

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN :

THE FANSHAWE COLLEGE OF APPLIED ARTS AND TECHNOLOGY

Plaintiff

- and -

HITACHI, LTD., HITACHI ASIA, LTD., HITACHI AMERICA, LTD., HITACHI DISPLAY LTD,
HITACHI ELECTRONIC DEVICES (USA), SHENZHEN SEG HITACHI COLOR DISPLAY
DEVICES, LTD., HITACHI CANADA, LTD., IRICO GROUP CORPORATION, IRICO GROUP
ELECTRONICS CO. LTD., IRICO DISPLAY DEVICES CO., LTD., LG ELECTRONICS, INC.,
LG ELECTRONICS USA, INC., LG ELECTRONICS CANADA, LP DISPLAYS
INTERNATIONAL LTD. (f/k/a LG PHILIPS DISPLAY), PANASONIC CORPORATION F/K/A
MATSUSHITA ELECTRIC INDUSTRIAL CO. LTD., PANASONIC CORPORATION OF NORTH
AMERICA, PANASONIC CANADA INC., BEIJING MATSUSHITA COLOR CRT COMPANY,
LTD., MT PICTURE DISPLAY CO. LTD. F/K/A MATSUSHITA TOSHIBA PICTURE DISPLAY
CO. LTD., DAEWOO INTERNATIONAL CORPORATION, DAEWOO ELECTRONICS
CORPORATION f/k/a DAEWOO ELECTRONICS COMPANY LTD., KONINKLIJKE PHILIPS
ELECTRONICS N.V., PHILIPS ELECTRONICS NORTH AMERICA CORPORATION, PHILIPS
ELECTRONICS LTD., SAMSUNG ELECTRONICS CO. LTD., SAMSUNG SDI CO., LTD. (f/k/a
SAMSUNG DISPLAY DEVICE CO.), SAMSUNG ELECTRONICS AMERICA INC., SAMSUNG
ELECTRONICS CANADA INC., SAMSUNG SDI AMERICA, INC., SAMSUNG SDI MEXICO
S.A. DE C.V., SHENZHEN SAMSUNG SDI CO. LTD., TIANJIN SAMSUNG SDI CO., LTD.,
SAMTEL COLOR, LTD., TATUNG COMPANY OF AMERICA, INC., TATUNG CO. OF CANADA
INC., TOSHIBA CORPORATION, TOSHIBA AMERICA CONSUMER PRODUCTS, LLC
TOSHIBA AMERICA INC., TOSHIBA AMERICA ELECTRONIC COMPONENTS INC.,
TOSHIBA AMERICA INFORMATION SYSTEMS INC., TOSHIBA OF CANADA LIMITED,
CHUNGHWA PICTURE TUBES, LTD and CHUNGHWA PICTURE TUBES (MALAYSIA) SDN.
BHD.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

SECOND FRESH AS AMENDED STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the Plaintiff.
The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for
you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil
Procedure, serve it on the Plaintiff's lawyer or, where the Plaintiff does not have a lawyer, serve

AMENDED THIS 17 DAY OF June 2014
PURSUANT TO THE ORDER OF JUDGE [Signature]
DATED THE 16 DAY OF June 2014
LOCAL REGISTRAR, SUPERIOR COURT OF JUSTICE

it on the Plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$1000.00 for costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the Plaintiff's claim and \$400.00 for costs and have the costs assessed by the court.

Date July 29, 2008

Issued by "J. Zegers"
Local registrar

Address of court office London Court House
Civil, Landlord/Tenant Section
Group Floor, Unit "A"
80 Dundas Street
London, ON N6A 6A3

AND TO: Hitachi Ltd.
6-6 Marunouchi 1-chome,
Chiyoda-ku, Tokyo, 100-8280 Japan

AND TO: Hitachi Asia, Ltd.
16 Collyer Quay
#20-00 Hitachi Tower, Singapore 049318

AND TO: Hitachi America, Ltd.
2000 Sierra Point Parkway
Brisbane, California

AND TO: Hitachi Displays Ltd.
AKS Building, 3 Kandaneibeicho 3
Chiyoda-ku, Tokyo, 101-0022 Japan

- AND TO: Hitachi Electronic Devices (USA)**
575 Mauldin Road
Greenville, North Carolina 29602
- AND TO: Shenzhen SEG Hitachi Color Display Devices, Ltd.**
5001 Huanggang Road, Futian District
Shenzhen 518035, China
- AND TO: Hitachi Canada, Ltd.**
2495 Meadowpine Boulevard
Mississauga, ON L5N 6C3
- AND TO: Irico Group Corporation**
1 Caihong Rd.,
Xianyang City, Shaanxi Province 712021
China
- AND TO: Irico Group Electronics Co., Ltd**
1 Caihong Rd.,
Xianyang City, Shaanxi Province 712021
China
- AND TO: Irico Display Devices Co., Ltd.**
No. 16, Fenghui South Road West
District High-tech Development Zone
Xi'an, SXI 710075
China
- AND TO: LG Electronics, Inc.**
LG Twin Towers
20 Yeouido-dong, Yeoungdeungpo-gu
Seoul, 150-721, South Korea
- AND TO: LG Electronics USA, Inc.**
1000 Sylvan Ave
Englewood Cliffs, NJ 07632
- AND TO: LG Electronics Canada**
550 Matheson Boulevard East
Mississauga, ON L4Z 4G3
- AND TO: LP Displays International Ltd. (f/k/a LG Philips Display)**
6th Floor, ING Tower
308 Des Voeux Road Central
Sheung Wan, Hong Kong, China
- AND TO: Panasonic Corporation f/k/a Matsushita Electric Industrial Co. Ltd.**
1006, Kadoma, Jadoma City
Osaka, 571-8501, Japan
- AND TO: Panasonic Corporation of North America**
1 Panasonic Way
Secaucus, New Jersey 07094
- AND TO: Panasonic Canada Inc.**
5770 Ambler Drive
Mississauga, ON L4W 2T3

