

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

NOTICE OF CERTIFICATION FOR SETTLEMENT PURPOSES AND OF SETTLEMENT APPROVAL HEARING IN CANADIAN ELECTROLYTIC & FILM CAPACITORS CLASS ACTIONS

Did you purchase an aluminum or tantalum electrolytic capacitor or an electronic device containing an aluminum or tantalum 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. Aluminum and tantalum 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 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 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”).

ELECTROLYTIC AND FILM CAPACITOR SETTLEMENTS

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

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

KEMET and Nichicon have also agreed to pay CAD \$325,000 and CAD \$350,000 respectively, totalling CAD \$675,000 (the “Film Settlement Amount”) for the benefit of the Film Settlement Class Members.

The Settling Defendants will provide cooperation to the plaintiffs in pursuing their claims against the remaining non-settling defendants. In exchange, ROHM, Fujitsu, KEMET and Nichicon will be provided with a full release of the claims made against them in 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.

Prior settlements were reached with other defendants in the Class Actions and have been approved by previous orders of the courts.

SETTLEMENT APPROVAL HEARINGS

The settlements must be approved by the courts before they become effective. Hearings are to take place in Ontario, British Columbia and Québec for the electrolytic capacitors matter and in Ontario for the film capacitors matter at:

- the Ontario Superior Court of Justice on September 28, 2023 at 2:00 p.m., by virtual hearing;
- the Supreme Court of British Columbia on October 13, 2023 at 9:00 a.m., in person at the Vancouver Courthouse; and
- the Superior Court of Québec on September 26, 2023 at 9:00 a.m., in person at the Montréal Courthouse in room 2.16 and by virtual hearing.

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 as listed below to confirm the date and time of the hearing and for instructions and particulars on how to participate, or visit www.capacitorclassaction.ca for more information.

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.

DISTRIBUTION OF SETTLEMENT FUNDS

The Electrolytic Settlement Amount and the 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 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 ACTIONS

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

SETTLEMENT APPROVAL AND LAWYERS’ FEES

At the settlement approval hearings, the courts will determine whether the settlements are 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% 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 settlements, you do not need to do anything at this time.

If you wish to comment on or object to the settlement agreements or the lawyer’s fees, you must deliver a written submission to one of the law firms listed below **by September 22, 2023**. 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 ROHM, Fujitsu, KEMET and Nichicon settlement agreements.

MORE INFORMATION

If you have any questions about the Class Actions or to review the long form notice which contains additional information, the settlement agreements (in English and French) or other case information please visit www.capacitorclassaction.ca or contact:

Foreman & Company: Toll free at 1-855-814-4575 ext.107 or e-mail at classactions@foremancompany.com (Canada excluding BC and QC)

Camp Fiorante Matthews Mogerma 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)