

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) MONDAY, THE 31ST DAY
JUSTICE PERELL) OF AUGUST, 2015

BETWEEN:

KHURRAM SHAH and ALPINA HOLDINGS INC.

Plaintiffs

and

**LG CHEM, LTD., LG CHEM AMERICA, INC., PANASONIC CORPORATION,
PANASONIC CORPORATION OF NORTH AMERICA, PANASONIC CANADA INC.,
SANYO ELECTRIC CO., LTD., SANYO NORTH AMERICA CORPORATION, SANYO
ENERGY (U.S.A.) CORPORATION, SONY CORPORATION, SONY ENERGY
DEVICES CORPORATION, SONY ELECTRONICS, INC., SONY OF CANADA LTD.,
SAMSUNG SDI CO., LTD., SAMSUNG SDI AMERICA, INC., SAMSUNG
ELECTRONICS CANADA INC., HITACHI, LTD., HITACHI MAXELL, LTD.,
MAXELL CORPORATION OF AMERICA, MAXELL CANADA, GS YUASA
CORPORATION, NEC CORPORATION, NEC TOKIN CORPORATION, NEC
CANADA, TOSHIBA CORPORATION, TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC., and TOSHIBA OF CANADA LIMITED**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
Discontinue as against Samsung Electronics Canada Inc.**

THIS MOTION made by the Plaintiffs for an Order that the within proceeding be discontinued on a without costs and without prejudice (for the purpose of R. 23.04(1) of the *Rules of Civil Procedure*) basis as against the Defendant, Samsung Electronics Canada Inc. ("Samsung Canada"), was heard this day at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

ON READING the materials filed, and on hearing the submissions of counsel for the Plaintiffs and counsel for the Defendants:

1. **THIS COURT ORDERS** that the within proceeding be discontinued on a without costs and without prejudice (for the purpose of R. 23.04(1) of the *Rules of Civil Procedure*) basis as against the Defendant, Samsung Canada on the following terms:

(a) Samsung Canada will, for the period of January 1, 2000 to December 31, 2013, provide the Plaintiffs with:

(i) Transactional sales by Samsung Canada of lithium-ion rechargeable batteries ("Lithium Batteries") (as a standalone product), in or into Canada showing the date, model, customer, customer address, price and quantity;

(ii) Transactional sales by Samsung Canada of the products listed below that contain Lithium Batteries, in or into Canada showing the date, product type, model, customer, customer address, price and quantity:

(A) notebook computers;

(B) cell phones including smartphones;

(C) table computers;

(D) e-book readers;

(E) MP3 players;

(F) personal digital assistants;

(G) handheld GPS; and

(H) handheld video game players.

(iii) Transactional purchases by Samsung Canada of Lithium Batteries (as a standalone product), showing date, model, supplier, price and quantity;
and

(iv) Transactional purchases by Samsung Canada of the products listed below that contain Lithium Batteries, showing date, product type, model, supplier, price and quantity;

- (A) notebook computers;
- (B) cell phones including smartphones;
- (C) table computers;
- (D) e-book readers;
- (E) MP3 players;
- (F) personal digital assistants;
- (G) handheld GPS; and
- (H) handheld video game players.

(b) Samsung Canada will not opt-out of the within action being Ontario Superior Court of Justice Action No. CV-13-483540-00CP.

2. **THIS COURT ORDERS** that notice under sections 19 and 29 of the *Class Proceedings Act, 1992*, SO 1992, c.6 is not required.

Date:

Perell, T.

The Honourable Justice Perell

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.

SEP 02 2015

PER / PAR: 

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

ORDER
Discontinue as against Samsung Electronics Canada Inc.

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