- AND TO: Beijing Matshushita Color CRT Company, Ltd.**
No. 9 Jiuxianqiao N. Rd.
Dashanzi9 Chaoyang District
Beijing, China
- AND TO: MT Picture Display Co., Ltd. f/k/a Matsushita Toshiba Picture Display**
1-1, Saiwai-cho, Takatsuki-shi
Osaka 569-1193, Japan
- AND TO: Daewoo International Corporation**
84-11 Namdaemunno 5-ga,
Jung-gu, Seoul, Korea
- AND TO: Daewoo Electronics Corporation f/k/a Daewoo Electronics Company Ltd.**
686 Ahyeon-dong
Mapagu, Seoul, South Korea
- AND TO: Koninklijke Philips Electronics N.V.**
Philips Head Office, Amstelplein 2
1096 BC Amsterdam
The Netherlands
- AND TO: Philips Electronics North America Corporation**
1251 Avenue of the Americas
New York, New York 10020
- AND TO: Philips Electronics Ltd.**
281 Hillmont Rd.
Markham, ON L6C 2S3
- AND TO: Samsung Electronics Co. Ltd.**
Samsung Main Building 250-2ga
Taepyung-ro Chung-gu, Seoul, Korea
- AND TO: Samsung SDI Co., Ltd. (f/k/a Samsung Display Device Co.)**
575 Shin-dong, Youngtong-gu
Suwon, Kyonggi, South Korea
- AND TO: Samsung Electronics America Inc.**
105 Challenger Rd.
Ridgefield, New Jersey 07660
- AND TO: Samsung Electronics Canada Inc.**
55 Standish Court
Mississauga, Ontario L5R 4B2
- AND TO: Samsung SDI America, Inc.**
3333 Michelson Drive, Suite 700
Irvine, California 92612-1691
- AND TO: Samsung SDI Mexico S.A. de C.V.**
Blvd. Los Olivos, No.21014
Parque Industrial El Florido
Tijuana, B.C. Mexico
- AND TO: Shenzhen Samsung SDI Co. Ltd.**
Huanggang Bei Lu, Futuan Gu
Shenzhen, China

- AND TO: Tianjin Samsung SDI Co., Ltd.**
Developing Zone of Yi-Xian Park
Wuqing County, Tianjin, China
- AND TO: Samtel Color, Ltd.**
6th Floor, TDI Centre, District Centre – Jasola
New Delhi, 110025,
India
- AND TO: Tatung Company of America, Inc.**
2850 El Presidio St.
Long Beach, California 90810
- AND TO: Tatung Co. of Canada Inc.**
100 Clegg Rd.
Markham, ON L6G 1E1
- AND TO: Toshiba Corporation**
1-1, Shibaura 1-chome, Minato-ku
Tokyo, 105-8001, Japan
- AND TO: Toshiba America Consumer Products, LLC**
82 Totawa Rd, Ste 1
Wayne, New Jersey
- AND TO: Toshiba America Inc.**
1251 Avenue of the Americas, Suite 4110
New York, New York 10020
- AND TO: Toshiba America Electronic Components Inc.**
9740 Irvine Blvd
Irvine, California 92718-1697
- AND TO: Toshiba America Information Systems Inc**
9740 Irvine Blvd
Irvine California 92718-1697
- AND TO: Toshiba of Canada Limited**
191 McNabb Street
Markham, Ontario L3R 8H2
- AND TO: Chunghwa Pictures Tubes, Ltd**
No. 1127, Heping Rd.
Bade City, Taouan, Taiwan
- AND TO: Chunghwa Picture Tubes (Malaysia) Sdn. Bhd**
Lot 1, Subang Hi-Tech Industrial Park,
Batu Tiga, 4000 Shah Alam
Selangor Darul Ehsan, Malaysia

CLAIM

1. The Plaintiff claims on behalf of itself and other persons in Canada who are similarly situated:
 - (a) a declaration that the Defendants conspired each with the other to raise, maintain, fix and stabilize the price of cathode ray tubes ("CRTs") and products containing CRTs (collectively "CRT Products") during the period beginning at least January 1, 1998 to November 21, 2007 ("Conspiracy Period");
 - (b) general damages for conspiracy, intentional interference with economic interests, and conduct that is contrary to Part VI of the *Competition Act*, R.S.C. 1985, c. C-34 in the amount of \$150,000,000.00, or alternatively, damages assessed equal to the illegal overcharge;
 - (c) punitive and exemplary damages in the amount of \$15,000,000.00;
 - (d) costs of investigation and prosecution of this proceeding pursuant to section 36 of the *Competition Act*, R.S.C. 1985, c. C-34;
 - (e) pre-judgement and post-judgement interest at the rate of 10% compounded annually or as otherwise ordered by the Honourable Court;
 - (f) costs of this action on a substantial indemnity basis; and
 - (g) such further and other relief as this Honourable Court awards.

