

**NOTICE OF CERTIFICATION FOR SETTLEMENT PURPOSES AND SETTLEMENT APPROVAL HEARING IN THE CANADIAN LCD CLASS ACTIONS**

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

**TO: All persons in Canada who purchased LCD (liquid crystal display) panels (10” or larger measured diagonally) (“LCD Panels”) and/or televisions, computer monitors or laptop computers containing LCD panels (“LCD Products”) between January 1, 1998 and December 11, 2006 (the “settlement class” or “settlement class members”).**

**I. BACKGROUND**

Class action lawsuits have been commenced in Ontario, British Columbia, and Quebec alleging that the Defendants conspired to fix prices in the market for LCD Panels and LCD Products in Canada (collectively the “LCD Proceedings”).

The following entities were named as “Defendants” in some or all of the LCD Proceedings: LG Display Co., Ltd., LG Display America, Inc., Samsung Electronics Co. Ltd., Samsung Electronics Canada Inc., Hitachi Ltd., Hitachi Displays, Ltd., Hitachi Canada, Ltd., Hitachi America Ltd., Hitachi Electronics Devices (USA) Inc., Sharp Corporation, Sharp Electronics Corporation, Sharp Electronics of Canada Ltd., Toshiba Corporation, Toshiba Matsushita Display Technology Co., Ltd., Toshiba America Corporation, Toshiba of Canada Limited, AU Optronics Corp., AU Optronics Corporation America, Chi Mei Optoelectronics Corporation, Chi Mei Corporation, Chi Mei Optoelectronics USA, Inc, Chi Mei Optoelectronics Japan Co., Ltd., Nexgen Mediatech, Inc., Nexgen Mediatech, HannStar Display Corporation, Chunghwa Picture Tubes, Ltd., and Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation).

**II. CONTESTED CERTIFICATION**

On May 26, 2011, the Ontario action was certified in respect of a national class on behalf of the following persons:

All persons in Canada (excluding defendants and their respective parents, employees, subsidiaries, affiliates, officers and directors) who purchased LCD Panels\* or LCD Products\*\* directly from a defendant or any entity affiliated with a defendant, an Original Equipment Manufacturer\*\*\* or a Distributor\*\*\*\* in Canada between January 1, 1998 and December 11, 2006.

\*LCD Panels means liquid crystal display panels that are 10 inches or larger, measured diagonally.

\*\*LCD Products means televisions, computer monitors and laptops containing LCD Panels.

\*\*\*Original Equipment Manufacturer means any of the following entities or any company affiliated with any of the following entities: Acer Inc. (including the Gateway brand), Apple Canada Inc., Compaq Computer Corporation, Dell Corporation, Fujitsu Limited, Hewlett-Packard Development Company, L.P., IBM Corporation, JVC Canada, LG Electronics, Lenovo Group Limited, Mitsubishi Electric Corporation, Panasonic Corporation, Koninklijke Philips Electronics N.V., Polaroid Corporation, Prima Technology Inc., Proview Technology Inc., TTE Corporation (including the RCA brand), Sony of Canada Ltd., Stealth Computer Corporation, ViewSonic Corporation and Westinghouse Digital Electronics.

\*\*\*\*Distributor means any of the following entities or any company affiliated with any of the following entities: ALC Micro, Computer Distributors of Canada, Comtronic Computer Inc., D&H Distributing Co., Eprom Inc., Funai Electric Co., Ltd., Ingram Micro Inc., Pro-Data Inc., Supercom, Synnex Canada Limited, Tech Data Canada Corporation and TTX Canada.

The Defendants in the Ontario action were granted leave to appeal certification and the appeal is pending. The plaintiff has brought a motion to amend the class definition to include all purchasers of LCD Panels and LCD Products during the relevant period and that motion is also pending. Once the motions and all related appeals have been resolved, another notice will be distributed by mail or email and posted online at [www.classaction.ca](http://www.classaction.ca). To ensure that you receive this notice, please register online at [www.classaction.ca](http://www.classaction.ca), call 1-800-461-6166 ext. 2446, or email [lcdclassaction@siskinds.com](mailto:lcdclassaction@siskinds.com).

### **III. PREVIOUS SETTLEMENTS**

Previous settlements have been reached with:

- Chunghwa Picture Tubes, Ltd. (“Chunghwa”);
- Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation) (“Epson”); and
- Samsung Electronics Co. Ltd. and Samsung Electronics Canada Inc. (“Samsung”).

