

**NOTICE OF CERTIFICATION/AUTHORIZATION AND SETTLEMENT APPROVAL**  
**HEARINGS**

**IN THE MATTER OF DRAM (DYNAMIC RANDOM ACCESS MEMORY) CLASS ACTION  
LITIGATION**

**REGARDING SETTLEMENT AGREEMENTS WITH THE FOLLOWING DEFENDANTS**

**Samsung Electronics Co., Ltd., Samsung Semiconductor, Inc., Samsung Electronics America,  
Inc. and Samsung Electronics Canada Inc. (collectively “Samsung”)**

**Hynix Semiconductor Inc., Hynix Semiconductor America Inc. and Hynix Semiconductor  
Manufacturing America, Inc. (collectively “Hynix”)**

**(Samsung and Hynix are collectively referred to as the “Settling Defendants”)**

**Read this Notice Carefully as it May Affect Your Rights**

**TO:** All persons resident in Canada at the time of purchase and/or at the time of notice who purchased DRAM and products containing DRAM (“DRAM Products”) between April 1, 1999 and June 30, 2002 (the “Class Period”), and Persons resident in the United States at the time of purchase and/or at the time of notice who purchased DRAM Products in Canada during the Class Period to the extent that such persons have actual or potential claims as against the Defendants in respect of DRAM Products that have not been wholly or completely settled or extinguished in the U.S. Settlement or otherwise in respect of the U.S. Litigation, provided that they have not already excluded themselves from the DRAM Proceedings in Canada by delivering an opt-out notice prior to June 2, 2012.

**Nature of the Lawsuits**

DRAM is a form of computer memory that is contained in computers and other electronic devices such as printers, computer hard disk drives, personal digital assistants (PDAs), modems, mobile phones, telecommunications hubs and routers, digital cameras, video recorders, televisions, digital set top boxes, game consoles and MP3 players.

DRAM devices and components include all types of EDO DRAM, fast-page mode (“FPM DRAM”), synchronous dynamic random access memory (“SDRAM”), Rambus dynamic random access memory (“RDRAM”), asynchronous dynamic random access memory (“ASYNC”), double data rate dynamic random access memory (“DDR”) including modules containing DRAM, EDO DRAM, FPM DRAM, RDRAM, SDRAM, ASYNC and/or DDR.

Class action proceedings were initiated in British Columbia (Court File No. L043141, Vancouver Registry) (the “BC Action”), in Ontario (Court File No. 05-CV-4340, Windsor) (the “First Ontario Action”) and Québec (File No. 500-06-000251-047, Montreal) (the “Québec Action”). The plaintiffs, on behalf of themselves and the classes, are claiming damages and restitution from the defendants for allegations of unlawfully conspiring to fix, maintain, or increase the price of DRAM. The defendants include: Infineon Technologies AG; Infineon Technologies North America Corp.; Infineon Technologies Corporation; Hynix Semiconductor Inc.; Hynix Semiconductor America Inc.; Hynix Semiconductor Manufacturing America, Inc.; Samsung Electronics Co., Ltd.; Samsung Semiconductor, Inc.; Samsung Electronics America, Inc.; Samsung Electronics Canada Inc.; Micron Technology, Inc.; Micron Semiconductor Products, Inc. doing business as Crucial Technologies; Hitachi Ltd.; Hitachi America Ltd.; Hitachi Electronics Devices (USA); Hitachi Canada Ltd.; Nanya Technology Corporation; Nanya Technology Corporation USA; NEC Corporation; NEC Corporation of America; NEC Canada; Renesas Electronics Corporation formerly known as NEC Electronics Corporation; Renesas Electronics America, Inc. formerly known as NEC Electronics America, Inc.; Renesas Electronics Canada Ltd.; Mosel Vitelic Corp.; Mosel Vitelic Inc.; Elpida Memory, Inc.; and Elpida Memory (USA) Inc.

A second class action was commenced in Ontario (Court File No. CV-10-15178) (the “Second Ontario Action”) (together with the BC Action, the First Ontario Action, and the Québec Action, the “DRAM Proceedings”), on behalf of the same class members as the First Ontario Action. The allegations pertaining to DRAM in the Second Ontario Action are the same as in the First Ontario Action, the BC Action and the Québec Action. The defendants in the Second Ontario Action that are not listed in the preceding paragraph include: Mitsubishi Electric Corporation; Mitsubishi Electric Sales Canada, Inc.; Mitsubishi Electric & Electronics USA Inc.; Nanya Technology Corporation; Toshiba Corporation; Toshiba America Electronics Components Inc.; Toshiba of Canada Limited; Winbond Electronics Corporation; and Winbond Electronics Corporation America.