NATURE OF THE ACTION

2. This action arises from a conspiracy to fix, raise, maintain, or stabilize prices of CRT Products sold in Canada and worldwide. During the Conspiracy Period, the Defendants and their senior executives participated in illegal and secretive meetings

and made agreements relating to the prices, market share divisions and production levels for CRT Products.

3. A CRT consists of a vacuum tube that is coated on its inside face with light sensitive phosphors. An electron gun at the back of the vacuum tube emits electron beams. When electrons strike the phosphors, the phosphors produce red, blue or green light. A system of magnetic fields inside the CRT direct the beams to produce the desired images. The images may represent pictures (television, computer monitor), electrical waveforms (oscilloscope), echoes of aircraft detected by radar, etc.
4. CRTs can be divided into two main categories: CDTs (colour display tubes) and CPTs (colour picture tubes). CDTs are used in computer monitors and other similar devices. CPTs are used mainly in televisions.
5. Until the last few years, CRT was the dominant technology used in display devices, including televisions, computer monitors, radar equipment, electronic medical equipment, and automated teller machines.

THE PLAINTIFF

6. The plaintiff, The Fanshawe College of Applied Arts and Technology ("Fanshawe College") is a community college located in London, Ontario. Fanshawe Colleges was established as a college of applied arts and technology pursuant to O.Reg. 34.03.
7. During the Conspiracy Period, Fanshawe College purchased CRT Products.

THE DEFENDANTS

8. Various persons and/or firms, not named as Defendants herein, including but not limited to Tatung Company and Thai CRT Company Ltd. may have participated as co-conspirators in the conspiracy alleged herein and may have performed acts and made statements in furtherance thereof.

9. The Defendants named herein are jointly and severally liable for the actions of, and damages allocable to, their co-conspirators.

Chunghwa

10. The Defendant Chunghwa Picture Tubes, Ltd (Chunghwa) has its principal place of business in Taoyuan, Taiwan. During the Conspiracy Period, Chunghwa manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, such as Chunghwa Picture Tubes (Fuzhou) Ltd.
11. The Defendant Chunghwa Picture Tubes (Malaysia) Sdn Bhd (“Chunghwa Malaysia”) is a Malaysian company with its principal place of business in Selangor Darul Ehsan, Malaysia. Chunghwa Malaysia is a wholly-owned and controlled subsidiary of Chunghwa. During the Conspiracy Period, Chunghwa Malaysia manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
12. The businesses of each of Chunghwa and Chunghwa Malaysia are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, sale and/or distribution of CRT Products in Canada and for the purposes of the conspiracy described hereinafter.

Daewoo

13. The Defendant Daewoo International Corporation (“Daewoo International”) is a business entity organized under the laws of South Korea, with its global headquarters in Seoul, Korea. Daewoo International is a successor in interest to the Daewoo Group which was dismantled in or around 1999. During the Conspiracy Period, Daewoo International manufactured, sold and/or distributed CRT Products to customers throughout Canada,

either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

14. The Defendant Daewoo Electronics Corporation f/k/a Daewoo Electronics Company Ltd. ("Daewoo Electronics") is a corporation organized under the laws of South Korea, with its principal place of business in Seoul, South Korea. Daewoo Electronics is a subsidiary of Daewoo International. Daewoo Electronics was, along with Daewoo Telecom Company, Daewoo Corporation, and Orion Electric Components Company (all of whom were members of what is known as the "Daewoo Group"), a major shareholder of Orion Electric Company ("Orion"), a South Korean corporation that filed for bankruptcy in 2004. During the Conspiracy Period, Orion was a major manufacturer of CRT Products. In 1995, approximately 85% of Orion's \$1 billion in sales was attributed to CRT Products. Orion was involved in CRT Products sales and manufacturing joint ventures and had subsidiaries all over the world, including South Africa, France, Indonesia, Mexico, and the United States. Defendants Daewoo Electronics and Orion were 50/50 joint venture partners in an entity called Daewoo-Orion Société Anonyme ("DOSA") in France. As of approximately 1996, DOSA produced 1.2 million CRTs annually. Daewoo sold DOSA's CRT business in or around 2004. In December 1995, Orion partnered with Defendant Toshiba Corporation and two other non-Defendant entities to form P.T. Tosummit Electronic Devices Indonesia ("TEDI") in Indonesia. TEDI was projected to have an annual production capacity of 2.3 million CRTs by 1999. During the Conspiracy Period, Daewoo Electronics manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, including Orion and DOSA.

15. The businesses of each of Daewoo International and Daewoo Electronics are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.

