

1 Joseph W. Cotchett (36324)  
 jcotchett@cpmlegal.com  
 2 Steven N. Williams (175489)  
 swilliams@cpmlegal.com  
 3 Adam J. Zapala (245748)  
 azapala@cpmlegal.com  
 4 Elizabeth Tran (280502)  
 etran@cpmlegal.com  
 5 **COTCHETT, PITRE & McCARTHY, LLP**  
 San Francisco Airport Office Center  
 6 840 Malcolm Road, Suite 200  
 Burlingame, CA 94010  
 7 Telephone: (650) 697-6000  
 Facsimile: (650) 697-0577

8 Michael P. Lehmann (77152)  
 9 mlehmann@hausfeldllp.com  
 Christopher Lebsock (184546)  
 10 clebsock@hausfeldllp.com  
**HAUSFELD LLP**  
 11 44 Montgomery Street  
 San Francisco, CA 94111  
 12 Telephone: (415) 633-1908  
 Facsimile: (415) 358-4980

Michael D. Hausfeld  
 mhausfeld@hausfeldllp.com  
 Seth R. Gassman  
 sgassman@hausfeldllp.com  
**HAUSFELD LLP**  
 1700 K Street, Suite 650  
 Washington, D.C. 20006  
 Telephone: (202) 540-7200  
 Facsimile: (202) 540-7201

*Interim Co-Lead Counsel for Plaintiffs*

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

17 **IN RE TRANSPACIFIC PASSENGER**  
**AIR TRANSPORTATION ANTITRUST**  
 18 **LITIGATION**

Civil Action No. 3:07-CV-05634-CRB

MDL No: 1913

19 **FINAL JUDGMENT OF DISMISSAL**  
**WITH PREJUDICE AS TO**  
 20 **DEFENDANT VIETNAM AIRLINES**  
**CORPORATION**

**This Document Relates To:**

**All Actions**

1 This matter has come before the Court to determine whether there is any just reason for delay  
2 of the entry of this final judgment with respect to the class action settlement with Defendant  
3 Vietnam Airlines Company Limited (sometimes referred to herein as “Defendant” or “VN”). The  
4 Court, having reviewed the Motion for Final Approval of certain settlements (*see* ECF No. 999) and  
5 Plaintiffs’ Fees Motion (*see* ECF No. 986), and having held argument on the motion on May 22,  
6 2015 and having issued an Order Granting Motion For Final Approval And Granting Motion For  
7 Fees (*see* ECF No. 1009), and finding no just reason for delay hereby directs entry of Judgment  
8 which shall constitute a final adjudication of this case on the merits as to members of the VN  
9 Settlement Class and Defendant Vietnam Airlines Company Limited pursuant to the Settlement  
10 Agreement Between Plaintiffs and Vietnam Airlines Company Limited (the “Settlement  
11 Agreement”) (*see* ECF No. 999-4):

12 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

13 1. The Court has jurisdiction over the subject matter of this litigation, and all actions  
14 within this litigation (collectively, the “Action”) and over the parties to the Settlement Agreement,  
15 including all members of the Settlement Class and Defendant.

16 2. The following class is certified for settlement purposes only, pursuant to Rule 23 of  
17 the Federal Rules of Civil Procedure:

18 VIETNAM AIRLINES SETTLEMENT CLASS:

19 All persons and entities that purchased passenger air transportation  
20 that included at least one flight segment between the United States and  
21 Asia or Oceania from Defendants or their co-conspirators, or any  
22 predecessor, subsidiary or affiliate thereof, at any time between  
23 January 1, 2000 and the Effective Date. Excluded from the class are  
24 purchases of passenger air transportation between the United States  
25 and the Republic of South Korea purchased from Korea Air Lines,  
26 Ltd. and /or Asiana Airlines, Inc. Also excluded from the class are  
27 governmental entities, Defendants, former defendants in the Actions,  
28 any parent, subsidiary, or affiliate thereof, and Defendants’ officers,  
directors, employees and immediate families.

3. This settlement class shall be referred to herein as the Settlement Class.

4. For purposes of this order, the terms “Defendants,” “Effective Date,” “Released  
Claims,” “Releasing Parties,” and Released Parties” shall be defined as set forth in the Settlement

1 Agreement. The term co-conspirators means: American Airlines; Asiana Airlines, Inc.; British  
2 Airways; Continental Airlines; Delta Airlines; Korean Air Lines, Ltd.; KLM Royal Dutch Airlines;  
3 Lufthansa; Northwest Airlines; Scandinavian Airlines System; Swiss International; United Airlines;  
4 and Virgin Atlantic Airways.

