

Original Writ of Summons and Statement of Claim
filed on Oct. 9, 2009;
Amended on November 13, 2009 pursuant to Supreme
Court Rule 24(1)(a); and
Further amended pursuant to the Order of Mr. Justice
Masuhara pronounced and filed on Oct. 2, 2013

No. S-097394
Vancouver Registry



In the Supreme Court of British Columbia

Curtis Saunders and Dave Dagg

Plaintiff

and:

Chunghwa Picture Tubes, Ltd., Chunghwa Picture Tubes (Malaysia) Sdn. Bhd., Daewoo Electronics Corporation f/k/a Daewoo Electronics Company, Ltd., Hitachi, Ltd., Hitachi Displays, Ltd., Hitachi Asia, Ltd., Hitachi America, Ltd., Hitachi Canada, Ltd., Hitachi Electronic Devices (USA), Shenzhen SEG Hitachi Color Display Devices, Ltd., Irico Group Corporation, Irico Group Electronics Co., Ltd., Irico Display Devices Co., Ltd., LG Electronics, Inc., LG Electronics Taiwan Taipei Co., Ltd., LG Electronics USA, Inc., LG Electronics Canada, LP Displays International, Ltd. f/k/a LP Philips Display, Panasonic Corporation f/k/a Matsushita Electronic Industrial Co. Ltd., Matsushita Electronic Corporation (Malaysia) Sdn Bhd., Panasonic Corporation of North America, Panasonic Canada Inc., MT Picture Display Co., Ltd. f/k/a Matshushita Toshiba Picture Display Co. Ltd., Beijing Matsushita Color CRT Company, Ltd., Koninklijke Philips Electronics N.V., Philips Electronics Industries Ltd., Philips Electronics Industries (Taiwan) Ltd., Philips da Amazonia Industria Electronica Ltda., Philips Electronics North America Corporation, Philips Electronics Ltd., Samsung Electronics Co. Ltd., Samsung Electronics America, Inc., Samsung SDI Co., Ltd. f/k/a Samsung Display Device Co. Ltd., Samsung SDI America, Inc., Samsung SDI Mexico S.A. de C.V., Samsung SDI Brasil Ltda., Shenzhen Samsung SDI Co. Ltd., Tianjin Samsung SDI Co., Ltd., Samsung SDI (Malaysia) Sdn Bhd., Samsung Electronics Canada Inc., Samtel Color, Ltd., Tatung Company, Tatung Company of America, Inc., Tatung Co. of Canada Inc., Thai CRT Company, Ltd., Toshiba Corporation, Toshiba Display Devices (Thailand) Company, Ltd., Toshiba America, Inc., Toshiba America Consumer Products, LLC, Toshiba America Electronic Components, Inc., Toshiba America Information Systems, Inc., Toshiba of Canada Limited

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

FURTHER AMENDED NOTICE OF CIVIL CLAIM

THE REPRESENTATIVE PLAINTIFFS

1. _____ The plaintiff, Curtis Saunders is a resident of British Columbia with an address for delivery at 4th Floor, 555 West Georgia Street, 4th Floor, 856 Homer Street, Vancouver, BC. During the CPT Class Period as defined below, Mr. Saunders purchased a CRT Product CPT Product, as defined below (the "CPT Plaintiff").

4. The plaintiff Dave Dagg is a resident of British Columbia with an address for delivery at 4th Floor, 856 Homer Street, Vancouver, BC. During the CDT Class Period as defined below, Mr. Dagg purchased a CDT Product, as defined below (the "CDT Plaintiff").

THE CLASS AND THE CLASS PERIOD

3. This action is brought on behalf of the Plaintiff and all persons resident in British Columbia who purchased a cathode ray tube ("CRT") or products— a television or computer monitor containing a CRT (collectively the "Class Members") from January 1, 1995 through to January 1, 2008~~November 23, 1996 through to November 21, 2007~~ (the "Class Period") or such other class definition or class period as the court may ultimately decide on the motion for certification.

4. The class includes two subclasses:

- (a) The CDT Plaintiff and all persons resident in British Columbia who purchased a colour display tube ("CDT") or computer monitor containing a CDT ("CDT Products") (collectively the "CDT Class Members") from November 23, 1996 through to December 31, 2006 (the "CDT Class Period"); and
- (a)(b) The CPT Plaintiff and all persons resident in British Columbia who purchased a colour picture tube ("CPT") or television containing a CPT ("CPT Products") (collectively the "CPT Class Members") from March 12, 1997 through to November 21, 2007 (the "CPT Class Period").

CRTs WHAT ARE CDT AND CPT?

5. CDTs and CPTs are types of CRTs. A CRT is a display device. CRTs can be divided into two main categories: (i) CDTs (colour display tubes), which are used mainly in computer monitors; and (ii) CPTs (colour picture tubes), which are used mainly in televisions.

2.6 A CRT consists of a vacuum tube that is coated on its inside face with light sensitive phosphors. An electron gun at the back of the vacuum tube emits electron beams. When electrons strike the phosphors, the phosphors produce red, blue or green light. A system of magnetic fields inside the CRT directs the beams to produce the desired images.

3. ~~CRTs are used in display devices, including televisions and computer monitors. CRTs can be divided into two main categories: Colour display tubes ("CDTs") and colour~~

~~picture tubes (“CPTs”). CDTs are used in computer monitors and other similar devices. CPTs are used mainly in televisions.~~

4.7. Until recently, CRT was the dominant technology used in display devices, including televisions, computer monitors, radar equipment, electronic medical equipment, and automated teller machines. CRTs have now largely been replaced by liquid crystal display (“LCD”) and plasma screens as the dominant technology in televisions and computer monitors.

5. ~~CRTs and products containing CRTs shall be referred to collectively herein as “CRT Products”.~~

NATURE OF THE ACTION

8. This action arises from conspiracies to fix, raise, maintain, or stabilize the prices of CDTs and CPTs sold worldwide, including in North America. The Plaintiffs allege that the Defendants participated in separate conspiracies to fix prices for CDTs and CPTs. Both conspiracies operated in the CRT industry, and operated in tandem for most of the relevant period. The CDT conspiracy operated in the market for CDTs and CDT Products during the CDT Class Period. The CPT conspiracy operated in the market for CPTs and CPT Products during the CPT Class Period.

