

No. S-146293  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between

**SARA RAMSAY**

Plaintiff

and

**PANASONIC CORPORATION f/k/a MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.; PANASONIC CORPORATION OF NORTH AMERICA; PANASONIC CANADA INC.; SANYO ELECTRIC CO., LTD.; SANYO ELECTRONIC DEVICE (U.S.A.) CORP.; SANYO NORTH AMERICA CORPORATION; TAIYO YUDEN CO., LTD.; TAIYO YUDEN (USA) INC.; NEC TOKIN CORPORATION; NEC TOKIN AMERICA, INC.; KEMET CORPORATION; KEMET ELECTRONICS CORPORATION; NIPPON CHEMI-CON CORPORATION; UNITED CHEMI-CON, INC.; HITACHI CHEMICAL CO., LTD.; HITACHI AIC INC.; HITACHI CHEMICAL CO. AMERICA, LTD.; HITACHI CANADA; FUJITSU LTD.; FUJITSU CANADA, INC.; NICHICON CORPORATION; FPCAP ELECTRONICS (SUZHOU) CO., LTD.; NICHICON (AMERICA) CORPORATION; AVX CORPORATION; RUBYCON CORPORATION; RUBYCON AMERICA INC.; ELNA CO., LTD.; ELNA AMERICA INC.; MATSUO ELECTRIC CO., LTD.; TOSHIN KOGYO CO., LTD.; HOLY STONE ENTERPRISE CO., LTD.; MILESTONE GLOBAL TECHNOLOGY, INC. d/b/a HOLYSTONE INTERNATIONAL; VISHAY INTERTECHNOLOGY, INC.; VISHAY POLYTECH CO., LTD. f/k/a HOLY STONE POLYTECH CO., LTD. ; SAMSUNG ELECTRO-MECHANICS; SAMSUNG ELECTRO-MECHANICS AMERICA INC.; SAMSUNG ELECTRONICS CANADA INC.; ROHM CO., LTD.; AND ROHM SEMICONDUCTOR U.S.A., LLC**

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

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**ORDER MADE AFTER APPLICATION  
RE CERTIFICATION FOR NICHICON SETTLEMENT AND  
NOTICE OF SETTLEMENT APPROVAL HEARING**

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BEFORE THE HONOURABLE JUSTICE  
BRONGERS

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18/Apr/2023

ON THE APPLICATION of Plaintiff, Sara Ramsay, coming on for hearing at the Courthouse, 800 Smithe Street, Vancouver, BC, on 18/Apr/2023 and on hearing Michelle Segal for the plaintiff, Lauren Mills Taylor for the defendants, Fujitsu Ltd. and Fujitsu Canada, Inc., Paul Martin for the defendants, Rohm Co. Ltd. and Rohm Semiconductor U.S.A., LLC; Kelsey Sherriff for the defendant AVX Corporation; Davit Akman, Jordanna Cytrynbaum and Christina Skinner for the defendants KEMET Corporation and KEMET Electronics Corporation; Joan Young, Neil Campbell and William Wu for the defendants Nichicon Corporation and Nichicon (America) Corporation; Adam S. Goodman, Chloe A. Snider and Melanie Power for the defendant Matsuo Electric Co., Ltd.; Michael Fenrick for the defendants Nippon Chemi-Con Corporation and United Chemi-Con, Inc.; Katherine Kay for the defendants Hitachi Chemical Co., Ltd., Hitachi AIC Inc., Hitachi Chemical Co. America, Ltd., and Hitachi Canada; and Samuel Bogetti for the defendants Rubycon Corporation and Rubycon America Inc.;

AND ON Emma Irving and Mark Evans for Shinyei Kaisha, Shinyei Technology Co., Ltd., Shinyei Capacitor Co., Ltd. and Shinyei Corporation of America; Nicholas Hooge for Shizuki Electric Co. Ltd. and American Shizuki Corporation, defendants in *Ramsay v. Okaya Electric Industries Co., Ltd. et al*, SCBC Action No. S-156006, watching only;;

ON READING the materials filed, including the settlement agreement entered into with Fujitsu Ltd. and Fujitsu Canada, Inc. (the “**Settling Defendants**”) dated December 15, 2022 (the “**Settlement Agreement**”), and on hearing the submissions of counsel for the Plaintiff, Counsel for the Settling Defendants, and counsel for the Non-Settling Defendants;

