

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



TO: Persons in Canada who purchased a lithium battery (“LIB”) or certain products containing a LIB (“LIB Product”) in Canada between January 1, 2000 and December 31, 2011.

PLEASE READ THIS NOTICE CAREFULLY. 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 ARE THESE CLASS ACTIONS ABOUT?

Class action lawsuits were commenced in Ontario, British Columbia, and Quebec alleging that 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 companies to return any extra money that they may have received due to this alleged conspiracy.

III. WHAT SETTLEMENT HAS BEEN REACHED IN THE CLASS ACTIONS?

A settlement is when a defendant agrees to pay money to the members of a class action in exchange for being released from the case.

Maxell Holdings, Ltd. (formerly known as Hitachi Maxell, Ltd.) and Maxell Corporation of America (“Maxell”) have agreed to settle for USD \$300,000 in exchange for a full release of the claims against them relating to the alleged price-fixing of LIBs. The settlement also releases claims against Hitachi, Ltd., Hitachi Canada, Ltd., Maxell, Ltd., Maxell Canada, and Hitachi Maxell, Ltd.

Maxell also agreed to provide cooperation to the plaintiffs in pursuing the LIB Proceedings against the remaining defendants. The Maxell settlement is a compromise of disputed claims and Maxell does not admit any liability, wrongdoing or fault.

The Maxell settlement is subject to court approval in Ontario. The approval hearing will take place in the Ontario court in the city of Toronto on November 28, 2019 at 10:00am. At the approval hearing, the court will decide whether the settlement is fair, reasonable, and in the best interest of settlement class members.

Previous settlements were reached with:

- NEC Corporation and NEC Tokin Corporation for CDN \$50,000;
- Samsung SDI Co., Ltd. and Samsung SDI America, Inc. for USD \$2,200,000;
- Sony Corporation, Sony Energy Devices Corporation, Sony Electronics, Inc. and Sony of Canada Ltd. 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); and
- Toshiba Corporation, Toshiba America Electronic Components, Inc. and Toshiba of Canada Limited for CDN \$264,759.67.

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

IV. WHO IS AFFECTED BY THE SETTLEMENT?

You are affected by the settlement and part of the “settlement class”, if you purchased any of the following products in Canada between January 1, 2000 and December 31, 2011:

- **LIBs** (defined as lithium-ion rechargeable batteries, including battery cells and battery cells that have been assembled into packs, but excluding lithium-ion rechargeable batteries designed for use in automobiles or other vehicles); and/or
- **LIB Products** (defined as any product containing LIBs).

The defendants and entities related to the defendants are excluded from the settlement class.

V. WHAT STEPS SHOULD I TAKE NOW?

If you want to be a member of the LIB Proceedings, you do not need to do anything. However, there are two steps that you should take to protect your legal rights:

1. You should keep records of any purchases of LIB and/or products containing an LIB between January 1, 2000 and December 31, 2011. Records include invoices, receipts and bank statements.
2. You should register online at www.siskinds.com/batteries/ to receive updates about the LIB Proceedings.

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

If you want to oppose the proposed settlement or speak to the court at the approval hearing, you must send your written submissions to class counsel at one of the addresses listed below, postmarked no

later than November 22, 2019. Your submissions can be written in English or French, and must include the following:

1. your full name, mailing address, 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, and email address of counsel.

Class counsel will forward all such submissions to the court. All written submissions will be considered by the court. If you send written submissions in French, class counsel will make an unofficial translation available for use by the Ontario court. If you do not send a written submission by November 22, 2019, you may not be entitled to participate in the settlement approval hearing.

If you want to attend the hearing, please contact class counsel for additional details, including to discuss ways to have your objections heard orally before the Ontario court in French.

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

At this stage, the settlement funds (minus approved fees and expenses) will be held in an interest-bearing trust account. Later, the courts will decide how the settlement funds will be distributed and how you can apply to receive money from the settlement. Watch for another notice explaining how to claim money from the settlement. Register online at www.siskinds.com/batteries/ to ensure that you are sent this notice by email or direct mail.

VII. WHAT IS THE STATUS OF THE CONTESTED LITIGATION?

In Ontario, the contested litigation is continuing against: Panasonic Corporation, Panasonic Corporation of North America, Panasonic Canada Inc., Sanyo Electric Co., Ltd., Sanyo North America Corporation, and Sanyo Energy (U.S.A.) Corporation.

A national class was certified in Ontario on behalf of all persons in Canada. This means that the action can proceed as a class action and the common issues (as defined in the certification order) will be determined in a single proceeding on behalf of members of the Class. The Class is defined as:

All persons in Canada 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 computer**; (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, and any person who timely and validly opts out of the proceeding.

*a Lithium Battery is a 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.

In Quebec, the contested litigation is continuing against: Panasonic Corporation, Panasonic Corporation of North America, Panasonic Canada Inc., Sanyo Electric Co., Ltd., and Sanyo North America Corporation.

In a separate motion in Quebec, 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.

In Ontario, the non-settling defendants sought leave to appeal to the Supreme Court of Canada in relation to whether purchasers of LIBs manufactured by non-defendants have a cause of action and are properly included as part of the class.

Following the resolution of the leave motion and any resulting appeal in the Ontario action, the Ontario class will be amended to exclude Quebec residents and any other amendments necessary. Any such amendments will not affect the scope of the settlement classes.

VIII. 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.

IX. 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. 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: Linda Visser / Sylvia Flower

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 Mogerman LLP represents settlement class members in British Columbia. British Columbia Class Counsel can be reached at:

Telephone: 604-689-7555

Email: LIB@cfmlawyers.ca

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

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 court will be asked to decide how much the lawyers will be paid. The lawyers will collectively be asking that the court approve legal fees of up to 25% of the 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 court to allow class counsel to use the settlement funds to pay for any future adverse costs award or future disbursements. At a later hearing, class counsel will ask the court to approve the distribution of the remaining settlement funds to settlement class members.

X. WHERE CAN I ASK MORE QUESTIONS?

For more information, please visit www.siskinds.com/batteries/. If you have questions, please contact class counsel at the numbers listed above.

To receive future notices and updates regarding the class actions and any future settlements, register online at www.siskinds.com/batteries/.

XI. INTERPRETATION

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