

*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

---

**ORDER MADE AFTER APPLICATION  
RE TOKIN CORPORATION AND TOKIN AMERICA INC.**

---

BEFORE THE HONOURABLE MR. JUSTICE  
MYERS

)  
)  
)

12/Jul/2018

ON THE APPLICATION of the Plaintiff coming on for hearing at the Courthouse, 800 Smithe Street, Vancouver, BC, on 12/Jul/2018 and on hearing David G. A. Jones for the plaintiff; Ian Thompson for the defendants Panasonic Corporation, Panasonic Corporation of North America, Panasonic Canada Inc., Sanyo Electric Group, Ltd. and Sanyo Electronic Device (U.S.A.) Corporation; Ian Matthews for the defendants TOKIN

Corporation and TOKIN America Inc. formerly known as NEC TOKIN Corporation and NEC TOKIN America Inc.; Davit Akman and Michelle T. Maniago for the defendants Kemet Corporation and Kemet Electronics Corporation; Katherine Kay for the defendants Hitachi Chemical Co., Ltd., Hitachi Chemical Company America, Ltd. and Hitachi Canada; Joan Young for the defendants Nichicon Corporation and Nichicon (America) Corporation; Steven J. Evans for the defendant AVX Corporation; Jessica Lewis for the defendants Rubycon Corporation and Rubycon America Inc.; J. Kevin Wright and Todd Shikaze for the defendants Elna Co., Ltd. and Elna America Inc.; Daniel Yaverbaum for the defendant Matsuo Electric Co., Ltd.; Katherine Booth for the defendants Milestone Global Technology, Inc. d/b/a Holystone International, Vishay Intertechnology, Inc. and Vishay Polytech Co., Ltd. f/k/a Holy Stone Polytech Co., Ltd.; Litsa Kriaris for the defendants Samsung Electro-Mechanics, Samsung Electro-Mechanics America Inc. and Samsung Electronics Canada Inc.; Paul-Erik Veel for the defendants Fujitsu Ltd and Fujitsu Canada Inc. and Paul Martin for the defendants Rohm Co., Ltd. and Rohm Semiconductor U.S.A., LLC:

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

AND ON BEING ADVISED that the Plaintiff and NEC TOKIN Corporation and NEC TOKIN America Inc., now known as TOKIN Corporation and TOKIN America Inc., respectively (the "**Settling Defendants**") consent to this Order and that the Non-Settling Defendants take no position on this motion.

THIS COURT ORDERS that:

1. Except to the extent they are modified by this Order, the definitions set out in the settlement agreement dated May 30, 2018 (the "**Settlement Agreement**"), apply to and are incorporated into this Order.

***Certification for Settlement***

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 Capacitor 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, 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. Nothing in this paragraph shall affect the efficacy of the opt-out process provided for in this Order.

7. BC Settlement Class members who wish to opt-out of this action must do so by sending a written election to opt-out, signed by the Person or the Person's designee, together with the information required in the Settlement Agreement to Class Counsel or their duly appointed agent, by pre-paid mail, courier, fax or e-mail received on or before the Opt-Out Deadline.

8. Any BC Settlement Class member who has validly opted-out of this action shall no longer participate or have the opportunity in the future to participate in this action.

9. Any BC Settlement Class member who has not validly opted-out of this action will be bound by any Settlement Agreement approved by the Court and may not opt-out of this action in the future.

10. Each BC Settlement Class member who has not validly opted-out of this action shall consent and shall be deemed to have consented to the dismissal of Released Claims as against the Settling Defendants and their Releasees of any Other Actions he, she or it has commenced, without costs and with prejudice.

11. Each Other Action commenced in British Columbia by any BC Settlement Class member who has not validly opted-out of this action shall be and is hereby dismissed in

respect of Released Claims against the Settling Defendants and their Releasees, without costs and with prejudice.