AND ON BEING ADVISED that RicePoint Administration Inc. (“**RicePoint**”) has consented to being appointed as notice provider in accordance with the terms of this Order;

AND WHEREAS that the opt-out period provided pursuant to the Order of this Court made on July 12, 2018, satisfied the requirement of section 16 of the *Class Proceedings Act*, RSBC 1996, c 50, for the purposes of this action, that no further opt-out period is necessary and that the opt-out period expired on October 24, 2018;

AND ON BEING ADVISED that the Plaintiff and the Settling Defendants consent to this Order and that the Non-Settling Defendants take no position on this application;

AND ON BEING ADVISED that the Ontario Court approved a parallel order on April 13, 2023.

THIS COURT ORDERS that:

1. except to the extent that they are modified in this Order, the definitions set out in the Settlement Agreement apply to and are incorporated into this Order;
2. the BC Action is certified as a class proceeding as against the Settling Defendants for settlement purposes only;
3. the BC Settlement Class is defined as:

All Persons in British Columbia who purchased Electrolytic Capacitors<sup>1</sup> or a product containing an Electrolytic Capacitors during the Class Period<sup>2</sup> except Excluded Persons<sup>3</sup>

<sup>1</sup>*Electrolytic Capacitors* means aluminum and tantalum electrolytic capacitors.

<sup>2</sup>*Class Period* means September 1, 1997 to December 31, 2014.

<sup>3</sup>*Excluded Person* means each Defendant, the directors and officers of each Defendant, the subsidiaries or affiliates of each Defendant, the entities in which each Defendant or any of that Defendant's subsidiaries or affiliates have a controlling interest and the legal representatives, heirs, successors and assigns of each of the foregoing.

4. the BC Action is certified on the basis of the following issue which is common to the BC Settlement Class:

Did the Settling Defendants conspire to fix, raise, maintain or stabilize the price of, or allocate markets and customers of, Electrolytic Capacitors directly or indirectly in Canada during the Class Period? If so, what damages, if any, did Settlement Class Members suffer?

5. Sara Ramsay is appointed as the representative plaintiff for the BC Settlement Class;

6. this Order, including but not limited to the certification of this action against the Settling Defendants for settlement purposes and the definitions of the BC Settlement Class, Class Period and Common Issue, and any reasons given by the Court in connection with this Order, is without prejudice to the rights and defences of the Non-Settling Defendants in connection with the ongoing BC Action and, without restricting the generality of the foregoing, may not be relied on by any Person to establish jurisdiction, the criteria for certification (including class definition) or the existence or elements of the causes of action asserted in the BC Action, as against the Non-Settling Defendants;

7. the proposed short-form, long-form, banner ad, and press release notices of certification and settlement approval hearing (collectively the “**Notices**”) are hereby approved substantially in the form attached hereto as **Schedules "A" to "D"**;

8. the plan of dissemination of the Notices (the “**Plan of Dissemination**”) is hereby approved in the form attached hereto as **Schedule "E"** and that the Notices shall be disseminated in accordance with the Plan of Dissemination;

9. RicePoint is appointed to disseminate the Notices in accordance with the terms of this Order;

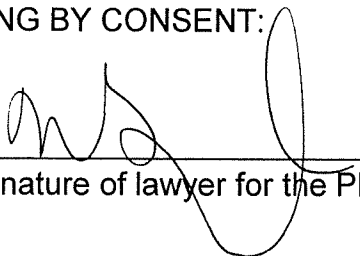
10. this Order is contingent upon parallel orders being made by the Ontario Court and the Québec Court, and the terms of this Order shall not be effective unless and until such orders are made by the Ontario Court and the Québec Court;

Québec Action, and the terms of this Order shall not be effective unless and until such orders are made in the Ontario Electrolytic Action, the Ontario Film Action and the Québec Action;

