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2 **COTCHETT, PITRE & McCARTHY, LLP**  
3 840 Malcolm Road  
4 Burlingame, CA 94010  
5 Telephone: (650) 697-6000  
6 azapala@cpmlegal.com

7 Kalpana Srinivasan (SBN 237460)  
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9 1900 Avenue of the Stars, Ste. 1400  
10 Los Angeles, CA 90067  
11 Telephone: (310) 789-3100  
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13 Lin Y. Chan (SBN 255027)  
14 **LIEFF CABRASER HEIMANN & BERNSTEIN LLP**  
15 275 Battery Street, 29th Floor  
16 San Francisco, CA 94111  
17 Telephone: (415) 956-1000  
18 lchan@lchb.com

19 *Settlement Class Counsel for the Indirect Purchaser Plaintiffs*

20 **UNITED STATES DISTRICT COURT**  
21 **NORTHERN DISTRICT OF CALIFORNIA**  
22 **SAN JOSE DIVISION**

23 IN RE TELESCOPES ANTITRUST  
24 LITIGATION

25 **Case No. 5:20-cv-03639-EJD**

26 THIS DOCUMENT RELATES TO:

27 All Indirect Purchaser Actions

28 **DECLARATION OF KALPANA  
SRINIVASAN IN SUPPORT OF  
INDIRECT PURCHASER PLAINTIFFS'  
MOTION FOR FINAL APPROVAL OF  
SETTLEMENT**

**Dept.: Courtroom 4**  
**Judge: Hon. Edward J. Davila**  
**Date: April 3, 2025**  
**Time: 9:00 AM**

1 I, Kalpana Srinivasan, declare as follows:

2 I, Kalpana Srinivasan, am an attorney at Susman Godfrey L.L.P., one of the three firms  
3 appointed as Settlement Class Counsel for Indirect Purchaser Plaintiffs (“IPPs”) in the above-  
4 captioned proceeding. I am a member of the State Bar of California and am admitted to practice  
5 before this Court. I make this declaration based on my own personal knowledge. If called upon to  
6 testify, I could and would testify competently to the truth of the matters stated herein.

7 I submit this declaration in support of IPPs’ Motion to for Final Approval of Settlement  
8 (“Motion”) in the above-captioned matter.

9 1. IPPs experts and the Court-appointed claims administrator, Verita, estimate the IPP  
10 Settlement Class to incudes approximately 4 million members.

11 2. Settlement negotiations occurred multiple times over several months and concluded  
12 with a two-day mediation with the Honorable Suzanne Segal, a former Magistrate Judge of the  
13 Central District of California. The parties agreed to settle only after both sides accepted Judge  
14 Segal’s mediator’s proposal following protracted negotiations.

15 3. IPPs’ damages expert calculates class damages in the range of \$29 million to \$165  
16 million. The \$32 million settlement fund lies within the IPPs’ expert’s damages estimate and  
17 represents between approximately 19% to 110% of the preliminary total estimate of single damages  
18 at trial.

19 4. Settlement Class Counsel did not receive any objections to the Attorneys’ Fees and  
20 Costs Motion.

21 5. Settlement Class Counsel received five separately-filed objections to the proposed  
22 settlement and attempted to meet and confer with all objectors.

23 6. On February 19, 2025, Settlement Class Counsel emailed counsel for the Direct  
24 Purchaser Plaintiffs, who represent the “Conditional Objectors,” to request confirmation of objector  
25 Jason Steele’s purchase locations. On February 27, 2025, counsel met and conferred via Zoom  
26 regarding their objections, but were unable to resolve them.

