



Court File No. 1899-2015 CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
MR. JUSTICE RAIKES)

WEDNESDAY, THE 1ST DAY
OF FEBRUARY, 2023

BETWEEN:

SEAN ALLOTT

Plaintiff

- and -

PANASONIC CORPORATION; PANASONIC CORPORATION OF NORTH AMERICA;
PANASONIC CANADA INC.; KOA CORPORATION; KOA SPEER ELECTRONICS, INC.;
ROHM CO. LTD.; ROHM SEMICONDUCTOR U.S.A., LLC.; VISHAY INTERTECHNOLOGY,
INC.; HOKURIKU ELECTRIC INDUSTRY CO.; HDK AMERICA INC.; KAMAYA ELECTRIC
CO., LTD.; KAMAYA, INC.; ALPS ELECTRIC CO., LTD.; ALPS ELECTRIC (NORTH
AMERICA), INC.; MIDORI PRECISIONS CO., LTD.; MIDORI AMERICA CORPORATION;
SUSUMU CO., LTD.; SUSUMU INTERNATIONAL (USA) INC.;
TOKYO COSMOS ELECTRIC CO.; and TOCOS AMERICA, INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

(Certification for Settlement Purposes and Notice Approval - HDK)

THIS MOTION made by the Plaintiff for an Order certifying this proceeding as a class proceeding for settlement purposes as against Hokusiku Electric Industry Co. and HDK America Inc. (the "Settling Defendants") and approving the notice of settlement approval hearings and the method of dissemination of said notice was heard this day at the Court House, 80 Dundas Street, London, Ontario.

ON READING the materials filed, including the settlement agreement dated November 29, 2022 attached to this Order as Schedule "A" (the "Settlement Agreement"), and on hearing the submissions of counsel for the Plaintiff, Counsel for the Settling Defendants, and counsel for the Non-Settling Defendants in the Ontario Action;

AND ON BEING ADVISED that RicePoint Administration Inc. has consented to being appointed as notice provider in accordance with the terms of this Order;

AND WHEREAS that the opt-out period provided pursuant to the Order of this Court made on October 19, 2020, satisfied the requirement of section 9 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, for the purposes of this action, that no further opt-out period is necessary and that the opt-out period expired on January 29, 2021;

AND ON BEING ADVISED that the Plaintiff and the Settling Defendants consent to this Order and that the Non-Settling Defendants take no position on this motion:

1. **THIS COURT ORDERS** that, except to the extent that they are modified in this Order, the definitions set out in the Settlement Agreement apply to and are incorporated into this Order.
2. **THIS COURT ORDERS** that the Ontario Action is certified as a class proceeding as against the Settling Defendants for settlement purposes only.
3. **THIS COURT ORDERS** that the "Ontario Settlement Class" is certified as follows:

All Persons or entities in Canada who purchased Linear Resistors or a product containing a Linear Resistor between July 9, 2003 and September 14, 2015, other than (1) all Québec Settlement Class members and (2) Excluded Persons.
4. **THIS COURT ORDERS** that the Ontario Action is certified on the basis of the following issue which is common to the Ontario Settlement Class:

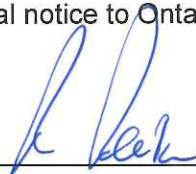
Did the Settling Defendants conspire to fix, raise, maintain or stabilize the price of, or allocate markets and customers of, Linear Resistors directly or indirectly in Canada during the Class Period? If so, what damages, if any, did Settlement Class Members suffer?
5. **THIS COURT ORDERS** that the Plaintiff, Sean Allott, is appointed as the representative Plaintiff for the Ontario Settlement Class.
6. **THIS COURT ORDERS** that this Order, including but not limited to the certification of this action against the Settling Defendants for settlement purposes and the definitions of the Ontario Settlement Class, Class Period and Common Issue, and any reasons given by the Court in connection with this Order, is without prejudice to the rights and defences of the Non-Settling Defendants in connection with the ongoing Ontario Action and, without restricting the generality of the foregoing, may not be relied on by any Person to establish jurisdiction, the criteria for certification (including class definition) or the existence or

elements of the causes of action asserted in the Ontario Action, as against the Non-Settling Defendants.

7. **THIS COURT ORDERS** that the notices of certification and settlement approval hearing (the "Notices") is hereby approved substantially in the form attached hereto as Schedule "B".
8. **THIS COURT ORDERS** that the plan of dissemination of the Notices (the "Plan of Dissemination") is hereby approved in the form attached hereto as Schedule "C" and that the Notice shall be disseminated in accordance with the Plan of Dissemination.
9. **THIS COURT ORDERS** that RicePoint Administration Inc. is appointed to disseminate the Notices in accordance with the terms of this Order.
10. **THIS COURT ORDERS** that this Order is contingent upon a parallel order being made by the Québec Court, and the terms of this Order shall not be effective unless and until such order is made by the Québec Court.
11. **THIS COURT ORDERS** that if the Settlement Agreement is not approved, is terminated in accordance with its terms or otherwise fails to take effect for any reason, this Order shall be deemed to have been set aside and declared null and void and of no force or effect, without the need for any further Order of this Court. In those circumstances, a case management conference shall be convened to seek directions, including in respect of the need for and form and content of additional notice to Ontario Settlement Class Members.

Date:

Feb 1/23.



The Honourable Mr. Justice Raikes