



Did you purchase LCD Panels and/or televisions, computer monitors or laptop computers containing LCD Panels between January 1998 and December 2006?

**IF SO, APPLY NOW TO RECEIVE MONEY FROM CLASS ACTION SETTLEMENTS.**

**PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.  
THE DEADLINE TO APPLY TO RECEIVE A PAYMENT IS JANUARY 19, 2018.**

**This notice applies to: Persons in Canada who purchased LCD (liquid crystal display) panels 10" or larger measured diagonally ("LCD Panels") and/or televisions, computer monitors or laptop computers containing LCD Panels ("LCD Products") between January 1, 1998 and December 11, 2006, except the defendants and certain parties related to the defendants (the "settlement class" or "settlement class members").**

This notice addresses what the Class Action is about, the settlements achieved in the Class Action, the distribution of the settlement funds and the status of the contested litigation.

**I. WHAT IS THE CLASS ACTION ABOUT?**

Class action lawsuits have been commenced in Ontario, British Columbia, and Quebec alleging that the Defendants conspired to fix prices in the market for LCD Panels and LCD Products in Canada (collectively the "LCD Proceedings").

**II. COURT APPROVED SETTLEMENTS**

Settlements have been reached in the LCD Proceedings with the following Defendants:

<b>Settled Defendant(s)</b>	<b>Settlement Amount</b>
Chunghwa Picture Tubes, Ltd. ("Chunghwa")	CDN\$2,023,000
Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation) ("Epson")	CDN\$1,200,000
Samsung Electronics Co., Ltd and Samsung Electronics Canada Inc. (collectively, "Samsung")	CDN\$21,250,000
Innolux Corporation (successor to Chi Mei Optoelectronics Corporation) ("Innolux")	CDN\$10,000,000

Settled Defendant(s)	Settlement Amount
Japan Display Inc. (successor to Hitachi Displays, Ltd.) (“JDI”) on its behalf and on behalf of Hitachi Ltd., Hitachi Canada, Ltd., Hitachi America Ltd., Hitachi Electronics Devices (USA) Inc.	CDN\$3,150,000
Toshiba Corporation, Toshiba Mobile Display Co., Ltd. (formerly known as Toshiba Matsushita Display Technology Co., Ltd. and subsequently known as Japan Display Central Inc. and now part of Japan Display Inc.), Toshiba America Inc. (incorrectly named as Toshiba America Corporation), and Toshiba of Canada Limited (collectively “Toshiba”)	USD\$2,150,000
AU Optronics Corporation and AU Optronics Corporation America (collectively “AU Optronics”)	USD\$8,680,000
LG Display Co., Ltd., LG Philips LCD Co., Ltd., LG Display America, Inc. and LG Philips LCD America, Inc. (collectively “LG”)	CDN\$21,200,000
HannStar Display Corporation (“HannStar”)	CDN\$2,050,000

In addition to the above-noted monetary benefits, each of the above-listed settlements requires the settling defendants to provide cooperation to the Plaintiffs in the continued prosecution of the LCD Proceedings. All of these settlements have received court approval. The settled defendants do not admit any wrongdoing or liability.

The Chunghwa, Epson, Samsung, Innolux and JDI settlement funds (less court approved counsel fees and disbursements) were distributed to eligible class members in 2015. The Toshiba, AU Optronics, LG and HannStar settlement funds (less court approved fees and disbursements) are being held in trust for the benefit of settlement class members.

The litigation is continuing against Sharp Corporation, Sharp Electronics Corporation and Sharp Electronics of Canada Ltd.

### III. DISTRIBUTION OF SETTLEMENT FUNDS

#### A. Amount Available for Distribution

The Toshiba, AU Optronics, LG and HannStar settlement amounts total approximately CDN \$37.5 million. The aggregate Toshiba, AU Optronics, LG and HannStar settlement funds, plus residual funds from the previous distribution and interest, less court approved legal fees, disbursements, administration expenses, applicable taxes, and a holdback for litigation costs (the “Net Settlement Amount”), are available for compensation to settlement class members. The Net Settlement Amount equals approximately \$25.8 million.

The Ontario, British Columbia and Quebec Courts approved a protocol for distributing the Net Settlement Amount. A copy of the distribution protocol is available at [www.lcdclassactioncanada.com](http://www.lcdclassactioncanada.com).