27 7. Objector National Woodlands Preservation, Inc. (“Woodlands”) did not provide an  
28 email or phone number. Settlement Class Counsel searched the internet, but Woodlands has no

1 internet presence at all. Contact information for “K. Luna,” who signed the objection as  
2 Woodlands’ CEO, could also not be found after conducting a thorough internet search. A search of  
3 the West Virginia Secretary of State’s business directory returned only the physical address listed  
4 in the objection, 110 James Street, Hinton, West Virginia. The sole business at that address is  
5 Ziegler & Ziegler, L.C. When contacted by Settlement Class Counsel, Ziegler & Ziegler informed  
6 them that they only service as a mailing address for Woodlands and were unable, or unwilling, to  
7 provide any further contact information or relay a message. Settlement Class Counsel also  
8 contacted Woodlands’ Notice of Process agent listed on the West Virginia Secretary of State’s  
9 business directory, Registered Agents, Inc. Registered Agents were unwilling to provide a phone  
10 number more email, and instructed Settlement Class Counsel to send a letter to Woodlands by  
11 certified mail, which counsel did on February 25, 2025. The letter urged Woodlands to contact  
12 Settlement Class Counsel regarding its objection at its “soonest convenience,” encouraged it to  
13 submit a claim, and informed it that “[a]lthough entities were always welcome to submit claims  
14 using the first or last name fields, the claim forms now include an additional field for ‘Name of  
15 Entity.’” As of signing this declaration, Woodlands has not responded or filed a claim.

16 8. On February 24, 2025, Settlement Class Counsel attempted to contact Objector Zhen  
17 via email, informing him that counsel was “in receipt of your objection to the settlement in *In re*  
18 *Telescopes Antitrust Litig.*” and that “we would like to discuss your objections as soon as possible.”  
19 Counsel suggested that the parties meet and confer by phone or Zoom before the deadline to file  
20 the Motion, February 28, 2025. As of filing this declaration, Mr. Zhen has not responded.

21 9. On February 24, 2025, Settlement Class Counsel attempted to contact Objector  
22 Barnes via email, informing him that counsel was “in receipt of your objection to the settlement in  
23 *In re Telescopes Antitrust Litig.*” and that “we would like to discuss your objections as soon as  
24 possible.” Counsel suggested that the parties meet and confer by phone or Zoom before the deadline  
25 to file the Motion, February 28, 2025. On February 26, 2025, Mr. Barnes responded that he was  
26 unable to pick a specific time, but “maybe if you provide me with your direct number I can try to  
27 give you a call when I have a minute.” Settlement Class Counsel responded later the same day,  
28 provided direct lines of contact, and urging Mr. Barnes to call directly anytime he was able.

1 Settlement Class Counsel also provided Mr. Barnes with its positions on his objections in writing  
2 to help focus any future discussion. On February 27, 2025, Mr. Barnes responded, indicating that  
3 the addition of the “State of purchase” field to the claim form “may sufficiently address my  
4 objection” if he could have a chance to review, but standing on his objections regarding the need  
5 to attain a claim number to file online and the Settlement’s California Civil Code § 1542 waiver.  
6 Settlement Class Counsel responded later that day, attaching a copy of the current claim form and  
7 requesting a time to walk through the remaining objections with Mr. Barnes on February 28, 2025.  
8 A true and correct copy of the above email correspondence is attached as Exhibit A to this  
9 declaration.

10  
11 I declare under the penalty of perjury that the foregoing is true and correct.

12 Executed on this 28th day of February, 2025 in Los Angeles, California.

13 /s/ Kalpana Srinivasan  
14 Kalpana Srinivasan  
15 SUSMAN GODFREY L.L.P.

16 *Settlement Class Counsel for the*  
17 *Indirect Purchaser Plaintiffs*  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# **EXHIBIT A**

**From:** [Tom Boardman](#)  
**To:** [elmanmethod@theachievementcoaches.com](mailto:elmanmethod@theachievementcoaches.com)  
**Cc:** [Kalpana Srinivasan](#); [Marc Seltzer](#); [Alejandra Salinas](#); [Steven Sklaver](#); [Michael Gervais](#); [Lin Chan](#); [Adam Zapala](#); [Elizabeth Castillo](#); [Christian Ruano](#)  
**Subject:** RE: In re Telescopes Antitrust Litig. - Objection  
**Date:** Thursday, February 27, 2025 7:08:24 PM  
**Attachments:** [Telescopes - Claim Form.pdf](#)

---

Thank you for the response, Mr. Barnes.

We would be happy to walk through all of this with you and discuss the remaining objections. Please let us know a time tomorrow (2/28) when you are available for a short Zoom meeting or if you prefer, a phone call. We can work around your schedule.