Hitachi

16. The Defendant Hitachi, Ltd. ("Hitachi") is a Japanese company with its principal place of business in Tokyo, Japan. Hitachi Ltd is the parent company for the Hitachi brand of CRT Products. During the Conspiracy Period, Hitachi manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, including Hitachi Europe Ltd.
17. The Defendant Hitachi Asia, Ltd. ("Hitachi Asia") is a company with its principal place of business in Singapore. Hitachi Asia is a wholly-owned subsidiary of Hitachi. During the Conspiracy Period, Hitachi Asia manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
18. The Defendant Hitachi America, Ltd. ("Hitachi America") is a New York company with its principal place of business in Brisbane, California. Hitachi America is a wholly-owned subsidiary of Hitachi. During the Conspiracy Period, Hitachi America manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly (through, *inter alia*, its HED Home Electronics Division) or indirectly through the control of its predecessors, affiliates and/or subsidiaries (such as Hitachi Home Electronics (America) Inc. or Hitachi Sales Corporation of Hawaii, Inc.).
19. The Defendant Hitachi Displays, Ltd. ("Hitachi Displays") is a Japanese company with its principal place of business in Tokyo, Japan. Hitachi Displays was originally established

as Mobara Works of Hitachi in Mobara City, Japan, in 1943. In 2002, all the departments involved in the display business of Hitachi were spun off to create a separate entity called Hitachi Displays. During the Conspiracy Period, Hitachi Displays manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

20. The Defendant Hitachi Electronic Devices (USA) ("Hitachi Electronic") Delaware corporation, with its principal place of business in Greenville, South Carolina. Hitachi Electronic is a wholly-owned and controlled subsidiary of Hitachi. During the Conspiracy Period, Hitachi Electronic manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
21. The Defendant Shenzhen SEG Hitachi Color Displays, Ltd. ("Shenzhen Hitachi") is a Chinese entity with its principal place of business in Shenzhen, China. Shenzhen Hitachi is a wholly-owned and controlled subsidiary of Hitachi Displays. During the Conspiracy Period, Shenzhen Hitachi manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
22. The Defendant Hitachi Canada, Ltd. ("Hitachi Canada") is a subsidiary of Hitachi America (55%) and Hitachi (45%). Hitachi Canada was established in 1971 and has its principal place of business in Mississauga, Ontario. During the Conspiracy Period, Hitachi Canada manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

23. The businesses of each of Hitachi, Hitachi Asia, Hitachi America, Hitachi Displays, Hitachi Electronic, Shenzhen Hitachi and Hitachi Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.

Irico

24. The Defendant Irico Group Corporation ("Irico") is a Chinese entity located in Xianyang City, China. During the Conspiracy Period, Irico manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
25. The Defendant Irico Group Electronics Co. Ltd. ("Irico Electronics") is a Chinese entity located in Xianyang City, China. Irico Electronics is owned by Irico. During the Conspiracy Period, Irico Electronics manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
26. The Defendant Irico Display Devices Co., Ltd. ("Irico Display") is a partially-owned subsidiary of Irico. Irico Display is a Chinese entity located in Xi'an, China. During the Conspiracy Period, Irico Display manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
27. The businesses of Irico, Irico Electronics and Irico Display are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.

LG Electronics

28. The Defendant LG Electronics, Inc. ("LG Electronics") is a business entity organized under the laws of Korea, with its global headquarters in Seoul, Korea. During the Conspiracy Period, LG Electronics manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, such as Zenith Electronics Corporation and LG Electronics Taiwan Taipei Co., Ltd.
29. The Defendant LG Electronics USA, Inc. ("LG USA") is a Delaware corporation, with its principal place of business in Englewood Cliffs, New Jersey. LG USA is a subsidiary of LG Electronics. During the Conspiracy Period, LG USA manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
30. The Defendant LG Electronics Canada ("LG Canada") is a wholly-owned subsidiary of LG Electronics, with its principal place of business in Mississauga, Ontario. During the Conspiracy Period, LG Canada manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
31. The businesses of LG Electronics, LG USA and LG Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.

LP Displays

32. The Defendant LP Displays International, Ltd. ("LP Displays") began as a joint venture between LG Electronics and Koninklijke Philips Electronics N.V. ("Philips"). The joint venture was created in 2001 under the name LG. Philips Display. In early 2006, LG.

Philips Display became insolvent, but disclosed in May 2006 that it would continue operations under the support of a syndicate of banks. In March 2007, the company announced that LG Electronics and Philips would lose control of the company and that the shares would be owned by financial institutions and private equity firms. On April 1, 2007, the company was renamed LP Displays International Ltd. LP Displays is organized under the laws of Hong Kong, China, with its principal place of business in Sheung Wan, Hong Kong, China. During the Conspiracy Period, LP Displays manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

33. Between June 2001 and March 2007, the business of LP Displays was inextricably interwoven with that of LG Electronics and Philips, and LP Displays was an agent of LG Electronics and Philips for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.

