

NOTICE OF SETTLEMENT APPROVAL HEARING IN THE CANADIAN LITHIUM BATTERY CLASS ACTION



TO: Persons in Canada who purchased Lithium Batteries (“LIBs”) or certain products containing LIBs (“LIB Products”) between January 1, 2000 to January 1, 2012.

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

1. WHAT IS A CLASS ACTION?

A class action is a lawsuit filed by one person on behalf of a large group of people.

2. WHAT ARE THESE CLASS ACTIONS ABOUT?

Lithium batteries, or “Lithium-ion batteries” or “LIBs” (an “LIB” or “LIBs”), are cylindrical, prismatic or polymer type of rechargeable batteries. These LIBs are sold separately or within consumer electronic products (“LIB Products”).

Class action lawsuits were commenced in Ontario, British Columbia, and Quebec alleging that several LIBs manufacturers (the “**Defendants**”) conspired to fix prices in the market for LIBs in Canada, and that this resulted in consumers, businesses, and other purchasers paying too much for LIBs and certain LIB Products purchased in Canada (collectively the “LIB Proceedings”). The LIB Proceedings ask that the courts require these Defendants to return any extra money that they may have received due to this alleged conspiracy.

3. WHAT SETTLEMENTS HAVE BEEN REACHED IN THE 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.

Panasonic Corporation, Panasonic Corporation of North America, Panasonic Canada Inc., and Sanyo Electric Co., Ltd. (collectively, “Panasonic”) have agreed to settle the LIB Proceedings for USD \$6,295,000 (converted to approximately CDN \$8,243,300) in exchange for a full release of the claims against them relating to the alleged price-fixing of LIBs.

This settlement is a compromise of disputed claims and Panasonic does not admit any liability, wrongdoing, or fault.

The Panasonic settlement is subject to court approval in both Ontario and Quebec. The approval hearings will take place in the Ontario court in the city of Toronto on **January 15, 2021, 10:00 a.m.** and in the Quebec court in the city of Montreal on **January 26, 2021, 10:00 a.m.** The courts will decide whether the Panasonic settlement is fair, reasonable, and in the best interest of settlement class members.

Depending on the status of the Covid-19 situation, it is possible that the hearings will proceed by videoconference, teleconference or in writing.

Panasonic are the last Defendants to reach a settlement. If approved, the settlement will end the class action lawsuits in Ontario, Québec, and British Columbia. Previous settlements have been achieved with:

- NEC Corporation and NEC Tokin Corporation (“NEC”) for CDN \$50,000;
- Samsung SDI Co., Ltd. and Samsung SDI America, Inc. (“Samsung”) for USD \$2,200,000;
- Sony Corporation, Sony Energy Devices Corporation, Sony Electronics, Inc. and Sony of Canada Ltd. (“Sony”) for CDN \$4,500,000;
- LG Chem, Ltd. and LG Chem America, Inc. for USD \$3,900,000 (converted to approximately CDN \$5,100,000);
- Toshiba Corporation, Toshiba America Electronic Components, Inc. and Toshiba of Canada Limited for CDN \$264,759.67; and
- Maxell Holdings, Ltd. (formerly known as Hitachi Maxell, Ltd.) and Maxell Corporation of America (“Maxell”) for USD \$300,000 (converted to approximately CDN \$390,000). The Maxell settlement also releases claims against Hitachi, Ltd., Hitachi Canada, Ltd., Maxell, Ltd., Maxell Canada, and Hitachi Maxell, Ltd.

Those previous settlements have received court approval and the settlement funds are being held in trust for the benefit of settlement class members.

4. WHO IS AFFECTED BY THE SETTLEMENTS?

The LIB Proceedings were certified or authorized as class proceedings as against Panasonic for the purposes of implementing the settlement agreement. If you are in the settlement class, you are affected by the settlement.

The Panasonic settlement class is defined as all persons in Canada who purchased LIBs (excluding LIBs designed for use in automobiles or other vehicles) and/or the following LIB Products : notebook or laptop computers, cellular phones including smartphones (excluding cellular phones acquired as part of a cellular phone service contract), tablet computers, e-book readers, MP3 players, personal digital assistants, handheld GPS, handheld video players and/or lithium ion battery packs, between January 1, 2000 to January 1, 2012, except the Defendants and certain entities related to the Defendants.

5. WHAT HAPPENS TO THE MONEY PAID UNDER THE SETTLEMENT?

At the settlement approval hearings, the courts will decide how the settlement funds will be distributed and how settlement class members can apply to receive money from all the settlements achieved in the LIB Proceedings.

The proposed distribution protocol is available online at www.siskinds.com/batteries/ or at www.recourscollectif.info/en/cases/batteries/.

Watch for another notice explaining how to claim money from the settlements. Register online at www.siskinds.com/batteries/ or at www.recourscollectif.info/en/cases/batteries/ to ensure that you are sent this notice by email or direct mail.

Meanwhile, you should keep all records of any purchases of LIBs and/or LIB Products between January 1, 2000 to January 1, 2012. Records include invoices, receipts, order confirmation emails, and bank statements.

6. HOW CAN I PARTICIPATE IN THE APPROVAL HEARINGS?

Settlement class members who do not oppose the proposed Panasonic settlement do not need to take any action at this time.