Attached for your review is the current claim form. Let us know if plan to continue pursuing the related objection.

Best,  
Tom

Tom Boardman | Susman Godfrey LLP  
O: (212) 729-2069 C: (415) 298-4627

-----Original Message-----

From: Tom Boardman  
Sent: Wednesday, February 26, 2025 4:24 PM  
To: [elmanmethod@theachievementcoaches.com](mailto:elmanmethod@theachievementcoaches.com)  
Cc: [Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>](mailto:ksrinivasan@SusmanGodfrey.com); [Marc Seltzer <MSeltzer@SusmanGodfrey.com>](mailto:MSeltzer@SusmanGodfrey.com); [Alejandra Salinas <ASalinas@susmangodfrey.com>](mailto:ASalinas@susmangodfrey.com); [Steven Sklaver <ssklaver@SusmanGodfrey.com>](mailto:ssklaver@SusmanGodfrey.com); [Michael Gervais <MGervais@susmangodfrey.com>](mailto:MGervais@susmangodfrey.com); [Lin Chan <lchan@lchb.com>](mailto:lchan@lchb.com); [Adam Zapala <AZapala@cpmlegal.com>](mailto:AZapala@cpmlegal.com); [Elizabeth Castillo <ecastillo@cpmlegal.com>](mailto:ecastillo@cpmlegal.com); [Christian Ruano <CRuano@cpmlegal.com>](mailto:CRuano@cpmlegal.com)  
Subject: RE: In re Telescopes Antitrust Litig. - Objection

Thank you for the reply, Mr. Barnes.

Please call me on my cellphone at your convenience before this Friday (2/28). (415) 298-4627.

A few points below to focus our discussion.

First, an explanation about the need to have a claim number to file online. The Court-appointed Claims Administrator implemented this safeguard measure to protect against bots and spammers attempting to make fraudulent claims. We believe that this was an entirely appropriate measure in an effort to prevent fraud and protect the interests of class members. Additionally, you will note that the settlement website homepage and FAQ now have clear messaging and a dedicated toll-free line potential class members can call to have a claim number generated. See <https://www.telescopesettlement.com/frequently-asked-questions.aspx> (“If you wish to file a claim online but have not received a claim code, please call 866 568 7713 to speak to the Settlement Administrator about generating one.”). We note that you were able to contact Verita, the Court-appointed Claims Administrator, have a claim number generated via email, and file your claim on February 15, 2025.

Second, with respect to your contention regarding eligibility and the relevant state of purchase, we wish to clarify a few matters. As the notice makes clear, indirect purchasers are eligible to make claims to share in the settlement if they purchased the relevant product while they were in an indirect purchaser state. See, e.g., Long Form Notice at p. 3 (“The group of people whom Synta has agreed to pay is called the settlement class, and it includes everyone who indirectly purchased one or more telescopes from January 1, 2005 to September 6, 2023, from a distributor/retailer that was manufactured by a defendant or alleged co-conspirator, while located in” an indirect purchaser state),

available at: [www.telescopessettlement.com/media/5232066/cehi\\_not\\_online\\_241213\\_v2.pdf](http://www.telescopessettlement.com/media/5232066/cehi_not_online_241213_v2.pdf); Settlement Agreement ¶ 1(e) (defining the settlement class as “all persons and entities in the Indirect Purchaser States (as defined herein) who, during the period from January 1, 2005 to 27 September 6, 2023, purchased one or more Telescopes . . . .”); Short Form Notice at p. 1 (“The settlement includes all persons and entities in the Indirect Purchaser States who, from January 1, 2005 to September 6, 2023, purchased one or more Telescopes from a distributor (or from any entity other than a defendant) that any defendant or alleged co-conspirator manufactured . . . .”). It is not the case that eligibility to participate in the settlement is based on the legal requirements of “residency” alone. Although we think that this matter was previously made clear, we added a field for “State of Purchase” to the claim form for claimants to include additional information.

