

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

**TO: All persons in Canada who purchased an aluminum or tantalum electrolytic capacitor or a product containing an aluminum or tantalum 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”).**

*If you bought an electronic device such as computers, smartphones, gaming consoles, home appliances and televisions containing an electrolytic and/or film capacitor, you may be an Electrolytic or Film Settlement Class Member and your legal rights could be affected.*

**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. Aluminum and tantalum 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 aluminum or tantalum electrolytic capacitor or a product containing an aluminum or tantalum electrolytic capacitor between September 1, 1997 and December 31, 2014 (the “Electrolytic Class Period”). In 2016, separate 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 aluminum or tantalum 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?**

*What is a settlement?*

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.

Four settlement agreements have been reached in the Class Actions. The plaintiffs in the Class Actions have agreed to provide a combined notice of these settlements to class members in their respective proceedings.

### What new settlements have been reached?

Settlements have been reached with ROHM Co., Ltd. and ROHM Semiconductor U.S.A., LLC (f/k/a ROHM Electronics U.S.A., LLC) (collectively “ROHM”); with Fujitsu Ltd. and Fujitsu Canada, Inc. (collectively “Fujitsu”); with KEMET Corporation and KEMET Electronics Corporation (collectively “KEMET”); and with Nichicon Corporation and Nichicon (America) Corporation (collectively “Nichicon” and together with ROHM, Fujitsu and KEMET, the “Settling Defendants”).

ROHM, Fujitsu, KEMET and Nichicon have respectively agreed to pay CAD \$450,000, CAD \$465,000, CAD \$6,200,000, and CAD \$14,150,000, totalling CAD \$21,265,000 (the “Electrolytic Settlement Amounts”), for the benefit of the Electrolytic Settlement Class Members.

KEMET and Nichicon have further agreed to pay CAD \$325,000 and CAD \$350,000 respectively (the “Film Settlement Amounts”) for the benefit of the Film Settlement Class Members.

In addition, the Settling Defendants have agreed to provide cooperation to the plaintiffs in pursuing their claims against the non-settling defendants. In exchange, they will be provided with a full release of the claims against them in relation to the Class Actions.

The settlements are not admissions of liability, fault, or wrongdoing, but are compromises of disputed claims. The plaintiffs sought and were granted certification/amended authorization for settlement purposes in Ontario, British Columbia and Québec on behalf of the Electrolytic Settlement Class Members. Certification was also sought and granted for settlement purposes in Ontario on behalf of all national Film Settlement Class Members.

### The Settlement Approval Hearings

The settlements are subject to court approval. There will be settlement approval hearings in Ontario, British Columbia and Québec for the electrolytic capacitors matters. There will also be a settlement approval hearing in Ontario for the film capacitors matter. These hearings are currently scheduled as follows:

- Before the Ontario Superior Court of Justice on September 28, 2023 at 2:00 p.m., by virtual hearing;
- Before the Supreme Court of British Columbia on October 13, 2023 at 9:00 a.m., in-person at 800 Smithe Street, Vancouver, British Columbia; and
- Before the Superior Court of Québec on September 26, 2023 at 9:00 a.m., in-person at 1, rue Notre-Dame Est, Montréal, Québec in room 2.16 and by virtual hearing at [Liens TEAMS pour rejoindre les salles du Palais de justice de Montréal en matière commerciale, civile et familiale \(coursuperieureduquebec.ca\)](https://www.coursuperieureduquebec.ca);

In considering the approval of each settlement, the courts will decide whether the settlements are fair, reasonable, and in the best interests of Electrolytic and Film Settlement Class Members.

Pursuant to the settlements with ROHM and Nichicon, concurrently with the settlement approval hearings, a dismissal of the Ontario Film Action will be sought as against ROHM and a dismissal of the Ontario Electrolytic Action and a discontinuance of the BC Electrolytic Action will be sought against FPCAP Electronics (Suzhou) Co., Ltd., a wholly owned subsidiary of Nichicon Corporation from 2009 until its dissolution in 2016.

If you think you are an Electrolytic or Film Settlement Class Member and you want to participate in the settlement approval hearing in your jurisdiction, please contact the lawyers working on the Class Actions to confirm the date and time of the hearing and for instructions and particulars on how to participate. Contact information for the lawyers can be found below. Please visit [www.capacitorclassaction.ca](http://www.capacitorclassaction.ca) for further information in advance of the settlement approval hearings.