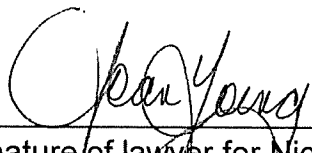
13. If the Settlement Agreement is not approved, is terminated in accordance with its terms or otherwise fails to take effect for any reason, paragraphs 1 to 6 and 8 to 12 of this Order, including certification for settlement purposes, shall be deemed to have been set aside and declared null and void and of no force or effect, without the need for any further Order of this Court. In those circumstances, a case management conference shall be convened to seek directions, including in respect of the need for and form and content of additional notice to BC Electrolytic Settlement Class Members; and

14. Endorsement of this Order by counsel for the Non-Settling Electrolytic Defendants shall be dispensed with.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

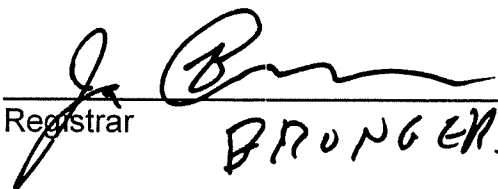
  
\_\_\_\_\_  
Signature of lawyer for the Plaintiff

Michelle Segal

  
\_\_\_\_\_  
Signature of lawyer for Nichicon Corporation and Nichicon (America) Corporation

Joan Young

By the Court

  
\_\_\_\_\_  
Registrar  
BRONGERS J.



# Schedule "A"

## 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 [DATE] at [TIME], by virtual hearing;
- the Supreme Court of British Columbia on [DATE] at [TIME], in person at [location]; and
- the Superior Court of Québec on [DATE] at [TIME], in person at [location] and by virtual hearing.

If you think you are an Electrolytic or Film Settlement Class Member in a jurisdiction that is having a virtual settlement approval hearing and you want to participate, please contact the lawyers working on the Class Actions as listed below for instructions and particulars on how to join the hearing, or visit [www.capacitorclassaction.ca](http://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 [DATE]. 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 please visit [www.capacitorclassaction.ca](http://www.capacitorclassaction.ca) <http://elec.capacitorclassaction.ca/> or contact:

*Foreman & Company*: Toll free at 1-855-814-4575 ext.107 or e-mail at [classactions@foremancompany.com](mailto: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@cmllawyers.ca](mailto:info@cmllawyers.ca) (BC)

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

## Schedule "B"

### 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 will be held:

- Before the Ontario Superior Court of Justice on [DATE] at [TIME], by virtual hearing;
- Before the Supreme Court of British Columbia on [DATE] at [TIME], in-person at [LOCATION]; and
- Before the Superior Court of Québec on [DATE] at [TIME], in-person at [LOCATION] and by virtual hearing at [LINK];

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 in a jurisdiction that is holding a virtual hearing and you want to participate, please contact the lawyers working on the Class Actions for instructions and particulars on how to join the hearing. 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 \$11,900,000, and in the film capacitors matter with the Okaya, Nitsuko, Panasonic, ELNA and Holy Stone defendants, valued collectively at CAD \$2,035,000. 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 the 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. The Court's decision is currently under reserve.

## **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 [DATE] 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 [DATE] 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.

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. 107 (TOLL FREE) OR VISIT [WWW.CAPACITORCLASSACTION.CA](http://WWW.CAPACITORCLASSACTION.CA).

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:

Toll free at 1-855-814-4575 ext. 107, 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: Anni Barry.

## 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 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.

## Schedule "C"

### Banner Ad Content

**Did you purchase an aluminum or tantalum electrolytic capacitor or a product containing them between September 1, 1997 and December 31, 2014 or a film capacitor or a product containing them between January 1, 2002 and December 31, 2014 in Canada? Products include smartphones, gaming consoles, home appliances and televisions among other electronic products.**

**IF SO, YOUR LEGAL RIGHTS MAY BE AFFECTED BY RECENT CLASS ACTION SETTLEMENTS. [CLICK TO LEARN MORE.](#)**

## Schedule "D"

### Proposed Settlements totaling CAD \$21.94M Reached in Electrolytic & Film Capacitor Class Actions

LONDON, ON – [DATE] – Four proposed national settlements totaling \$21,940,000 for the benefit of class members have been reached in class actions alleging price fixing and related conduct on behalf of Canadians who purchased electrolytic and film capacitors and products containing electrolytic and film capacitors.