Finally, as to the § 1542 waiver in the Settlement’s release provisions, such waivers have long been approved by the courts in class action settlements. For example, in *In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Pracs., & Prods. Liab. Litig.*, the court rejected an objection to a § 1542 waiver and held that “Class settlements often waive this protection, and such waivers are not generally viewed as an impediment to class settlement. . . . the Court is dubious as to whether the class claims could be settled absent such a waiver.” 2013 WL 12327929, at \*23 (C.D. Cal. July 24, 2013).

I look forward to discussing the above with you.

Best,  
Tom

Tom Boardman | Susman Godfrey LLP  
O: (212) 729-2069 C: (415) 298-4627

-----Original Message-----

From: [elmanmethod@theachievementcoaches.com](mailto:elmanmethod@theachievementcoaches.com) <[elmanmethod@theachievementcoaches.com](mailto:elmanmethod@theachievementcoaches.com)>  
Sent: Wednesday, February 26, 2025 6:56 AM  
To: Tom Boardman <[TBoardman@susmangodfrey.com](mailto:TBoardman@susmangodfrey.com)>  
Cc: Kalpana Srinivasan <[ksrinivasan@SusmanGodfrey.com](mailto:ksrinivasan@SusmanGodfrey.com)>; Marc Seltzer <[MSeltzer@SusmanGodfrey.com](mailto:MSeltzer@SusmanGodfrey.com)>; Alejandra Salinas <[ASalinas@susmangodfrey.com](mailto:ASalinas@susmangodfrey.com)>; Steven Sklaver <[ssklaver@SusmanGodfrey.com](mailto:ssklaver@SusmanGodfrey.com)>; Michael Gervais <[MGervais@susmangodfrey.com](mailto:MGervais@susmangodfrey.com)>; Lin Chan <[lchan@lchb.com](mailto:lchan@lchb.com)>; Adam Zapala <[AZapala@cpmlegal.com](mailto:AZapala@cpmlegal.com)>; Elizabeth Castillo <[ecastillo@cpmlegal.com](mailto:ecastillo@cpmlegal.com)>; Christian Ruano <[CRuano@cpmlegal.com](mailto:CRuano@cpmlegal.com)>  
Subject: Re: In re Telescopes Antitrust Litig. - Objection

EXTERNAL Email

Dear Mr. Boardman,

Thanks for reaching out.

I'm sorry for not replying earlier but my work obligations keep me rather busy and I haven't had time to get back to you until now.

I can't say when I can be available over the coming days but I guess maybe if you provide me with your direct number I can try to give you a call when I have a minute.

Or better yet maybe respond and let me know what you have in mind and whether you think some of my concerns are reasonable and can be addressed or not and we can narrow the focus of a conversation, hopefully.

Elman Barnes

On 2025-02-24 10:47, Tom Boardman wrote:

> Mr. Barnes,

>

> We are in receipt of your objection to the settlement in In\_\_ re  
> Telescopes Antitrust Litig\_. As counsel for the settlement class, we  
> would like to discuss your objections as soon as possible. Please let  
> us know times you are available to meet by phone/Zoom today (2/24)  
> through this Thursday (2/27).

>

> Best,

>

> Tom Boardman

>

> Tom Boardman [1] | Susman Godfrey LLP

>

> O: (212) 729-2069 C: (415) 298-4627

>

>

>

> Links:

> -----

> [1] <https://www.susmangodfrey.com/attorneys/tom-boardman/>



Telescopes Antitrust Litigation  
Settlement Administrator  
P.O. Box 301172  
Los Angeles, CA 90030-1172



VISIT THE SETTLEMENT WEBSITE BY  
SCANNING THE PROVIDED QR CODE

*In re Telescopes Antitrust Litigation Indirect  
Purchaser Actions*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No. 5:20-cv-03639-EJD

**Must Be Postmarked  
No Later Than  
May 20, 2025**

Claim ID: <<ClaimID>>

# CEHI

## «Barcode»

Postal Service: Please do not mark barcode

CEHI: ClaimID: «ClaimID»

«First1» «Last1»

«CO»

«Addr1» «Addr2»

«City», «St» «Zip»

«Country»

## Claim Form

COMPLETE AND SIGN THIS FORM AND FILE ONLINE NO LATER THAN **May 20, 2025** AT  
**www.telescopessettlement.com**, OR FILE BY MAIL POSTMARKED BY **May 20, 2025**.

