

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

**FILM CAPACITOR CLASS ACTIONS**

**Did you purchase film capacitors or a product containing a film capacitor, such as a smartphone or a television, between January 1, 2002 and December 31, 2014 in Canada? If so, your legal rights could be affected.**

**WHAT ARE THE 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, gaming consoles, home appliances, and televisions, among other products.

Class proceedings have been initiated in Canada, on behalf of Canadians who purchased film capacitors or products containing film capacitors between January 1, 2002 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 film capacitors in Canada (“Class Actions”).

**FILM CAPACITOR SETTLEMENTS**

Settlement agreements have been reached with the defendant Nitsuko Electronics Corporation (“Nitsuko”) and with the defendants Okaya Electric Industries Co., Ltd. and Okaya Electric America, Inc. (“Okaya”).

Nitsuko and Okaya have agreed to pay respectively USD \$190,000.00 and CAD \$460,000.00 for the benefit of Settlement Class Members. Both will provide co-operation 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 an admission of liability, fault or wrongdoing, but are a compromise of disputed claims.

Nitsuko and Okaya had a small share of the relevant film capacitor market during the class period. The litigation continues against 36 other non-settling defendants.

**SETTLEMENT APPROVAL HEARINGS**

The settlements must be approved by the courts before they become effective. Hearings are to take place at the Ontario Superior Court of Justice on November 5, 2018 at 10 am, at 80 Dundas Street, London, Ontario, at the Superior Court of Québec on December 3, 2018 at 9:30am, at 1, rue Notre-Dame Est, Montréal, Québec, and at the Supreme Court of British Columbia 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.

**DISTRIBUTION OF SETTLEMENT FUNDS**

The settlement amounts, 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 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 settlements are 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 settlement amounts.

**If you do not oppose the proposed settlement agreements, 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 agreements, you must deliver a written submission to one of the law firms listed below **by October 24, 2018 at the latest**. The lawyers will forward any submissions to the appropriate Court.

**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 Actions, 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 October 24, 2018 at the latest**. To opt-out, please visit [film.capacitorclassaction.ca](http://film.capacitorclassaction.ca) or contact: RicePoint Administration Inc. ([capacitor@ricepoint.com](mailto:capacitor@ricepoint.com) or 1-877-336-5240).

**If the settlements are approved, you will not have another opportunity to opt-out of these actions in the future.** 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.

**YOU ARE REPRESENTED BY:**

*Harrison Pensa* <sup>LLP</sup> (Canada except BC and QC)  
*Camp Fiorante Matthews Mogerma* <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 [film.capacitorclassaction.ca](http://film.capacitorclassaction.ca).