ROHM, Fujitsu, KEMET and Nichicon (together, the "Settling Defendants") have separately agreed to pay CAD \$450,000, CAD \$465,000, CAD \$6,200,000 and CAD \$14,150,000 respectively for the benefit of Electrolytic Settlement Class Members. KEMET and Nichicon have also agreed to pay CAD \$325,000 and CAD \$350,000 respectively for the benefit of Film Settlement Class Members.

An "electrolytic capacitor" and a "film capacitor" are two types of electronic components used in an electrical circuit to store a charge. They are found in electronics such as smartphones, gaming consoles, home appliances and televisions, among other electronic products.

To be a member of these class actions, one must have purchased an aluminum and tantalum electrolytic capacitor or a product containing an aluminum and tantalum electrolytic capacitor between September 1, 1997 and December 31, 2014 or have purchased a film capacitor or a product containing a film capacitor between January 1, 2002 and December 31, 2014.

In addition, the Settling Defendants have agreed to provide cooperation to the plaintiffs in pursuing their claims against the non-settling defendants. The settlements are not admissions of liability, fault, or wrongdoing, but are compromises of disputed claims. The settlements must be approved by the courts before they become effective.

Because the class actions are still ongoing and other settlements may be reached, the ROHM, Fujitsu, KEMET and Nichicon settlement amounts will not be distributed to class members at this time. A process for the payment of claims to class members, which is subject to court approval and will be on further notice to the class, will be put in place later.

For more detailed information, and to view the courts' orders, the settlement agreements, the court-approved notices and an explanation of the rights of settlement class members, please visit [www.capacitorclassaction.ca](http://www.capacitorclassaction.ca).

Class members are represented by:

*Foreman & Company* (Canada, excluding BC and QC)  
*Camp Fiorante Matthews Mogerman*<sup>LLP</sup> (BC)  
*Belleau Lapointe, s.e.n.c.r.l.* (QC)

Media contacts:

English: Jonathan Foreman - [classactions@foremancompany.com](mailto:classactions@foremancompany.com), 519-914-1175 x 102

French: Marie-Ève Dumont, Option consommateurs – 514-777-6133

## Schedule "E"

### Electrolytic & Film Capacitors – Plan of Dissemination

The Notice of Certification/Amended Authorization for Settlement Purposes Only and Settlement Approval Hearings will be distributed in short-form, long-form, banner ad, and press release format (collectively the "Notices"). The Notices will be delivered via the following media:

1. The short-and long-form notices, a copy of the settlement agreements entered into with the parties, and a copy of certification/authorization for settlement purposes order(s), and a copy of the Ontario endorsement and any other endorsements issued in relation to the certification/amended authorization for settlement purposes and settlement approval process by the courts in Québec and British Columbia will be posted to the settlement website at [capacitorclassaction.ca](http://capacitorclassaction.ca) (.com) and [recourscondensateurs.ca](http://recourscondensateurs.ca) (.com) in English and French, where applicable. This information will also be posted, in English and French where practicable, on the respective websites of plaintiffs' counsel.
2. A link to the settlement websites, as appropriate, will be posted on Class Counsel's social media accounts (including but not limited to LinkedIn and Twitter).
3. By distribution to major news and broadcast outlets across Canada, in English and French, through a press release on Canada Newswire with promotion through Canada Newswire's social media feeds.
4. The short-form notice will be provided to the following organizations, in English and in French, requesting voluntary distribution to their membership and/or that a copy of the short-form notice or information about the actions be posted on their website and social media channels, as applicable:
  - a. The Consumers' Association of Canada;
  - b. The Consumers' Council of Canada; and
  - c. Electronic Products & Technology.

The manner by which any Notices and/or information are distributed will be at the discretion of each organization.

