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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE: LITHIUM ION BATTERIES
ANTITRUST LITIGATION

Case No. 4:13-md-02420-YGR (DMR)

**ORDER GRANTING IN PART MOTION FOR
INDICATIVE RULING**

Dkt. No. 2558

This Order relates to the
Indirect Purchaser Actions

The motion of objecting class member Gordon Morgan¹ for an indicative ruling pursuant to Federal Rule of Civil Procedure 62.1 is **GRANTED IN PART**. The Court agrees that remand of jurisdiction to consider any effect on the Court’s prior award of attorneys’ fees in this matter at the same time the Court considers a modification in the distribution of the Round 2 settlements would be sensible from a procedural and efficiency standpoint.

The Ninth Circuit’s decision *Indirect Purchaser Plaintiffs v. Bednarz*, No. 17-17367 vacated the Court’s approval of the Round 2 settlements between the Indirect Purchaser Plaintiffs and defendants Hitachi, Maxell, NEC, and LG Chem. (*See* Dkt. No. 2532 herein.) The Ninth Circuit’s decision in *Indirect Purchaser Plaintiffs v. Andrews*, No. 17-17369 dismissed Andrews’ appeal as moot and, at the same time, vacated the Court’s fee award based upon the settlement agreements entered with Hitachi, Maxell, NEC, and LG Chem. (*See* Dkt. No. 2532 herein.) However, Morgan subsequently filed a notice of appeal of the Court’s fee award order, depriving the Court of jurisdiction over that matter. (Dkt. No. 2534.)

Should the Ninth Circuit elect to remand the pending appeal of objector Morgan, this Court will consider whether any modification of its attorney fee award is warranted in connection with

¹ Given that objector Michael Frank Bednarz did not file a notice of appeal with respect to the Court’s August 16, 2019 Order granting approval of the third-round settlements and granting the motion for attorneys’ fees, Bednarz has no basis for requesting an indicative ruling regarding remand of an appeal.

1 the Indirect Purchase Plaintiffs' revised distribution plan and any class member objections thereto.
2 (See Dkt. No. 2566, IPPs' Motion to Direct Notice to the Class Regarding Settlements with LG
3 Chem, Hitachi Maxell, and NEC Defendants.)

4 This terminates Docket No. 2558.

5 **IT IS SO ORDERED.**

6 Dated: December 12, 2019



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT JUDGE

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