Under the terms of those settlements, Chunghwa paid \$2,023,000, Epson paid \$1,200,000 and Samsung is required to pay \$21,250,000 in exchange for a release of claims against them and their related entities. The Chunghwa and Epson settlement funds (less court approved counsel fees and disbursements) are being held in an interest bearing account for the benefit of settlement class members. In accordance with the terms of those settlements, Chunghwa, Epson and Samsung are required to provide cooperation to the plaintiffs in the continued prosecution of the LCD Proceedings. The LCD Proceedings were certified against Chunghwa, Epson and Samsung for settlement purposes. The Chunghwa, Epson and Samsung settlements were approved by the Ontario, British Columbia and Quebec Courts.

#### **IV. PROPOSED SETTLEMENTS**

Settlements have been reached with:

- Japan Display Inc. (successor to Hitachi Displays, Ltd.) (“JDI”) on its behalf and on behalf of Hitachi Ltd., Hitachi Canada, Ltd., Hitachi America Ltd., and Hitachi Electronics Devices (USA) Inc.; and
- Innolux Corporation (successor to Chi Mei Optoelectronics Corporation) (“Innolux”).

Pursuant to the settlements, JDI has agreed to pay CDN\$3,150,000, and Innolux has agreed to pay CDN\$10,000,000 for the benefit of settlement class members, in exchange for a full release of claims against them and their related entities (including the defendants, Hitachi Ltd., Hitachi Canada, Ltd., Hitachi America Ltd., Hitachi Electronics Devices (USA) Inc., Chi Mei Corporation, Chi Mei Optoelectronics USA, Inc, Chi Mei Optoelectronics Japan Co., Ltd., Nexgen Mediatech, Inc., and Nexgen Mediatech) relating to the pricing of LCD panels of all sizes and products containing such LCD panels.

JDI and Innolux have agreed to provide cooperation to the plaintiffs in pursuing the class actions against the remaining Defendants. The settlements represent a resolution of disputed claims. JDI and Innolux do not admit any wrongdoing or liability.

The class actions have been certified against JDI and Innolux for settlement purposes. A motion to approve the settlements will be heard by the Ontario Court in the City of London on January 10, 2014 at 9:00 a.m., the British Columbia Court in the City of Vancouver on January 24, 2014 at 9:00 a.m., and the Quebec Court in the City of Quebec on February 20, 2014 at 9:30 a.m. At these hearings, the Ontario, British Columbia and Quebec Courts will determine whether the settlements are fair, reasonable, and in the best interests of settlement class members.

Settlement class members who do not oppose the proposed settlements need not appear at the settlement approval hearings or take any other action at this time.

Settlement class members are entitled to file written submissions and/or appear and make submissions at the settlement approval hearings. Settlement class members who wish to exercise either of these rights must submit written submissions to the appropriate class counsel at the addresses listed below postmarked no later than December 31, 2013. The written submissions must state the nature of any comments or objections, and whether the settlement class member intends to appear at the 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 file a written submission by the relevant deadline, you might not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearings.

#### **V. PROPOSED DISTRIBUTION OF THE SETTLEMENT FUNDS**

At the approval hearings, the Courts will be asked to approve a protocol for distributing the aggregate settlement funds, plus accrued interest, less court approved legal fees and other

expenses. A copy of the proposed distribution protocol is available at [www.classaction.ca](http://www.classaction.ca) or from Class Counsel.

Including prior settlements, the settlements achieved to date in this litigation total \$37,623,000. The aggregate settlement funds, plus interest and less court approved legal fees, disbursements, administration expenses, and applicable taxes, are available for compensation to Settlement Class Members.

Although settlements have only been reached with certain defendants, settlement class members can claim with respect to all LCD Panels and LCD Products purchases, regardless of the manufacturer or brand.

For the purposes of calculating payment of settlement benefits, it is necessary to consider the relative value of the LCD Panel in relation to the total value of the LCD Product. The proposed values are contained in the distribution protocol.