#### Previous Settlements reached

Prior settlements were reached in the electrolytic capacitors matter with the Tokin, Panasonic, ELNA and Holy Stone defendants, valued collectively at CAD \$12,115,000, and in the film capacitors matter with the Okaya, Nitsuko, Panasonic, ELNA and Holy Stone defendants, valued collectively at CAD \$2,093,900. Those settlements have been approved by previous orders of the courts.

#### **4. WHO IS AFFECTED BY THESE SETTLEMENTS?**

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 aluminum or tantalum electrolytic and/or a film capacitor.

The Electrolytic Settlement Class Members are: ***all persons in Canada who purchased an aluminum or tantalum electrolytic capacitor or a product containing an aluminum or tantalum 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 Amounts and Film Settlement Amounts, 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 ACTIONS AGAINST THE OTHER DEFENDANTS?

ROHM, Fujitsu, KEMET and Nichicon are respectively the fifth, sixth, seventh and eighth groups of defendants to enter into settlements in the electrolytic class actions. KEMET and Nichicon are respectively the sixth and seventh group of defendants to enter into a settlement in the film class action. The Class Actions will continue against 12 non-settling defendants in the electrolytic capacitors matter and 22 non-settling defendants in the film capacitors matter.

In Québec, the class action with respect to electrolytic capacitors was authorized by the Superior Court of Québec on March 22, 2019. This means that the class action can proceed towards a 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 the authorized class. A motion for certification of the Ontario electrolytic class action was heard by the Ontario Superior Court of Justice over several days between September 28, 2022 – October 7, 2022. On April 28, 2023, the Ontario Superior Court of Justice certified the Ontario electrolytic action. The non-settling defendants have sought leave to appeal the certification decision.

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

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

If you want to tell the courts what you think about the proposed settlements or speak to the courts at the hearings mentioned above, you must send your written submissions to the lawyers working on the Class Actions **by September 22, 2023 at the latest**. Contact information for the lawyers can be found below under heading 11. 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 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 ROHM, Fujitsu, KEMET and Nichicon settlement agreements.

## 9. WHAT DO I HAVE TO PAY?

You do not have to pay the lawyers working on the 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 amounts 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 September 22, 2023 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 AGREEMENTS ARE NOT APPROVED?

For the settlements reached in the electrolytic capacitors matter, the certification/authorization orders are only valid if the settlements are approved by all three courts in Ontario, BC and Québec and, in the case of the KEMET and Nichicon settlements, approval of the film capacitor settlements with those defendants. The certification order in the film capacitors matter requires the settlement to be approved by the court in Ontario and, in the case of the KEMET and Nichicon settlements, approval of the electrolytic capacitor settlements with those defendants.

If the settlements are not approved or if they otherwise fail to take effect, the certification/authorization orders will not stand, and the litigation will continue against ROHM, Fujitsu, KEMET and Nichicon in the Class Actions.

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

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

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 Settlement Class Members in Québec and can be reached at:

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: Mélissa Bazin.

- **All other provinces and territories:** Foreman & Company represents Electrolytic Settlement Class Members in all provinces and territories other than British Columbia and Québec, and represents all Film Settlement Class Members in Canada. Foreman & Company can be reached at:

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 Gauld.

## 12. WHERE CAN I ASK MORE QUESTIONS?

This notice contains only a summary of the ROHM, Fujitsu, KEMET and Nichicon settlements in the Class Actions. Electrolytic and Film Settlement Class Members are encouraged to review the complete settlement agreements. Copies of the settlement agreements (in English and French) can be downloaded from the settlement website at [www.capacitorclassaction.ca](http://www.capacitorclassaction.ca). If you would like copies of the settlement agreements 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 ROHM, Fujitsu, KEMET and Nichicon 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.

QUESTIONS ? IN QUÉBEC CALL 1-888-987-6701 (TOLL FREE), IN BRITISH COLUMBIA CALL 1-800-689-2322 (TOLL FREE),  
ANYWHERE ELSE IN CANADA CALL 1-855-814-4575, EXT. 106 (TOLL FREE) OR VISIT  
[WWW.CAPACITORCLASSACTION.CA](http://WWW.CAPACITORCLASSACTION.CA).