5. There will be a nationally syndicated digital distribution of the banner ad on the Google Display Network, the Facebook network, and to news media websites within the PostMedia network for a period of sixty (60) days, with a target of a minimum 1,000,000 unique impressions. The banner ad will be provided in English and/or French as applicable and may be modified as necessary to fit the dimensions and specifications as required by particular websites and media providers. The banner ad will redirect class members to the settlement websites where they will be able to consult the long-form notice among other case documents.
6. Within seven (7) days of the first publication of the Notices, the short-form notice will be sent by direct mail, fax and/or e-mail to:
  - a. all persons who have registered to receive updates from Class Counsel about the Electrolytic and/or Film Class Actions;
  - b. any Canadian customers of the Settling Defendants disclosed to Class Counsel by the Settling Defendants;
  - c. any Canadian customers of the previously settled defendants, NEC Tokin Corporation and NEC Tokin America Inc. (collectively, "TOKIN"); Nitsuko Electronics Corporation ("Nitsuko"); Okaya Electric Industries Co. Ltd. and Okaya Electric America, Inc; (collectively, "Okaya"); Panasonic Corporation, Panasonic Corporation of North America, Panasonic Canada Inc. and Sanyo Electric Co., Ltd. (collectively, "Panasonic"); ELNA Co., Ltd. and ELNA America, Inc. (collectively, "ELNA"); and 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. (collectively “HolyStone”), as disclosed to Class Counsel; and

- d. any persons who have commenced any Other Action and/or their counsel of record.
7. The short-form notice will be mailed to all potential Electrolytic Capacitors Purchaser companies, except to those addresses where the mail was undeliverable, from the “Canadian Importers Database” pulled from Industry Canada under imported product codes HS6 -853221 -Electrical Capacitors; fixed, tantalum and 853222 -Electrical Capacitors; fixed, aluminum electrolytic. Appended to this Plan of Dissemination as **Schedule “A”** is a copy of the list of Electrolytic Capacitors Purchaser companies where the mailing was delivered to companies in 2020. For importers located in Québec, the short-form notice will be sent in English and French.
  8. The short-form notice will be mailed to all potential Film Capacitors Purchaser companies, except to those addresses where the mail was undeliverable, from the “Canadian Importers Database” pulled from Industry Canada under imported product code HS6 - Electrical Fixed Capacitors -Dielectric of Paper or Plastics. Appended to this Plan of Dissemination as **Schedule “B”** is copy of the list of Film Capacitors Purchaser companies where the mailing was delivered to companies in 2020. For importers located in Québec, the short-form notice will be sent in English and French.



**Schedule "A"**

ABB INC DIVISION AUTOMATION
ARROW ELECTRONICS CANADA LTD
AUTOLIV ELECTRONICS CANADA INC.
AVNET INTERNATIONAL (CANADA) LTD/AVNET INTERNATIONAL (CANADA
BLACKBERRY LIMITED f/k/a RESEARCH IN MOTION LIMITED
CELESTICA LLC
CHEMICALS DIV
C-MAC MICROCIRCUITS ULC
CMC ELECTRONICS INC /CMC ELECTRONIQUE INC
COMMUNICATIONS & POWER INDUSTRIES CANADA INC
COMMUNICATIONS SYSTEMS DIVISION OF GENERAL DYNAMICS CANADA
COOL INNOVATIONS INC
CREATION TECHNOLOGIES LP
DIGI-KEY CORPORATION
DY 4 SYSTEMS INC
ELECTRO SONIC INC
FINNING INTERNATIONAL INC
FUTURE ELECTRONICS INC.
HARRIS CANADA SYSTEMS, INC.
LOGICAN TECHNOLOGIES INC.
MACDONALD, DETTWILER AND ASSOCIATES CORPORATION
NANOWAVE TECHNOLOGIES INC
NEWAGE LTD
NEWARK ELECTRONICS CANADA
SCHNEIDER ELECTRIC IT CORPORATION
SIEMENS CANADA LIMITED/SIEMENS CANADA LIMITEE
SUSTAINABLE ENERGY TECHNOLOGIES LTD.
TECTROL INC
TECUMSEH PRODUCTS OF CANADA, LIMITED
TELEFLEX MEGATECH INC.
TTI (MONTREAL)
TTI, INC.
UTECH ELECTRONICS
UTI CANADA CONTRACT LOGISTICS INC