9. During the Class Period, the Defendants and their senior executives participated in illegal and secretive meetings and made agreements relating to the prices, market share divisions and production levels for CDTs and CPTs. The Defendants were aware and intended that the alleged conspiracies would result in increased prices for CDTs, CDT Products, CPTs and CPT Products.

10. Some Defendants were vertically integrated and sold at least some of their CDTs and CPTs to related entities for use in manufacturing of CDT Products and CPT Products. The conspiracies included agreement on the prices at which the vertically integrated Defendants would sell CDTs and CPTs to their related entities for use in the manufacturing of CDT Products and CPT Products. The Defendants were aware and intended that, by keeping these intra-company prices high, the unlawful overcharge applied on CDTs and CPTs would be passed on to purchasers of CDT Products and CPT Products.

THE DEFENDANTS

11. _____ The Defendants named herein are jointly and severally liable for the actions of, and damages allocable to, their co-conspirators.

6.12. Where a particular entity within a corporate family of defendants engaged in anti-competitive conduct, it did so on behalf of all entities within that corporate family. The individual participants in the conspiratorial meetings and discussions entered into agreements on behalf of, and reported these meetings and discussions to, their respective corporate families.

Chunghwa Entities

7. _____ ~~The Defendant Chunghwa Picture Tubes, Ltd. (“Chunghwa”) is a foreign corporation. Chunghwa is one of the major global CRT manufacturers. During the Class Period, Chunghwa manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.~~

8. _____ ~~The Defendant Chunghwa Picture Tubes (Malaysia) Sdn. Bhd. (“Chunghwa Malaysia”) is a Malaysian company with its principal place of business at Lot 1, Subang Hi-Tech Industrial Park, Batu Tiga, 4000 Shah Alam, Selangor Darul Ehsan, Malaysia. It is a wholly owned subsidiary of Chunghwa. During the Class Period, Chunghwa Malaysia manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.~~

9. _____ ~~The businesses of Chunghwa and Chunghwa Malaysia are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the alleged wrongs described hereinafter.~~

Daewoo Entities

10. _____ ~~The Defendant Daewoo Electronics Corporation f/k/a Daewoo Electronics Company, Ltd. (“Daewoo Electronics”) is a corporation organized under the laws of South Korea with its principal place of business located at 686 Ahyeon-dong, Mapagu, Seoul, South~~

~~Korea. Daewoo Electronics was a major shareholder of Orion Electric Company (“Orion”), a South Korean company that filed for bankruptcy in 2004. During the Class Period, Orion was a major manufacturer of CRT Products. Orion was involved in CRT Products sales and manufacturing joint ventures and had subsidiaries all over the world, including South Africa, France, Indonesia, Mexico, and the United States. Defendants Daewoo Electronics and Orion were 50/50 joint venture partners in an entity called Daewoo-Orion Societe Anonyme (“DOSA”). DOSA was also a major manufacturer of CRT Products during the Class Period. Daewoo Electronics sold DOSA’s CRT business in or around 2004. In December 1995, Orion partnered with Defendant Toshiba Corporation and two other non-Defendant entities to form P.T. Tosummit Electronic Devices Indonesia (“TEDI”) in Indonesia. During the Class Period, Daewoo Electronics manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, including Orion and DOSA.~~

Hitachi Entities

~~11.13~~ The Defendant Hitachi, Ltd. (“**Hitachi**”) is a Japanese company with its principal place of business at 6-6 Marunouchi 1-chome, Chiyoda-ku, Tokyo, 100-8280, Japan. During the Class Period, Hitachi manufactured, marketed, sold and/or distributed CRT Products, CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

~~12.14~~ The Defendant Hitachi Displays, Ltd. (“**Hitachi Displays**”) is a Japanese company with its principal place of business located at AKS Building, 3 Kandaneibeicho 3, Chiyoda-ku, Tokyo, 101-0022, Japan. Hitachi Displays was originally established as Mobarra Works of Hitachi, Ltd. in Mobarra City, Japan. In 2002, departments concerned with the display business of Hitachi were spun off to create a separate company called Hitachi Displays. During the Class Period, Hitachi Displays manufactured, marketed, sold and/or distributed CRT Products, CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

13.15. The Defendant Hitachi Asia, Ltd. ("**Hitachi Asia**") is a Singaporean company with its principal place of business at 16 Collyer Quay, #20-00 Hitachi Tower, Singapore 049318. During the Class Period, Hitachi Asia manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

14.16. The Defendant Hitachi America, Ltd. ("**Hitachi America**") is a New York company with its principal place of business at 2000 Sierra Point Parkway, Brisbane, California 94005. Hitachi America is a wholly-owned subsidiary of Hitachi. During the Class Period, Hitachi America manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

15.17. The Defendant Hitachi Canada, Ltd. ("**Hitachi Canada**") is a company with its principal place of business at 1-2495 Meadowpine Blvd., Mississauga, Ontario, L5N 6C3, Canada. Hitachi Canada is a subsidiary of Hitachi America (55%) and Hitachi (45%). During the Class Period, Hitachi Canada manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

16.18. The Defendant Hitachi Electronic Devices (USA) ("**Hitachi Electronic**") is a Delaware company with its principal place of business at 1000 Hurricane Shoals Road, Ste. D-100, Lawrenceville, GA 30043. Hitachi Electronic is a wholly-owned subsidiary of Hitachi. During the Class Period, Hitachi Electronic manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

17.19. The Defendant Shenzhen SEG Hitachi Color Display Devices, Ltd. ("**Hitachi Shenzhen**") is a Chinese company with its principal place of business located at 5001 Huanggang Road, Futian District, Shenzhen 518035, China. Hitachi Shenzhen is a wholly-

owned subsidiary of Hitachi Displays. During the Class Period, Hitachi Shenzhen manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

18.20 The businesses of each of Hitachi, Hitachi Displays, Hitachi Asia, Hitachi America, Hitachi Electronic, Hitachi Shenzhen and Hitachi Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, in Canada and the alleged wrongs described hereinafter.

Irico Entities

19.21 The Defendant Irico Group Corporation (“Irico”) is a Chinese entity located at 1 Caihong Rd., Xianyang City, Shaanxi Province 712021, China. During the Class Period, Irico manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

20.22 The Defendant Irico Group Electronics Co., Ltd. (“Irico Electronics”) is a Chinese entity located at 1 Caihong Rd., Xianyang City, Shaanxi Province 712021, China. Irico Electronics is owned by Irico. During the Class Period, Irico Electronics manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

21.23 The Defendant Irico Display Devices Co., Ltd. (“Irico Display”) is a Chinese entity located at No. 16, Fenghui South Road West, District High-tech Development Zone, Xi’an, SXI 710075, China. Irico Display is a partially-owned subsidiary of Irico. During the Class Period, Irico Display manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

22.24. The businesses of each Irico, Irico Electronics and Irico Display are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, in Canada and the alleged wrongs described hereinafter.