MT Picture Display

34. The Defendant MT Picture Display Co., Ltd. ("MT Picture"), formerly known as Matsushita Toshiba Picture Display Co., Ltd., was originally established in 1968, and became a joint venture of Matsushita and Toshiba Corporation ("Toshiba") in April 2003. The joint venture was established to integrate the global CRT operations of Matsushita and Toshiba. MT Picture operated as a joint venture until March 2007, when Matsushita acquired the remaining 35.5% equity interest in MT Picture from Toshiba and renamed the company MT Picture Display Co., Ltd. MT Picture is organized under the laws of Japan, with its principal place of business in Osaka, Japan. During the Conspiracy Period, MT Picture manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

35. After April 2003 (and in the case of Toshiba, prior to March 2007), the business of MT Picture was inextricably interwoven with that of Matsushita and Toshiba, and MT Picture was an agent of Matsushita and Toshiba for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.

Panasonic

36. The Defendant Panasonic Corporation ("Panasonic") f/k/a Matsushita Electric Industrial Co. Ltd. ("Matsushita") is a business entity organized under the laws of Japan, with its global headquarters in Osaka, Japan. The entity known as Matsushita operated under that name until October 1, 2008 when it changed its name to Panasonic Corporation. During the Conspiracy Period, Panasonic manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, including Matsushita Electronic Corporation (Malaysia) Sdn Bhd.
37. The Defendant Panasonic Corporation of North America ("Panasonic North America") is a Delaware corporation, with its principal place of business in Secaucus, New Jersey. Panasonic North America is a wholly-owned subsidiary of Panasonic. During the Conspiracy Period, Panasonic North America manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, such as Panasonic Digital Security & Imaging Co., Panasonic Logistics Co., Panasonic Broadcast & Television Systems Co., and Panasonic Company West of America.
38. The Defendant Panasonic Canada Inc. ("Panasonic Canada") is a wholly-owned subsidiary of Panasonic, with its principal place of business in Mississauga, Ontario. During the Conspiracy Period, Panasonic Canada manufactured, marketed, sold and/or

distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

39. The businesses of each of Panasonic, Panasonic North America, and Panasonic Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.
40. The Defendant Beijing Matsushita Color CRT Company, Ltd. ("Beijing Matsushita") is a Chinese company with its principal place of business in Beijing, China. Beijing Matsushita is a joint venture between the Beijing Matsushita Electronics Components Co. Ltd. and the Beijing municipal government. During the Conspiracy Period, Beijing Matsushita manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

Philips

41. The Defendant Koninklijke Philips Electronics N.V. ("Philips") is a business entity organized under the laws of The Netherlands, with its global headquarters in Amsterdam, The Netherlands. During the Conspiracy Period, Philips manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, including Philips Electronics Industries Ltd., Philips Electronics Industries (Taiwan) Ltd., and Philips da Amazonia Industria Electronica Ltda.
42. The Defendant Philips Electronics North America Corporation ("Philips NA") is a wholly-owned subsidiary of Philips, with its global headquarters in New York, New York. During the Conspiracy Period, Philips NA manufactured, marketed, sold and/or distributed CRT

Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

43. The Defendants Philips Electronics Ltd. ("Philips Canada") is a wholly-owned subsidiary of Philips, with its primary place of business in Markham, Ontario. During the Conspiracy Period, Philips Canada manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
44. The businesses of each of Philips, Philips NA, and Philips Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.

Samsung

45. The Defendant Samsung Electronics Co. Ltd. ("Samsung") is a business entity organized under the laws of South Korea, with its principal place of business in Seoul, Korea. During the Conspiracy Period, Samsung manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, including Samsung SDI (Malaysia) Sdn Bhd.
46. The Defendant Samsung SDI Co., Ltd. ("Samsung SDI"), formerly known as Samsung Display Device Co. Ltd., is a business entity organized under the laws of South Korea, with its global headquarters in Seoul, Korea. Samsung SDI is a wholly-owned and controlled subsidiary of Samsung. Samsung SDI is a public company, with Samsung being the majority shareholder with almost 20% of the stock. During the Conspiracy Period, Samsung SDI manufactured, marketed, sold and/or distributed CRT Products to

customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, including Samsung SDI Brazil Ltda.

47. The Defendant Samsung Electronics America, Inc. ("Samsung America") is a wholly-owned subsidiary of Samsung, with its principal place of business in Ridgefield, New Jersey. During the Conspiracy Period, Samsung America manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
48. The Defendants Samsung SDI America, Inc. ("Samsung SDI America") is a wholly-owned subsidiary of Samsung SDI, with its principal place of business in Irving California. During the Conspiracy Period, Samsung SDI America manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
49. The Defendant Samsung SDI Mexico S.A. de C.V. ("Samsung Mexico") is a Mexican company with its principal place of business in Tijuana, Mexico. Samsung Mexico is a wholly-owned and controlled subsidiary of Samsung SDI. During the Conspiracy Period, Samsung Mexico manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
50. The Defendant Shenzhen Samsung SDI Co. Ltd. ("Shenzhen Samsung") is a Chinese entity with its principal place of business in Shenzhen, China. Shenzhen Samsung is a wholly-owned and controlled subsidiary of Samsung SDI. During the Conspiracy Period, Shenzhen Samsung manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

51. The Defendant Tianjin Samsung SDI Co., Ltd ("Tianjin Samsung") is a Chinese entity with its principal place of business in Tianjin, China. Tianjin Samsung is a wholly-owned and controlled subsidiary of Samsung SDI. During the Conspiracy Period, Tianjin Samsung manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
52. The Defendant Samsung Electronics Canada Inc. ("Samsung Canada") is a wholly-owned subsidiary of Samsung, with its principal place of business in Mississauga, Ontario. During the Conspiracy Period, Samsung Canada manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
53. The businesses of each of Samsung, Samsung SDI, Samsung America, Samsung SDI America, Samsung Mexico, Shenzhen Samsung, Tianjin Samsung and Samsung Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, sale and/or distribution of CRT Products in Canada and for the purposes of the conspiracy described hereinafter.

