

*In the Supreme Court of British Columbia*

Between

**SARA RAMSAY**

Plaintiff

and

**Okaya Electric Industries Co., Ltd., Okaya Electric America Inc.,  
Taitso Corporation, Taitso America, Inc., Shinyei Kaisha, Shinyei  
Technology Co., Ltd., Shinyei Capacitor Co., Ltd., Shinyei  
Corporation of America, Inc., Nitsuko Electronics Corporation,  
Nissei Electric Co. Ltd., Soshin Electric Co., Ltd., Soshin  
Electronics of America Inc., Shizuki Electric Co., Ltd., American  
Shizuki Corporation and Toshin Kogyo Co., Ltd.**

Defendants

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

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**ORDER MADE AFTER APPLICATION  
RE NITSUKO ELECTRONICS CORPORATION**

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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; Sandra Forbes for the defendant Nitsuko Electronics Corporation; David Gadsden for the defendants Okaya Electric Industries Co., Ltd. and Okaya Electric America Inc.; Emma Irving for the defendants Shinyei Technology Co., Ltd., Shinyei Kaisha, Shinyei Capacitor Co., Ltd. and Shinyei Corporation of America, Inc.; Nicholas T. Hooge for the defendants Shizuki Electric Co., Ltd. and American Shizuki Corporation and Litsa Kriaris for the defendants Soshin Electric Co., Ltd. and Soshin Electronics of America Inc.:

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 Nitsuko Electronics Corporation (the "**Settling Defendant**") 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 December 15, 2017 (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 Defendant for settlement purposes only.

3. The BC Settlement Class is defined as:

All Persons in British Columbia who purchased Film Capacitors or a product containing a Film Capacitor during the Class Period other than Excluded Persons<sup>3</sup>.

<sup>1</sup> *Film Capacitors* means capacitors which use insulating plastic film and one of two conductive materials, propylene and/or polyester. Film Capacitors include, but are not limited to, the following four generations: (1) film and aluminum foil capacitors, (2) film and other metal capacitors, (3) layered capacitors, and (4) surface-mount capacitors (i.e., capacitors without leaves).

<sup>2</sup> *Class Period* means January 1, 2002 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 Defendant conspire to fix, raise, maintain or stabilize the price of, or allocate markets and customers of, Film 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 Defendant 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 limiting 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. THIS COURT ORDERS that the written election to opt-out must contain the following information in order to be effective:

- (a) the Person's full name and current address; and,
- (b) a statement to the effect that the Person wishes to be excluded from the Proceedings.

9. 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 or to share in the distribution of any funds received as a result of a judgment or settlement, and no further right to opt-out will be provided.

10. Within thirty (30) days of the Opt-Out Deadline, BC Counsel shall provide to the Defendants a report containing the names of each Person who has validly and timely opted-out of the BC Action, the reasons for the opt-out, if known, and a summary of the information delivered by such Persons pursuant to paragraphs 7 and 8 above.

11. Any BC Settlement Class member who has not validly opted-out of the BC Action will be bound by the Settlement Agreement as approved by the Court and may not opt-out of the BC Action in the future.

12. 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 as against the Settling Defendant and their respective Releasees of any Other Actions he, she or it has commenced, without costs and with prejudice.

13. 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 against the Settling Defendant and their respective Releasees, without costs and with prejudice.

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

14. 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".

15. 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.

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

17. 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.

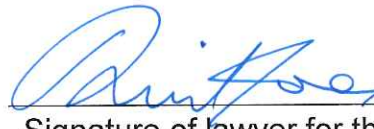
18. If the Settlement Agreement is not approved, is terminated in accordance with its terms or otherwise fails to take effect for any reason, this Order, including certification for settlement purposes and all opt-out notices delivered pursuant to the Order, shall be set aside and declared null and void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

19. 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 Defendant

**Sandra Forbes**

By the Court

\_\_\_\_\_  
Registrar



## Newspaper Publication Content

**Did you purchase film capacitors or products containing film capacitors, such as a smartphone or a television, between January 1, 2002 and December 31, 2014 in Canada?**

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

### WHAT ARE THE CLASS ACTIONS ABOUT?

A "film 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 film 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 film capacitors in Canada between January 1, 2002 and December 31, 2014 (the "Class Period").

Settlements were reached with three defendants, Nitsuko Electronics Corporation ("Nitsuko"), Okaya Electric Industries Co., Ltd. and Okaya Electric America, Inc. ("Okaya"). Nitsuko and Okaya do not admit any wrongdoing, and the settlements are a compromise of competing claims. Nitsuko and Okaya have respectively agreed to pay USD \$190,000.00 and CAD \$460,000.00, and to provide cooperation to the plaintiffs in order to resolve the Class Actions.

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.

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

### DOES THIS COST ME ANYTHING?

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

### WHAT DO I HAVE TO DO NOW?

Settlement money will not be distributed now as the case is still ongoing. If you do not oppose these settlements, you do not need to do anything else at this time.

The Courts must now determine whether the settlements are fair, and in the best interests of class members.