LG Electronics Entities

23.25. The Defendant LG Electronics, Inc. (“**LG Electronics**”) is a South Korean entity with its principal place of business located at LG Twin Towers 20, Yeouido-dong, Yeongdeungpo-gu, Seoul, South Korea 150-721. During the Class Period, LG Electronics manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

24.26. The Defendant LG Electronics Taiwan Taipei Co., Ltd. (“**LG Taiwan**”) is a foreign corporation. LG Taiwan is a wholly-owned subsidiary of LG Electronics. During the Class Period, LG Taiwan manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

25.27. The Defendant LG Electronics USA, Inc. (“**LG USA**”) is a Delaware Corporation with its principal place of business at 1000 Sylvan Ave., Englewood Cliffs, N.J. 07632. During the Class Period, LG USA manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

26.28. The Defendant LG Electronics Canada (“**LG Canada**”) is a company with its principal place of business located at 550 Matheson Boulevard East, Mississauga, Ontario, L4Z 4G3. LG Canada is a wholly-owned subsidiary of LG Electronics. During the Class Period, LG Canada manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including

British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

27. The businesses of each LG Electronics, LG Taiwan, LG USA and LG Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, in Canada and the alleged wrongs described hereinafter.

LP Displays

28. ~~The Defendant LP Displays International, Ltd. (“LP Displays”) is a Hong Kong company located at 6th Floor, ING Tower, 308 Des Voeux Road Central, Sheung Wan, Hong Kong. LP Displays began as a joint venture between LG Electronics and Koninklijke Philips Electronics N.V. (“Royal Philips”). The joint venture was created in 2001 under the name LG Philips Display. During the Class Period, LP Displays manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.~~

29. ~~Between June 2001 and March 2007, the business of LP Displays was inextricably interwoven with that of LG Electronics and Royal Philips, and LP Displays was an agent of LG Electronics and Royal Philips for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the alleged wrongs described hereinafter.~~

Panasonic Entities

30. The Defendant Panasonic Corporation (“**Panasonic**”) f/k/a Matsushita Electronic Industrial Co. Ltd. (“**Matsushita**”) is a business entity organized under the laws of Japan with its principal place of business located at 1006, Oaza Kadoma, Kadoma-shi, Osaka 571-8501, Japan. The entity known as Matsushita operated under that name until October 1, 2008 when it changed its name to Panasonic Corporation. During the Class Period, Panasonic manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

31. The Defendant Matsushita Electronic Corporation (Malaysia) Sdn Bhd. (“**Matsushita Malaysia**”) is a Malaysian entity with its principal place of business located at Lot 1, Persiaran tengku Ampuan Section 21, Shah Alam Industrial Site, Shah Alam Malaysia 40000. Matsushita Malaysia is a wholly-owned subsidiary of Panasonic. During the Class Period, Matsushita Malaysia manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

32. The Defendant Panasonic Corporation of North America (“**Panasonic North America**”) is a Delaware corporation with its principal place of business located at One Panasonic Way, Secaucus, New Jersey 07094. Panasonic North America is a wholly-owned subsidiary of Panasonic. During the Class Period, Panasonic North America manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessor, affiliates and/or subsidiaries, such as Panasonic Digital Security & Imaging Co., Panasonic Logistics Co., Panasonic Broadcast & Television Systems Co., and Panasonic Company West of America.

33. The Defendant Panasonic Canada Inc. (“**Panasonic Canada**”) is a wholly-owned subsidiary of Panasonic with its principal place of business located at 5770 Ambler Drive, Mississauga, Ontario, L4W 2T3. During the Class Period, Panasonic Canada manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

34. The business of each of Panasonic, Matsushita Malaysia, Panasonic North America and Panasonic Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, in Canada and the alleged wrongs described hereinafter.

MT Picture Display Co., Ltd.

35. The Defendant MT Picture Display Co., Ltd. (“**MT Picture**”), formerly known as Matsushita Toshiba Picture Display Co., Ltd., is a Japanese entity with its principal place of business located at 1-1, Saiwai-cho, Takatsuki-shi, Osaka 569-1193, Japan. MT Picture was originally established in 1968, and became a joint venture of Matsushita and Toshiba Corporation (“**Toshiba**”) in April 2003. The joint venture was established to integrate the global CRT operations of Panasonic Corporation and Toshiba, except for those in Japan, where the parent company continued to own facilities. MT Picture operated as a joint venture until March 2007, when Panasonic Corporation acquired the remaining 35.5% equity interest in MT Picture from Toshiba and renamed the company MT Picture Display Co. Ltd. During the CPT Class Period, MT Picture manufactured, marketed, sold and/or distributed CRT-Products-CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

36. After April 2003 (and in the case of Toshiba, prior to March 2007), the business of MT Picture was inextricably interwoven with that of Matsushita and Toshiba, and MT Picture was an agent of Matsushita and Toshiba for the purpose of the manufacture, marketing, sale and/or distribution of CRT-Products-CPTs and/or CPT Products, in Canada and the alleged wrongs described hereinafter.

Beijing Matsushita Color CRT Company

37. The Defendant Beijing Matsushita Color CRT Company, Ltd. (“Beijing Matsushita”) is a Chinese company with its principal place of business located at No. 9, Jiuxianqiao N. Rd., Dashanzi Chaoyang District, Beijing, China. Beijing Matsushita is a joint venture between the Beijing Matsushita Electronics Components Co. Ltd. and the Beijing municipal government. In April 2003, Panasonic (known at the time as Matsushita Electric Industrial Co.) and Toshiba established a joint venture, Matsushita Toshiba Picture Display Co., Ltd. (now known as MT Picture Display Co., Ltd.), for the purpose of integrating their global CRT operations. As part of that process, Panasonic transferred its interests in Beijing Matsushita to the joint venture, Matsushita Toshiba Picture Display Co. Matsushita Toshiba Picture Display Co. operated as a joint venture until March 2007, when Panasonic acquired the remaining 35.5% equity interest from Toshiba and renamed the company MT Picture Display Co., Ltd. In 2009,

MT Picture Display Co., Ltd., sold its interests in Beijing Matsushita to BOE Technology Group Co., Ltd.