**Notices of Certification for Settlement and Settlement Approval Hearing**

12. The proposed publication, short-form, and long form notices of certification and settlement approval hearing (the "Notices") are hereby approved substantially in the form attached hereto as **Schedule "A"**, **"B"**, and **"C"**.

13. The plan of dissemination of the Notices (the "**Plan of Dissemination**") is hereby approved in the form attached hereto as **Schedule "D"** and that the Notices shall be disseminated in accordance with the Plan of Dissemination.


14. RicePoint Administration Inc. is appointed to disseminate the Notices in accordance with the terms of this Order.

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

16. If the Settlement Agreement is not approved, is terminated in accordance with its terms or otherwise fails to take effect for any reason, this Order, including certification for settlement purposes and all opt-out notices delivered pursuant to the Order, shall be set aside and declared null and void and of no force and 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 Settlement Class Members and to any Person that delivered an opt-out pursuant to the Order.

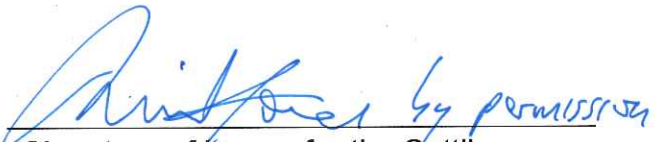
17. Endorsement of this Order by counsel for the Non-Settling Defendants shall be dispensed with.

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

David G. A. Jones

 by permission

Signature of lawyer for the Settling Defendants

Ian Matthews

By the Court

\_\_\_\_\_  
Registrar



## Newspaper Publication Content

**Did you purchase electrolytic capacitors or products containing electrolytic capacitors, such as a smartphone or a television, between September 1, 1997 and December 31, 2014 in Canada?**

**CLASS ACTIONS ARE UNDERWAY ACROSS CANADA, WHICH ALLEGE OVERCHARGES FOR ELECTROLYTIC CAPACITORS, OR PRODUCTS CONTAINING ELECTROLYTIC CAPACITORS, PURCHASED DURING THAT TIME.**

### WHAT ARE THE CLASS ACTIONS ABOUT?

An "electrolytic capacitor" is an electronic component found in electronics like smartphones, gaming consoles, home appliances, and televisions, among other products.

Class action lawsuits have been brought across Canada against a number of companies involved in the manufacturing and sale of electrolytic capacitors ("Class Actions").

The Class Actions allege that the defendants participated in an unlawful conspiracy to fix, raise, maintain, increase, or control the price for electrolytic capacitors in Canada between September 1, 1997 and the December 31, 2014 (the "Class Period").

A Settlement has been reached with the defendants NEC TOKIN Corporation and NEC TOKIN America Inc. (collectively "TOKIN").

The TOKIN defendants are the first to enter into a settlement for these Class Actions. The Class Actions will continue against over 30 other named defendants. During the Class Period, TOKIN had a small share of the global electrolytic capacitors market in the range of 3-6% (Source: Paumanok Reports).

TOKIN does not admit any wrongdoing, and the settlement is a compromise of claims negotiated over more than a year. In order to resolve the claims in the Class Actions, TOKIN has agreed to pay CAD \$2,900,000, and to provide meaningful early cooperation to the plaintiffs.

*For further details, please read the long-form version of this notice here: [www.capacitorclassaction.ca/electrolytic](http://www.capacitorclassaction.ca/electrolytic)*

### DOES THIS COST ME ANYTHING?

No. Lawyers representing the class will be requesting 25 percent of the settlement funds plus disbursements and applicable taxes to be approved by the courts and paid out of the settlement funds.

### WHAT DO I HAVE TO DO NOW?

Settlement money will not be distributed now as the case is still ongoing. The continuing litigation may or may not result in further settlements or judgments. If there is a further recovery, it will be added to the Settlement Funds. If you do not oppose the TOKIN settlement, you do not need to do anything else at this time.

The court must now determine whether the settlement is fair, reasonable and in the best interests of class members.

