

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 SETTLEMENT

A settlement has been reached with Nippon Chemi-Con Corporation and with United Chemi-Con, Inc. (collectively “NCC/UCC”).

NCC/UCC have collectively agreed to pay CAD \$20,900,000 (the “Electrolytic Settlement Amount”), for the benefit of the Electrolytic Settlement Class Members.

NCC/UCC have also collectively agreed to pay CAD \$400,000 (the “Film Settlement Amount”) for the benefit of the Film Settlement Class Members.

NCC/UCC will provide cooperation to the plaintiffs in pursuing their claims against the remaining non-settling defendants. In exchange, NCC/UCC will be provided with a full release of the claims made against them in the Class Actions. The settlement is not an admission of liability, fault, or wrongdoing, but is a compromise 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.

Notice was recently given to class members in respect of settlements reached with the ROHM, Fujitsu, KEMET and Nichicon defendants in the electrolytic capacitors class action and with the KEMET and Nichicon defendants in the film capacitors class action. Those settlements are currently before the court for approval. Information regarding those settlements and the approval process for those settlements can be found at www.capacitorclassaction.ca.

Prior settlements with other defendants in the Class Actions have been approved by previous orders of the courts. Information with respect to these prior settlements can also be found at www.capacitorclassaction.ca.

SETTLEMENT APPROVAL HEARINGS

The NCC/UCC settlement must be approved by the courts before it becomes effective. Hearings are currently scheduled 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 October 23, 2023 at 9:30 a.m., by virtual hearing;
- the Supreme Court of British Columbia on October 25, 2023 at 9:00 a.m., by virtual hearing; and
- the Superior Court of Québec on September 26, 2023 at 9:15 a.m., in person at 1 Notre Dame Street, Montréal, Québec, court room 15.04 and by virtual hearing.

If you think you are an Electrolytic or Film Settlement Class Member and you want to participate in the settlement approval hearing in your jurisdiction, please contact the lawyers working on the Class Actions as listed below to confirm the date and time of the hearing and for instructions and particulars on how to participate, or visit www.capacitorclassaction.ca for more information.

If, at the time you are reading this notice, the hearing for the settlement approval in Québec has already taken place, it is still

possible to submit your comments on the proposed settlement or on the lawyer’s fees if the deadline to do so has not yet passed. For more details on how to submit your comments and the deadline to do so, please consult the section “Settlement Approval and Lawyers’ Fees” below.

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

NCC/UCC is the ninth group of defendants to enter into a settlement in the electrolytic class action, and the eighth group of defendants to enter into a settlement in the film class action. The Class Actions continue against 10 non-settling defendants in the electrolytic capacitors matter and 20 non-settling defendants in the film capacitors matter.

SETTLEMENT APPROVAL AND LAWYERS’ FEES

At the settlement approval hearings, the courts will determine whether the settlement is 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 settlement, you do not need to do anything at this time.

If you wish to comment on or object to the settlement or the lawyer’s fees, you must deliver a written submission to one of the law firms listed below **by October 22, 2023**. 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 NCC/UCC settlement.

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 or contact:

Foreman & Company: Toll free at 1-855-814-4575 ext.107 or e-mail at classactions@foremancompany.com (Canada excluding BC and QC)

Camp Fiorante Matthews Mogeran LLP : Toll free at 1-800-689-2322 or e-mail at info@cfmlawyers.ca (BC)

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