

## **Did you buy Optical Disc Drives (“ODD”) or products incorporating ODD (ODD Products) between January 2000 and December 2010?**

**If so, you might be affected by a class action settlement.**

### **The Class Actions**

Class actions were commenced in British Columbia, Ontario and Quebec on behalf of residents of Canada, alleging that numerous ODD manufacturers and distributors conspired to fix the prices for ODD, and that this resulted in consumers, businesses, and other purchasers paying too much for ODD and ODD Products purchased in Canada.

### **The Settlement**

A settlement of the actions has been reached with Panasonic Corporation, Panasonic Corporation of North America and Panasonic Canada, Inc. (the “Settling Defendants”) for USD \$1,650,000.

The settlement is subject to Court approval in British Columbia and Quebec. The settlement is a resolution of contested claims and is not an admission of liability, fault or wrongdoing.

### **Certification/Authorization as Class Proceedings for Settlement Purposes**

The courts in British Columbia and Quebec have certified/authorized the actions as class proceedings against the Settling Defendants for settlement purposes only.

The settlement class is defined as persons resident in Canada who purchased an ODD and/or ODD Product from January 1, 2000 through December 31, 2010.

- “ODD” means any device which reads and/or writes data from and to an optical disk, including but not limited to, CD-ROMs, CD-recordable/rewritable, DVD-ROM, DVD-recordable/rewritable, Blu-Ray, Blu-Ray-recordable/rewritable, and HD DVD, as well as Super Multi-Drives, other combination drives, and optical disk drives designed to be attached externally to computers or other devices.
- “ODD Products” means any products incorporating ODD, including but not limited to desktop computers, mobile/laptop computers, videogame consoles, CD players/recorders, DVD players/recorders and Blu-Ray disc players/recorders.

### **Proposed Distribution of Settlement Funds**

At the approval hearings, the courts will be asked to approve a process for distributing all settlement funds achieved in the litigation (plus interest and less approved fees, expenses, and a \$1 million reserve fund).

Only Settlement Class Members who purchased ODDs and ODD Products (as defined below) between January 1, 2004 and January 1, 2010 will be entitled to claim:

- ODD means a device that reads and/or writes to CD-ROM, CD-R/RW, DVDROM, DVD-R/RW, Blu-Ray, Blu-Ray R/RW, and HD DVD.
- ODD Products means computers, video game consoles, and ODDs that are designed to be attached externally to devices such as computers.

Under the proposed distribution protocol:

- Claimants may file either “Undocumented Claims” (no proof required) or “Documented Claims” (proof of purchase required).
- Subject to further court order, each eligible Undocumented Claim will receive \$20. The remaining settlement funds will be distributed to eligible Documented Claims *pro rata* based on the value of the claimant’s Notional Entitlement, as compared to the value of all qualifying claimants’ Notional Entitlement.
- A claimant’s Notional Entitlement will be calculated based on the value of their ODD and ODD Product purchases, and their position in the distribution chain.

For more information about the proposed distribution, review the long-form notice at [www.siskinds.com/odd/](http://www.siskinds.com/odd/).

### **Settlement, Distribution and Fee Approval Hearings**

Hearings to consider approval of the settlement, proposed distribution, and class counsel’s fee request of 33<sup>1/3</sup>% of the settlement, plus disbursements and

applicable taxes, will be heard by the British Columbia Court in the City of Vancouver on March 12, 2021 at 10:00 am and the Quebec Court in the City of Montreal on April 7, 2021 at 9:30 am.

Depending on the status of the Covid 19 situation, it is possible that the hearings will proceed by videoconference, teleconference or in writing.

You may express your views on the proposed settlement, the proposed distribution, or class counsel's fee request to the Courts. If you wish to do so you must act by March 8, 2021.

For updates about the hearing, a copy of the proposed distribution protocol, and instructions on

how to express your views to the Courts, see [www.siskinds.com/odd/](http://www.siskinds.com/odd/) or [www.cfmlawyers.ca/active-litigation/odd/](http://www.cfmlawyers.ca/active-litigation/odd/).

**You are represented by:**

- *Camp Fiorante Matthews Mogerma LLP*
- *Siskinds LLP*
- *Consumer Law Group Inc.*

**For more information**

- visit [www.siskinds.com/odd/](http://www.siskinds.com/odd/) or [www.cfmlawyers.ca/active-litigation/odd/](http://www.cfmlawyers.ca/active-litigation/odd/)
- email [oddclassaction@cfmlawyers.ca](mailto:oddclassaction@cfmlawyers.ca)
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