

## **NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING IN THE LCD CLASS ACTION LITIGATION**

**PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.**

**TO: All persons in Canada who purchased LCD panels (10” or larger measured diagonally) and/or televisions, computer monitors or laptop computers containing LCD panels, between September 21, 2001 and December 11, 2006.**

### **I. BACKGROUND**

Class proceeding lawsuits have been commenced in Ontario, British Columbia, and Quebec alleging that the Defendants, conspired to fix prices in the market for LCD panels (10” or larger measured diagonally) in Canada (collectively the “LCD Proceedings”). LCD panels are liquid crystal display panels or screens.

The Defendants in the LCD Proceedings are: LG Display Co., Ltd., LG Display America, Inc, Samsung Electronics Co. Ltd., Samsung Electronics Canada Inc., Hitachi Ltd., Hitachi Displays, Ltd., Hitachi Canada, Ltd., Hitachi America Ltd., Hitachi Electronics Devices (USA) Inc., Sharp Corporation, Sharp Electronics Corporation, Sharp Electronics of Canada Ltd., Toshiba Corporation, Toshiba Matsushita Display Technology Co., Ltd., Toshiba America Corporation, Toshiba of Canada Limited, AU Optronics Corp., AU Optronics Corporation America, Chi Mei Optoelectronics USA, INC., Chi Mei Optoelectronics Japan Co., Ltd., HannStar Display Corporation, Chunghwa Picture Tubes, Ltd., and Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation) (“Epson”).

A settlement has been reached in the LCD Proceedings with Epson. Pursuant to the settlement, Epson has paid Cdn \$1,200,000 in exchange for a full release of claims against it and its related entities relating to the pricing of LCD panels of all sizes and products containing such LCD panels. Epson has agreed to provide cooperation to the plaintiffs in pursuing the LCD Proceedings against the remaining Defendants. The settlement represents a resolution of disputed claims. Epson does not admit any wrongdoing or liability.

A previous settlement was reached with Chunghwa Picture Tubes, Ltd. (“Chunghwa”). Under the terms of that settlement, Chunghwa has paid Cdn \$2,023,000, which amount (less court approved counsel fees and disbursements) is being held in an interest bearing account for the benefit of settlement class members. In accordance with the terms of that settlement, Chunghwa has also provided cooperation to the plaintiffs in the continued prosecution of the LCD Proceedings. The Chunghwa settlement has been approved by the Ontario, British Columbia and Quebec courts.

### **II. EPSON SETTLEMENT APPROVAL HEARING**

A motion to approve the Epson settlement will be heard by the Ontario Court in the City of London on December 2, 2011 at 10:00 a.m., the British Columbia Court in the City of Vancouver on January 26, 2012 at 9:00 a.m., and the Quebec Court in the City of Quebec on

December 7, 2011 at 9:30 a.m. At these hearings, the Ontario, British Columbia and Quebec Courts will determine whether the Epson settlement agreement is fair, reasonable, and in the best interests of settlement class members.

Settlement class members who do not oppose the proposed settlement need not appear at the settlement approval hearings or take any other action at this time.

Settlement class members are entitled to file written submissions and/or appear and make submissions at the settlement approval hearings. Settlement class members who wish to exercise either of these rights must submit written submissions to the appropriate Class Counsel at the addresses listed below postmarked no later than November 22, 2011. The written submissions must state the nature of any comments or objections, and whether the settlement class member intends to appear at the settlement approval hearing. Class Counsel will forward all such submissions to the appropriate Court. All timely written submissions will be considered by the appropriate Court. If you do not file a written submission by the relevant deadline, you might not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearings.

### **III. OPTING OUT**

The deadline to opt out (exclude oneself) of the LCD Proceedings expired on April 10, 2011.

### **IV. CLAIMING PART OF THE SETTLEMENT FUNDS**

Class Counsel propose to hold the settlement funds in trust for the future benefit of settlement class members. A method for distributing the settlement funds will be submitted to the courts for approval at a later time. Once the courts have approved the method for distributing the settlement funds, another notice will be published and posted online at [www.classaction.ca](http://www.classaction.ca) regarding how the settlement funds will be distributed and the claims process.

### **V. CLASS COUNSEL**

The law firms of Siskinds<sup>LLP</sup> and Sutts, Strosberg<sup>LLP</sup> represent settlement class members in Ontario, and in provinces other than British Columbia or Quebec, as well as corporations of more than 50 employees in Quebec. Siskinds<sup>LLP</sup> can be reached at:

Telephone (toll free): 1-800-461-6166 ext. 2455

Email: [charles.wright@siskinds.com](mailto:charles.wright@siskinds.com)

Mail: 680 Waterloo Street, London, ON N6A 3V8 Attention: Charles Wright

Sutts, Strosberg<sup>LLP</sup> can be reached at:

Telephone (toll free): 1-800-229-5323 ext. 8296

Email: [harvey@strosbergco.com](mailto:harvey@strosbergco.com)

Mail: 600-251 Goyeau Street, Windsor, ON N9A 6V4 Attention: Harvey Strosberg

The law firm of Camp Fiorante Matthews represents settlement class members in British Columbia. British Columbia Class Counsel can be reached at:

Telephone: 604-689-7555

Email: [JJCamp@cfmlawyers.ca](mailto:JJCamp@cfmlawyers.ca)

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5 Attention: J.J. Camp

The law firm of Siskinds Desmeules s.e.n.c.r.l. represents individuals and corporations of 50 or less employees who are settlement class members in Quebec. Quebec Class Counsel can be reached at:

Telephone: 418-694-2009

Email: [simon.hebert@siskindsdesmeules.com](mailto:simon.hebert@siskindsdesmeules.com)

Mail: Les promenades du Vieux-Quebec, 43 rue De Buade, bureau 320, Quebec City, QC G1R 4A2 Attention: Me Simon Hébert.

Class Counsel legal fees and disbursements must be approved by the Courts. Class Counsel will collectively be requesting legal fees of up to 25% of the Epsom settlement funds, plus disbursements and applicable taxes to be approved by the Courts and paid out of the Epsom settlement funds. Class Counsel reserve the right to bring motions to the Courts for payment out of the Epsom settlement funds for any future adverse cost awards to a maximum of CDN \$250,000 and future disbursements to a maximum of CDN \$250,000.

## **VI. QUESTIONS ABOUT THE SETTLEMENTS**

This notice contains only a summary of the Epsom settlement agreement. Settlement Class Members are encouraged to review the complete Epsom settlement agreement, which is available online at [www.classaction.ca](http://www.classaction.ca). If you have questions that are not answered online at [www.classaction.ca](http://www.classaction.ca), please contact Class Counsel. **INQUIRIES SHOULD NOT BE DIRECTED TO THE COURT.**

Updates and copies of important court filings will be posted online at [www.classaction.ca](http://www.classaction.ca).

## **VII. INTERPRETATION**

This notice contains a summary of some of the terms of the Epsom settlement agreement. If there is a conflict between the provisions of this notice and the Epsom settlement agreement, the terms of the Epsom settlement agreement shall prevail.

This notice has been approved by the Ontario, British Columbia and Quebec courts.