## **B. Persons Eligible to Claim**

All settlement class members (as defined at the top of page 1) are eligible to file a claim. Although settlements have only been reached with certain defendants, settlement class members can claim with respect to all LCD Panel and LCD Product purchases, regardless of the manufacturer or brand.

For the purpose of this distribution, settlement class members are divided into two groups:

- Original Claimants: means eligible claimants who received payment as part of the first distribution of settlement funds (as noted above, the first round of settlements were distributed in 2015). As part of the first distribution, Original Claimants received 2.45% of their eligible LCD purchases (calculated in accordance with D below).
- New Claimants: means claimants who did not receive payment as part of the first distribution, and includes eligible claimants who filed late claims in the first distribution.

## **C. How Settlement Funds will be Distributed**

### **Step 1: Payment to New Claimants**

New Claimants will be paid up to 2.45% of their eligible LCD purchases (calculated in accordance with D below). If there are not sufficient funds to pay New Claimants 2.45% of their eligible purchases, the payments will be reduced proportionately.

### **Step 2: Payment to all claimants (if sufficient funds available)**

If there are sufficient funds remaining after any New Claimants are paid 2.45% of their eligible LCD purchases (calculated in accordance with D below), a further distribution will be made to all eligible claimants.

The further distribution will be made on a prorata basis to all qualifying claimants. In other words, each individual claimant's share in the settlement benefits will be proportional to the value of that claimant's eligible LCD purchases relative to the value of all claimants' eligible LCD purchases. Because settlement benefits are being distributed prorata, the amount payable to individual claimants will not be known until after the claims process is complete.

## **D. Calculation of Eligible LCD Purchases**

For the purpose of the distribution, eligible LCD purchases will be calculated based on: (i) the value of the LCD Panels and LCD Products purchased; (ii) the relative value of the LCD Panel within an LCD Product; and (iii) the categorization of settlement class members.

### **i. Value of the Product Purchased**

Claimants may provide proof of purchase indicating the dollar value of their LCD Panel and/or LCD Product purchases. Where a claimant does not provide proof of purchase, the following values will be assigned:

- LCD panels - \$560

- LCD televisions - \$1,500
- LCD monitors - \$700
- LCD notebook computers - \$2,250

ii. Relative Value of the LCD Panel

For the purpose of calculating payment of settlement benefits, the following values will be applied:

- LCD Panels – 100% of the LCD Panel purchases
- LCD televisions – 40% of the LCD Product purchases
- LCD monitors – 80% of the LCD Product purchases
- LCD notebook computers – 15% of the LCD Product purchases

These values take into account the relative value of the LCD Panel in relation to the total value of the LCD Product.

iii. Categorization of Settlement Class Members

Settlement class members can be categorized into one of four purchaser groups depending on from whom the product was purchased and the purpose for which the product was purchased.

The purchaser groups are as follows:

- Direct Purchaser End User: means a Settlement Class Member in respect of purchases of LCD Panels and/or LCD Products for its own use and not for commercial resale direct from a Defendant or an entity related to a Defendant or where the purchase price of the LCD Panels and/or LCD Products was negotiated directly with a Defendant or an entity related to a Defendant. Purchases will be calculated based on 100% of eligible LCD Panel and/or LCD Product purchases.
- Indirect Purchaser End User: means a Settlement Class Member in respect of purchases of LCD Panels and/or LCD Products for its own use and not for commercial resale, other than a Direct Purchaser End User. Purchases will be calculated based on 80% of the eligible LCD Panel and/or LCD Product purchases.
- Direct Purchaser Reseller: means a Settlement Class Member in respect of purchases of LCD Panels and/or LCD Products for commercial resale direct from a Defendant or an entity related to a Defendant or where the purchase price of the LCD Panels and/or LCD Products was negotiated directly with a Defendant or an entity related to a Defendant. Purchases will be calculated based on 25% of the eligible LCD Panel and/or LCD Product purchases.
- Indirect Purchaser Reseller: means a Settlement Class Member in respect of purchases of LCD Panels and/or LCD Products for commercial resale, other than a Direct Purchaser Reseller. Purchases will be calculated based on 15% of the eligible LCD Panel and/or LCD Product purchases.

