

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

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

*If you bought an electronic device containing a circuit board between January 1, 2002 and December 31, 2014 (“Class Period”), such as a television, gaming console, home appliance, smartphone, or other electronic product, you may be a Settlement Class Member.*

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

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

A class action is a lawsuit filed by one person on behalf of a large group of people.

**II. WHAT IS A FILM CAPACITOR AND WHAT ARE THESE CLASS ACTIONS ABOUT?**

A “film capacitor” is an electronic component used in an electrical circuit in order to store a charge. Film capacitors are found in electronics like smartphones and televisions, among other products.

In 2015 and 2016, class proceedings were initiated in British Columbia by *Camp Fiorante Matthews Mogerman LLP* and in Ontario by *Harrison Pensa LLP* on behalf of Canadians who purchased a film capacitor or products containing film capacitors during the Class Period. These class actions claim that the companies that sell film capacitors were involved in a conspiracy to illegally increase the prices of these products. The class actions ask the courts to order the defendants to return any extra money that they have received due to this alleged conspiracy. A motion to authorize a class proceeding for settlement purposes was also initiated in Québec, by *Belleau Lapointe, s.e.n.c.r.l.*

Collectively, the British Columbia, Ontario and Québec class proceedings are referred to as the “Class Actions”, and *Harrison Pensa LLP*, *Camp Fiorante Matthews Mogerman LLP*, and *Belleau Lapointe, s.e.n.c.r.l.* are referred to as “Class Counsel”.

While the Class Actions were started in British Columbia, Ontario and Québec, the cases include Canadian residents in all provinces and territories who were affected by the alleged conspiracy.

**III. 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 being released from the case.

In the Class Actions, settlements have been reached with:

- Okaya Electric Industries Co., Ltd and Okaya Electric America, Inc., (“Okaya”); and
- Nitsuko Electronics Corporation (“Nitsuko”).

Okaya has agreed to pay CAD \$460,000.00, and Nitsuko has agreed to pay USD \$190,000.00 (the “Settlement Amounts”) for the benefit of Settlement Class Members. Okaya and Nitsuko have also agreed to provide co-operation to the plaintiffs in pursuing their claims against the other defendants. In exchange, Okaya and Nitsuko will be provided with full releases of the claims against them.

Okaya and Nitsuko had a small share of the relevant film capacitor market during the Class Period. The Class Actions will continue against 36 other non-settling defendants.

The settlements are not an admission by Okaya and Nitsuko of liability, fault, or wrongdoing, but are a compromise of disputed claims. The plaintiffs sought and were granted certification / authorization of the actions in British Columbia, Ontario and Québec for settlement purposes only.

The settlements are subject to Court approval. There will be settlement approval hearings in British Columbia, Ontario and Québec. These hearings will be held on November 5, 2018 at 10 am, at 80 Dundas Street, London, Ontario, on December 3, 2018 at 9:30am, at 1, rue Notre-Dame Est, Montréal, Québec, and on a date and time to be determined by the court [which will be posted at [film.capacitorclassaction.ca](http://film.capacitorclassaction.ca), once determined] at 800 Smithe Street, Vancouver, British Columbia. The Courts will decide whether the settlements are fair, reasonable, and in the best interests of Settlement Class Members.

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

The Settlement Amounts, minus approved Class Counsel fees, disbursements and applicable taxes, will be held in an interest bearing trust account for the benefit of the Settlement Class Members (the “Settlement Funds”).

The Settlement Funds will not be distributed to Settlement Class Members at this time. The Class Actions may or may not result in further settlements or judgments. If there is further recovery, it will be added to the Settlement Funds.

At a later date yet to be determined, the Courts will decide how the Settlement Funds will be distributed and how you can apply to receive money from these settlements. Watch for another notice explaining how to claim money from the settlements.

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

If you do not oppose the proposed settlements and you wish to continue to be included in the Class Actions, you do not need to appear at the hearings or take any other action at this time to indicate your desire to participate in the settlements and the Class Actions.