Samtel

54. The Defendant Samtel Color, Ltd. ("Samtel") is an Indian company with its principal place of business in New Delhi, India. During the Conspiracy Period, Samtel manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

Tatung

55. The Defendant Tatung Company of America, Inc. ("Tatung America") is a wholly-owned subsidiary of Tatung Company. Tatung America's principal place of business is in Long

Beach, California. During the Conspiracy Period, Tatung America manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

56. The Defendant Tatung Co. of Canada Inc. ("Tatung Canada") is a wholly-owned subsidiary of Tatung Company, with its principal place of business in Markham, Ontario. During the Conspiracy Period, Tatung Canada manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
57. The businesses of each of Tatung America, Tatung Canada, and Tatung Company are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, marketing, sale and/or distribution of CRT Products in Canada and the conspiracy described hereinafter.

Toshiba

58. The Defendant Toshiba Corporation ("Toshiba") is a business entity organized under the laws of Japan, with its principal place of business in Tokyo, Japan. During the Conspiracy Period, Toshiba manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, including Toshiba Display Devices (Thailand) Company, Ltd.
59. The Defendant Toshiba America, Inc. ("Toshiba America") is a Delaware corporation, with its principal place of business in New York, New York. Toshiba America is a wholly-owned subsidiary of Toshiba. During the Conspiracy Period, Toshiba America manufactured, marketed sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries, such as Toshiba Hawaii Inc.

60. The Defendant Toshiba America Consumer Products, LLC ("Toshiba America Consumer") is a wholly-owned subsidiary of Toshiba through Toshiba America. Toshiba America Consumer's principal place of business is in Wayne, New Jersey. During the Conspiracy Period, Toshiba America Consumer manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
61. The Defendant Toshiba America Electronic Components, Inc. ("Toshiba America Electronic") is a wholly-owned and controlled subsidiary of Toshiba through Toshiba America. Toshiba America Electronic has its principal place of business in Irvine, California. During the Conspiracy Period, Toshiba America Electronic manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
62. The Defendant Toshiba America Information Systems, Inc. ("Toshiba America Information") is a wholly-owned and controlled subsidiary of Toshiba through Toshiba America. Toshiba America Information's principal place of business is in Irvine, California. During the Conspiracy Period, Toshiba America Information manufactured, marketed, sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.
63. The Defendant Toshiba of Canada Limited ("Toshiba Canada") is a wholly-owned subsidiary of Toshiba, with its principal place of business in Markham, Ontario. During the Conspiracy Period, Toshiba Canada manufactured, marketed sold and/or distributed CRT Products to customers throughout Canada, either directly or indirectly through the control of its predecessors, affiliates and/or subsidiaries.

64. The businesses of each of Toshiba, Toshiba America, Toshiba America Consumer, Toshiba America Electronic, Toshiba America Information and Toshiba Canada are inextricably interwoven with that of the other and each is the agent of the other for the purposes of the manufacture, sale and/or distribution of CRT Products in Canada and for the purposes of the conspiracy described hereinafter.

THE CRT INDUSTRY

65. During the Conspiracy Period, the CRT industry was structured in such a manner as to encourage and facilitate the conspiracy alleged within.

Substitutability

66. CRTs are manufactured in standard sizes and are interchangeable, such that a CRT of one manufacturer is readily substitutable for the CRT of another manufacturer. Price is the primary factor driving customer choice between CRT Products of the different manufacturers, and is the most important competitive factor for manufacturers of CRT Products.

Declining Demand

67. At the beginning of the Conspiracy Period, CRTs were the dominant display technology worldwide and most households in Canada owned at least one CRT Product. As an established technology, the CRT industry had recouped its initial research and development expenses before the Conspiracy Period. Thus, CRT manufacturers had little debt or interest expense on their facilities and the pressure to produce at full capacity was lessened. This provided for an environment in which collusion to fix prices, even at the risk of lower demand, was possible.
68. Since the advent of LCD and Plasma technology, the worldwide demand for CRT Products has diminished, particularly in North America, Europe and Japan. Price-fixing

conspiracies are more prevalent in industries with declining demand, as companies struggle to maintain profitability.

69. Demand for CRT Products is strong in developing areas, such as China, India and South America.
70. The global market for CRT Products remains significant. According to industry sources, the global CRT market is currently worth approximately US\$4.3 billion. The industry was worth approximately US\$24 billion in 1997.