If you wish to comment or object to the settlement, you must deliver a written submission to one of the lawyers at the addresses provided in the long-form notice or to the e-mail addresses mentioned below, received by **• at the latest**. Please visit the case website : [www.capacitorclassaction.ca/electrolytic](http://www.capacitorclassaction.ca/electrolytic) for more information and to review the long-form version of this notice.

If you do not want to be a class member in the Class Actions, your opt-out must be received by **• at the latest**. To opt-out, please visit: [www.capacitorclassaction.ca/electrolytic](http://www.capacitorclassaction.ca/electrolytic) or contact: RicePoint Administration Inc. ([support@ricepoint.com](mailto:support@ricepoint.com) or 1-866-432-5534).

If you do not opt-out, you will be bound by the courts' decision on this settlement and by all future court decisions in the Class Actions. The certification order and the associated opt-out process are only valid if the settlement is approved. If the settlement is not approved or if it otherwise fails to take effect, the certification order will not stand and any opt-out notice submitted by any person will be set aside, and the litigation will continue against TOKIN. If a certification order is granted by the court in the future, an opt out process will take place at that time.

### WHO ARE THE LAWYERS REPRESENTING THE CLASS?

Harrison Pensa <sup>LLP</sup> | Tel : • | <email>

Belleau Lapointe s.e.n.c.r.l. | Tel : • | <email>

Camp Fiorante Matthews Mogerman <sup>LLP</sup> | Tel : • | <email>

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

**ELECTROLYTIC CAPACITOR CLASS ACTIONS**

**Did you purchase electrolytic capacitors or an electronic device containing an electrolytic capacitor between September 1, 1997 and December 31, 2014 in Canada? If so, your legal rights could be affected.**

**WHAT ARE THE CLASS ACTIONS ABOUT?**

An "electrolytic capacitor" is an electronic component used in an electrical circuit in order to store a charge. Electrolytic capacitors are found in electronics like smartphones, gaming consoles, home appliances and televisions, among other products.

Class proceedings have been initiated in Canada, on behalf of Canadians who purchased electrolytic capacitors or products containing electrolytic capacitors between September 1, 1997 and December 31, 2014 (the "Settlement Class Members"). Among other allegations, the proceedings allege that the defendants participated in an unlawful conspiracy to fix, raise, maintain, increase, or control the price for electrolytic capacitors in Canada (the "Class Actions").

**ELECTROLYTIC CAPACITOR SETTLEMENT**

A Settlement Agreement has been reached with the defendants NEC TOKIN Corporation and NEC TOKIN America Inc. (collectively "TOKIN").

The TOKIN defendants are the first to enter into a settlement for these Class Actions. The Class Actions will continue against over 30 other named defendants. During the Class Period, TOKIN had a small share of the global electrolytic capacitors market in the range of 3-6%.

TOKIN has agreed to pay CAD \$2,900,000 for the benefit of Settlement Class Members and to provide meaningful early co-operation to the plaintiffs in pursuing their claims against the non-settling defendants. In exchange, TOKIN will be provided with a full release of the claims against them in relation to the Class Actions. The settlement, which was negotiated over more than a year, is not an admission of liability, fault, or wrongdoing, but is a compromise of disputed claims.

**SETTLEMENT APPROVAL HEARINGS**

The settlement must be approved by the courts before it becomes effective. Hearings are to take place at the Ontario Superior Court of Justice on • at • am at 80 Dundas Street, London, Ontario, at the Supreme Court of British Columbia on • at • am at 800 Smithe Street, Vancouver, British Columbia and at the Superior Court of Québec on • at • am at 1, rue Notre-Dame Est, Montréal, Québec.

**DISTRIBUTION OF SETTLEMENT FUNDS**

The settlement amount, minus class counsel fees, disbursements and applicable taxes, will be held in an interest-bearing trust account for the benefit of the Settlement Class Members in the Class Actions (the "Settlement Funds").

