs, used in TVs and computer monitors and allocating markets and customers for the sale of CRTs in

the United States as part of a scheme that unfolded between March 1995 and November 2007.

Over the course of nearly two years, a number of CRT makers have **reached settlements** to resolve various parts of the MDL.

On Tuesday, Alfred H. Siegel, the liquidation trustee of the erstwhile Circuit City, filed a stipulation of dismissal with Judge Conti, agreeing to dismiss with prejudice all claims against the Philips Electronics North America Corp. and three affiliates. Terms of the settlement are confidential and not disclosed in court filings, aside from the responsibility of each party to bear its own costs and attorneys' fees.

The settlement is the latest for the Circuit City trustee and follows a June 29 stipulation in which it agreed to dismiss claims against Panasonic Corp. and other related entities. Three days prior to that, Judge Conti signed off on a stipulation of dismissal between Siegel and Samsung SDI Co. Ltd. and various affiliates.

Also, Judge Conti in February ordered Circuit City's claims be dismissed against Hitachi Ltd. after the parties indicated they had reached an agreement.

Representatives for Mitsubishi and the direct purchaser plaintiffs did not immediately respond to requests for comment on Wednesday.

The direct purchaser plaintiffs are represented by Guido Saveri, R. Alexander Saveri, Geoffrey C. Rushing and Travis L. Manfredi of Saveri & Saveri Inc. Siegel is represented by Kenneth S. Marks and Jonathan J. Ross of Susman Godfrey LLP.

Mitsubishi is represented by Brent Caslin, Terrence J. Truax, Michael T. Brody and Gabriel A. Fuentes of Jenner & Block LLP. Philips is represented by John M. Taladay, Joseph Ostoyich and Erik T. Koons of Baker Botts LLP.

The MDL is In re: Cathode Ray Tube Antitrust Litigation, case number 3:07-cv-05944, in the U.S. District Court for the Northern District of California.

--Additional reporting by Daniel Siegal. Editing by Rebecca Flanagan and Brian Baresch.

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