

COURT FILE NO.: 3795/14CP

DATE: 20211210

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Cygnus Electronics Corporation and Sean Allott, Plaintiffs

AND:

Panasonic Corporation; Panasonic Corporation of North America; Panasonic Canada Inc.; Sanyo Electric Co. Ltd.; NEC Tokin Corporation; NEC Tokin America Inc.; Kemet Corporation; Kemet Electronics Corporation; Nippon Chemi-Con Corporation; United Chemi-Con Corporation; Hitachi Chemical Co., Ltd.; Hitachi Chemical Company America, Ltd.; Hitachi Canada; Nichicon Corporation; Nichicon (America) Corporation; AVX Corporation; Rubycon Corporation; Rubycon America Inc.; ELNA Co., Ltd.; ELNA America Inc.; Matsuo Electric Co., Ltd.; Toshin Kogyo Co., Ltd; Samsung Electro-Mechanics; Samsung Electro-Mechanics America Inc.; Samsung Electronics Canada Inc.; Rohm Co., Ltd.; Rohm Semiconductor U.S.A., LLC.; Hitachi AIC Inc.; Hitachi Chemical Electronics Co., Ltd.; FPCap Electronics (Suzhou) Co., Ltd.; Fujitsu Ltd.; Fujitsu Canada Inc.; Holy Stone Enterprise Co., Ltd.; Vishay Polytech Co., Ltd. f/ka Holystone Polytech Co., Ltd; Milestone Global Technology, Inc. d/b/a Holystone International; and Holy Stone Holdings Co., Ltd., Defendants

COURT FILE NO: 1272/16CP

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Sean Allott, Plaintiff

AND:

AVX Corporation; ELNA Co., Ltd.; ELNA America Inc.; Hitachi Chemical Co., Ltd.; Hitachi Chemical Company America, Ltd.; Hitachi Canada; Hitachi AIC Inc.; Kemet Corporation; Kemet Electronics Corporation; Matsuo Electric Co., Ltd.; Nichicon Corporation; Nichicon (America) Corporation; Nippon Chemi-Con Corporation; United Chemi-Con Corporation; Nissei Electric Co. Ltd.; Nitsuko Electronics Corporation; Okaya Electric Industries Co., Ltd.; Okaya Electric America, Inc.; Panasonic Corporation; Panasonic Corporation of North America; Panasonic Canada Inc.; ROHM Co., Ltd.; ROHM Semiconductor U.S.A., LLC f/k/a ROHM Electronics U.S.A., LLC; Rubycon Corporation; Rubycon America Inc.; Shinyei Kaisha; Shinyei Technology Co., Ltd.; Shinyei Capacitor Co., Ltd.; Shizuki Electric Co., Ltd.; American Shizuki Corporation; Soshin Electric Co., Ltd.; Soshin Electronics of America Inc.; Taitsu Corporation; Taitsu America, Inc.; Toshin Kogyo Co., Ltd.; Holy Stone Enterprise Co., Ltd.; Milestone Global

Technology, Inc. d/b/a Holystone International; and Vishay Polytech Co., Ltd.
f/k/a Holystone Polytech Co., Ltd., Defendants

BEFORE: Justice R. Raikes

COUNSEL: Jonathan Foreman and Sarah Bowden - Counsel, for the Plaintiffs

See Schedule "A" – Counsel, for the Defendants present

HEARD: December 10, 2021

ENDORSEMENT

1. The plaintiffs have entered into a national settlement in these actions with the defendants, Holy Stone Enterprise Co., Ltd.; Vishay Polytech Co., Ltd. f/ka Holystone Polytech Co., Ltd; Milestone Global Technology, Inc. d/b/a Holystone International; and Holy Stone Holdings Co., Ltd.. They move to certify the actions for settlement purposes only and for approval of the proposed notices to class and plan of dissemination.
2. I recently granted the same relief in respect of a proposed settlement with the ELNA defendants.
3. The draft orders provided by plaintiffs' counsel are substantially the same as for the ELNA defendants save that they propose to amend the notices to the class(es) to inform class members of the two proposed settlements at the same time. The plan of dissemination for the notice to class is the same for both.
4. The parties propose that the settlement approval motion be heard at the same time as the approval motion for the ELNA settlement – March 21, 2022 at 10 a.m.. That approach makes sense and is an efficient use of court resources.
5. I need not repeat the analysis for certification for settlement purposes for either action, having done so more than once in each action. I am satisfied on the material filed that the criteria for certification is met on the relaxed standard applicable to settlements.
6. I discussed with counsel a small revision to the proposed class definition in draft order in Allott v. AVX Corporation et al. Counsel will provide me with a revised draft order for my signature.

7. The proposed notices to the class(es) covering both the ELNA and Holystone settlements are approved. They will be in English and French. The plan of dissemination is likewise approved.
8. The motion to approve the settlements in both actions, and the motions for approval of class counsel fees in the Cygnus Electronics Corporation and Sean Allott v. Panasonic Corporation action will be heard Monday, March 21, 2022 at 10 a.m..



R. Raikes, J.

December 10, 2021

SCHEDULE "A"

Davit D. Akman, Counsel for Defendant's Kemet

Michael Fentrack and Paire Roland, Counsel for Defendant's Nippon & United

Warren Ferguson for Stikeman Elliott, Counsel for Defendant's Hitachi

Brian Whitwham, Counsel for Defendant's AVX

Michael Osborne and Jessica Kuredjian, Counsel for Defendant's Rubycon

Kevin Wright and Todd Shikaze, Counsel for Defendant's Elna

Gail Goodman, Counsel for Defendant's Matsuo

Paul-Erik Veel, Counsel for Defendant's Fujitsu

Mark Evans of Dentons Canada, Counsel for Defendant's Shinyei

Nicholas Hooge, Counsel for Defendant's Shizuki

Paul Martin, Counsel for Defendant's ROHM

Donald Houston and Gillian Kerr, Counsel for Defendant's Holy Stone Enterprise Co., Ltd., Vishay Polytech Co., Ltd. F/K/A Holystone Polytech Co., Ltd., Milestone Global Technology, Inc. D/B/A Holystone International, Holy Stone Holdings Co., Ltd., And Vishay Intertechnology, Inc.