38. During the Class Period, Beijing Matsushita manufactured, marketed, sold and/or distributed CRT Products, CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

37,39. During the Class Period and in the case of Toshiba after April 2003, the business of Beijing Matsushita was inextricably interwoven with that of Panasonic and Toshiba, and Beijing Matsushita was an agent of Panasonic and Toshiba for the purposes of the manufacture, marketing, sale and/or distribution of CDTs and/or CDT Products, as well as CPTs and/or CPT Products and the alleged wrongs described hereinafter.

Philips Entities

38,40. The Defendant Koninklijke Philips Electronics N.V. ("**Royal Philips**") is a business entity organized under the laws of The Netherlands with its principal place of business located at Breitner Center, Amstelplein 2, 1096 BC Amsterdam, The Netherlands. During the Class Period, Royal Philips manufactured, marketed, sold and/or distributed CRT Products, CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

39,41. The Defendant Philips Electronics Industries Ltd. ("**Philips Electronics**") is a foreign corporation. Philips Electronics is a subsidiary of Royal Philips. During the Class Period, Philips Electronics manufactured, marketed, sold and/or distributed CRT Products, CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

40,42. The Defendant Philips Electronics Industries (Taiwan) Ltd. ("**Philips Electronics Taiwan**") is a foreign corporation. Philips Electronics Taiwan is a subsidiary of Royal Philips. During the Class Period, Philips Electronics Taiwan manufactured, marketed, sold and/or distributed CRT Products, CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to

customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

41-43 The Defendant Philips da Amazonia Industria Electronica Ltda. (“**Philips Brazil**”) is a Brazilian company with its principal place of business located at Av Torquato Tapajos 2236, 1 andar (parte 1), Flores, Manaus, AM 39048-660, Brazil. Philips Brazil is a wholly-owned subsidiary of Royal Philips. During the Class Period, Philips Brazil manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

42-44 The Defendant Philips Electronics North America Corporation (“**Philips NA**”) is a wholly-owned subsidiary of Royal Philips, with its global headquarters in New York, New York. During the Class Period, Philips NA manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

43-45 The Defendants Philips Electronics Ltd. (“**Philips Canada**”) is a wholly-owned subsidiary of Royal Philips with its primary place of business at 281 Hillmont Rd., Markham, Ontario, L6C 2S3. During the Conspiracy Period, Philips Canada manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

44-46 The business of each of Royal Philips, Philips Electronics, Philips Electronics Taiwan, Philips Brazil, Philips NA and Philips Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, in Canada and the alleged wrongs described hereinafter.

Samsung Entities

15-17. The Defendant Samsung Electronics Co. Ltd. (“**Samsung**”) is a South Korean company with its principal place of business located at 250 - 2-ga, Taepyong-ro, Jung-gu, Seoul, South Korea 100-742. During the Class Period, Samsung manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

16-18. The Defendant Samsung Electronics America, Inc. (“**Samsung America**”) is a New York corporation with its principal place of business located at 105 Challenger Road, 6th Floor, Ridgefield Park, New Jersey 07660. Samsung America is a wholly-owned subsidiary of Samsung. During the Class Period, Samsung America manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

17-19. The Defendant Samsung SDI Co., Ltd. (“**Samsung SDI**”), formerly known as Samsung Display Device Co. Ltd., is a South Korean company with its principal place of business located at 15th – 18th Floor, Samsung Life Insurance Building, 150 - 2-ga, Taepyong-ro, Jung-gu, Seoul, South Korea 100-716. Samsung SDI is a subsidiary of Samsung. During the Class Period, Samsung SDI manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

18-50. The Defendant Samsung SDI America, Inc. (“**Samsung SDI America**”) is a California corporation with its principal place of business located at 3333 Michelson Drive, Suite 700, Irvine, California. Samsung SDI America is a wholly-owned subsidiary of Samsung SDI. During the Class Period, Samsung SDI America manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

49-51 The Defendant Samsung SDI Mexico S.A. de C.V. ("**Samsung Mexico**") is a Mexican company with its principal place of business located at Blvd. Los Olivos, No. 21014, Parque Industrial El Florido, Tijuana, B.C. Mexico. Samsung Mexico is a wholly-owned subsidiary of Samsung SDI. During the Class Period, Samsung Mexico manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

50-52 The Defendant Samsung SDI Brasil Ltda. ("**Samsung Brazil**") is a Brazilian company with its principal place of business located at Av. Eixo Norte Sul, S/N, Distrito Industrial, 69088-480 Manaus, Amazonas, Brazil. Samsung Brazil is a wholly-owned subsidiary of Samsung SDI. During the Class Period, Samsung Brazil manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

54-53 The Defendant Shenzhen Samsung SDI Co. Ltd. ("**Shenzhen Samsung**") is a Chinese company with its principal place of business located at Huanggang Bei Lu, Futian Gu, Shenzhen, China. Shenzhen Samsung is a wholly-owned subsidiary of Samsung SDI. During the Class Period, Shenzhen Samsung manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

52-54 The Defendant Tianjin Samsung SDI Co., Ltd. ("**Tianjin Samsung**") is a Chinese company with its principal place of business located at Developing Zone of Yi-Xian Park, Wuqing County, Tianjin, China. Tianjin Samsung is a wholly-owned subsidiary of Samsung SDI. During the Class Period, Tianjin Samsung manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

53-55 The Defendant Samsung SDI (Malaysia) Sdn Bhd. ("**Samsung Malaysia**") is a Malaysian corporation with its principal place of business located at Lots 635 & 660, Kawasan

Perindustrian, Tuanku Jafaar, 71450 Sungai Gadut, Negeri Sembilan Darul Khusus, Malaysia. Samsung Malaysia is a wholly-owned subsidiary of Samsung. During the Class Period, Samsung Malaysia manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

~~§ 1.56~~ The Defendant Samsung Electronics Canada Inc. (“**Samsung Canada**”) is a Canadian company with its principal place of business located at 55 Standish Court, Mississauga, Ontario, L5R 4B2. Samsung Canada is a wholly-owned subsidiary of Samsung. During the Class Period, Samsung Canada manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

~~§ 5.57~~ The business of each of Samsung, Samsung America, Samsung SDI, Samsung SDI America, Samsung Mexico, Samsung Brazil, Shenzhen Samsung, Tianjin Samsung, Samsung Malaysia and Samsung Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, sale and/or distribution of ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, -in Canada and for the purposes of the alleged wrongs described hereinafter.

