

**NOTICE OF SETTLEMENT APPROVAL HEARING  
IN THE CANADIAN LCD CLASS ACTION LITIGATION**



**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").**

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

**I. BACKGROUND**

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").

The following entities were named as "Defendants" in the LCD Proceedings: 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 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 Corporation, Toshiba of Canada Limited, AU Optronics Corp., AU Optronics Corporation America, Chi Mei Optoelectronics Corporation, Chi Mei Corporation, Chi Mei Optoelectronics USA, Inc, Chi Mei Optoelectronics Japan Co., Ltd., Nexgen Mediatech, Inc., Nexgen Mediatech, HannStar Display Corporation, Chunghwa Picture Tubes, Ltd., and Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation).

**II. CONTESTED CERTIFICATION**

In Ontario, two class actions were commenced in relation to the same alleged conduct. The first Ontario action was commenced by statement of claim issued in 2007 (the "Ontario Action"). A second Ontario action was commenced in 2009 against only those defendants located in Taiwan (the "Second Ontario Action"). The First Ontario Action was certified in respect of a national class. 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 (excluding defendants and their respective parents, employees, subsidiaries, affiliates, officers and directors) who purchased LCD Panels\* or LCD Products\*\* directly from a defendant or any entity affiliated with a defendant, an Original Equipment Manufacturer\*\*\* or a Distributor\*\*\*\* in Canada between January 1, 1998 and December 11, 2006.

\*LCD Panels means liquid crystal display panels that are 10 inches or larger, measured diagonally.

\*\*LCD Products means televisions, computer monitors and laptops containing LCD Panels.

\*\*\*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), Apple Canada Inc., 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, Panasonic Corporation, Koninklijke Philips Electronics N.V., Polaroid Corporation, Prima Technology Inc., Proview Technology Inc., TTE Corporation (including the RCA brand), Sony of Canada Ltd., Stealth Computer Corporation, ViewSonic Corporation and Westinghouse Digital Electronics.

\*\*\*\*Distributor means any of the following entities or any company affiliated with any of the following entities: ALC Micro, Computer Distributors of Canada, Comtronic Computer Inc., D&H Distributing Co., Eprom Inc., Funai Electric Co., Ltd., Ingram Micro Inc., Pro-Data Inc., Supercom, Synnex Canada Limited, Tech Data Canada Corporation and TTX Canada.

The Defendants in the First Ontario Action were granted leave to appeal certification and the appeal was dismissed. The Plaintiff brought a motion to amend the class definition to include all purchasers of LCD Panels and LCD Products during the relevant period. The motion was denied. The Plaintiff is seeking leave to appeal that Order. Once all related appeals have been resolved, another notice will be distributed by mail or email and posted online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd). To ensure that you receive this notice, please register online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd), call 1-800-461-6166 ext. 1315, or email [lcdclassaction@siskinds.com](mailto:lcdclassaction@siskinds.com).

The First Ontario Action is continuing against the Sharp defendants.

The Second Ontario Action has not proceeded to a contested certification motion. If the proposed settlement with HannStar is approved, that action will be resolved in its entirety.

### III. PREVIOUS SETTLEMENTS

Previous settlements were reached in the LCD Proceedings with the following Defendants:

Settling Defendant(s)	Settlement Amount
Chunghwa Picture Tubes, Ltd.	CDN\$2,023,000
Epson Imaging Devices Corporation (formerly known as Sanyo Epson Imaging Devices Corporation)	CDN\$1,200,000
Samsung Electronics Co., Ltd and Samsung Electronics Canada Inc.	CDN\$21,250,000
Innolux Corporation (successor to Chi Mei Optoelectronics Corporation)	CDN\$10,000,000
Japan Display Inc. (successor to Hitachi Displays, Ltd.) ("JDI") on its behalf and on behalf of Hitachi Ltd., Hitachi Canada, Ltd.,	CDN\$3,150,000

Settling Defendant(s)	Settlement Amount
Hitachi America Ltd., Hitachi Electronics Devices (USA) Inc.	
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

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.

With the exception of the Toshiba and AU Optronics settlements, the settlement funds (less court approved counsel fees and disbursements) were distributed to eligible class members in 2015. The Toshiba and AU Optronics settlement funds (less court approved fees and disbursements) are being held in trust for the benefit of settlement class members.