If you want to oppose the proposed Panasonic settlement or speak to the court at the hearings listed above, you must send your written submissions to the lawyers working on these cases ("Class Counsel") at the addresses listed below, postmarked no later than January 4, 2021. Your written submissions must include the following:

1. your full name, current mailing address, fax number (if any), telephone number and email address;
2. a brief statement of the nature or the reasons for objection;
3. your signature or the signature of your legal agent confirming your instructions; and
4. a statement as to whether you intend to appear at the settlement approval hearing in person or by counsel, and if by counsel, the name, address, telephone number, fax number and email address of counsel.

Class Counsel will forward all such submissions to the appropriate court. All written submissions will be considered by the appropriate court. If you do not send a written submission by January 4, 2021, you may not be entitled to participate in the settlement approval hearings.

If you want to attend the hearings, please contact Class Counsel for additional details.

7. WHAT IS THE STATUS OF THE CONTESTED LITIGATION?

A national class was certified in Ontario on behalf of all persons in Canada, except for Quebec. The class is defined as:

Non-Umbrella Purchasers:

All persons in Canada, except for Quebec, who, between January 1, 2000 and December 31, 2011 (the "Class Period"), purchased a Lithium Battery* manufactured by the Defendants and/or any of the following products containing a Lithium Battery manufactured by the Defendants: (1) notebook computers**; (2) cell phones, including smartphones***; (3) tablet computers; (4) e-book readers; (5) MP3 players; (6) personal digital assistants; (7) handheld GPS; (8) handheld video players; and/or (9) lithium ion

battery packs (collectively "LIB Products"). Excluded from the class are the Defendants and the Defendants' present and former parents, predecessors, subsidiaries and affiliates.

Umbrella Purchasers:

All persons in Canada, except for Quebec, who, between January 1, 2000 and December 31, 2011 (the "Class Period"), purchased a Lithium Battery* not manufactured by the Defendants and/or any of the following products containing a Lithium Battery not manufactured by the Defendants: (1) notebook computers**; (2) cell phones, including smartphones***; (3) tablet computers; (4) e-book readers; (5) MP3 players; (6) personal digital assistants; (7) handheld GPS; (8) handheld video players; and/or (9) lithium ion battery packs (collectively "LIB Products"). Excluded from the class are the Defendants and the Defendants' present and former parents, predecessors, subsidiaries and affiliates.

*a Lithium Battery is a cylindrical, pouch or prismatic rechargeable battery cell which uses lithium-ion technology.

**for greater certainty, a notebook computer includes a laptop computer

***excluding cell phones acquired as part of a cellular phone service contract.

The Quebec proceeding was authorized (certified) on behalf of persons resident in Quebec.

The Quebec class is defined as:

All persons who purchased, in Québec, between February 24, 2004 and September 30, 2008, one or more rechargeable lithium-ion Batteries ("Batteries") or one or more products equipped with one or more Batteries, excluding, however, Batteries to be installed in an automobile or other vehicle and vehicles equipped with such batteries.

If the Panasonic agreement is approved, the LIB Proceedings will be resolved in its entirety.

8. WHAT IF I DON'T WANT TO BE IN THE CLASS ACTIONS?

The deadline to opt out or exclude oneself as a settlement class member in the LIB Proceedings has passed.

9. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS AND HOW ARE THEY PAID?

The law firms of Siskinds LLP and Sotos LLP represent settlement class members in Ontario, and in provinces other than British Columbia or Quebec. Siskinds LLP can be reached at:

Telephone: 1-800-461-6166 x 2286

Email: lithiumionbatteries@siskinds.com

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

Sotos LLP can be reached at:

Telephone: 416-977-0007

Email: lithiumclassaction@sotosllp.com

Mail: 180 Dundas St W #1200, Toronto, ON M5G 1Z8 Attention: Jean-Marc Leclerc

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

Telephone: 604-689-7555

Email: LIB@cfmlawyers.ca

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5 Attention: David Jones

The law firm of Belleau Lapointe s.e.n.c.r.l. represents settlement class members in Quebec. Belleau Lapointe s.e.n.c.r.l. can be reached at:

Telephone: Toll free at 1-888-987-6701

Email: info@belleaulapointe.com

Mail: 300, Place d'Youville, Office B-10, Montréal, QC H2Y 2B6 Attention : Jean-Philippe Lincourt

As an individual, you do not have to pay the lawyers working on the LIB Proceedings any money. The lawyers will be paid from the money collected in the LIB Proceedings. The Ontario and Quebec courts will be asked to decide how much the lawyers will be paid. The lawyers will collectively be asking that the courts approve legal fees of up to 25% of the Panasonic settlement funds, plus disbursements and applicable taxes. Any approved legal fees will be paid out of the settlement funds. Class Counsel reserve the right to ask the courts to allow Class Counsel to use the settlement funds to pay for any future adverse costs award or future disbursements.

10. WHERE CAN I ASK MORE QUESTIONS?

For more information, please visit www.siskinds.com/batteries/ or www.recourscollectif.info/en/cases/batteries/. If you have questions, please contact Class Counsel at the numbers listed above.

11. INTERPRETATION

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