Samtel

~~§ 6.58~~ The Defendant Samtel Color, Ltd. (“**Samtel**”) is an Indian company with its principal place of business located at 6th Floor, TDI Centre, District Centre – Jasola, New Delhi, 110025. During the CPT Class Period, Samtel manufactured, marketed, sold and/or distributed ~~CRT Products~~ CPTs and/or CPT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries. The Plaintiffs allege that Samtel participated in the CPT conspiracy only.

Tatung Entities

~~§ 7.~~ The Defendant Tatung Company is a foreign corporation and its affiliates and/or subsidiaries are linked to the Defendant Chunghwa in relation to the alleged wrongs described

~~herein. During the Class Period, Tatung Company manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.~~

~~58. The Defendant Tatung Company of America, Inc. ("Tatung America") is a California corporation with its principal place of business located at 2850 El Presidio Street, Long Beach, California. Tatung America is a wholly owned subsidiary of Tatung Company. During the Class Period, Tatung America manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.~~

~~59. The Defendant Tatung Co. of Canada Inc. ("Tatung Canada") is a wholly owned subsidiary of Tatung Company with its principal place of business located at 100 Clegg Rd., Markham, Ontario, L6G 1E1. During the Class Period, Tatung Canada manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.~~

~~60. The business of each of Tatung Company, Tatung America, and Tatung Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the alleged wrongs described hereinafter.~~

Thai CRT Company

~~61.59. The Defendant Thai CRT Company, Ltd. ("Thai CRT") is a Thai company with its principal place of business located at 1/F 26 Siam Cement Rd., Bangsue Dusit, Bangkok, Thailand. During the Class Period, Thai CRT manufactured, marketed, sold and/or distributed CRT Products CPTs and/or CPT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries. The Plaintiffs allege that Thai CRT participated in the CPT conspiracy only.~~

Toshiba Entities

~~62.60. The Defendant Toshiba Corporation ("Toshiba") is a Japanese corporation with its principal place of business located at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001,~~

Japan. During the Class Period, Toshiba manufactured, marketed, sold and/or distributed CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

63.61 The Defendant Toshiba Display Devices (Thailand) Company, Ltd. ("**Toshiba Thailand**") is a Thai company with its principal place of business located at 142 Moo 5 Bangkadi Industrial Estate, Tivanon Road, Pathum Thani, Thailand 12000. Toshiba Thailand is a wholly-owned subsidiary of Toshiba. During the Class Period, Toshiba Thailand manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

64. ~~The Defendant Toshiba America, Inc. ("**Toshiba America**") is a Delaware corporation with its principal place of business located at 1251 Avenue of the Americas, Suite 4110, New York, NY 10020. Toshiba America is a wholly owned subsidiary of Toshiba. During the Class Period, Toshiba America manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, such as Toshiba Hawaii Inc.~~

65. ~~The Defendant Toshiba America Consumer Products, LLC ("**Toshiba America Consumer LLC**") is a limited liability company with its principal place of business located at 82 Totawa Rd., Ste 1, Wayne, New Jersey 07470-3114. Toshiba America Consumer LLC is a wholly owned subsidiary of Toshiba through Toshiba America. During the Class Period, Toshiba America Consumer LLC manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.~~

66.62 The Defendant Toshiba America Electronic Components, Inc ("**Toshiba America Electronic**") is a company with its principal place of business located at 9740 Irvine Blvd., Irvine, California 92718-1697. Toshiba America Electronic is a wholly-owned subsidiary of Toshiba through Toshiba America. During the Class Period, Toshiba America Electronic manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as

well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

67.63. The Defendant Toshiba America Information Systems, Inc. (“**Toshiba America Information**”) is a company with its principal place of business located at 9740 Irvine Blvd., Irvine, California 92718-1697. Toshiba America Information is a wholly-owned subsidiary of Toshiba through Toshiba America. Toshiba America Information’s principal place of business is in Irvine, California. During the Class Period, Toshiba America Information manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

68.64. The Defendant Toshiba of Canada Limited (“**Toshiba Canada**”) is a wholly-owned subsidiary of Toshiba, with its principal place of business at 191 Mcabb Street, Markham, Ontario, L3R 8H2. During the Class Period, Toshiba Canada manufactured, marketed, sold and/or distributed ~~CRT Products~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, to customers throughout Canada, including British Columbia, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

65. ~~The business of each of Toshiba, Toshiba Thailand, Toshiba America, Toshiba America Consumer LLC, Toshiba America Electronic, Toshiba America Information and Toshiba Canada are inextricably interwoven with that of the other and each is the agent of the other for the purpose of the manufacture, sale and/or distribution of~~ CRT Products ~~i~~ CDTs and/or CDT Products, as well as CPTs and/or CPT Products, in Canada and for the purpose of the alleged wrongs described hereinafter.

Co-Conspirators

69.66. Various persons and/or firms involved in the manufacturing, marketing, selling, and/or distribution of CDTs and/or CDT Products, as well as CPTs and/or CPT Products to customers throughout Canada, not named as Defendants herein, including but not limited to Chunghwa Pictures Tubes, Ltd., Chunghwa Picture Tubes (Malaysia) Sdn. Bhd., Tatung Company, Tatung Company of America Inc., and Tatung Co. of Canada, may have participated

as co-conspirators in the conspiracies alleged herein and may have performed acts and made statements in furtherance thereof.

THE CRT INDUSTRY CDT AND CPT MARKETS

70.67. During the Class Period, the ~~CRT industry~~CDT and CPT markets ~~was~~ were structured in such a manner as to encourage and facilitate the wrongs alleged within.

Substitutability

68. ~~CRTs~~ Both CDTs and CPTs are manufactured in standard sizes, ~~and CDTs~~ are interchangeable, such that a ~~CRT-CDT~~ of one manufacturer is readily substitutable for the same size ~~CRT-CDT~~ of another manufacturer. Likewise, CPTs are interchangeable, such that a CPT of one manufacturer is readily substitutable for the CPT of another manufacturer.

71.69 Price is the primary factor driving customer choice between ~~CRT Products~~CDTs and CPTs of the different manufacturers, and is the most important competitive factor for manufacturers of ~~CRT Products~~CDTs and CPTs.