#### **IV. PROPOSED SETTLEMENTS**

Settlements have been reached in the LCD Proceedings with LG Display Co., Ltd., LG Philips LCD Co., Ltd., LG Display America, Inc. and LG Philips LCD America, Inc. (collectively "LG") and HannStar Display Corporation ("HannStar").

Under the terms of their respective settlement agreements, LG has agreed to pay CDN\$21,200,000 and HannStar has agreed to pay CDN\$2,050,000 in exchange for a full release of claims against them and their related entities.

Under the terms of their respective settlement agreements, LG and HannStar have also agreed to provide cooperation to the Plaintiffs in pursuing the LCD Proceedings against the remaining defendants. The settlements represent a resolution of disputed claims. LG and HannStar do not admit any wrongdoing or liability.

#### **V. THE SETTLEMENT APPROVAL HEARING**

A motion to approve the LG and HannStar settlements will be heard before the Ontario court on March 24, 2017 at 11:30 a.m. EST and Quebec court on April 11, 2017 at 1:00 p.m. EST. The settlement approval hearing in British Columbia will subsequently proceed in writing. At the hearings, the courts will determine whether the settlements are fair, reasonable, and in the best interests of the Settlement Class.

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

Settlement class members may appear and make submissions at the settlement approval hearings in Ontario and Quebec (in British Columbia, settlement class member submissions may only be made in writing). If you wish to comment on or make an objection to the settlements, written submissions must be sent to the appropriate Class Counsel at the addresses listed below, postmarked no later than March 20, 2017. Class Counsel will forward all such submissions to the appropriate court. All filed written submissions will be considered by the appropriate court. If you do not file a written submission by March 20, 2017 you may not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearing.

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

The Chunghwa, Epson, Samsung, Innolux/Chi Mei, and Japan Display/Hitachi settlement funds were previously distributed to eligible settlement class members. As part of this distribution, eligible claimants received 2.45% of their eligible LCD product purchases (calculated in accordance with the distribution protocol).

The Toshiba, LG, AUO and HannStar settlement funds (less approved legal fees and expenses) are being held in an interest-bearing account for the benefit of settlement class members. As part of the approval hearings, the Courts will be asked to approve a protocol for the distribution of the settlement funds, plus accrued interest, less a holdback for litigation costs (including legal fees, disbursements and any adverse cost awards), court approved legal fees and other expenses. A copy of the proposed distribution protocol is available online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd).

The settlement funds will be distributed in the same manner as the first round of settlements (see [www.classaction.ca/lcd/claimsnotice](http://www.classaction.ca/lcd/claimsnotice) for more information), except that eligible settlement class members who did not receive payment as part of the first distribution will be paid in priority (“new claimants”). New claimants will be paid the equivalent amount paid to settlement class members who received payment as part of the first distribution (2.45% of their eligible LCD Product purchases). If there is not sufficient funds to pay all new claimants 2.45% of their eligible LCD Product purchases, the payments will be reduced proportionately. If there are sufficient funds remaining after any new claimants are paid 2.45% of their eligible LCD Product purchases, a further distribution will be made to all eligible settlement class members.

Another notice will be provided regarding the process for applying to receive settlement funds. Settlement class members who received payment as part of the first distribution can rely on the information previously submitted.

In the interim, you should: (i) keep copies of all related purchase records; and (ii) register online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd) to receive updates about the class action.

## **VII. CLASS COUNSEL AND LEGAL FEES**

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 Mogergerman represents Settlement Class Members in British Columbia. British Columbia Class 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 Class 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

Class Counsel legal fees and disbursements must be approved by the courts. Class Counsel will collectively be requesting that legal fees of up to 25% of the LG and HannStar settlement funds, plus disbursements and applicable taxes be approved by the courts and paid out of the LG and HannStar settlement funds. Class Counsel reserve the right to bring motions to the courts for payment out of the settlement funds for any future adverse cost awards and future disbursements.

#### **VIII. QUESTIONS ABOUT THE SETTLEMENTS**

This notice contains only a summary of the LG and HannStar settlements. Settlement class members can review the complete settlement agreements, which are available online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd). If you have questions that are not answered online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd), please contact Class Counsel.

Settlement class members should register online at [www.classaction.ca/lcd](http://www.classaction.ca/lcd) to receive important updates.

#### **IX. INTERPRETATION**

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