

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

TO: All persons in Canada who purchased an electrolytic capacitor or a product containing an 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. 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 electrolytic capacitor or a product containing an electrolytic capacitor between September 1, 1997 and December 31, 2014 (the “Electrolytic Class Period”). In 2016, 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 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?

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.

Settlements have been reached in the Class Actions with ELNA Co., Ltd. and ELNA America, Inc. (collectively “ELNA”); and Holy Stone Enterprise Co., Ltd., Vishay Polytech Co., Ltd. f/k/a Holy Stone Polytech Co., Ltd., Milestone Global Technology, Inc. d/b/a Holy Stone International, Holy Stone Holdings Co., Ltd., and Vishay Intertechnology, Inc., (collectively “Holy Stone” and together with ELNA the “Settling 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. 106 (TOLL FREE) OR VISIT WWW.CAPACITORCLASSACTION.CA.

ELNA and Holy Stone have separately agreed to pay CAD \$2,475,000 and CAD \$790,000, respectively, valued collectively at \$3,265,000 (the “Electrolytic Settlement Amounts”) for the benefit of the Electrolytic Settlement Class Members. ELNA and Holy Stone have further agreed to pay CAD \$25,000 and CAD \$10,000, respectively, valued collectively at \$35,000 (the “Film Settlement Amounts”) for the benefit of the Film Settlement Class Members. The Settling Defendants assert and the plaintiffs have accepted that they did not manufacture any film capacitors during the Film Class Period. As a result, the recovery on behalf of Film Settlement Class Members is nominal. In addition, both ELNA and Holy Stone have agreed to provide cooperation to the plaintiffs in pursuing their claims against the non-settling defendants. In exchange, ELNA and Holy Stone 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 settlements are subject to court approval. There will be settlement approval hearings in Ontario, British Columbia and Québec for the Electrolytic Class Actions and a settlement approval hearing in Ontario for the Film Class Action. These hearings will be held:

- Before the Ontario Superior Court of Justice on March 21, 2022 at 10:00 am, virtually via Zoom videoconference;
- Before the Supreme Court of British Columbia, March 30, 2022 at 9:00 am, by virtual hearing; and
- Before the Superior Court of Québec on March 28, 2022 at 9:30 am, by virtual hearing.

The courts will decide whether the settlements are fair, reasonable, and in the best interests of Settlement Class Members.

Depending on the Covid-19 protocols in place at the time, it is anticipated that the settlement approval hearings will proceed by videoconference. If you think you are an Electrolytic or Film Settlement Class Member and want to participate in the settlement approval hearing(s) in your jurisdiction, 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 for further information in advance of the settlement approval hearings.

Prior settlements were reached in the electrolytic Class Actions with the Tokin and Panasonic defendants, valued collectively at CAD \$8,850,000 and in the film Class Actions with the Okaya, Nitsuko and Panasonic defendants, valued collectively at CAD \$2,058,900. Those four settlements were 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 electrolytic and/or a film capacitor.

The Electrolytic Settlement Class Members are: ***all persons in Canada who purchased an electrolytic capacitor or a product containing an 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 ACTION AGAINST THE OTHER DEFENDANTS?

ELNA and Holy Stone are the fifth and sixth groups of defendants to enter into settlements in the Class Actions, respectively. The Class Actions will continue against 24 non-settling defendants in the electrolytic Class Actions and 28 non-settling defendants in the film Class Actions.

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.

In Ontario and British Columbia, the electrolytic and film Class Actions are continuing towards the certification stage against the non-settling defendants. The electrolytic and film Class Actions have been certified against ELNA and Holy Stone for the purpose of implementing the settlement agreements only.

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

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on these Class Actions. Contact information for the lawyers can be found below. 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 ELNA and Holy Stone settlement agreements.

9. WHAT DO I HAVE TO PAY?

You do not have to pay the lawyers working on these 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 Settlement Amounts, plus disbursements and applicable taxes. Any approved lawyers' fees, disbursements and applicable taxes may be paid out of the Settlement Funds 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 March 14, 2022 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?

The certification/authorization orders are only valid if the ELNA and Holy Stone settlements are approved by all three courts. 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 ELNA and Holy Stone.

11. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS?

- **British Columbia:** Camp Fiorante Matthews Mogerman ^{LLP} represents Electrolytic Settlement Class Members in British Columbia. Camp Fiorante Matthews Mogerman ^{LLP} can be reached:

Toll free at 1-800-689-2322, by fax at 1-604-689-7554, by e-mail at 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. 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 or by mail at 300, Place d'Youville, Bureau B-10, Montréal, Québec H2Y 2B6, Attention: Rosalie Jetté.

- **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. 106, by fax at 1-226-884-5340, by e-mail at classactions@foremancompany.com or by mail at 4 Covent Market Place, London, Ontario N6A 1E2, Attention: Kassandra Gauld.

12. WHERE CAN I ASK MORE QUESTIONS?

This notice contains only a summary of the ELNA and Holy Stone settlements and 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. 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 ELNA and Holy Stone 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.