

**NOTICE OF CERTIFICATION / AUTHORIZATION AND SETTLEMENT APPROVAL  
HEARINGS IN THE MATTER OF THE ELECTROLYTIC & FILM CAPACITORS  
CLASS ACTIONS**

**TO: All persons in Canada who purchased an electrolytic capacitor or a product containing an electrolytic capacitor between September 1, 1997 and December 31, 2014 (the “Electrolytic Settlement Class Members”) and/or a film capacitor or a product containing a film capacitor between January 1, 2002 and December 31, 2014 (the “Film Settlement Class Members”).**

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

**1. WHAT IS A CLASS ACTION?**

A class action is a lawsuit filed by one person on behalf of a large group of people that has been “certified” or “authorized” by a Canadian court and determines “common issues” for the group of people, known as the “class”.

**2. WHAT ARE ELECTROLYTIC AND FILM CAPACITORS AND WHAT ARE THESE CLASS ACTIONS ABOUT?**

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

In 2014, class proceedings were initiated in Ontario, in British Columbia and in Québec on behalf of Canadians who purchased an electrolytic capacitor or a product containing an electrolytic capacitor between September 1, 1997 and December 31, 2014 (the “Electrolytic Class Period”). In 2016, class proceedings were initiated on behalf of Canadians who purchased a film capacitor or a product containing a film capacitor between January 1, 2002 and December 31, 2014 (the “Film Class Period”) (together the “Class Actions”).

The Class Actions claim that the companies that sell electrolytic and film capacitors were involved in unlawful conspiracies to fix, maintain or increase the prices of these products.

**3. WHAT IS A SETTLEMENT AND WHAT SETTLEMENTS HAVE BEEN REACHED IN THESE CLASS ACTIONS?**

A settlement is when a defendant agrees to pay money to the members of the class action in exchange for having the case against it dismissed.

A settlement has been reached in the Class Actions, with Panasonic Corporation, Panasonic Corporation of North America, Panasonic Canada Inc. and Sanyo Electric Co., Ltd. (collectively “Panasonic”).

Panasonic has agreed to pay CAD \$5,950,000 (the “Electrolytic Settlement Amount”) for the benefit of the Electrolytic Settlement Class Members and CAD \$1,350,000 (the “Film Settlement Amount”) for the benefit of the Film Settlement Class Members. In addition, Panasonic has agreed to provide co-operation to the plaintiffs in both actions in pursuing their claims against the non-

settling defendants in the Class Actions. In exchange, Panasonic will be provided with a full release of the claims against them in relation to the Class Actions.

The settlement, which was negotiated over several months, is not an admission by Panasonic of liability, fault, or wrongdoing, but is a compromise of disputed claims.

The settlement is subject to court approval. There will be settlement approval hearings in Ontario, British Columbia and Québec. These hearings will be held:

- Before the Ontario Superior Court of Justice on February 25<sup>th</sup>, 2021 at 3:00 pm, virtually via Zoom videoconference, as described below;
- Before the Supreme Court of British Columbia, in writing, following the Ontario hearing; and
- Before the Superior Court of Québec on March 17<sup>th</sup>, 2021 at 9:15 am at 1, rue Notre-Dame Est, Montréal, Québec, in a room to be determined and virtually via Microsoft Teams. The login information will be provided at a later date, and will be posted at [www.capacitorsclassaction.ca](http://www.capacitorsclassaction.ca), once available.

The courts will decide whether the settlement is fair, reasonable, and in the best interests of Settlement Class Members.

Depending on the Covid-19 protocols in place at the time, it is possible that the settlement approval hearings will proceed by videoconference, teleconference or in writing. The Ontario settlement approval hearing will likely be conducted virtually via Zoom. You can participate in the hearing by using the following information: <https://zoom.us/j/97728186749> or (tel): 647.374.4685; Meeting ID: 977 2818 6749. Alternative local phone numbers can be found at <https://zoom.us/u/abVhiBZRjg>. Any updates with respect to the hearings will be posted on [www.capacitorclassaction.ca](http://www.capacitorclassaction.ca). Please check the website or contact class counsel for further information in advance of the settlement approval hearings.

Prior settlements were reached in the electrolytic Class Action with TOKIN Corporation and Tokin America Inc., valued at CAD \$2,900,000 and in the film Class Action with Okaya Electric Industries Co., Ltd. and Okaya Electric America, Inc. and with Nitsuko Electronics Corporation, valued collectively at CAD \$708,900. Those three settlements were approved by previous orders of the courts.

#### **4. WHO IS AFFECTED BY THIS SETTLEMENT?**

While the Class Actions were started in Ontario, British Columbia and Québec, they include persons in all provinces and territories in Canada who purchased an electrolytic and/or film capacitor or a product containing an electrolytic and/or a film capacitor.

The Electrolytic Settlement Class Members are: ***all persons in Canada who purchased an electrolytic capacitor or a product containing an electrolytic capacitor between September 1, 1997 and December 31, 2014.***

The Film Settlement Class Members are: ***all persons in Canada who purchased a film capacitor or a product containing a film capacitor between January 1, 2002 and December 31, 2014.***

## **5. WHEN WILL THE SETTLEMENT AMOUNTS BE DISTRIBUTED?**

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

As the Class Actions remain ongoing and as further recoveries may be achieved, the Settlement Funds will not be distributed to Electrolytic or Film Settlement Class Members at this time. At a future time, the courts will approve a process for the payment of claims to class members. Watch for another notice explaining how to claim money from the settlement.