The DRAM Proceedings allege that the defendants control the vast majority of the market for DRAM in Canada, that they engaged in an international cartel to fix the price of DRAM during the Class Period, and that, as a result, class members paid more for their products containing DRAM than they would have but for the illegal price-fixing.

The courts in BC and Québec previously certified or authorized the BC Action and the Québec Action on a contested basis and appointed Pro-Sys Consultants Ltd. and Option Consommateurs as

representative plaintiffs. The British Columbia certification order remains in force as against the non-settling defendants and the Quebec Authorization order is presently under appeal to the Supreme Court of Canada. The First and Second Ontario Actions have not yet proceeded to contested certification hearings.

In January and March of 2012, the British Columbia, Ontario and Québec courts (the “Courts”) certified or authorized the BC Action, the Québec Action and the First Ontario Action against the defendants Elpida Memory, Inc. and Elpida Memory (USA) Inc. (“Elpida”) for settlement purposes only. In June of 2012 the Courts approved a settlement agreement reached by the plaintiffs with Elpida.

In December of 2012 the Courts certified or authorized for settlement purposes only the DRAM Proceedings against the defendants Micron Technology, Inc., Micron Semiconductor Products, Inc. doing business as Crucial Technologies (collectively “Micron”); Hitachi, Ltd., Hitachi America, Ltd., Hitachi Electronics Devices (USA), Inc., Hitachi Power Systems Canada Ltd (previously Hitachi Canada Ltd.) and Renesas Electronics Canada Ltd. (collectively, “Hitachi and Renesas Canada”); Nanya Technology Corporation and Nanya Technology Corporation USA (collectively “Nanya”); and NEC Corporation, NEC Corporation of America, NEC Canada, Renesas Electronics Corporation and Renesas Electronics America Inc. (collectively, “NEC”). In February and March of 2013 the Courts approved settlement agreements reached by the plaintiffs with Micron, Nanya, NEC and Hitachi and Renesas Canada.

## **I. SETTLEMENT WITH THE SETTLING DEFENDANTS**

Two additional settlements have recently been reached in the DRAM Proceedings:

1. With Samsung (the “Samsung Settlement Agreement”), pursuant to which Samsung will pay CDN \$22.6 million in exchange for a full release of claims against it and its related entities relating to the DRAM Proceedings. The settlement amount will be held in an interest bearing trust account for the benefit of the Settlement Class described below until the courts approve a claims process.
2. With Hynix (the “Hynix Settlement Agreement”), pursuant to which Hynix will pay CDN \$15.6 million in exchange for a full release of claims against it and its related entities relating to the DRAM Proceedings. The settlement amount will be held in an interest bearing trust account

for the benefit of the Settlement Class described below until the courts approve a claims process.

These settlements resolve the DRAM Proceedings for the whole of the Settlement Class as against the Settling Defendants. If the settlements are approved, a full release of claims will be granted to the Settling Defendants and related entities and individuals. The Settling Defendants have agreed to provide cooperation to the plaintiffs in pursuing the DRAM Proceedings against the remaining defendants. The settlement represents a resolution of disputed claims and the Settling Defendants do not admit any wrongdoing or liability.

The DRAM Proceedings are continuing against the defendants except for Samsung, Hynix, Micron, Nanya, NEC, Elpida and Hitachi and Renesas Canada.

**Certification or authorization of DRAM Proceedings for settlement purposes only**

The Courts have certified or authorized the BC Action, the First Ontario Action and the Québec Action against the Settling Defendants for the purposes of settlement only (the “Settlement Certification/Authorization”). The Courts have not taken any position as to the likelihood of recovery on the part of the representative plaintiffs or other members of the class, or as to the merits of the claims or defences asserted by either side. The allegations against the defendants have not been proven.

Court approval of the Samsung and Hynix Settlement Agreements is a condition of the Settlement Certification/Authorization. If the Samsung and Hynix Settlement Agreements are not approved, the Settlement Certification/Authorization will be revoked.