5 5. The Court finds the prerequisites to a class action under Federal Rule of Civil  
6 Procedure 23(a) have been satisfied for settlement purposes by each of the Settlement Classes in  
7 that:

- 8 a. there are hundreds of thousands of putative members of the Settlement Class,  
9 making joinder of all members impracticable;
- 10 b. there are questions of fact and law that are common to all members of the  
11 Settlement Class;
- 12 c. the claims of the Class Representatives are typical of those of the absent members  
13 of the Settlement Class; and
- 14 d. Plaintiffs Meor Adlin, Franklin Ajaye, Andrew Barton, Rachel Diller, Scott  
15 Fredrick, David Kuo, Dickson Leung, Brendan Maloof, Donald Wortman, Harley  
16 Oda, Roy Onomura, Shinsuke Kobayashi, Patricia Lee, Nancy Kajiyama, Della  
17 Ewing Chow and James Kawaguchi (the “Class Representatives”) have and will  
18 fairly and adequately protect the interests of the absent members of the Settlement  
19 Class and have retained counsel experienced in complex antitrust class action  
20 litigation who have and will continue to adequately advance the interests of the  
21 Settlement Class.

22 6. The Court finds that this Action may be maintained as a class action under Federal  
23 Rule of Civil Procedure 23(b)(3) for settlement because: (i) questions of fact and law common to  
24 the members of the Settlement Class predominate over any questions affecting only the claims of  
25 individual members; and (ii) a class action is superior to other available methods for the fair and  
26 efficient adjudication of this controversy.

27 7. Pursuant to Fed. R. Civ. P. 23(g), the Court hereby confirms that Cotchett, Pitre &  
28 McCarthy, LLP and Hausfeld LLP are appointed as Settlement Class Counsel, and that Plaintiffs

1 Meor Adlin, Franklin Ajaye, Andrew Barton, Rachel Diller, Scott Fredrick, David Kuo, Dickson  
2 Leung, Brendan Maloof, Donald Wortman, Harley Oda, Roy Onomura, Shinsuke Kobayashi,  
3 Patricia Lee, Nancy Kajiyama, Della Ewing Chow and James Kawaguchi are appointed to serve as  
4 Class Representatives on behalf of the Settlement Class.

5 8. The person identified on Exhibit B to the Declaration of Joel Botzet in support of  
6 Plaintiffs' motion for final approval of the Class Settlements (*see* ECF No. 999-19) has timely and  
7 validly requested exclusion from the Settlement Class and, therefore, is excluded. Such person is  
8 not included in or bound by this final judgment.

9 9. Upon the Effective Date, all Releasing Parties shall be permanently barred and  
10 enjoined from instituting, commencing, prosecuting or asserting any Released Claim against any of  
11 the Released Parties.

12 10. The Court has finally approved a total of eight settlements between the Class  
13 Representatives and Japan Airlines Company, Ltd., Société Air France, Vietnam Airlines Company  
14 Limited, Thai Airways International Public Co., Ltd. ("Thai Airways"), Malaysian Airline System  
15 Berhad, Qantas Airways Limited ("Qantas"), Cathay Pacific Airways, Ltd. ("Cathay Pacific"), and  
16 Singapore Airlines Limited (collectively the "Settlement Agreements") in the total amount of  
17 \$39,502,000.00, approved an award of attorneys' fees in the amount of \$9,000,000.00, approved  
18 reimbursement to Class Counsel of expenses in the amount of \$2,807,699.73, approved a litigation  
19 fund of \$3,000,000.00, and approved an award of \$7,500.00 for each of the Class Representatives  
20 (collectively the "Approved Fees and Costs") (*see* ECF No. 1009).

21 11. The Approved Fees and Costs shall be allocated pro-rata to each of the Settlement  
22 Agreements.

23 12. This Court hereby dismisses on the merits and with prejudice the Action against  
24 Defendant, with each party to bear its own costs and attorneys' fees.

25 13. Without affecting the finality of this final judgment in any way, this Court hereby  
26 retains continuing jurisdiction over: (a) implementation of the terms of the Settlement Agreement  
27 and any distribution to members of the Settlement Class pursuant to further orders of this Court; (b)  
28 hearing and ruling on any matters relating to the plan of allocation of the settlement proceeds; and

1 (c) all parties to the Action and Releasing Parties, for the purpose of enforcing and administering  
2 the Settlement Agreement and the mutual releases and other documents contemplated by, or  
3 executed in connection with the Settlement Agreement.

4 **IT IS SO ORDERED.**

5 Dated June 11, 2015



6 HON. CHARLES R. BREYER  
7 United States District Court Judge

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