## **6. WHAT IS THE STATUS OF THE CLASS ACTION AGAINST THE OTHER DEFENDANTS?**

Panasonic is the fourth group of defendants to enter into a settlement in the Class Actions. The Class Actions will continue against 30 non-settling defendants in the electrolytic Class Action and 33 non-settling defendants in the film Class Action.

In Québec, the Class Action with respect to electrolytic capacitors has been authorized by the Superior Court of Québec on March 22, 2019. This means that the class action can proceed towards the trial against the non-settling defendants and the common issues (as defined in the authorization judgment) will be determined in a single proceeding on behalf of all the members of authorized class, defined as:

« All person who purchased, in Québec, at least one electrolytic capacitor or at least one product containing an electrolytic capacitor between September 1, 1997 and August 1, 2014 »

The Class Action with respect to film capacitors has also been authorized in Québec against Panasonic, but for the purpose of implementing the settlement agreement only.

In Ontario and British Columbia, the electrolytic and film Class Actions are continuing towards the certification stage against the non-settling defendants. The electrolytic and film Class Actions have been certified against Panasonic for the purpose of implementing the settlement agreement only.

## **7. WHAT DO I NEED TO DO AT THIS TIME?**

If you do not oppose the proposed settlement, you do not need to do anything.

If you want to tell the courts what you think about the proposed settlement or speak to the courts at the hearings mentioned above, you must send your written submissions to the lawyers working on these Class Actions. Contact information for the lawyers can be found below. The lawyers will file all such submissions with the appropriate Court.

## 8. OPT OUT DEADLINE PASSED ON OCTOBER 24, 2018

The court-ordered deadline for the Electrolytic and Film Class Members to opt out of the Class Actions was **October 24, 2018**. If you did not previously opt out, you are legally bound by the results of the Class Actions, including the Panasonic settlement agreement.

## 9. WHAT DO I HAVE TO PAY?

You do not have to pay the lawyers working on these Class Actions any money. Lawyers working on these Class Actions will be paid from the money collected in these Class Actions. The courts will be asked to decide how much the lawyers will be paid. While the respective retainer agreements permit a fee request of up to 30%, at this time the lawyers will collectively be asking at the settlement approval hearings that the courts approve legal fees of 25% of the Electrolytic and Film Settlement Amounts, plus disbursements and applicable taxes. Any approved lawyers' fees, disbursements and applicable taxes may be paid out of the Settlement Funds at that time.

If you wish to comment on or make an objection to lawyers' fees, a written submission must be delivered to the appropriate lawyers at the addresses listed below **by February 23<sup>rd</sup>, 2021 at the latest**. Lawyers will forward all such submissions to the appropriate court. If you do not file a written submission by the deadline, you may not be entitled to participate in the hearing, and your submission may not be brought to the attention of the courts.

## 10. WHAT IF THE SETTLEMENT AGREEMENT IS NOT APPROVED?

The certification/authorization orders are only valid if the Panasonic settlement is approved by all three courts. If the Panasonic settlement is not approved or if it otherwise fails to take effect, the certification/authorization orders will not stand and the litigation will continue against Panasonic.

## 11. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS?

- **British Columbia:** Camp Fiorante Matthews Mogerman <sup>LLP</sup> represents Electrolytic and Film Settlement Class Members in British Columbia. Camp Fiorante Matthews Mogerman <sup>LLP</sup> can be reached:

Toll free at 1-800-689-2322, by fax at 1-604-689-7554, by e-mail at [info@cfmlawyers.ca](mailto:info@cfmlawyers.ca) or by mail at Suite 400, 856 Homer Street, Vancouver, British Columbia V6B 2W5, Attention: Sharon Wong.

- **Québec:** Belleau Lapointe s.e.n.c.r.l. represents Electrolytic and Film Settlement Class Members in Québec. Belleau Lapointe s.e.n.c.r.l. can be reached:

Toll free at 1-888-987-6701, by fax at 1-514-987-6886, by e-mail at [info@belleaulapointe.com](mailto:info@belleaulapointe.com) or by mail at 300, Place d'Youville, Bureau B-10, Montréal, Québec H2Y 2B6, Attention: Rosalie Jetté.

- **All other provinces and territories:** Foreman & Company represents Electrolytic and Film Settlement Class Members in in all other provinces and territories. Foreman & Company can be reached:

Toll free at 1-855-814-4575 ext. 106, by fax at 1-226-884-5340, by e-mail at [classactions@foremancompany.com](mailto:classactions@foremancompany.com) or by mail at 4 Covent Market Place, London, Ontario N6A 1E2, Attention: Cassandra Hallett.

## 12. WHERE CAN I ASK MORE QUESTIONS?

This notice contains only a summary of the Panasonic settlement and Electrolytic and Film Settlement. Class Members are encouraged to review the complete settlement agreement. A copy of the settlement agreement can be downloaded from the settlement website at [www.capacitorclassaction.ca](http://www.capacitorclassaction.ca). If you would like a copy of the settlement agreement or have questions that are not answered online, please contact the appropriate lawyers identified above. **Inquiries should not be directed to the courts.**

## 13. INTERPRETATION

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