By order of the BC Court, the class in the British Columbia Action is:

All persons resident in British Columbia at the time of purchase and/or at the time of notice who purchased DRAM Products during the Class Period, except Excluded Persons.

(the “BC DRAM Settlement Class”)

By order of the Québec Court, the class in the Québec Action is:

All persons resident in Québec at the time of purchase and/or at the time of notice who purchased DRAM Products during the Class Period, except Excluded Persons and any

legal person established for a private interest, partnership or association which at any time between October 5, 2003 and October 5, 2004 had under its direction or control more than 50 persons bound to it by contract of employment or that is not dealing at arm's length with Option consommateurs.

(the "Québec DRAM Settlement Class")

By order of the Ontario Court, the class in both the First and Second Ontario Actions is:

(i) all Persons resident in Canada at the time of purchase and/or at the time of notice who purchased DRAM Products during the Class Period, except Excluded Persons and persons who are included in the B.C. Settlement Class and the Québec Settlement Class; and

(ii) all Persons resident in the United States at the time of purchase and/or at the time of notice who purchased DRAM Products in Canada during the Class Period to the extent that such persons have actual or potential claims as against the defendants in respect of DRAM Products that have not been wholly or completely settled or extinguished in the U.S. Settlement or otherwise in respect of the U.S. Litigation.

(the "Rest of Canada/US DRAM Settlement Class"; together with the BC DRAM Settlement Class and the Québec DRAM Settlement Class, the "Settlement Class").

The defendants and persons related to the defendants and persons who have validly and timely opted out of the DRAM Proceedings before June 2, 2012 are excluded from the Settlement Class ("Excluded Persons").

### **Court Approval**

The Samsung and Hynix Settlement Agreements remain subject to approval by the Courts. Motions for approval of the settlement agreements will be heard by the British Columbia Court in the City of Vancouver on **June 27, 2013 at 9:00 a.m.**, the Ontario Court in the City of Toronto on **July 16, 2013 at 9:30 a.m.**, and the Québec Court in the city of Montreal on **June 25, 2013 at 2:00 p.m.** in room 2.08. of the Montreal Courthouse. At these hearings the Courts will determine whether the settlements are fair, reasonable and in the best interests of the Settlement Class.

### **Distribution of Settlement Funds**

The Plaintiffs and Class Counsel are currently engaged in the construction of a settlement distribution program and a claims process for the benefit of class members. The Courts will be asked to approve the distribution and claims process at a future date. Advance notice of that hearing will be provided.

Settlement Class members may be required to file a claim for payment at a later time. Settlement Class members should retain all proofs of DRAM Products purchased during the Class Period (April 1, 1999 to June 30, 2002) and monitor the websites listed below for updates on the class actions and future claims process.

### **Questions about the Settlements**

This notice contains only a summary of the Samsung and Hynix Settlement Agreements and Settlement Class members are encouraged to review the complete Samsung and Hynix Settlement Agreements. Copies of the Samsung and Hynix Settlement Agreements can be downloaded here: <http://www.cfmlawyers.ca/dram>. Copies of the Samsung and Hynix Settlement Agreements can also be mailed to you at a cost of \$25, which represents the cost of photocopying and mailing. If you would like copies of the Samsung and Hynix Settlement Agreements or have questions that are not answered on-line, please contact the appropriate Class Counsel identified below. **INQUIRIES SHOULD NOT BE DIRECTED TO THE COURTS.**

### **Interpretation**

This notice contains a summary of some of the terms of the Samsung and Hynix Settlement Agreements. If there is a conflict between the provisions of this notice and the Samsung and Hynix Settlement Agreements and/or the certification/authorization orders, including the schedules to the Samsung and Hynix Settlement Agreements, the terms of the Samsung and Hynix Settlement Agreements and/or the orders shall prevail.

## **II. OPTIONS AVAILABLE TO SETTLEMENT CLASS MEMBERS**

As more fully outlined above, you are a member of the Settlement Class if you are a resident of Canada who bought DRAM Products during the Class Period or a resident of the United States who bought DRAM Products in Canada during the Class Period unless you are an Excluded Person. You do not need to do anything to continue to be included as a Settlement Class member and you will be entitled to participate in the Samsung and Hynix settlements, as well as any other settlements, and you will be legally bound by the result of the DRAM Proceedings.