Settlement class members can fall within multiple purchaser groups. For example, a retailer might purchase LCD monitors for resale and for use by employees. Assuming the retailer purchased directly from a Defendant, the retailer would qualify as a Direct Purchaser Reseller for the LCD monitors that are purchased for resale and a Direct Purchaser End User for the LCD monitors purchased for use by employees.

iv. Sample Calculations

Sample 1: If an Indirect Purchaser End User purchased an LCD television valued at \$2,000, its eligible LCD purchases for the purpose of determining its prorata share of the Net Settlement Amount would be calculated as follows:

$\$2,000 \times .40$  (representing the product purchased)  $\times .80$  (representing the categorization of the settlement class member) = \$640.

Sample 2: If a Direct Purchaser Reseller purchased LCD notebook computers valued at \$1,000,000 and LCD monitors valued at \$2,000,000, its eligible LCD purchases for the purpose of determining its prorata share of the Net Settlement Amount would be calculated as follows:

LCD notebook computers:  $\$1,000,000 \times .15$  (representing the product purchased)  $\times .25$  (representing the categorization of the settlement class member) = \$37,500

LCD monitors:  $\$2,000,000 \times .8$  (representing the product purchased)  $\times .25$  (representing the categorization of the settlement class member) = \$400,000

Total: \$437,500

These numbers do not reflect the actual amount to be paid to settlement class members, but rather the value of their eligible LCD purchases for the purpose of determining their prorata share in the Net Settlement.

v. Minimum payments

Notwithstanding the above, New Claimants with valid claims will receive a minimum payment of \$20. If the New Claimant's prorata entitlement is less than \$20, the New Claimant will have to account for that fact in any further distribution.

If the further prorata distribution would result in payments of \$10-\$19.99 to an Original Claimant, the payment will be increased to \$20. The Original Claimant will have to account for the fact that their claim was increased beyond their prorata entitlement in any subsequent distribution.

If the further prorata distribution would result in payments of less than \$10 to an Original Claimant, no additional payment will be issued to the Original Claimant. Regard will be given in any subsequent distribution to the fact that the Original Claimant did not receive payment in this distribution.

#### IV. APPLYING TO RECEIVE A PAYMENT

##### i. How to Apply to Receive a Payment

You can apply to receive a payment online at [www.lcdclassactioncanada.com](http://www.lcdclassactioncanada.com). If you do not have Internet access, but wish to apply to receive a payment, please contact the claims administrator at **1-888-663-7195**.

Original Claimants: Original Claimants will be asked to confirm the information provided in the context of the first distribution. This information will be pre-populated on the online claim portal.

New Claimants: New Claimants must file a properly completed claim, together with the required supporting documents. See (iii) for information about proof of purchase.

##### ii. The Deadline for Applying to Receive a Payment

The deadline for applying to receive a payment is **January 19, 2018**. Subject to the direction of the Ontario court, claims that are not made within the deadline will not be eligible for compensation.

##### iii. Proof of Purchase & Undocumented Claims

As part of the claims process, settlement class members are required to establish their LCD Product purchases. Where possible, settlement class members who purchased directly from a Defendant will be able to rely on the Defendants' sales records to establish their purchases. This information will be provided by email or letter from the claims administrator and will be pre-populated on the online claims portal.

Where a settlement class member did not purchase directly from a Defendant or sales data is not available, the settlement class member can provide other documentary proof of purchase. Please refer to the distribution protocol or the Frequently Asked Questions (available online at [www.lcdclassactioncanada.com](http://www.lcdclassactioncanada.com)) for more information.

Recognizing that some settlement class members will not have retained proof of purchase, settlement class members can file claims in respect of LCD Product and LCD Panel purchases that are not supported by documentary proof of purchase. Settlement class members can claim up to two undocumented LCD Product or LCD Panel purchases.

Original Claimants need only provide new information (including proof of purchase) if they are applying to receive payments in respect of additional purchases. Original Claimants who claimed in respect of two undocumented LCD Product or LCD Panel purchases, cannot claim in respect of additional purchases unless they provide proof of purchase.

Where a settlement class member has filed a claim not supported by documentary proof of purchase or the proof of purchase does not disclose the value of the LCD Product or LCD Panel, the LCD Product or LCD Panel will be assigned the values listed on page 3.