Declining Demand

72.70 At the beginning of the Class Period, CRTs were the dominant display technology worldwide and most households in Canada owned at least one CRT Product. As an established technology, the CRT industry had recouped its initial research and development expenses before the Class Period. Thus, CRT manufacturers had little debt on their facilities and the pressure to produce at full capacity was lessened. This provided for an environment in which successful collusion to fix prices, even at the risk of lower demand, was likely.

73.71 Since the advent of LCD and Plasma technology, the worldwide demand for ~~CRT Products~~CDTs and CPTs has diminished, particularly in North America, Europe and Japan. Price-fixing conspiracies are more prevalent in industries with declining demand, as companies struggle to maintain profitability.

74. ~~Demand for CRT Products is strong in developing areas, such as China, India and South America.~~

~~75. The global market for CRT Products remains significant. According to industry sources, the global CRT market is currently worth approximately US \$4.3 billion. The industry was worth approximately US \$24 billion in 1997.~~

Concentrated Market

~~72. The CRT market~~CDT and CPT markets in Canada, and worldwide, ~~is~~are highly concentrated. The Defendants have an overwhelming percentage of the CRT business in Canada and worldwide. In 2002, three companies – LP Displays (formerly LG Philips Displays) (27%), Samsung SDI (24%) and Chunghwa (11%) controlled approximately 62% of the Canadian ~~CRT market~~market for CDT and CPT. In 2004, Samsung SDI, LP Displays, MT Picture Display, and Chunghwa collectively held 78% of the global market. This concentration of market share facilitated the Defendants' ability to implement the conspiracies.

Capital Structure

~~76.73. The Defendants and their co-conspirators did not have significant debt or interest expense on their production facilities. This is one of the factors that facilitated the price fixing conspiracies in the context of declining demand.~~

Consolidation and Cooperation in the CRT Industry

~~77.71. There is a high degree of cooperation among competitors in the CRT industry. Involvement in long-standing joint ventures, in the CRT ~~market~~industry and other closely related markets, gave the Defendants continuous opportunities to discuss pricing, capacity utilization and other prospective market information. The mutually beneficial nature of the business relations between Defendants provided both an opportunity and financial incentive to conspire.~~

~~78. There has been a trend towards consolidation in the CRT industry. In November 2000, LG Electronics and Royal Philips entered into a joint venture that merged their CRT operations. The resulting joint venture, LG Philips Display (now LP Displays) entered into the market with a 25% market share, making it the second largest CRT manufacturer at the time. In 2002, Matsushita and Toshiba combined their CRT operations by forming Matsushita Toshiba Picture Display Co., Ltd. (now MT Picture Display Company).~~—

~~2004, Toshiba and Orion reached an agreement whereby Orion Electronic Co., Ltd. supplied CRT televisions for Toshiba.~~

~~79-75. Several of the major producers, including LG Electronics, Samsung, Royal Philips and Matsushita, obtain CRTs from the same company Samtel.~~

Trade Organization

~~80. Many of the Defendants maintain close relationships through common membership in trade associations. For example, Chunghwa, Hitachi and Samsung are members of the Society for Information Display. Samsung and LG Electronics are two of the founders of the Korea Display Industry Association. LG Electronics, LP Displays and Samsung are members of the Electronic Display Industrial Research Association.~~

~~81. These trade association meetings facilitated the conspiracy by giving the Defendants further opportunities to discuss prices and capacity utilizations for CRT Products. Through these trade associations and in meetings relating to these trade associations, the Defendants shared information that would normally be considered propriety and competitively sensitive. This exchange of information was used to implement and monitor the conspiracy alleged herein.~~

Barriers to Entry

~~82-76. There exist substantial barriers to entry in the CRT market, CDT and CPT markets. Efficient manufacturing facilities are large, costly and take years to research, develop and construct. These barriers to entry, coupled with declining demand, served to ensure that new competitors would not enter the market to undercut the Defendants' artificially high prices.~~

CRT-PRICES DURING THE CLASS PERIOD

~~77. During the Class Period, there was unnatural and sustained price stability, and supracompetitive increases in prices of CRT Products for CDTs, CDT Products, CPTs and CPT Products. This was accomplished by preventing the decline of CDT and CPT prices, stabilizing CDT and CPT prices, and sometimes increasing CDT and CPT prices. But for the illegal price-fixing conspiracies, CDT and CDT Product, CPT and CPT Product prices would have been~~

~~generally lower, would have declined faster, would not have been stable, and would not have increased in the manner that they did, caused by the conduct described below, including the Defendants conspiring to fix prices and exchanging information about their prices, price moves and capacity utilization.~~

83-78. These prices for CDTs, CDT Products, CPTs and CPT Products during the Class Period are fundamentally inconsistent with a competitive market for a products that has a declining demand due to the introduction of newer and more popular technology.

84-79. These prices were also inconsistent with the natural trend that exists for most technology products – the prices for most technology products decrease over time. The CRT industry was mature and the cost of production was low relative to other emerging technologies. Notwithstanding, CRT prices remained stable over a period of many years. Even in periods of decreasing prices caused by external factors, such as the Asian currency crisis, which severely devalued Asian Currencies, the prices of CRTs did not decline as much as they would have absent the ~~conspiracy~~conspiracies. The price stability of ~~CRTs~~CDTs and CPTs was accomplished by the conduct described below, including the Defendants conspiring to fix prices and exchanging information about their prices, price moves and capacity utilization.

THE CONSPIRACY AND TORTIOUS INTERFERENCE WITH ECONOMIC INTERESTS

85-80. The Plaintiffs alleges that during the Class Period, the Defendants and unnamed conspirators conspired and/or agreed with each other to enhance unreasonably the prices of ~~CRT Products~~CDTs and CPTs and to lessen unduly competition in the production, manufacture, sale and/or supply of ~~CRT Products~~CDTs and CPTs in North America and elsewhere. The Defendants' ~~conspiracy~~conspiracies ~~was~~were intended to, and did, moderate the downward pressure on prices of ~~CRT Products~~prices of CDT caused by the entry and market penetration of LCD technology, as well as the downward pressure on prices of CPTs and CPT Products ~~and caused by the entry and market penetration of LCD and Plasma technology.~~

86-81. During the Class Period, senior executives and employees of the Defendants and unnamed co-conspirators, acting in their capacities as agents for the Defendants and unnamed co-conspirators, engaged in communications, conversations and attended meetings with each

other at times and places, some of which are unknown to the Plaintiffs, and as a result of the communications, conventions and attended meetings with each other at times and places, some of which are unknown to the Plaintiffs, and as a result of the communications and meetings the Defendants and unnamed co-conspirators unlawfully conspired and/or agreed to:

- (a) enhance unreasonably the prices of ~~ERT Products~~ CDT and CPT in North America and elsewhere. The agreements to enhance prices included agreements with respect to target prices, price ranges, and price differentials on various attributes of CDTs and CPTs. The agreements also included agreements on pricing for intra-company sales;
- (b) exchange information in order to monitor and enforce adherence to the agreed-upon prices for ~~ERT Products~~ CDTs and CPTs;
- (c) allocate the market share, customers, and/or to set specific sales volumes of ~~ERT Products~~ CDTs and CPTs that each of the Defendants would supply in Canada North America and elsewhere; and
- (d) lessen unduly competition in the production, manufacture, sale and/or supply of ~~ERT Products~~ CDTs and CPTs in North America and elsewhere.

