

**NOTICE OF SETTLEMENT APPROVAL HEARING  
IN THE CANADIAN LCD CLASS ACTION LITIGATION**



**TO: 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, except the defendants and certain parties related to the defendants (the "Settlement Class").**

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

**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 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 Mobile Display Co., Ltd. (formerly known as Toshiba Matsushita Display Technology Co., Ltd. and subsequently known as Japan Display Central Inc. and now part of Japan Display Inc.), 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**

The Ontario action was certified in respect of a national class. This means that the action can proceed as a class action and the common issues (as defined in the certification order) will be determined in a single proceeding on behalf of members of the Class. The Class is defined as:

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 was dismissed. The Plaintiff brought a motion to amend the class definition to include all purchasers of LCD Panels and LCD Products during the relevant period. The motion was denied. The Plaintiff is seeking leave to appeal the motion. Once all related appeals have been resolved, another notice will be distributed by mail or email and posted online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd). To ensure that you receive this notice, please register online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd), call 1-800-461-6166 ext. 1315, or email [lcdclassaction@siskinds.com](mailto:lcdclassaction@siskinds.com).

### III. PREVIOUS SETTLEMENTS

Previous settlements were reached in the LCD Proceedings with:

Settling Defendant(s)	Settlement Amount
Chunghwa Picture Tubes, Ltd.	\$2,023,000
Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation)	\$1,200,000
Samsung Electronics Co., Ltd and Samsung Electronics Canada Inc.	\$21,250,000
Innolux Corporation (successor to Chi Mei Optoelectronics Corporation)	\$10,000,000
Japan Display Inc. (successor to Hitachi Displays, Ltd.) (“JDI”) on its behalf and on behalf of Hitachi Ltd., Hitachi Canada, Ltd., Hitachi America Ltd., Hitachi Electronics Devices (USA) Inc.	\$3,150,000

In addition to the above-noted monetary benefits, each of the above-listed settlements requires the settling defendants to provide cooperation to the Plaintiffs in the continued prosecution of the Canadian Proceedings. All of these settlements have received the requisite court approval.

These settlement funds (less court approved counsel fees and disbursements) were distributed to eligible class members in 2015.

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

Settlements were reached in the LCD Proceedings with Toshiba Corporation, Toshiba Corporation, Toshiba Mobile Display Co., Ltd. (formerly known as Toshiba Matsushita Display Technology Co., Ltd. and subsequently known as Japan Display Central Inc. and now part of Japan Display Inc.), Toshiba America Inc. (incorrectly named as Toshiba America Corporation), and Toshiba of Canada Limited (collectively "Toshiba") and AU Optronics Corporation and AU Optronics Corporation America (collectively "AU Optronics").

Under the terms of the settlement agreements, Toshiba has agreed to pay USD\$2,150,000 and AU Optronics has agreed to pay USD\$8,680,000 in exchange for a full release of claims against them and their related entities.

Under the terms of their respective settlement agreements, Toshiba and AU Optronics have also agreed to provide cooperation to the Plaintiffs in pursuing the LCD Proceedings against the remaining defendants. The settlements represent a resolution of disputed claims. Toshiba and AU Optronics do not admit any wrongdoing or liability.

#### **V. THE SETTLEMENT APPROVAL HEARING**

A motion to approve the Toshiba and AU Optronics settlements will be heard before the Ontario and Quebec courts on October 18, 2016 at 2:15 p.m. EST. The settlement approval hearing in British Columbia will subsequently proceed in writing. At the hearings, the courts will determine whether the settlements are fair, reasonable, and in the best interests of the Settlement Class.

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

Settlement class members may appear and make submissions at the settlement approval hearings in Ontario and Quebec (in BC, settlement class member submissions may only be made in writing). If you wish to comment on or make an objection to the settlements, written submissions must be sent to the appropriate Class Counsel at the addresses listed below, postmarked no later than October 11, 2016. Class Counsel will forward all such submissions to the appropriate court. All filed written submissions will be considered by the appropriate court. If you do not file a written submission by October 11, 2016, you may not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearing.

#### **VI. CLAIMING PART OF THE SETTLEMENT FUNDS**

The Toshiba and AU Optronics settlement funds (less approved fees and expenses) are being held in an interest-bearing account for the benefit of settlement class members. A method for distributing the settlement funds will be submitted to the courts for approval at a later date. Once the courts have approved the method for distributing the settlement funds, another notice will be provided regarding how the settlement funds will be distributed and the process for applying to receive settlement funds.

In the interim, you should: (i) keep copies of all related purchase records; and (ii) register online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd) to receive updates about the class action.

## **VII. CLASS COUNSEL AND 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. 1315

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: 604-689-7555

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

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5 Attention: David Jones

The law firm of Bouchard Pagé Tremblay represents individuals and corporations of 50 or less employees who are Settlement Class Members in Québec. Québec Class Counsel can be reached at:

Telephone: 1-855-768-6667

Email: [recourscollectifs@bptavocats.com](mailto:recourscollectifs@bptavocats.com)

825 Boulevard Lebourgneuf, Ville de Québec, QC G2J 0B9 Attention: Brian Garneau

Class Counsel legal fees and disbursements must be approved by the courts. Class Counsel will collectively be requesting that legal fees of up to 25% of the Toshiba and AU Optronics settlement funds, plus disbursements and applicable taxes be approved by the courts and paid out of the Toshiba and AU Optronics settlement funds. Class Counsel reserve the right to bring motions to the courts for payment out of the settlement funds for any future adverse cost awards and future disbursements.

## **VIII. QUESTIONS ABOUT THE SETTLEMENT**

This notice contains only a summary of the settlements. Settlement class members can review the complete settlement agreements, which are available online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd). If you have questions that are not answered online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd), please contact Class Counsel.

Settlement class members should register online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd) to receive important updates.

## **IX. INTERPRETATION**

This notice contains a summary of some of the terms of the 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.