The Settlement Funds will not be distributed to Settlement Class Members at this time. The continuing litigation may or may not result in further settlements or judgments. If there is a further recovery, it will be added to the Settlement Funds and an efficient distribution to Settlement Class Members will be made at an appropriate time. The courts will approve the distribution process. A further notice will be provided at the time of distribution.

**SETTLEMENT APPROVAL AND COUNSEL FEES**

At the Settlement Approval Hearings, the courts will determine whether the settlement is fair, reasonable, and in the best interests of Settlement Class Members. Class counsel will be requesting court approval of fees of 25 percent of the settlement amounts plus disbursements and applicable taxes. If approved, this amount will be paid to the lawyers out of the Settlement Funds.

**If you do not oppose the proposed settlement agreement, you do not need to appear at the hearings or take any other action at this time.**

If you wish to comment on or object to the settlement agreement, you must deliver a written submission to one of the law firms listed below **by • at the latest**. The lawyers will forward any submissions to the appropriate court. If you have any questions about the settlement agreement, you are encouraged to contact one of the law firms listed below, who will respond to your questions.

**OPTING OUT OF THE PROCEEDINGS**

Settlement Class Members have the right to exclude themselves from the Class Actions ("opt-out").

- If you opt-out, you will not be eligible to participate in, or receive money from, the ongoing Class Actions, but you will be able to start or continue your own case regarding the claims at issue.
- If you do nothing, you will be eligible to participate in, and may receive money from, the ongoing Class Action, but you will not be able to start or continue your own case regarding the claims at issue.

If you do not want to be a class member in the Class Actions, your opt-out must be received **by • at the latest**. To opt-out, please visit [www.capacitorclassaction.ca/electrolytic](http://www.capacitorclassaction.ca/electrolytic) or contact: RicePoint Administration Inc. ([support@ricepoint.com](mailto:support@ricepoint.com) or 1-866-432-5534).

**If the settlement is approved, you will not have another opportunity to opt-out of the Class Actions in the future.** The certification order and the associated opt-out process are only valid if the settlement is approved. If the settlement is not approved or if it otherwise fails to take effect, the certification order will not stand and any opt-out notice submitted by any person will be set aside, and the litigation will continue against TOKIN. If a certification order is granted by the court in the future, an opt out process will take place at that time.

**YOU ARE REPRESENTED BY:**

*Harrison Pensa* <sup>LLP</sup> (Canada except BC and QC) *Camp Fiorante Matthews Mogerman* <sup>LLP</sup> (BC)  
*Belleau Lapointe, s.e.n.c.r.l.* (QC)

**MORE INFORMATION**

For more detailed information and to review the long-form notice, please visit [www.capacitorclassaction.ca/electrolytic](http://www.capacitorclassaction.ca/electrolytic).

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

**TO: All persons in Canada who purchased electrolytic capacitors or a product containing an electrolytic capacitor between September 1, 1997 and December 31, 2014 (the "Settlement Class Members").**

*If you bought an electronic device containing a circuit board between September 1, 1997 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 that has been "certified" or "authorized" by a Canadian court and determines "common issues" for the group of people, known as the "class".

**II. WHAT IS AN ELECTROLYTIC CAPACITOR AND WHAT ARE THESE CLASS ACTIONS ABOUT?**

An "electrolytic capacitor" is an electronic component used in an electrical circuit in order to store a charge. Electrolytic capacitors are found in electronics like smartphones and televisions, among other products.

In 2014, class proceedings were initiated in Ontario by Harrison Pensa <sup>LLP</sup>, in British Columbia by Camp Fiorante Matthews Mogerman <sup>LLP</sup> and in Québec by Belleau Lapointe, s.e.n.c.r.l. (collectively "Class Counsel") on behalf of Canadians who purchased an electrolytic capacitor or products containing an electrolytic capacitor during the Class Period (the "Class Actions"). These Class Actions claim that the companies that sell electrolytic 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.

While the Class Actions were started in Ontario, British Columbia and Québec, the cases include Canadian residents in all provinces and territories who purchased an electrolytic capacitor or a product containing an electrolytic capacitor during the Class Period.

