

**NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARINGS  
IN THE SRAM CLASS ACTION LITIGATION**

**PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.**

**TO: All persons in Canada who purchased Static Random Access Memory (“SRAM”) or products containing SRAM, between January 1, 1998 through December 31, 2005, except for the defendants or related parties (“Settlement Class”).**

**I. BACKGROUND**

Class proceeding lawsuits have been commenced in Ontario (Court File No. 54055CP, London), British Columbia (Court File No. S-070350, Vancouver Registry), and Quebec (Court File No. 200-06-000083-074, District of Quebec) alleging that the defendants, conspired to fix prices in the market for SRAM or products which contained SRAM in Canada (collectively the "SRAM Proceedings"). SRAM is a type of memory commonly used in computers, mobile phones and other hand held communication devices.

The plaintiffs on behalf of themselves and the classes are claiming damages from the defendants for unlawfully conspiring to fix, maintain or increase the price of SRAM. The defendants include: Samsung Electronics Co. Ltd., Samsung Semiconductor, Inc., Samsung Electronics Canada Inc., Hynix Semiconductor, Inc., Hynix Semiconductor America, Inc., Micron Technology, Inc., Micron Semiconductor Canada, Micron Semiconductor Products, Inc., Cypress Semiconductor Corporation, Cypress Semiconductor, Inc., Etron Technology America, Inc., Mitsubishi Electric Corporation, Mitsubishi Electric Sales Canada Inc., Mitsubishi

Electric & Electronics USA, Inc., Renesas Electronics Corporation *fka* Renesas Technology Corporation, Renesas Electronics Canada Limited *fka* Renesas Technology Canada Limited, Renesas Electronics America Inc. *fka* Renesas Technology America, Inc., NEC Corporation, NEC Electronics America, Inc., Toshiba Corporation, Toshiba Du Canada Ltée., Toshiba of Canada Limited, Toshiba America Corporation, and Toshiba America Electronic Components, Inc.

## **II. MICRON SETTLEMENT**

A settlement has been reached in the SRAM Proceedings with Micron Technology, Inc., Micron Semiconductor Canada and Micron Semiconductor Products, Inc. (“Micron”). Pursuant to the settlement, Micron has agreed to pay \$300,000 CDN and to provide cooperation to the plaintiffs in pursuing the SRAM Proceedings against the remaining defendants in exchange for a full release of claims against it and its related entities relating to the pricing of SRAM or products containing SRAM. The settlement represents a resolution of disputed claims. Micron does not admit any wrongdoing or liability.

In order to implement the Micron settlement, the courts in Ontario, British Columbia and Quebec have certified authorized the SRAM Proceedings as class actions against Micron for the purposes of settlement only. The Micron settlement will only become effective if it is approved by the three courts. The litigation is continuing against the remaining defendants. The courts have not taken any position as to the merits of the claims or defences asserted by either side.

### **III. MICRON SETTLEMENT APPROVAL HEARINGS**

Motions to approve the Micron settlement will be heard by the Quebec Court in the City of Quebec on February 4, 2013 at 11:00 a.m., the British Columbia Court in the City of Vancouver on February 6, 2013 at 9:00 a.m., and the Ontario Court in the City of Toronto on February 8, 2013 at 10:00 a.m.. At these settlement approval hearings, the Ontario, British Columbia and Quebec courts will determine whether the Micron settlement is fair, reasonable, and in the best interests of the Settlement Class and the amount to be paid to class counsel for fees and disbursements. The plaintiffs will also ask for an order that the remaining settlement funds be held in trust to be used to defray disbursements incurred in the prosecution of the litigation against the remaining defendants and/or adverse costs awards.

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

You are a member of the Settlement Class if you are a resident of Canada who bought SRAM or products containing SRAM during the period January 1, 1998 through December 31, 2005 unless you choose to exclude yourself (“opt-out”) from the SRAM Proceedings or are a defendant or related party.

If you are a Settlement Class Member, you do not need to do anything at this time. You are automatically included in the SRAM Proceedings and entitled to participate in the ongoing proceedings, the Micron settlement and any future judgments or settlements. You will give up any rights you may have to bring or maintain any other claim or legal proceeding in respect of

the allegations asserted in the SRAM Proceedings. Members of the Settlement Class may be required to submit a claim at a later date, so you should retain all records of SRAM purchases.