Questions? Call 1-833-419-3506 or visit the website, **www.telescopessettlement.com**.

If you wish to receive any payment pursuant to the Settlement Agreement electronically,  
please submit your claim online at [www.telescopessettlement.com](http://www.telescopessettlement.com).

### CLASS MEMBER INFORMATION:

<input type="text"/>			<input type="text"/>	<input type="text"/>		
First Name			M.I.	Last Name		
OR						
<input type="text"/>						
Name of Entity						
<input type="text"/>						
ClaimID from Email or Postcard Notice (if you did not get a notice, leave this blank)						
<input type="text"/>						
Primary Address						
<input type="text"/>						
Primary Address Continued						
<input type="text"/>						
City			State	ZIP Code		
<input type="text"/>						
Email Address						
<input type="text"/>		<input type="text"/>		<input type="text"/>		
Area Code		Telephone Number				

*Failure to add your unique ClaimID, which can be found with your notice or by contacting the Settlement Administrator, will result in denial of your claim. If you received a notice of this Settlement by U.S. mail, your unique ClaimID is on the email or postcard. If you misplaced your notice, please contact the Settlement Administrator at 1-833-419-3506 or [admin@telescopessettlement.com](mailto:admin@telescopessettlement.com).*



FOR CLAIMS PROCESSING ONLY	OB <input type="text"/>	CB <input type="text"/>	<input type="radio"/> DOC <input type="radio"/> LC <input type="radio"/> REV	<input type="radio"/> RED <input type="radio"/> A <input type="radio"/> B
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**ELIGIBILITY:**

1. Did you purchase one or more Telescopes branded as Celestron, Meade, Orion, Sky-Watcher, or Zhumell from a retailer or distributor from January 1, 2005 to September 6, 2023?

- Yes (*Proceed to Question 2*)  No (*You are not eligible to submit a claim*)

2. If you answered “Yes” to Question 1, please enter your purchase information below:

Make																													
Model																													
Date of purchase																													
State of residence at time of purchase																													
State in which purchase was made																													
\$																													
Amount																													
Name of retailer or distributor where Qualifying Telescope was purchased																													

If you purchased more than one telescope, please fill out all the information listed in Question 2 for each purchase on the additional page found at Appendix A or submit your claim online at [www.telescopesettlement.com](http://www.telescopesettlement.com).

You do not need to submit receipts or confirming documentation at this time, but counsel for the Settlement Class may require it if an issue arises regarding the validity of your claim.

**PAYMENT SELECTION:**

How would you like to receive your payment? Choose **one** of the following:

- I wish to receive any payment pursuant to the Settlement Agreement by check at the address in the Class Member Information section.

**OR**

- If you wish to receive any payment pursuant to the Settlement Agreement electronically, please submit your claim online at [www.telescopesettlement.com](http://www.telescopesettlement.com).

This information will be kept confidential by the Settlement Administrator.

**CERTIFICATION AND SIGNATURE:**

I declare under penalty of perjury under the laws of the United States of America that the information above is true and correct to the best of my knowledge and that I am authorized to submit this claim. I understand that my claim is subject to audit, review, and validation using all available information.

Signature: \_\_\_\_\_

Dated (mm/dd/yyyy): \_\_\_\_\_

Print Name: \_\_\_\_\_



**Appendix A**



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## Tom Boardman

---

**From:** elmanmethod@theachievementcoaches.com  
**Sent:** Thursday, February 27, 2025 2:51 PM  
**To:** Tom Boardman  
**Cc:** Kalpana Srinivasan; Marc Seltzer; Alejandra Salinas; Steven Sklaver; Michael Gervais; Lin Chan; Adam Zapala; Elizabeth Castillo; Christian Ruano  
**Subject:** Re: In re Telescopes Antitrust Litig. - Objection

EXTERNAL Email

Dear Mr. Boardman,

Thank you for taking the time to send me this email. I apologize that I have not yet had opportunity to connect by phone, but wanted to get back to you in writing with my initial thoughts regarding the issues that you mentioned. I do appreciate you taking the time to consider the matters that I raised in my objection.