Subject to further Court order, settlement benefits will be distributed prorata based on the following calculation:

- Direct Purchaser End User means a Settlement Class Member in respect of purchases of LCD Products for its own use and not for commercial resale direct from a Defendant or an entity related to a Defendant or where the purchase price of the LCD Products was negotiated directly with a Defendant or an entity related to a Defendant. Settlement benefits payable to Direct Purchaser End Users will be calculated based on the full value of eligible LCD Product purchases.
- Indirect Purchaser End User means a Settlement Class Member in respect of purchases of LCD Products for its own use and not for commercial resale, other than a Direct Purchaser End User. Settlement benefits payable to End Users will be calculated based on 80% of eligible LCD Product purchases.
- Direct Purchaser Reseller means a Settlement Class Member in respect of purchases of LCD Products for commercial resale direct from a Defendant or an entity related to a Defendant or where the purchase price of the LCD Product was negotiated directly with a Defendant or an entity related to a Defendant. Settlement benefits payable to Direct Purchaser Resellers will be calculated based on 25% of eligible LCD Product purchases.
- Indirect Purchaser Reseller means a Settlement Class Member in respect of purchases of LCD Large Screen Products for commercial resale, other than a Direct Purchaser Reseller. Settlement benefits payable to Indirect Purchaser Resellers will be calculated based on 15% of eligible LCD Product purchases.

If the prorata distribution would result in eligible Settlement Class Members receiving an amount that is beyond any reasonable estimate of damages or less than \$25, Class Counsel will seek further directions from the Courts with respect to the distribution of the settlement funds. It is expected that most Settlement Class Members will receive at least \$25, but this will depend on the number and value of claims filed.

Payments to Quebec Settlement Class Members are subject to deductions payable to the Fonds d'aide aux recours collectives, calculated in accordance with the governing regulations.

## **VI. FILING A CLAIM**

Settlement Class Members who wish to apply for compensation under the settlements must file a claim. As part of this process, Settlement Class Members are required to establish their purchases. Where possible, Settlement Class Members will be able to rely on the Defendants' sales records to establish their purchases. Please see the distribution protocol for details regarding the information required to establish purchases.

The deadline and procedure for filing a claim will be reviewed at the approval hearing and those details will be available in a further notice to be distributed by mail or email and posted online at [www.classaction.ca](http://www.classaction.ca). To ensure that you receive this notice, please register online at [www.classaction.ca](http://www.classaction.ca), call 1-800-461-6166 ext. 2446, or email [lcdclassaction@siskinds.com](mailto:lcdclassaction@siskinds.com).

The litigation is continuing against the non-settling Defendants. Settlement class members who file a claim will be able to rely on that filing in respect of any subsequent settlement, if they wish.

## **VII. CLASS COUNSEL & LEGAL FEES**

The law firm of Siskinds<sup>LLP</sup> represents settlement class members in Ontario, and in provinces other than British Columbia or Quebec, as well as corporations of more than 50 employees in Quebec. Siskinds<sup>LLP</sup> can be reached at:

Telephone (toll free): 1-800-461-6166 ext. 2446

Email: [lcdclassaction@siskinds.com](mailto:lcdclassaction@siskinds.com)

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

The law firm of Camp Fiorante Matthews Mogerman represents settlement class members in British Columbia. British Columbia Class Counsel can be reached at:

Telephone: 1-800-689-2322

Email: [rmogerman@cfmlawyers.ca](mailto:rmogerman@cfmlawyers.ca)

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5 Attention: Reidar Mogerman

The law firm of Siskinds Desmeules s.e.n.c.r.l. represents individuals and corporations of 50 or less employees who are settlement class members in Quebec. Quebec Class Counsel can be reached at:

Telephone: 418-694-2009

Email: [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com)

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

Class counsel legal fees and disbursements must be approved by the Courts. Class counsel will collectively be requesting legal fees of up to 25% of the JDI and Innolux settlement funds, plus

disbursements and applicable taxes to be approved by the Courts and paid out of the settlement funds.

### **VIII. QUESTIONS ABOUT THE SETTLEMENTS**

This notice contains only a summary of the JDI and Innolux settlement agreements and the distribution protocol. Settlement class members are encouraged to review the complete settlement agreements and distribution protocol, which are available online at [www.classaction.ca](http://www.classaction.ca). If you have questions that are not answered online at [www.classaction.ca](http://www.classaction.ca), please contact Class Counsel. **INQUIRIES SHOULD NOT BE DIRECTED TO THE COURT.**

Settlement class members should register online at [www.classaction.ca](http://www.classaction.ca) to receive important updates, including updates about the claims process.

### **IX. INTERPRETATION**

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

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