**Schedule "B"**

ABB INC DIVISION AUTOMATION
ACME ELECTRIC (PORT HOPE) LIMITED
ADVENTEC MANUFACTURING INC
AKA INFORMATION DESIGN
ALSTOM RESEAU CANADA INC
ARROW ELECTRONICS CANADA LTD
BELDON SALES LIMITED
BOURGAULT INDUSTRIES LTD
CANADIAN NATURAL RESOURCES LIMITED
CARRIER ENTERPRISE CANADA, L.P.
CELESTICA LLC
CHEMICALS DIV
CREATION TECHNOLOGIES LP
DIGI-KEY CORPORATION
DRS TECHNOLOGIES CANADA LTD.
FORD MOTOR COMPANY OF CANADA LIMITED/FORD DU CANADA LIMITEE
FUTURE ELECTRONICS INC.
GENERAL ELECTRIC CANADA
GENERAL ELECTRIC CANADA INTERNATIONAL INC
KOMATSU AMERICA CORP.
LENNOX INDUSTRIES (CANADA) LTD./LES INDUSTRIES LENNOX (CANA
LES EQUIPEMENTS POWER SURVEY LTEE
MEASUREMENTS INTERNATIONAL LIMITED
MEVEX CORPORATION
MIRUS INTERNATIONAL INC.
NEWARK ELECTRONICS CANADA
RAYTHEON CANADA LIMITED
SANMINA-SCI CORPORATION
SIEMENS CANADA LIMITED/SIEMENS CANADA LIMITEE
SMS EQUIPMENT INC/EQUIPEMENT SMS INC
SOLEN ELECTRONIQUE INC
TECUMSEH PRODUCTS OF CANADA, LIMITED
TM4 INC.
TOSHIBA INTERNATIONAL CORPORATION
TOYOTA MOTOR MANUFACTURING CANADA INC
TRENCH LIMITED
TTI (MONTREAL)
TTI, INC.
UTECH ELECTRONICS
VOLTECH INTERNATIONAL INC.
YOUNG LIVING ESSENTIAL OILS, LC

*In the Supreme Court of British Columbia*

Between

**SARA RAMSAY**

Plaintiff

and

**PANASONIC CORPORATION f/k/a MATSUSHITA ELECTRIC INDUSTRIAL CO., LTD.; PANASONIC CORPORATION OF NORTH AMERICA; PANASONIC CANADA INC.; SANYO ELECTRIC CO., LTD.; SANYO ELECTRONIC DEVICE (U.S.A.) CORP.; SANYO NORTH AMERICA CORPORATION; TAIYO YUDEN CO., LTD.; TAIYO YUDEN (USA) INC.; NEC TOKIN CORPORATION; NEC TOKIN AMERICA, INC.; KEMET CORPORATION; KEMET ELECTRONICS CORPORATION; NIPPON CHEMI-CON CORPORATION; UNITED CHEMI-CON, INC.; HITACHI CHEMICAL CO., LTD.; HITACHI AIC INC.; HITACHI CHEMICAL CO. AMERICA, LTD.; HITACHI CANADA; FUJITSU LTD.; FUJITSU CANADA, INC.; NICHICON CORPORATION; FPCAP ELECTRONICS (SUZHOU) CO., LTD.; NICHICON (AMERICA) CORPORATION; AVX CORPORATION; RUBYCON CORPORATION; RUBYCON AMERICA INC.; ELNA CO., LTD.; ELNA AMERICA INC.; MATSUO ELECTRIC CO., LTD.; TOSHIN KOGYO CO., LTD.; HOLY STONE ENTERPRISE CO., LTD.; MILESTONE GLOBAL TECHNOLOGY, INC. d/b/a HOLYSTONE INTERNATIONAL; VISHAY INTERTECHNOLOGY, INC.; VISHAY POLYTECH CO., LTD. f/k/a HOLY STONE POLYTECH CO., LTD. ; SAMSUNG ELECTRO-MECHANICS; SAMSUNG ELECTRO-MECHANICS AMERICA INC.; SAMSUNG ELECTRONICS CANADA INC.; ROHM CO., LTD.; AND ROHM SEMICONDUCTOR U.S.A., LLC**

Defendants

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

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**ORDER MADE AFTER APPLICATION**

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CAMP FIORANTE MATTHEWS MOGERMAN LLP  
Barristers & Solicitors  
#400 – 856 Homer Street  
Vancouver, BC V6B 2W5  
Tel: (604) 689-7555  
Fax: (604) 689-7554  
Email: [service@cfmlawyers.ca](mailto:service@cfmlawyers.ca)

via LMF