

LEGAL NOTICE AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE, THE SUPREME COURT OF BRITISH COLUMBIA AND THE SUPERIOR COURT OF QUÉBEC

CANADIAN ELECTROLYTIC & FILM CAPACITORS CLASS ACTIONS

Did you purchase an electrolytic capacitor or an electronic device containing an electrolytic capacitor between September 1, 1997 and December 31, 2014 or a film capacitor or an electronic device containing a film capacitor between January 1, 2002 and December 31, 2014? If so, your legal rights could be affected.

WHAT ARE THE 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.

Class actions alleging price-fixing and related conduct are ongoing in Canada, on behalf of Canadians who purchased: 1) 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 2) a film capacitor or a product containing a film capacitor between January 1, 2002 and December 31, 2014 (the “Film Settlement Class Members”) (collectively the “Class Actions”).

THE PANASONIC SETTLEMENT

A settlement agreement has been reached 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 Electrolytic Settlement Class Members and CAD \$1,350,000 (the “Film Settlement Amount”) for the benefit of Film Settlement Class Members. In addition, Panasonic has agreed to provide co-operation to the plaintiffs 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 is not an admission by Panasonic of liability, fault, or wrongdoing, but is a compromise of disputed claims.

Prior settlements were reached with other defendants in the electrolytic and film Class Actions, and approved by previous orders of the courts.

SETTLEMENT APPROVAL HEARINGS

The settlement must be approved by the courts before it becomes effective. Hearings are to take place at:

- the Ontario Superior Court of Justice on February 25th, 2021 at 3:00 pm, virtually via Zoom videoconference, as described below;
- the Supreme Court of British Columbia, in writing, following the Ontario hearing; and
- the Superior Court of Québec on March 17th, 2021 at 9:15 am, at 1, rue Notre-Dame Est, Montréal, Québec, virtually via Microsoft Teams. The login information for the Québec settlement approval hearing will be provided at a later date and will be posted at www.capacitorclassaction.ca once available.

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 is presently expected to be conducted by Zoom and can be accessed through:

<https://zoom.us/j/97728186749> or (Tel): 647.374.4685; Meeting ID: 977 2818 6749. Please visit www.capacitorclassaction.ca for more information.

DISTRIBUTION OF SETTLEMENT FUNDS

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, along 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. A further notice will be provided at the time of distribution.

STATUS OF THE CLASS ACTION

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 Action and 33 non-settling defendants in the Film Action.

In Québec, on March 22, 2019, the Superior Court has authorized the electrolytic Class Action, which is now allowed to proceed towards the trial. In Ontario and British Columbia, the electrolytic and film Class Actions are continuing towards the certification stage.

SETTLEMENT APPROVAL AND LAWYERS’ FEES

At the Settlement Approval Hearings, the courts will determine whether the settlement is fair, reasonable, and in the best interests of the Electrolytic and Film Settlement Class Members. At this time, the lawyers working on these Class Actions will be requesting court approval of fees of 25% percent of the Electrolytic and Film Settlement Amounts, plus disbursements and applicable taxes. If approved, these amounts may be paid to the lawyers out of the Settlement Funds at that time.

If you do not oppose the proposed settlement agreement, you do not need to do anything at this time.

If you wish to comment on or object to the settlement agreement or lawyer’s fees, you must deliver a written submission to one of the law firms listed below **by February 23rd, 2021**. The lawyers will forward any submissions to the appropriate court.

OPTING OUT OF THE PROCEEDINGS

The court-ordered deadline for 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 result of the Class Actions, including the Panasonic settlement agreement.

MORE INFORMATION

If you have any questions about the Class Actions or to review the long form notice which contains additional information please visit www.capacitorclassaction.ca or contact:

Camp Fiorante Matthews Mogerman ^{LLP}: Toll free at 1-800-689-2322 or e-mail at info@cfmlawyers.ca **(BC)**

Belleau Lapointe s.e.n.c.r.l.: Toll free at 1-888-987-6701 or e-mail at info@belleaulapointe.com **(QC)**

Foreman & Company: Toll free at 1-855-814-4575 ext.106 or e-mail at classactions@foremancompany.com **(All other provinces and territories in Canada)**