Where a settlement class member purchased LCD Products as part of a package (i.e., your LCD monitor was purchased as part of a desktop computer) and the proof of purchase does not provide a specified cost for the LCD Products, the LCD Products will also be valued based on the amounts listed on page 3.

iv. Claims Administrator

The courts have appointed RicePoint Administration Inc. (an independent third-party) to receive and review claims, make determinations in respect of entitlement to direct payment of settlement benefits, and issue payments to eligible settlement class members.

Questions regarding the claims process should be directed to RicePoint Administration Inc. at [LCD@npricepoint.com](mailto:LCD@npricepoint.com) or 1-888-663-7195.

v. Applying for payment under any Subsequent Settlement(s)

The litigation is continuing against the Sharp Defendants. If a subsequent settlement or award is achieved, settlement class members can elect to rely on the claim filed as part of the first distribution and/or this distribution. Settlement class members will be provided an opportunity to supplement their claims, if they choose to do so.

**V. STATUS OF THE CONTESTED LITIGATION**

The litigation is continuing against Sharp Corporation, Sharp Electronics Corporation, and Sharp Electronics of Canada Ltd (the "Sharp Defendants")

On May 26, 2011, the action was certified as a class proceeding by the Ontario Superior Court of Justice. Certification was upheld by the Ontario Divisional Court on December 24, 2015. This means that the common issues set out below will be determined in a single proceeding on behalf of members of the Class (defined below).

The court has not taken any position as to the likelihood of recovery on the part of the Class, or as to the truth or merits of the claims or defences asserted by either side. The allegations made by the representative plaintiff have not been proven in court.

The litigation is now in the discovery stage. The parties are in the process of documentary discovery, which involves the parties exchanging their relevant documents. After documentary discovery is complete, the next step will be oral examinations for discovery (this involves asking each other's representatives questions about the matters at issue in the litigation). Once discoveries are complete (assuming that no settlement has been achieved), there will be a trial of the common issues.

i. The Class

By court order, the Class of persons affected by this lawsuit include:

All persons in Canada (excluding defendants and their respective parents, employees, subsidiaries, affiliates, officers and directors) who purchased LCD Panels<sup>1</sup> or LCD Products<sup>2</sup> directly from a defendant or any entity affiliated with a defendant, an Original Equipment Manufacturer<sup>3</sup> or a Distributor<sup>4</sup> in Canada between January 1, 1998 and December 11, 2006.

<sup>1</sup> LCD Panels means liquid crystal display panels that are 10 inches or larger, measured diagonally.

<sup>2</sup> LCD Products means televisions, computer monitors and laptops containing LCD Panels.

<sup>3</sup> Original Equipment Manufacturer means any of the following entities or any company affiliated with any of the following entities: Acer Inc. (including the Gateway brand), Alco Holdings Limited, Apple Canada Inc., Associated Industries China, Inc., Bang & Olufsen A/S, Compaq Computer Corporation, Dell Corporation, Fujitsu Limited, Hewlett-Packard Development Company, L.P., IBM Corporation, JVC Canada, LG Electronics, Lenovo Group Limited, Mitsubishi Electric Corporation, MSI Electronics (Kunshan) Co., Ltd., NESO Technology Inc., Panasonic Corporation, Koninklijke Philips Electronics N.V., Planar Systems, Inc., Polaroid Corporation, Prima Technology Inc., Proview Technology Inc., Sony of Canada Ltd. (including Shanghai Suoguang Visual Products Co., Ltd.), Stealth Computer Corporation, TCL Corporation and TTE Corporation (including the RCA brand), ViewSonic Corporation, Westinghouse Digital Electronics, and Xiamen Overseas Chinese Electronic Company, Ltd. (or XOCECO).

<sup>4</sup> Distributor means any of the following entities or any company affiliated with any of the following entities: ALC Micro, All American Semiconductor, Inc. (including AGD Electronics Limited), CDW Corporation, Computer Distributors of Canada, Comtronic Computer Inc., D&H Distributing Co., Daiwa Distribution Inc., Dynamic Digital Technologies Inc., Empire Canada System, Eprom Inc., Funai Electric Co., Ltd., Hartco Corporation (including Multimicro Inc.), Ingram Micro Inc., Insight Enterprises, Inc., International Computer Graphics, Inc., Megatech Integrated Services Ltd., Mini Micro Canada, Pro-Data Inc., Stampede Presentation Products, Inc., Supercom, Synnex Canada Limited, Tech Data Canada Corporation, TigerDirect, Inc., and TTX Canada.

ii. The Common Issues

The proceeding was certified on behalf of the Class in respect of the common issues listed below. This means that these issues will be determined as part of the common issues trial on behalf of the Class. The common issues trial will proceed in two stages. The first stage of the common issues trial will address the common issues relating to the fact of conspiracy (common issues (a)(i)-(iii), (b)(i), (c), (e), (g)). If the plaintiff is successful on establishing fact of conspiracy, the second stage of the common issues trial would address the remaining common issues.