Concentrated Market

71. The CRT market in Canada, and worldwide, is highly concentrated. The Defendants have an overwhelming percentage of the CRT business in Canada and worldwide. In 2002, three companies – LP Displays (formerly LG.Phillips Displays) (27%), Samsung SDI (24%) and Chunghwa (11%) controlled approximately 62% of the CRT market. In 2004, Samsung SDI, LP Displays, MT Picture Display, and Chunghwa collectively held 78% of the global market. This concentration of market share facilitated the Defendants' ability to implement the conspiracy.

Consolidation and Cooperation in the CRT Industry

72. There is a high degree of cooperation among competitors in the CRT industry. Involvement in long-standing joint ventures, in the CRT market and other closely related markets, gave the Defendants continuous opportunities to discuss pricing, capacity utilization and other prospective market information. The mutually beneficial nature of the business relations between Defendants provided both an opportunity and financial incentive to conspire.
73. There has been a trend towards consolidation in the CRT industry. In November 2000, LG Electronics and Philips entered into a joint venture that merged their CRT

operations. The resulting joint venture, LG. Philips Display (now LP Displays) entered into the market with a 25% market share, making it the second largest CRT manufacturer at the time. In 2002, Matsushita and Toshiba combined their CRT operations by forming Matsushita Toshiba Picture Display Co., Ltd. (now MT Picture Display Company). In 2004, Toshiba and Orion reached an agreement whereby Orion Electronic Co., Ltd. supplied CRT televisions for Toshiba.

74. Several of the major producers, including LG Electronics, Samsung, Philips and Matsushita, obtain CRTs from the same company – Samtel.

Trade Organizations

75. Many of the Defendants maintain close relationships through common membership in trade associations. For example, Chunghwa, Hitachi and Samsung are members of the Society for Information Display. Samsung and LG Electronics are two of the founders of the Korea Display Industry Association. LG Electronics, LP Displays and Samsung are members of the Electronic Display Industrial Research Association.
76. These trade association meetings facilitated the conspiracy by giving the Defendants further opportunities to discuss prices and capacity utilization for CRT Products. Through these trade associations and in meetings relating to these trade associations, the Defendants shared information that would normally be considered proprietary and competitively sensitive. This exchange of information was used to implement and monitor the conspiracy alleged herein.

Barriers to Entry

77. There exist substantial barriers to entry in the CRT market. Efficient manufacturing facilities are large, costly and take years to research, develop and construct. These barriers to entry, coupled with declining demand, served to ensure that new competitors would not enter the market and undercut the Defendants' artificially high prices.

CRT PRICES DURING THE CONSPIRACY PERIOD

78. During the Conspiracy Period, there were periods of unnatural and sustained price stability, and unexplained increases in prices of CRT Products. These trends are fundamentally inconsistent with a competitive market for a product that has a declining demand due to the introduction of newer and more popular technology.

79. These trends were also inconsistent with the natural trend that exists for most technology products – the prices for most technology products decrease over time. The CRT industry was mature and the costs of production was low relative to other emerging technologies. Notwithstanding, CRT prices remained stable over a period of many years. Even in periods of decreasing prices caused by external factors, such as the Asian currency crisis, which severely devalued Asian Currencies, the prices of CRTs did not decline as much as they would have absent the conspiracy. The price stability of CRTs was accomplished by the Defendants conspiring to fix prices and exchanging information about their prices, price moves and capacity utilization.

80. In early 1999, despite declining production costs and the rapid entry of flat panel technology, the prices for large-sized CRTs actually rose, purportedly as a result of increasing global demand for the product. Likewise, notwithstanding an oversupply of 17" CRTs in the second half of 1999, the average selling price for CRTs increased in early 2000.

81. During the Conspiracy Period, in order to keep prices high, the Defendants reduced their production capacity. According to a February 6, 2007 report from *DigiTimes*, the top eight CRT makers in China decided to suspend production for most of February to "keep prices stable".

VIOLATIONS ALLEGED

82. The Plaintiff alleges that during the Conspiracy Period, the Defendants and unnamed conspirators conspired and/or agreed with each other to enhance unreasonably the prices of CRT Products and to lessen unduly competition in the production, manufacture, sale and/or supply of CRT Products in North America. The Defendants' conspiracy was intended to, and did, moderate the downward pressure on prices of CRT Products caused by the entry and market penetration of LCD and Plasma technology.
83. During the Conspiracy Period, senior executives and employees of the Defendants and unnamed co-conspirators, acting in their capacities as agents for the Defendants and unnamed co-conspirators, engaged in communications, conversations and attended meetings with each other at times and places, some of which are unknown to the Plaintiff, and as a result of the communications and meetings the Defendants and unnamed co-conspirators unlawfully conspired and/or agreed to:
- (a) to enhance unreasonably the prices of CRT Products in North America;
 - (b) exchange information in order to monitor and enforce adherence to the agreed-upon prices for CRT Products;
 - (c) allocate the market share, customers, and/or to set specific sales volumes of CRT Products that each Defendant would supply in Canada; and
 - (d) lessen unduly competition in the production, manufacture, sale and/or supply of CRT Products in North America.
84. In furtherance of the conspiracy, during the Conspiracy Period, the following acts were done by the Defendants, their servants and agents, and unnamed co-conspirators:
- (a) they enhanced unreasonably the prices of CRT Products in North America;