If you wish to comment or object to the settlements, you must deliver a written submission to one of the lawyers at the addresses provide 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/film](http://www.capacitorclassaction.ca/film) for more information and to review the long form 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/film](http://www.capacitorclassaction.ca/film) 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 these settlements, and by all future Courts' decisions in the Class Actions. The certification 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 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 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**

**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 • 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 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 • 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 • at the latest. To opt-out, please visit [www.capacitorclassaction.ca/film](http://www.capacitorclassaction.ca/film) or contact: RicePoint Administration Inc. ([support@ricepoint.com](mailto:support@ricepoint.com) or 1-866-432-5534).

**If the settlements are approved, you will not have another opportunity to opt-out of these actions in the future.** The certification 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 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 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 Mogeran* <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/film](http://www.capacitorclassaction.ca/film).

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

**TO: All persons in Canada who purchased film capacitors or a product containing a film capacitor between January 1, 2002 and December 31, 2014 (the "Settlement Class Members").**

*If you bought an electronic device containing a circuit board between January 1, 2002 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.

**II. WHAT IS A FILM CAPACITOR AND WHAT ARE THESE 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 and televisions, among other products.

In 2015 and 2016, class proceedings were initiated in British Columbia by *Camp Fiorante Matthews Mogerman LLP* and in Ontario by *Harrison Pensa LLP* on behalf of Canadians who purchased a film capacitor or products containing film capacitors during the Class Period. These class actions claim that the companies that sell film 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. A motion to authorize a class proceeding for settlement purposes was also initiated in Québec, by *Belleau Lapointe, s.e.n.c.r.l.*

Collectively, the British Columbia, Ontario and Québec class proceedings are referred to as the "Class Actions", and *Harrison Pensa LLP*, *Camp Fiorante Matthews Mogerman LLP*, and *Belleau Lapointe, s.e.n.c.r.l.* are referred to as "Class Counsel".

While the Class Actions were started in British Columbia, Ontario and Québec, the cases include Canadian residents in all provinces and territories who were affected by the alleged conspiracy.

**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 being released from the case.

In the Class Actions, settlements have been reached with:

- Okaya Electric Industries Co., Ltd and Okaya Electric America, Inc., ("Okaya"); and
- Nitsuko Electronics Corporation ("Nitsuko").

Okaya has agreed to pay CAD \$460,000.00, and Nitsuko has agreed to pay USD \$190,000.00 (the "Settlement Amounts") for the benefit of Settlement Class Members. Okaya and Nitsuko have also agreed to provide co-operation to the plaintiffs in pursuing their claims against the other defendants. In exchange, Okaya and Nitsuko will be provided with full releases of the claims against them.

Okaya and Nitsuko had a small share of the relevant film capacitor market during the Class Period. The Class Actions will continue against 36 other non-settling defendants.

The settlements are not an admission by Okaya and Nitsuko of liability, fault, or wrongdoing, but are a compromise of disputed claims. The plaintiffs sought and were granted certification / authorization of the actions in British Columbia, Ontario and Québec for settlement purposes only.

The settlements are subject to Court approval. There will be settlement approval hearings in British Columbia, Ontario 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 settlements are fair, reasonable, and in the best interests of Settlement Class Members.

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

The Settlement Amounts, 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 money from these settlements. Watch for another notice explaining how to claim money from the settlements.

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

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

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 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/film](http://www.capacitorclassaction.ca/film) or contact: RicePoint Administration Inc. (support@ricepoint.com or 1 (866) 432-5534), or you can send a signed 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.

## 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 Settlements Amounts, 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 AGREEMENTS ARE NOT APPROVED?

The certification 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 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 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 LLP* represents Settlement Class Members in Ontario and in all provinces other than British Columbia and Québec. *Harrison Pensa LLP* 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 LLP* represents 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](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 settlements and 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/film](http://www.capacitorclassaction.ca/film). If you would like a copy of the settlement agreements 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 Okaya and Nitsuko 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.

## Film 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 Agreements.
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:

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<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 as well as any other potentially interested parties identified by Class Counsel.
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 film 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 code "853225 - Electrical Fixed Capacitors - Dielectric of Paper or Plastics."

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
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
PANASONIC CANADA INC.
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



No. S-156006  
Vancouver Registry

*In the Supreme Court of British Columbia*

Between

**SARA RAMSAY**

Plaintiff

and

**Okaya Electric Industries Co., Ltd., Okaya Electric America Inc.,  
Taitso Corporation, Taitso America, Inc., Shinyei Kaisha, Shinyei  
Technology Co., Ltd., Shinyei Capacitor Co., Ltd., Shinyei  
Corporation of America, Inc., Nitsuko Electronics Corporation,  
Nissei Electric Co. Ltd., Soshin Electric Co., Ltd., Soshin  
Electronics of America Inc., Shizuki Electric Co., Ltd., American  
Shizuki Corporation and Toshin Kogyo Co., Ltd.**

Defendants

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

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**ORDER MADE AFTER APPLICATION  
RE NITSUKO ELECTRONICS CORPORATION**

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**CAMP FIORANTE MATTHEWS MOGERMAN**

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via Mike Bike