

LEGAL NOTICE AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE, THE SUPREME COURT OF BRITISH COLUMBIA AND THE SUPERIOR COURT OF QUÉBEC

CANADIAN ELECTROLYTIC & FILM CAPACITORS CLASS ACTIONS

Did you purchase an electrolytic capacitor or an electronic device containing an electrolytic capacitor between September 1, 1997 and December 31, 2014 or a film capacitor or an electronic device containing a film capacitor between January 1, 2002 and December 31, 2014? If so, your legal rights could be affected.

WHAT ARE THE CLASS ACTIONS ABOUT?

“Electrolytic capacitors” and “film capacitors” are two types of electronic components used in an electrical circuit in order to store a charge. Electrolytic and film capacitors are found in electronics like smartphones, gaming consoles, home appliances and televisions, among other products.

Class actions alleging price-fixing and related conduct are ongoing in Canada, on behalf of Canadians who purchased: 1) an electrolytic capacitor or a product containing an electrolytic capacitor between September 1, 1997 and December 31, 2014 (the “Electrolytic Settlement Class Members”) and/or 2) a film capacitor or a product containing a film capacitor between January 1, 2002 and December 31, 2014 (the “Film Settlement Class Members”) (collectively the “Class Actions”).

ELECTROLYTIC & FILM CAPACITOR SETTLEMENTS

Settlement agreements have been reached with ELNA Co., Ltd. and ELNA America, Inc. (collectively “ELNA”) and Holy Stone Enterprise Co., Ltd., Vishay Polytech Co., Ltd. f/k/a Holy Stone Polytech Co., Ltd., Milestone Global Technology, Inc. d/b/a Holy Stone International, Holy Stone Holdings Co., Ltd., and Vishay Intertechnology, Inc., (collectively “Holy Stone” and together with ELNA the “Settling Defendants”).

ELNA and Holy Stone have separately agreed to pay CAD \$2,475,000 and \$790,000, respectively, (the “Electrolytic Settlement Amounts”) for the benefit of Electrolytic Settlement Class Members. ELNA and Holy Stone have further agreed to pay CAD \$25,000 and \$10,000, respectively, (the “Film Settlement Amounts”) for the benefit of Film Settlement Class Members. In addition, the Settling Defendants have agreed to provide cooperation to the plaintiffs in pursuing their claims against the non-settling defendants. In exchange, ELNA and Holy Stone will be provided with a full release of the claims against them in relation to the Class Actions. The settlements are not admissions of liability, fault, or wrongdoing, but are compromises of disputed claims.

Prior settlements were reached with other defendants in the electrolytic and film Class Actions and approved by previous orders of the courts.

SETTLEMENT APPROVAL HEARINGS

The settlements must be approved by the courts before they become effective. Hearings are to take place in Ontario, British Columbia and Québec for the Electrolytic Class Actions and in Ontario for the Film Class Action, at:

- the Ontario Superior Court of Justice on March 21, 2022 at 10:00 am, by virtual hearing;
- the Supreme Court of British Columbia on March 30, 2022 at 9:00 am, by virtual hearing; and
- the Superior Court of Québec on March 28, 2022 at 9:30 am, by virtual hearing.

Depending on the Covid-19 protocols in place at the time, it is anticipated that the settlement approval hearings will proceed by

videoconference. If you think you are an Electrolytic or Film Settlement Class Member and want to participate in the settlement approval hearing(s) in your jurisdiction, please contact the lawyers working on the Class Actions (contact information under “More information”) for instructions and particulars on how to join the hearing. For more information, please visit www.capacitorclassaction.ca.

DISTRIBUTION OF SETTLEMENT FUNDS

The Electrolytic Settlement Amounts and Film Settlement Amounts, minus court-approved lawyers’ fees, disbursements and applicable taxes, will be held in separate interest-bearing trust accounts, along with the previous settlement amounts, for the benefit of Electrolytic and Film Settlement Class Members in the Class Actions (the “Settlement Funds”).

As the Class Actions remain ongoing and as further recoveries may be achieved, the Settlement Funds will not be distributed to Electrolytic or Film Settlement Class Members at this time. At a future time, the courts will approve a process for the payment of claims to class members. A further notice will be provided at the time of distribution.

STATUS OF THE CLASS ACTION

ELNA and Holy Stone are respectively the fifth and sixth groups of defendants to enter into settlements in the Class Actions. The Class Actions continue against 24 non-settling defendants in the Electrolytic Action and 28 non-settling defendants in the Film Action.

In Québec, on March 22, 2019, the Superior Court authorized the electrolytic Class Action, which is now allowed to proceed towards a trial. In Ontario and British Columbia, the electrolytic and film Class Actions are continuing towards the certification stage.

SETTLEMENT APPROVAL AND LAWYERS’ FEES

At the settlement approval hearings, the courts will determine whether the settlements are fair, reasonable, and in the best interests of the Electrolytic and Film Settlement Class Members. At this time, the lawyers working on these Class Actions will be requesting court approval of fees of 25% of the Electrolytic Settlement Amount, plus disbursements and applicable taxes. If approved, these amounts may be paid to the lawyers out of the Settlement Funds at that time.

If you do not oppose the proposed settlement agreements, you do not need to do anything at this time.

If you wish to comment on or object to the settlement agreements or lawyer’s fees, you must deliver a written submission to one of the law firms listed below **by March 14, 2022**. The lawyers will forward any submissions to the appropriate court.

OPTING OUT OF THE PROCEEDINGS

The court-ordered deadline for Electrolytic and Film Class Members to opt out of the Class Actions was October 24, 2018. If you did not previously opt out, you are legally bound by the result of the Class Actions, including the ELNA and Holy Stone settlement agreements.

MORE INFORMATION

If you have any questions about the Class Actions or to review the long form notice which contains additional information please visit www.capacitorclassaction.ca or contact:

Foreman & Company: Toll free at 1-855-814-4575 ext.106 or e-mail at classactions@foremancompany.com (Canada)

Camp Fiorante Matthews Mogerma LLP : Toll free at 1-800-689-2322 or e-mail at info@cfmlawyers.ca (BC)

Belleau Lapointe s.e.n.c.r.l. :Toll free at 1-888-987-6701 or e-mail at info@belleaulapointe.com (QC)