87-87 In furtherance of the conspiracy, during the Class Period, the Defendants, their servants and agents, and unnamed co-conspirators:

- (a) enhanced unreasonably the prices of ~~ERT Products~~ CDTs and CPTs in North America and elsewhere, including prices of CDTs and CPTs sold to Defendants' subsidiaries and/or affiliates involved in the manufacturing of CDT Products and CPT Products;
- (b) allocated the volume of sales of, and customers and markets for ~~ERT Products~~ CDTs and CPTs among themselves;
- (c) reduced the supply of ~~ERT Products~~ CDTs and CPTs;
- (d) intended that the conspiracies would enhance unreasonably the price of CDT Products and CPT Products, monitored the price of CDT Products and CPT Products to determine whether an increase in the price of CDTs and CPTs would be passed on by their customers, in whole or in part, and/or would be reflected in the prices paid by purchasers of CDT Products and CPT Products;
- (e) communicated secretly, in person and by telephone, to discuss and fix prices and volumes of sales of ~~ERT Products~~ CDTs and CPTs. The Defendants met in a systematic fashion. They organized a series of multilateral and bilateral meetings. The meetings were generally in the following formats: ;

- (i) Top Level Meetings – Meetings attended by high level company executives, including chief executive officers, presidents, and vice-presidents. These meetings were normally held quarterly. At these meetings, agreements were made regarding, *inter alia*, pricing and production.
- (ii) Management Meetings – Meetings attended by high-level sales executives. These meetings were usually held monthly. These meetings typically dealt with the implementation of the agreements made at the top level meetings.
- (iii) Working Level Meetings – Meetings involved lower level sales and marketing employees. These meetings generally occurred weekly or monthly. The attendees gathered information, which was reported to their headquarters.
- (iv) China CDT Meetings – Meetings were attended by manufacturers located in China and China-based branches of the other Defendants. These meetings typically occurred monthly, following a top or management level meeting and the purpose was to report what had been decided at the top or management level meeting.
- (v) Green Meetings – Meetings conducted on golf courses and attended by the top and management level employees.
- (+)(vi) Bilateral Meetings – The bilateral meetings were more informal than the multilateral meetings. They occurred on an *ad hoc* basis. The bilateral meetings were used, *inter alia*, to coordinate with competitors who did not attend the multilateral meetings (including competitors based in North America and South America). The bilateral meetings were also used to confirm prices to particular customers in order to avoid being persuaded by customers to decrease prices.

- (d)(f) exchanged information regarding the prices and volumes of sales of CRT Products CDTs and CPTs for the purposes of monitoring and enforcing adherence to the agreed-upon prices, volumes of sales and markets;
- (e)(g) refrained from submitting truly competitive bids for CRT Products CDTs and CPTs in North America;
- (f)(h) submitted collusive, non-competitive and rigged bids for CRT Products CDTs and CPTs in North America;
- (g)(i) took active steps to, and did, conceal the unlawful conspiracy from their customers; and
- (h)(j) disciplined any corporation which failed to comply with the conspiracy conspiracies.

88.83. The Defendants and unnamed co-conspirators were motivated to conspire and their predominant purpose and intention was:

- (a) to harm the Plaintiffs and members of the public by requiring them to pay artificially high prices for ~~CRT Products~~ CDTs, CDT Products, CPTs and CPT Products; and
- (b) to unlawfully increase their profits on the sale of ~~CRT Products~~ CDTs, CDT Products, CPTs and CPT Products.

84. The Defendants and their unnamed co-conspirators were aware and intended that the conspiracies described herein would result in increased prices for CDTs, CDT Products, CPTs and CPT Products. Some of the Defendants were vertically integrated and sold at least some of their CDTs and CPTs to related entities involved in the manufacturing of CDT Products and CPT Products. It was intended that these Defendants would be able to benefit from the conspiracies by passing on the artificially high prices to the related entities' direct purchaser customers of CDT Products and CPT Products.

89.85. The Canadian subsidiaries of the foreign Defendants participated in and furthered the objective of the conspiracy by knowingly modifying their competitive behaviour in accordance with instructions received from their prospective parent companies and thereby acted as agents in carrying out the conspiracy and are liable for such acts.

90.86. The acts particularized in paragraphs ~~92 to 96~~ 80 to 85 were unlawful acts directed towards the Plaintiffs and other purchasers of ~~CRT Products~~ CDTs, CDT Products, CPTs and/or CPT Products, which unlawful acts the Defendants knew in the circumstances would likely cause injury to the Plaintiffs and other purchasers of ~~CRT Products~~ CDTs, CDT Products, CPTs and/or CPT Products and, as such, the Defendants are liable for the tort of civil conspiracy.

91.87. Further, or alternatively, the acts particularized in paragraphs ~~92 to 96~~ 80 to 85 were unlawful acts undertaken by the Defendants with the intent to injure the Plaintiffs and other purchasers of ~~CRT Products~~ CDTs, CDT Products, CPTs and CPT Products, and, as such, the Defendants are liable for the tort of intentional interference with economic interests.

92.88. Further, or alternatively, the acts particularized in paragraphs ~~92 to 96~~ 80 to 85 are in breach of s. 45 of the *Competition Act* and render the Defendants liable to pay damages pursuant to s. 36 of the *Competition Act*. Further, or alternatively, the Canadian subsidiaries of

the foreign Defendants are liable to the Plaintiffs and the other ~~class members~~ Class Members pursuant to s. 36 of the *Competition Act* for acts in contravention of s. 46(1) of the *Competition Act*.