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 Class Counsel. Contact information for Class Counsel can be found below. Class Counsel will file all such submission with the appropriate Court.

#### **VI. WHAT IF I DON'T WANT TO BE IN THE CLASS ACTIONS?**

If you do not want to be a member of these Class Actions, you must opt out by **October 24, 2018** at the latest.

You can opt-out by visiting [film.capacitorclassaction.ca](http://film.capacitorclassaction.ca) or contact: RicePoint Administration Inc. ([capacitor@ricepoint.com](mailto:capacitor@ricepoint.com) or 1-877-336-5240), or you can send a signed written election to Class Counsel, by pre-paid mail, courier, fax or e-mail at the addresses listed below. All opt-outs must contain the following information:

- your full name, current address and telephone number;
- if you are writing on behalf of a company, the name of the company and your position at the company;
- a statement saying that you (or the company) want to opt-out of the Class Actions;

Your opt-out request must be received **no later than October 24, 2018**.

If you exclude yourself or opt-out:

- you will not be eligible to participate in the Class Actions;
- you will not receive any money from the Class Actions, but
- you will be able to start or continue your own case against the defendants regarding the claims at issue in the Class Actions.

If you do nothing, and so do not exclude yourself or opt-out:

- you will be eligible to participate in the Class Actions, and
- you may receive money from the Class Actions, but
- you will not be able to start or continue your own case against the defendants regarding the claims at issue in the Class Actions.

This is your only chance to exclude yourself or opt-out of the Class Actions.

## **VII. WHAT DO I HAVE TO PAY?**

You do not have to pay the lawyers working on these Class Actions any money. Class Counsel will be paid from the money collected in these Class Actions. The Courts will be asked to decide how much Class Counsel will be paid. Class Counsel will collectively be asking at the settlement approval hearings that the Courts approve legal fees of 25% of the Settlements Amounts, plus disbursements and applicable taxes. Any approved Class Counsel fees will be paid out of the Settlement Funds.

If you wish to comment on or make an objection to Class Counsel fees, a written submission must be delivered to the appropriate Class Counsel at the addresses listed below **by October 24, 2018 at the latest**. Class Counsel 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.

## **VIII. WHAT IF THE SETTLEMENT AGREEMENTS ARE NOT APPROVED?**

The certification/authorization orders and the associated opt-out process are only valid if the settlements are approved. If the settlements are not approved or if they otherwise fail to take effect, the certification/authorization order will not stand and any opt-out notice submitted by any

person will be set aside, and the litigation will continue against Okaya and Nitsuko. If a certification/authorization order is granted by the court in the future, an opt out process will take place at that time.

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

- *Harrison Pensa LLP* represents Settlement Class Members in Ontario and in all provinces other than British Columbia and Québec. *Harrison Pensa LLP* can be reached:

Toll free at 1-800-263-0489 ext. 608, by fax at 1-519-667-3362, by e-mail at [hpclassactions@harrisonpensa.com](mailto:hpclassactions@harrisonpensa.com) or by mail at 450 Talbot Street, London, Ontario N6A 4K3, Attention: Jonathan Foreman.

- *Camp Fiorante Matthews Mogerma LLP* represents Settlement Class Members in British Columbia. *Camp Fiorante Matthews Mogerma LLP* can be reached:

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

- *Belleau Lapointe, s.e.n.c.r.l.* represents 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 306, Place d'Youville, suite B-10, Montréal, Québec H2Y 2B6, Attention: Jérémie Longpré.

## **X. WHERE CAN I ASK MORE QUESTIONS?**

This notice contains only a summary of the settlements and Settlement Class Members are encouraged to review the complete settlement agreements. Copies of the settlement agreements can be downloaded from the settlement website at [film.capacitorclassaction.ca](http://film.capacitorclassaction.ca). If you would like a copy of the settlement agreements or have questions that are not answered online, please contact the appropriate Class Counsel identified above. **INQUIRIES SHOULD NOT BE DIRECTED TO THE COURTS.**

## **XI. INTERPRETATION**

This notice contains a summary of some of the terms of the Okaya and Nitsuko 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.