**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 having the case against it dismissed.

In the Class Actions, a settlement has been reached with NEC TOKIN Corporation and NEC TOKIN America Inc. (collectively "TOKIN").

The TOKIN defendants are the first to enter into a settlement in the Class Actions. The Class Actions will continue against over 30 other named defendants. During the Class Period, TOKIN had a small share of the global electrolytic capacitors market in the range of 3-6%.

TOKIN has agreed to pay CAD \$2,900,000 (the "Settlement Amount") for the benefit of Settlement Class Members. TOKIN has also agreed to provide meaningful early co-operation to the plaintiffs in pursuing their claims against the other defendants. In exchange, TOKIN will be provided with a full release of the claims against them and the Class Actions against them will be dismissed.

The settlement, which was negotiated over more than a year, is not an admission by TOKIN of liability, fault, or wrongdoing, but is a compromise of disputed claims. The plaintiffs sought and were granted certification / authorization of the Class Actions in Ontario, British Columbia and Québec for settlement purposes only.

The settlement is subject to court approval. There will be settlement approval hearings in Ontario, British Columbia and Québec. These hearings will be held on \_\_\_\_\_ at \_\_\_\_\_ am at 80 Dundas Street, London, Ontario, on \_\_\_\_\_ at \_\_\_\_\_ am at 800 Smithe Street, Vancouver, British Columbia and on \_\_\_\_\_ at \_\_\_\_\_ am at 1, rue Notre-Dame Est, Montréal, Québec. The courts will decide whether the settlement is fair, reasonable, and in the best interests of Settlement Class Members.

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

The Settlement Amount, 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 a share of the Settlement Funds. Watch for another notice explaining how to claim money from the settlement.

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

If you do not oppose the proposed settlement 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 settlement and the Class Actions.

If you want to tell the courts what you think about the proposed settlement 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 • at the latest.

You can opt-out by visiting [www.capacitorclassaction.ca/electrolytic](http://www.capacitorclassaction.ca/electrolytic) or contact: RicePoint Administration Inc. (support@ricepoint.com or 1 (866) 432-5534), or you can send a signed

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 1-800-263-0489, EXT. 759 (TOLL FREE) OR VISIT [WWW.CAPACITORCLASSACTION.CA/ELECTROLYTIC](http://WWW.CAPACITORCLASSACTION.CA/ELECTROLYTIC).



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** •.

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. If you have any questions about the settlement agreement or the opt-out process, you are encouraged to contact Class Counsel using the information described below.

## 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 Settlement Funds, 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 • 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 AGREEMENT IS NOT APPROVED?

The certification order and the associated opt-out process are only valid if the settlement is approved. If the settlement is not approved or if it otherwise fails to take effect, the certification order will not stand and any opt-out notice submitted by any person will be set aside, and the litigation will continue against TOKIN. If a certification 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 <sup>LLP</sup> represents Settlement Class Members in Ontario and in all provinces other than British Columbia and Québec. Harrison Pensa <sup>LLP</sup> can be reached:

Toll free at 1-800-263-0489 ext. 759, 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 Mogerman <sup>LLP</sup> represents Settlement Class Members in British Columbia. Camp Fiorante Matthews Mogerman <sup>LLP</sup> can be reached:

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: 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 settlement and Settlement Class Members are encouraged to review the complete settlement agreement. A copy of the settlement agreement can be downloaded from the settlement website at [www.capacitorclassaction.ca/electrolytic](http://www.capacitorclassaction.ca/electrolytic). If you would like a copy of the settlement agreement 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 TOKIN settlement agreement. If there is a conflict between the provisions of this notice and the settlement agreement, the terms of the settlement agreement shall prevail.

