

DID YOU PURCHASE LIBs (LITHIUM ION BATTERIES) OR CERTAIN PRODUCTS CONTAINING LIBs (LIB PRODUCTS) BETWEEN JANUARY 1, 2000 AND JANUARY 1, 2012?

**IF SO, APPLY NOW TO RECEIVE MONEY FROM CLASS ACTION SETTLEMENTS.
THE DEADLINE TO APPLY TO RECEIVE A PAYMENT IS DECEMBER 17, 2021.**

1. WHAT ARE THE CLASS ACTIONS ABOUT?

Class action lawsuits were commenced in Ontario, British Columbia, and Quebec alleging that several LIB manufacturers (the “Defendants”) conspired to fix prices for LIBs and LIB Products sold in Canada (collectively the “LIB Proceedings”).

In this notice:

- “LIB” means lithium ion batteries, a type of rechargeable batteries.
- “LIB Products” means the following products containing LIBs: laptop computers, notebook computers, tablet computers, e-book readers, MP3 players, personal digital assistants, handheld GPS, handheld video players, cellphones or smartphones (excluding cellphones acquired as part of a cellphone service contract), and replacement lithium-ion battery packs.

2. WHAT SETTLEMENTS HAVE BEEN ACHIEVED IN THE CLASS ACTIONS?

Settlements were reached with the following groups of Defendants:

Defendants	Settlement Amount
NEC Corporation and NEC Tokin Corporation	CDN \$50,000.00
Samsung SDI Co., Ltd. and Samsung SDI America, Inc.	USD \$2,200,000.00
Sony Corporation, Sony Energy Devices Corporation, Sony Electronics, Inc., and Sony of Canada Ltd.	CDN \$4,500,000.00
LG Chem, Ltd. and LG Chem America, Inc.	USD \$3,900,000.00
Toshiba Corporation, Toshiba America Electronic Components, Inc., and Toshiba of Canada Limited	CDN \$264,759.67
Maxell Holdings, Ltd. and Maxell Corporation of America	USD \$300,000.00
Panasonic Corporation, Panasonic Corporation of North America, Panasonic Canada Inc., and Sanyo Electric Co., Ltd.	USD \$6,295,000.00

All of these settlements have received court approval. The settling Defendants do not admit any wrongdoing or liability. The settlements resolve the proceedings in full.

3. DISTRIBUTION OF SETTLEMENT FUNDS

A. Amount Available for Distribution

The settlements achieved in this litigation total approximately CDN \$21.3 million. The aggregate settlement funds, plus any costs awards and interest, and less court-approved legal fees, disbursements, administration expenses, and applicable taxes (“Net Settlement Amount”), are available for compensation to eligible Settlement Class Members (defined below). The Net Settlement Amount equals approximately CDN \$13 million.

The Ontario and Quebec courts approved a protocol for distributing the Net Settlement Amount. A copy of the Distribution Protocol is available at www.batteriesettlement.ca.

B. Persons Eligible to Claim

Settlement Class Members are eligible to file a claim. Settlement Class Members are all persons in Canada who purchased LIBs or LIB Products between January 1, 2000 and January 1, 2012, except the Defendants and certain parties related to the Defendants.

Settlement Class Members can claim with respect to all LIBs or LIB Products purchased, regardless of the manufacturer or brand.

C. How Settlement Funds will be Distributed

Subject to further court order, Settlement Class Members who file undocumented claims will receive \$20.00.

The Net Settlement Amount remaining after paying undocumented claims will be distributed to eligible Settlement Class Members *pro rata* (proportionately) based on the value of the Settlement Class Member's Point Total, as compared to the value of all qualifying Settlement Class Members' Point Totals. Because settlement benefits are being distributed *pro rata*, the amount payable to individual claimants will not be known until after the claims process is complete.

D. Calculation of Points Total

For the purpose of the distribution, a Settlement Class Member's Point Total will be calculated based on: (a) the Settlement Class Member's LIB or LIB Product purchases (based on assigned point values for LIBs or LIB Products); and (b) the categorization of the Settlement Class Member.

(a) The Settlement Class Member's LIBs or LIB Product Purchases

The following values will be assigned for the purposes of determining the Settlement Class Member's Point Total. This Point Total reflects the number and value of LIB cells within an LIB Product:

LIB/LIB Product	Point Value
notebook computer or replacement battery	6
laptop computer or replacement battery	6
tablet computer or replacement battery	1
e-book reader or replacement battery	1
MP3 player or replacement battery pack	1
personal digital assistant or replacement battery pack	1
handheld GPS or replacement battery pack	1
handheld video player or replacement battery pack	2
cellphone/smartphone or replacement battery pack [excluding phones acquired as part of a cellphone service contract]	1

(b) The Categorization of the Settlement Class Member

Settlement Class Members will be categorized into purchaser groups depending on their position in the distribution chain. Settlement Class Members can fall within multiple purchaser groups. The purchaser groups are as follows:

- Direct Purchaser End Users are Settlement Class Members who purchased LIBs or LIB Products for their own use and not for commercial resale directly from a Defendant or an entity related to a Defendant. LIB or LIB Product purchases made in the capacity of a Direct Purchaser End User will be valued at 100%.
- Direct Purchaser Resellers are Settlement Class Members who purchased LIBs or LIB Products for commercial resale directly from a Defendant or an entity related to a Defendant. LIB or LIB Product purchases made in the capacity of a Direct Purchaser Reseller will be valued at 25%.
- Other Purchaser End Users are Settlement Class Members who purchased LIBs or LIB Products for their own use and not for commercial resale, from an entity that is not a Defendant or related to a Defendant, including a non-Defendant manufacturer. LIB or LIB Product purchases made in the capacity of an Other Purchaser End User will be valued at 80%.
- Other Purchaser Resellers are Settlement Class Members who purchased LIBs or LIB Products for commercial resale, from an entity that is not a Defendant or related to a Defendant, including a non-Defendant manufacturer. LIB or LIB Product purchases made in the capacity of an Other Purchaser Reseller will be valued at 15%.