- (a) Are the Defendants, or some of them, liable for conspiracy to fix prices for LCD Panels and/or LCD Products?
  - (i) Did the Defendants and/or any unnamed co-conspirators unlawfully conspire with each other to limit or lessen, unduly, the production of LCD Panels and/or LCD Products, or to enhance, unreasonably, the price of LCD Panels and/or LCD Products?

- (ii) Was the Defendants' unlawful conduct directed towards the Plaintiff and other class members?
  - (iii) Did the Defendants know or ought they have known, in the circumstances, that injury to the Plaintiff and other class members was likely to result?
  - (iv) Did the Plaintiff and other class members suffer injury?
- (b) Did the Defendants, or some of them, breach Part VI of the Competition Act giving rise to liability pursuant to s 36 of the Competition Act?
- (i) Did the Defendants and/or any unnamed co-conspirators conspire with each other to limit or lessen, unduly, the production of LCD Panels and/or LCD Products, or to enhance, unreasonably, the price of LCD Panels and/or LCD Products?
  - (ii) Did the Plaintiff and other class members suffer injury?
- (c) Over what period of time did the conspiracy take place?
- (d) Over what period of time did the conspiracy affect the price of LCD Panels and/or LCD Products?
- (e) Did the Defendants take affirmative or fraudulent steps to conceal the conspiracy?
- (f) Can damages be measured on an aggregate, class-wide basis and if so, what are the aggregate damages?
- (g) Was the conduct of the Defendants, or any of them, such that they ought to pay global exemplary or punitive damages to the Plaintiff and other class members?
- (h) Should the full costs of investigation in connection with this matter, including the cost of the proceeding or part thereof, be fixed or assessed on a global basis pursuant to section 36 of the Competition Act and if so, in what amount?

iii. Financial Consequences

The class proceeding will determine the common issues described above. If the common issues are determined in favour of the Class, class members may be entitled to receive financial compensation from the Defendants.

No class member, other than the representative plaintiff, will be liable for costs with respect to the determination of the common issues.

Counsel have entered into an agreement with the representative plaintiff with respect to legal fees and disbursements. The agreement provides that Counsel will only be paid in the event of success in the case (i.e., a settlement or court award). The agreement provides that the Class will pay to Counsel a percentage contingency fee plus disbursements and taxes. Counsel's fees and disbursements must be approved by the court. The agreement also provides that any costs awarded to the representative plaintiff will be retained by Counsel to defray litigation expenses.

## VI. COUNSEL

The law firm of Siskinds<sup>LLP</sup> represents settlement class members in Ontario, and in provinces other than British Columbia and 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. 1315**

Email: [lcdclassaction@siskinds.com](mailto:lcdclassaction@siskinds.com)

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

The law firm of Camp Fiorante Matthews Mogerman represents Settlement Class Members in British Columbia. British Columbia Counsel can be reached at:

Telephone: **604-689-7555**

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

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

The law firm of Bouchard Pagé Tremblay represents individuals and corporations of 50 or less employees who are Settlement Class Members in Québec. Québec Counsel can be reached at:

Telephone: **855-768-6667**

Email: [recourscollectifs@bptavocats.com](mailto:recourscollectifs@bptavocats.com)

825 Boulevard Lebourgneuf, bureau 510, Québec, QC G2J 0B9 Attention: Maxime Blanchard

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

## VII. QUESTIONS ABOUT THE SETTLEMENTS

More information about the settlements, the distribution of the settlement funds and the claims process is available online at [www.lcdclassactioncanada.com](http://www.lcdclassactioncanada.com), by email at [LCD@npricpoint.com](mailto:LCD@npricpoint.com) or by calling toll-free **1-888-663-7195**.

## VIII. 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.