## Electrolytic Capacitors – Plan of Dissemination

The Notice of Certification and Settlement Approval Hearing will be distributed in Publication, Short-Form and Long-Form format (collectively the “Notices”). The Notices will be delivered via the following media:

1. A settlement website will be established at [capacitorclassaction.ca](http://capacitorclassaction.ca) (.com) and [recourscondensateurs.ca](http://recourscondensateurs.ca) (.com) where all Notices will be posted, and a web/social media presence will allow settlement class members to solicit information and communicate with the notice provider. All Notices will also be posted in English and French on the respective websites of Class Counsel, together with the Settlement Agreement.
2. 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.
3. The Publication Notice will be published once in print in the following regional and national newspapers in English or French, as appropriate for each newspaper, subject to each having reasonable publication deadlines:
  - a. The Globe and Mail (National Edition);
  - b. La Presse Plus (+);
  - c. Vancouver Sun;
  - d. Regina Leader Post;
  - e. Saskatoon Star Phoenix;

- f. Edmonton Journal;
- g. Winnipeg Free Press;
- h. Chronicle Herald (Halifax); and
- i. Le Soleil.

4. The Short-Form Notice will be posted on online tech and/or consumer forums in English or French, as appropriate for each website, subject to approval from forum providers,<sup>1</sup> including but not limited to:

English:

- a. Red Flag Deals ([forums.redflagdeals.com](http://forums.redflagdeals.com))
- b. SmartCanucks ([smartcanucks.ca](http://smartcanucks.ca))
- c. Nuts & Volts ([forum.nutsandvolts.com](http://forum.nutsandvolts.com))
- d. Digital Home ([digitalhome.ca/forum/canadian-digital-industry-forums](http://digitalhome.ca/forum/canadian-digital-industry-forums))
- e. TechSpot ([techspot.com/community](http://techspot.com/community))
- f. RetroCollect ([retrocollect.com/community](http://retrocollect.com/community))
- g. Best Buy ([blog.bestbuy.ca](http://blog.bestbuy.ca))
- h. Electro-Tech-Online ([electro-tech-online.com](http://electro-tech-online.com))

French:

---

<sup>1</sup> Placement of notice on each forum subject to approval from forum providers. Threads may be removed or moved based on individual forum policies.

- i. Red Flag Deals (forums.redflagdeals.com)
  - j. Best Buy (blog.bestbuy.ca)
  - k. Electro-Tech-Online (electro-tech-online.com) Gamer Québec (gamerqc.com)  
Geekbecois (geekbecois.com) Overcloqc (overclockquebec.com)
5. The Notices 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 notices or information about the actions be posted on their website:
- a. The Consumers' Association of Canada;
  - b. The Consumers' Council of Canada; and
  - c. Electro-Federation Canada.

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

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 all persons who have contacted Class Counsel about the litigation.
7. Data from Industry Canada's "Canadian Importers Database" has been obtained. While that database is not a comprehensive listing of all importers and customers of electrolytic capacitors in Canada, it is a useful public listing of certain companies which are within the target audience for the Plan of Dissemination. Appended to this Plan of Dissemination as **Schedule "A"** is a table of listed importers which imported products under HS6 codes "853221 - Electrical Capacitors; fixed, tantalum" and "853222 -

Electrical Capacitors; fixed, aluminum electrolytic” during the years 2012, 2013, and 2014.

8. Class Counsel and/or RicePoint Administration Inc. will seek to obtain reliable and publicly available address information for as many of the listed importers as can be reasonably found, and will send the short-form notice by direct mail to those identified addresses within seven (7) days of the first publication of the Notices. For those importers located in Québec, the Short-Form Notice will be sent in English and in 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
CANADIAN SOURCE CORPORATION
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.
M.A.G. TECH
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.
TRISCAP CANADA INC.
TTI (MONTREAL)
TTI, INC.
UTECH ELECTRONICS
UTI CANADA CONTRACT LOGISTICS INC

*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

---

**ORDER MADE AFTER APPLICATION  
RE TOKIN CORPORATION AND TOKIN AMERICA INC.**

---

**CAMP FIORANTE MATTHEWS MOGERMAN**

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 Mike Bike