(c) Sample Calculation

If a Direct Purchaser Reseller purchased 100,000 laptop computers, the Point Total for the purpose of determining its *pro rata* share of the Net Settlement Amount remaining after Undocumented Claims are paid would be calculated as follows:

600,000 (representing 100,000 laptop computers with each having a point value of 6) x .25 (representing the categorization of the Settlement Class Member) = 150,000

Assuming the value of all qualifying Settlement Class Members' Point Totals equals 10 million, this Settlement Class Member would be entitled to 0.015% (150,000/10 million) of the portion of the Net Settlement Amounts remaining after Undocumented Claims are paid out.

(d) Minimum Payments

Notwithstanding the above and subject to further order of the Ontario court, all Settlement Class Members with valid claims will receive a minimum payment of \$20.00. The \$20.00 valuation target is not an estimate of any damages suffered. It is a minimum administrative threshold designed to maintain a feasible economic and administrative platform for the settlement distribution.

4. APPLYING TO RECEIVE A PAYMENT

(a) Filing a claim

Settlement Class Members who wish to apply for compensation under the settlements must apply no later than December 17, 2021. Claims that are not made before the deadline may not be eligible for compensation. You can apply online to receive a payment at www.batteriesettlement.ca. If you do not have internet access, but wish to apply to receive a payment, please contact the Claims Administrator at 1-866-726-4080.

(b) Proof of Purchase and Undocumented Claims

If a Settlement Class Member wishes to be eligible to receive more than \$20.00, proof of purchase is required. Where possible, Settlement Class Members will be able to rely on sales records provided by the Defendants to establish their purchases of LIBs or LIB Products. Settlement Class Members may also rely on their own purchase records.

Undocumented purchases: Recognizing that some Settlement Class Members will not have retained proof of purchase, Settlement Class Members can file claims in respect of LIB or LIB Product purchases that are not supported by documentary proof of purchase. Subject to further court order, Settlement Class Members who file Undocumented Claims are eligible to receive \$20.00.

Settlement Class Members who wish to claim for more than \$20.00 must support their claim with proof of purchase.

Relying on Defendants' data: Where possible, Settlement Class Members will be able to rely on the Defendants' sales records to establish their purchases. Where available, this information will be provided by email or letter by the Claims Administrator and will be pre-populated on the online claims portal. Settlement Class Members who exclusively rely on Defendants' sales data will not be required to provide further proof of purchase.

Relying on purchase records: Where sales data is not available and/or a Settlement Class Member claims for purchases of LIBs or LIB Products in addition to those substantiated by the Defendants' data, the Settlement Class Member must provide proof of purchase. This may take the form of:

- invoices, receipts, delivery or packing slips, purchase records, or historical accounting records; or
- a declaration attesting to the units purchased, together with substantiating documentation that is acceptable to the Claims Administrator. See the Distribution Protocol for more detailed requirements.

Extrapolating purchases: Where a Settlement Class Member does not have all purchase records for the period between January 1, 2000 and January 1, 2012, the Settlement Class Member can extrapolate its LIB or LIB

Product purchases based on existing purchase records between January 1, 2000 and January 1, 2012, or after that period. The Settlement Class Member must provide the basis of the extrapolation and proof that the Settlement Class Member was fully operational during the period in which the purchases are being extrapolated.

5. CLAIMS ADMINISTRATOR

The courts have appointed RicePoint Administration Inc. (an independent thirdparty) to receive and review claims, determine eligibility for payments, and issue payments to eligible Settlement Class members.

Questions regarding the claims process should be directed to RicePoint Administration Inc. at 1-866-726-4080 or batteriesettlement@ricepoint.com.

6. CLASS COUNSEL AND LEGAL FEES

The law firms of Siskinds and Sotos represent Settlement Class Members in Ontario, and in provinces other than British Columbia or Quebec.

Siskinds LLP can be reached at:

Telephone (toll-free): 1-800-461-6166

Email: lithiumionbatteries@siskinds.com

Mail: 680 Waterloo Street, 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 Mogerman LLP represents Settlement Class Members in British Columbia. Camp Fiorante Matthews Mogerman LLP can be reached at:

Telephone: 604-689-7555

Email: LIB@cfmlawyers.ca

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5, Attention: Chelsea Hermanson

The law firm of Belleau Lapointe s.e.n.c.r.l. represents individuals and corporations who are Settlement Class Members in Québec. Belleau Lapointe can be reached at:

Telephone (toll-free): 1-888-987-6701

Email: info@belleaulapointe.com

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

You do not need to pay out-of-pocket for the lawyers working on the class actions. The lawyers were paid from the settlement funds in the amount approved by the courts.

7. QUESTIONS ABOUT THE SETTLEMENTS

More information about the settlements, the distribution of the settlement funds and the claims process is available online at www.batteriesettlement.ca, by email at batteriesettlement@ricepoint.com or by calling toll-free 1-866-726-4080.

8. INTERPRETATION

This notice contains a summary of some of the terms of the settlement agreements and the distribution protocol. If there is a conflict between the provisions of this notice and the settlement agreements (including the appendices) and/or the distribution protocol, the terms of the settlement agreements and/or distribution protocol shall prevail.