1) With regards to the claim numbers issue: While I most certainly appreciate the Claims Administrator's concern with fraud, this concern has to be balanced with the reality of Class Member participation rates.

The percentage of eligible Class Members that participate in consumer settlements like this have historically been pretty low, and that's when it's been possible to just fill out a simple online form. Asking Class Members to mail in physical forms or call in to get a claim number before filling out the claim form are just not satisfactory solutions and will wreak havoc on already low participation rates. Class Members will not bother themselves to jump through these hoops.

I'm not saying that I have an appropriate solution to suggest, only that the solutions offered are not adequate and trading fraud reduction for what I believe will be significantly less participation by the actual parties/consumers that have sustained a damage just doesn't cut it.

If the main concern is automated bot submissions, why not create an email verification system where a Claimant's email must be verified, or the Claimant must receive their claim number by email prior to being able to go back and file their claim form? That should stop claims by bots as I don't think a bot would be able to monitor the email address, scrape out a claim number or verification link, and then go on to submit a claim.

Furthermore, for Class Members that do actually bother to submit their claims by mail, why not let them request electronic payments just like Class Members that fill out the online form do? This doesn't make sense and is not equal treatment of Class Members.

2) With regards to the State of purchase eligibility matter: I think adding a question to the claim form to specify the State of purchase is excellent and may sufficiently address my objection. The claim form is not in the Documents section of the website, and since I have already filed a claim online using the claim number provided to me by the settlement administrator, I can't access the online claim form. If you could send me a copy of the amended claim form so that I can review it and determine that the matter is now made sufficiently clear to Class Members, then I would be willing to withdraw at least this portion of my objection.

3) Lastly, with regards to the § 1542 waiver, I am aware that courts have accepted this in various settlements, however I also note that this has occurred at the District level. Even in the case you site, the court's reasoning regarding allowance of the waiver is questionable at best. The law is the law and the intent of the legislators was what it was. If the consequence of that law and the intent of the legislature behind that law is that companies become less willing or unwilling to make settlements, then legislators can consider that and decide if it makes sense to repeal or amend the law as it is written. But legislated provisions should not be willy nilly waived by the courts for the expediency and mere convenience of facilitating settlements. As such I believe that the issue of § 1542 waiver is ripe for consideration by the 9th Circuit.

I hope that the above helps clarify my position with regards to the objections raised.

Elman Barnes

On 2025-02-26 15:23, Tom Boardman wrote:

> Thank you for the reply, Mr. Barnes.

>

> Please call me on my cellphone at your convenience before this Friday

> (2/28). (415) 298-4627.

>

> A few points below to focus our discussion.