Settlement Class members who do not oppose the proposed settlement need not appear at the court approval hearings or take any other action at this time to indicate their desire to participate in the settlements.

### **Objecting to the Settlement(s)**

Settlement Class members are entitled to file written submissions and/or appear and make submissions at the court approval hearings. Settlement Class members who wish to comment on or make an objection to the Samsung and Hynix Settlement Agreements, must deliver a written submission by mail or email to the appropriate Class Counsel at the addresses listed below postmarked no later than **June 21, 2013**. The written submission must state the nature of any comments or objections and whether the Settlement Class member intends to appear at the appropriate court approval hearing. Class Counsel will forward all such submissions to the appropriate court. All timely written submissions will be considered by the appropriate court. If you do not file a written submission by the deadline, you may not be entitled to participate, through oral submissions or otherwise, in the court approval hearings.

### **Opting Out**

The deadline for opting out of (or excluding oneself from) the DRAM Proceedings has passed. Settlement Class members who have not validly opted out will be bound by the terms of the Samsung and Hynix Settlement Agreements (if approved by the Courts).

### **Financial Consequences**

Settlement Class members may receive financial compensation from the Samsung and Hynix settlements, if approved, and the previous approved settlements at a later date.

If further settlements occur or if the common issues are determined in favour of the classes at the common issues trials in the DRAM Proceedings, class members may also be entitled to receive financial compensation from the remaining defendants.

No individual class member will be liable for costs with respect to the Samsung and Hynix settlements, any previous or future settlements or the determination of the common issues in the DRAM Proceedings.

### **Class Counsel**

The law firm of Camp Fiorante Matthews Mogerman represents the BC DRAM Settlement Class. Class Counsel at Camp Fiorante Matthews Mogerman can be reached at:

Telephone: 604-689-7555 or 1-800-689-2322

Email: dram@cfmlawyers.ca

Mail: 4th Floor, 856 Homer Street,  
Vancouver, BC V6B 2W5  
Attention: JJ. Camp, Q.C.

The law firm of Belleau Lapointe represents the Québec DRAM Settlement Class. Class Counsel at Belleau Lapointe can be reached at:

Telephone: 514-987-6700

Email: info@belleaulapointe.com

Mail: #306, Place d'Youville, Suite B-10  
Montreal, Québec, H2Y 2B6  
Attention: Maxime Nasr

The law firms of Sutts, Strosberg LLP and Harrison Pensa LLP jointly represent the Rest of Canada/US DRAM Settlement Class. Class Counsel at Sutts Strosberg can be reached at:

Telephone: 1-800-229-5323 extn 8296 (toll free)

Email: dramclassaction@strosbergco.com

Mail: 600 – 251 Goyeau Street  
Windsor, Ontario N9A 6V4  
Attention: Heather Rumble Peterson

### **Class Counsel Fees**

Class Counsel legal fees and disbursements must be approved by the Courts. Class Counsel will collectively be requesting legal fees of up to 30% of the settlement funds, plus disbursements and applicable taxes to be paid out of the settlement funds. Class Counsel will request these fees at the hearings to approve the distribution of settlement funds to Settlement Class members. Notice of that hearing and a deadline for any objections to Class Counsel's fees will be provided at that time



### **III. ADDITIONAL INFORMATION**

The Samsung and Hynix Settlement Agreements, the BC statement of claim, and other information is available online at: <http://www.cfmlawyers.ca/dram>. If you have questions that are not answered online, please contact Class Counsel listed above. Inquiries should not be directed to the courts.

Information about the Ontario DRAM Proceedings is available at:

[http://www.harrisonpensa.com/Legal\\_Services/Class\\_Action/Cases/D\\_RAM\\_Price\\_Fixing](http://www.harrisonpensa.com/Legal_Services/Class_Action/Cases/D_RAM_Price_Fixing) and at <http://www.dramclassaction.com/>.

Information about the Québec DRAM Proceedings is available at:

<http://www.recourscollectif.info/en/cases/dram/>.

**THIS NOTICE HAS BEEN AUTHORIZED BY THE SUPREME COURT OF BRITISH COLUMBIA, THE SUPERIOR COURT OF JUSTICE FOR ONTARIO, AND THE SUPERIOR COURT OF QUÉBEC**