Members of the Settlement Class who do not oppose the proposed settlement need not appear at the settlement approval hearings or take any other action at this time.

### *Opting out*

Members of the Settlement Class who do not wish to participate in the SRAM Proceedings or participate in the Micron settlement must opt-out. If you do not opt out of the SRAM Proceedings, you will be bound by the terms of the Micron settlement.

If you opt-out of the SRAM Proceedings, you will not be able to participate in the Micron settlement, and you will not be able to participate in any further settlements or judgments with other defendants in the SRAM Proceedings. You will retain any rights you may have to bring an individual lawsuit.

To opt-out, you must submit a written request to be excluded from the SRAM Proceedings to the appropriate class counsel at the address listed below postmarked no later than

**February 13, 2013.** Your written request must include the following information:

- (a) name, address, and telephone number;
- (b) the dollar amount and the date of your SRAM Product purchases; and
- (c) a request to be excluded from the SRAM Proceedings.

No further right to opt-out of the SRAM Proceedings will be provided.

***Objecting to the Micron settlement***

Members of the Settlement Class are entitled to appear and comment on or object to the Micron settlement at the appropriate settlement approval hearing. If you wish to comment on or object to the Micron settlement, you must submit a written submission to the appropriate class counsel at the address listed below postmarked no later than January 25, 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 settlement 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 submit a submission by the relevant deadline, you might not be entitled to participate, through oral submissions or otherwise, in the appropriate settlement approval hearing.

**V. THE SETTLEMENT FUNDS**

The settlement amount less any payment approved by the courts for class counsel fees, disbursements and costs will be held in an interest bearing account for the benefit of members of the Settlement Class. The plaintiffs will ask the courts for orders that the remaining settlement funds be used to defray the costs of prosecuting the SRAM Proceedings against the remaining defendants and/or any future adverse cost awards.

The courts will determine the amount which will be paid for class counsel legal fees and disbursements. Class counsel may collectively request legal fees of up to 25% of the Micron settlement funds, plus disbursements and applicable taxes be approved by the courts and paid out of the Micron settlement funds.

#### **VI. CLASS COUNSEL**

The law firm of Camp Fiorante Matthews Mogerman which represents the Settlement Class in British Columbia can be reached at:

Telephone: 604-689-7555

Email: SRAMSettlement@cfmlawyers.ca

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5 Attention: J.J. Camp

The law firm of Siskinds Desmeules s.e.n.c.r.l. which represents the Settlement Class of individuals and corporations of 50 or less employees in Quebec can be reached at:

Telephone: 418-694-2009

Email: simon.hebert@siskindsdesmeules.com

Mail: Les promenades du Vieux-Quebec, 43 rue De Buade, bureau 320, Quebec City, QC G1R 4A2 Attention: Me Simon Hebert.

The law firms of Sutts, Strosberg LLP and Siskinds LLP which represent the Settlement Class in Ontario, and in all provinces other than British Columbia or Quebec, as well as corporations of more than 50 employees in Quebec can be reached as follows:

Sutts, Strosberg LLP:

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

Email: [sramclassaction@strosbergco.com](mailto:sramclassaction@strosbergco.com)

Mail: 600-251 Goyeau Street, Windsor, ON N9A 6V4 Attention: Heather Rumble Peterson

Siskinds LLP:

Telephone (toll free): 1-800-461-6166 ext. 2455

Email: [charles.wright@siskinds.com](mailto:charles.wright@siskinds.com)

Mail: 680 Waterloo Street, London, ON N6A 3V8 Attention: Charles Wright

## **VII. ADDITIONAL INFORMATION**

This notice contains only a summary of the Micron settlement. Members of the Settlement Class are encouraged to review the complete Micron settlement agreement, which is available online at [www.cfmlawyers.ca](http://www.cfmlawyers.ca). If you have questions that are not answered online at [www.cfmlawyers.ca](http://www.cfmlawyers.ca), please contact class counsel. **INQUIRIES SHOULD NOT BE DIRECTED TO THE COURTS.**

Updates and copies of important court filings will be posted online at [www.cfmlawyers.ca](http://www.cfmlawyers.ca).

**VIII. INTERPRETATION**

This notice contains a summary of some of the terms of the Micron settlement agreement. If there is a conflict between the provisions of this notice and the Micron settlement agreement, the terms of the Micron settlement agreement shall prevail.

This notice has been approved by the Ontario, British Columbia and Quebec courts.