>

> First, an explanation about the need to have a claim number to file

> online. The Court-appointed Claims Administrator implemented this

> safeguard measure to protect against bots and spammers attempting to

> make fraudulent claims. We believe that this was an entirely

> appropriate measure in an effort to prevent fraud and protect the

> interests of class members. Additionally, you will note that the

> settlement website homepage and FAQ now have clear messaging and a

> dedicated toll-free line potential class members can call to have a  
> claim number generated. See  
> <https://www.telescopesettlement.com/frequently-asked-questions.aspx>  
> ("If you wish to file a claim online but have not received a claim  
> code, please call 866 568 7713 to speak to the Settlement  
> Administrator about generating one."). We note that you were able to  
> contact Verita, the Court-appointed Claims Administrator, have a claim  
> number generated via email, and file your claim on February 15, 2025.  
>  
> Second, with respect to your contention regarding eligibility and the  
> relevant state of purchase, we wish to clarify a few matters. As the  
> notice makes clear, indirect purchasers are eligible to make claims to  
> share in the settlement if they purchased the relevant product while  
> they were in an indirect purchaser state. See, e.g., Long Form Notice  
> at p. 3 ("The group of people whom Synta has agreed to pay is called  
> the settlement class, and it includes everyone who indirectly  
> purchased one or more telescopes from January 1, 2005 to September 6,  
> 2023, from a distributor/retailer that was manufactured by a defendant  
> or alleged co-conspirator, while located in" an indirect purchaser  
> state), available at:  
> [www.telescopesettlement.com/media/5232066/cehi\\_not\\_online\\_241213\\_v2.pdf](http://www.telescopesettlement.com/media/5232066/cehi_not_online_241213_v2.pdf)  
> f; Settlement Agreement ¶ 1(e) (defining the settlement class as "all  
> persons and entities in the Indirect Purchaser States (as defined  
> herein) who, during the period from January 1, 2005 to 27 September 6,  
> 2023, purchased one or more Telescopes . . . ."); Short Form Notice at  
> p. 1 ("The settlement includes all persons and entities in the  
> Indirect Purchaser States who, from January 1, 2005 to September 6,  
> 2023, purchased one or more Telescopes from a distributor (or from any  
> entity other than a defendant) that any defendant or alleged  
> co-conspirator manufactured . . . ."). It is not the case that  
> eligibility to participate in the settlement is based on the legal  
> requirements of "residency" alone. Although we think that this matter  
> was previously made clear, we added a field for "State of Purchase" to  
> the claim form for claimants to include additional information.  
>  
> Finally, as to the § 1542 waiver in the Settlement's release  
> provisions, such waivers have long been approved by the courts in  
> class action settlements. For example, in *In re Toyota Motor Corp.*  
> *Unintended Acceleration Mktg., Sales Pracs., & Prods. Liab. Litig.*,  
> the court rejected an objection to a § 1542 waiver and held that  
> "Class settlements often waive this protection, and such waivers are



> not generally viewed as an impediment to class settlement. . . . the  
> Court is dubious as to whether the class claims could be settled  
> absent such a waiver." 2013 WL 12327929, at \*23 (C.D. Cal. July 24,  
> 2013).

>  
> I look forward to discussing the above with you.

>  
>  
> Best,  
> Tom

>  
>  
>  
>  
> Tom Boardman | Susman Godfrey LLP  
> O: (212) 729-2069 C: (415) 298-4627

>  
> -----Original Message-----

> From: elmanmethod@theachievementcoaches.com  
> <elmanmethod@theachievementcoaches.com>  
> Sent: Wednesday, February 26, 2025 6:56 AM  
> To: Tom Boardman <TBoardman@susmangodfrey.com>  
> Cc: Kalpana Srinivasan <ksrinivasan@SusmanGodfrey.com>; Marc Seltzer  
> <MSeltzer@SusmanGodfrey.com>; Alejandra Salinas  
> <ASalinas@susmangodfrey.com>; Steven Sklaver  
> <ssklaver@SusmanGodfrey.com>; Michael Gervais  
> <MGervais@susmangodfrey.com>; Lin Chan <lchan@lchb.com>; Adam Zapala  
> <AZapala@cpmlegal.com>; Elizabeth Castillo <ecastillo@cpmlegal.com>;  
> Christian Ruano <CRuano@cpmlegal.com>  
> Subject: Re: In re Telescopes Antitrust Litig. - Objection

>  
> EXTERNAL Email

>  
> Dear Mr. Boardman,

>  
> Thanks for reaching out.

>  
> I'm sorry for not replying earlier but my work obligations keep me  
> rather busy and I haven't had time to get back to you until now.

>  
> I can't say when I can be available over the coming days but I guess

> maybe if you provide me with your direct number I can try to give you  
> a call when I have a minute.  
>  
> Or better yet maybe respond and let me know what you have in mind and  
> whether you think some of my concerns are reasonable and can be  
> addressed or not and we can narrow the focus of a conversation,  
> hopefully.  
>  
> Elman Barnes  
>  
>  
> On 2025-02-24 10:47, Tom Boardman wrote:  
>> Mr. Barnes,  
>>  
>> We are in receipt of your objection to the settlement in In re  
>> Telescopes Antitrust Litig\_. As counsel for the settlement class, we  
>> would like to discuss your objections as soon as possible. Please let  
>> us know times you are available to meet by phone/Zoom today (2/24)  
>> through this Thursday (2/27).  
>>  
>> Best,  
>>  
>> Tom Boardman  
>>  
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