UNJUST ENRICHMENT, WAIVER OF TORT AND CONSTRUCTIVE TRUST

93.80 In the alternative, the Plaintiffs waives the tort and pleads that ~~they~~ and the other Class Members are entitled to recover under restitutionary principles.

94.90 Further, the Defendants have each been unjustly enriched by the receipt of the artificially induced overcharge on the sale of ~~ERT Products~~ CDTs, CDT Products, CPTs and CPT Products. The Plaintiffs and other Class Members have suffered a deprivation in the amount of such overcharge attributable to the sale of ~~ERT Products~~ CDTs, CDT Products, CPTs and CPT Products in British Columbia.

95.91 Since the artificially induced overcharge received by the Defendants from the Plaintiffs and each Class Member resulted from the Defendants' wrongful or unlawful acts, there is and can be no juridical reason justifying the Defendants retaining any part of such overcharge and in particular, any contracts upon which the Defendants purport to rely to receive the illegal overcharge are void and illegal.

96.92 Further, ~~t~~The Defendants are constituted as constructive trustees in favour of the Class Members for all of the artificially induced overcharge from the sale of ~~ERT Products~~ CDTs, CDT Products, CPTs and CPT Products because, among other reasons:

- (a) the Defendants were unjustly enriched by the artificially induced overcharge;
- (b) the Plaintiffs and the other Class Members suffered a deprivation because of the artificially induced overcharge;
- (c) the Defendants engaged in inappropriate conduct and committed a wrongful act in conspiring to fix the price of ~~ERT Products~~ CDTs, CDT Products, CPTs and CPT Products and allocate market share and volume of ~~ERT Products~~ CDTs and CPTs;
- (d) the artificially induced overcharge was acquired in such circumstances that the Defendants may not in good conscience retain it;
- (e) justice and good conscience require the imposition of a constructive trust;

- (f) the integrity of the marketplace would be undermined if the court did not impose a constructive trust; and
- (g) there are no factors that would, in respect of the artificially induced overcharge, render the imposition of a constructive trust unjust.

97.93 The Plaintiffs pleads that equity and good conscience requires the Defendants to hold in trust for the Plaintiffs and the other Class Members all of the artificially induced overcharge from the sale of ~~ERT Products~~ CDTs, CDT Products, CPTs and CPT Products and to disgorge this overcharge to the Plaintiffs and the other Class Members.

DAMAGES

98.94 The Plaintiffs and the other Class Members suffered the following damages:

- (a) the price of ~~ERT Products~~ CDTs, CDT Products, CPTs and CPT Products has been enhanced unreasonably at artificially high and non-competitive levels; and
- (b) competition in the sale of ~~ERT Products~~ CDTs and CPTs has been unduly restrained.

99.95 During the period covered by this claim, the Plaintiffs and the other Class Members purchased ~~ERT Products~~ CDTs, CDT Products, CPTs and/or CPT Products. By reason of the alleged violations of the *Competition Act* and the common law, the Plaintiffs and the other Class Members paid more for ~~ERT Products~~ CDTs, CDT Products, CPTs and CPT Products than they would have paid in the absence of the illegal conspiracy and, as a result, they have been injured in their business and property and have suffered damages in an amount presently undetermined.

100.96 The Plaintiffs and the other Class Members assert that their damages are capable of being quantified on an aggregate basis as the difference between the prices actually obtained by the Defendants and the prices which would have been obtained in the absence of the unlawful conspiracy.

101.97 The Plaintiffs and the other Class Members assert that the Defendants' conduct was high-handed, outrageous, reckless, wanton, entirely without care, deliberate, callous, disgraceful, wilful, in contumelious disregard of the Plaintiffs' rights and the rights of others who are similarly situated, and as such renders the Defendants liable to pay aggravated, exemplary and punitive damages.

102-98. The Plaintiffs's damages and those of other persons who are similarly situated have been suffered in the Province of British Columbia and elsewhere in Canada.

THE RELEVANT STATUTES

103-99. The Plaintiffs pleads and relies upon the *Class Proceedings Act*, R.S.B.C., 1996 c. 50, and the *Competition Act*, R.S. 1985, c. 19, (2nd Supp.) and all amendments thereto.

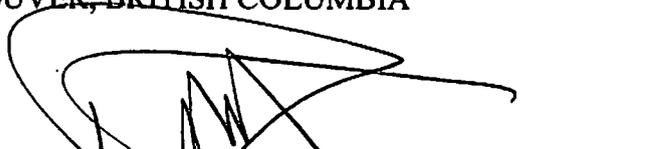
WHEREFORE the Plaintiffs, on ~~its~~their own behalf, and on behalf of the Class Members, claims against the Defendants:

- (a) an order certifying this action as a class proceeding and appointing the Plaintiffs as representative plaintiffs;
- (b) declarations that:
 - (i) during the CDT Class Period the Defendants (excluding Samtel, MT Picture Display and Thai CRT) conspired with each other and their unnamed co-conspirators to raise, maintain, fix and/or stabilize the price of CDTs and CDT Products, and in so doing, engaged in conduct that was in violation of s.45 of the Competition Act; and
 - (ii) during the CPT Class Period the Defendants conspired with each other and their unnamed co-conspirators to raise, maintain, fix and/or stabilize the price of CPTs and CPT Products, and in so doing, engaged in conduct that was in violation of s.45 of the Competition Act.
- (c) general damages for conspiracy, tortious interference with economic interests, and conduct that is contrary to Part VI of the *Competition Act*, R.S. 1985, c. 19 (2nd Suppl.);
- (d) a declaration that the Plaintiffs and the other Class Members are entitled to restitution of the illegal overcharge from the Defendants;
- (e) a declaration that the Defendants hold the illegal overcharge in a constructive trust for the benefit of the Plaintiffs and the other Class Members;
- (f) an order directing the Defendants to disgorge their illegal overcharge;
- (g) punitive damages;
- (h) investigation costs pursuant to the *Competition Act*;
- (i) prejudgment interest pursuant to the *Court Order Interest Act*, R.S.B.C. 1996, c. 78, s. 128; and

(j) such further and other relief as to this Honourable Court may seem just.

DATED at Vancouver, British Columbia this 8th day of October, 2009~~2013~~.

PLACE OF TRIAL: VANCOUVER, BRITISH COLUMBIA



Reidar M. Mogerman
Camp Fiorante Matthews Mogerman
Counsel for the Plaintiff