- (b) they allocated the volumes of sales of, and customers and markets for CRT Products among themselves;
- (c) they reduced the supply of CRT Products;
- (d) they communicated secretly, in person and by telephone, to discuss and fix prices and volumes of sales of CRT Products;
- (e) they exchanged information regarding the prices and volumes of sales of CRT Products for the purposes of monitoring and enforcing adherence to the agreed-upon prices, volumes of sales and markets;
- (f) they refrained from submitting truly competitive bids for CRT Products in North America;
- (g) they submitted collusive, non-competitive and rigged bids for CRT Products in North America;
- (h) they took active steps to, and did, conceal the unlawful conspiracy from their customers; and
- (i) they disciplined any corporation which failed to comply with the conspiracy.

85. The Defendants and unnamed co-conspirators were motivated to conspire and their predominant purpose and intention was:

- (a) to harm the Plaintiff and members of the public by requiring them to pay artificially high prices for CRT Products; and
- (b) to unlawfully increase their profits on the sale of CRT Products.

86. The Canadian subsidiaries of the foreign Defendants participated in and furthered the objectives of the conspiracy by knowingly modifying their competitive behaviour in accordance with instructions received from their respective parent companies and thereby acted as agents in carrying out the conspiracy and are liable for such acts.
87. The acts particularized in paragraphs 82 to 86 were unlawful acts directed towards the Plaintiff and other purchasers of CRT Products, which unlawful acts the Defendants knew in the circumstances would likely cause injury to the Plaintiff and other purchasers of CRT Products and, as such, the Defendants are liable for the tort of civil conspiracy.
88. Further, or alternatively, the acts particularized in paragraphs 82 to 86 were unlawful acts undertaken by the Defendants with the intent to injure the Plaintiff and other purchasers of CRT Products and, as such, the Defendants are liable for the tort of intentional interference with economic interests.
89. Further, or alternatively, the acts particularized in paragraphs 82 to 86 are in breach of s. 45 of the *Competition Act* and render the Defendants liable to pay damages pursuant to s. 36 of the *Competition Act*. Further, or alternatively, the Canadian subsidiaries of the foreign Defendants are liable to the Plaintiff and the other class members pursuant to s. 36 of the *Competition Act* for acts in contravention of s. 46(1) of the *Competition Act*.

CANADIAN COMPETITION BUREAU INVESTIGATION

90. The Canadian Competition Bureau is investigating possible price-fixing in the Canadian CRT market. There have been no guilty pleas or convictions to date.

DAMAGES

91. The Plaintiff suffered the following damages:
 - (a) the price of CRT Products has been enhanced unreasonably at artificially high and non-competitive levels; and
 - (b) competition in the sale of CRT Products has been unduly restrained.

92. During the period covered by this claim, the Plaintiff purchased CRT Products. By reason of the alleged violations of the *Competition Act* and the common law, the Plaintiff paid more for CRT Products than it would have paid in the absence of the illegal conspiracy and, as a result, it has been injured in its business and property and has suffered damages in an amount presently undetermined.

93. The Plaintiff asserts that its damages and the damages of other persons who are similarly situated are capable of being quantified on an aggregate basis as the difference between the prices actually obtained by the Defendants and the prices which would have been obtained in the absence of the unlawful conspiracy.

94. The Plaintiff asserts that the Defendants' conduct was high-handed, outrageous, reckless, wanton, entirely without care, deliberate, callous, disgraceful, wilful, in contemptuous disregard of the Plaintiff's rights and the rights of others who are similarly situated, and as such renders the Defendants liable to pay aggravated, exemplary and punitive damages.

95. The Plaintiff's damages and those of other persons who are similarly situated have been suffered in the Province of Ontario and elsewhere in Canada.

96. The Plaintiff pleads and relies on the *Competition Act*, R.S. 1985, c. 19 (2nd Supp), ss. 36, 45 and 46.

97. The Plaintiff pleads and relies on section 17 (g), (h), (o) and (p) of the *Rules of Civil Procedure*, allowing for service ex juris of the foreign defendants. Specifically, this originating process may be served without court order outside Ontario on the basis that the claim is:

- (a) in respect of a tort committed in Ontario (rule 17.02(g));
- (b) in respect of damages sustained in Ontario arising from a tort or breach of contract wherever committed (rule 17.02(h));
- (c) against a person outside Ontario who is a necessary and proper party to this proceeding properly brought against another person served in Ontario (rule 17.02(o)); and
- (d) against a person carrying on business in Ontario (rule 17.02(p)).

98. The Plaintiff pleads and relies on the *Class Proceedings Act, 1992*.

99. The Plaintiff states that it is representative of persons in Canada who purchased CRT Products in Canada during the Conspiracy Period.

100. The Plaintiff proposes that this action be tried at London, Ontario.

DATE: July 29, 2008

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Plaintiff

and
HITACHI, LTD. et al..
Defendants

Court File No: 59044CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at London

Proceeding under the *Class Proceedings Act, 1992*

**SECOND FRESH AS AMENDED
STATEMENT OF CLAIM**

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