
**NOTICE OF CERTIFICATION/AUTHORIZATION AND SETTLEMENT APPROVAL HEARINGS IN THE
CANADIAN OPTICAL DISC DRIVES LITIGATION**

If you bought Optical Disc Drives (“ODD”) or products containing ODD in Canada between January 1, 2000 and December 31, 2010, you may be affected by a class action settlement.

1. WHAT IS A CLASS ACTION?

A class action is a lawsuit filed by one person on behalf of a large group of people.

2. WHAT ARE THESE CLASS ACTIONS ABOUT?

Class actions lawsuits were commenced in Ontario, British Columbia and Quebec alleging that the defendants illegally conspired to fix the prices of ODD (collectively, the “ODD Proceedings”). The cases include Canadian residents in all provinces and territories who were affected by the alleged conspiracy. The ODD Proceedings ask that the Courts require these companies to return any extra money that they may have received due to this alleged conspiracy.

3. WHAT SETTLEMENTS HAVE BEEN REACHED IN THE CLASS ACTIONS?

A settlement is when a defendant agrees to pay money to the members of the class action in exchange for being released from the case.

Philips & Lite-On Digital Solutions Corporation and Philips & Lite-On Digital Solutions USA, Inc. (“PLDS”) have agreed to settle the ODD Proceedings and pay CDN\$5.695 million for the benefit of the settlement class in exchange for a full release of the claims relating to the alleged price-fixing of ODD made against them, Koninklijke Philips N.V. (formerly known as Koninklijke Philips Electronics N.V.), Lite-On IT Corporation of Taiwan, Lite-On IT Corporation, Philips Canada Ltd., Philips Electronics North America Corporation and Philips Electronics Ltd, and related entities.

PLDS has also agreed to provide cooperation to the plaintiffs in pursuing the ODD Proceedings against the remaining defendants. PLDS does not admit any liability, wrongdoing or fault.

The PLDS settlement will only become effective if it is approved by the British Columbia, Ontario and Quebec Courts. The approval hearings will take place in the British Columbia Court in the City of Vancouver on September 16, 2019 at 9:00 a.m., the Ontario Court in the City of London on December 9, 2019 at 9:30 a.m. and the Quebec Court in the City of Montreal on November 27, 2019 at 2:00 p.m. The Courts will decide whether the settlement is fair, reasonable, and in the best interests of settlement class members.

Previous settlements have been achieved with:

- TEAC Corporation, TEAC America, Inc. and TEAC Canada, Ltd. (“TEAC”) for \$500,000 USD;

- NEC Corporation and NEC Canada, Inc. (“NEC”) for \$730,000 CDN;
- Hitachi-LG Data Storage, Inc. and Hitachi-LG Data Storage Korea, Inc. (“HLDS”) for \$8,123,940 CDN; and
- Sony Corporation, Sony Optiarc, Inc., Sony Optiarc America Inc., Sony of Canada Ltd., Sony Electronics, Inc., Sony Corporation of America and Sony NEC Optiarc, Inc. (“Sony”) for \$4,400,000 CDN.

Those settlements have received the requisite court approvals and the settlement funds are being held in trust for the benefit of settlement class members.

4. WHO IS AFFECTED BY THE CLASS ACTIONS?

The ODD Proceedings were certified or authorized as a class proceeding as against PLDS for the purposes of implementing the settlement agreement.

The settlement classes include persons in Canada who purchased ODD and/or ODD Products between January 1, 2000 and December 31, 2010. The defendants and certain entities related to the defendants are excluded from each of the settlement classes. The deadline to opt out or exclude oneself as a settlement class member in the ODD Proceedings has passed.

- An “**ODD**” is 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 disc drives designed to be attached externally to computers or other devices.
- An “**ODD Product**” is a product incorporating ODD, including but not limited to desktop computers, mobile/laptop computers, video game consoles, CD players/recorders, DVD players/recorders and Blu-Ray disc players/recorders.

5. WHAT STEPS SHOULD I TAKE NOW?

If you want to be a member of the ODD Proceedings, you do not need to do anything. However, there are two steps you should take to protect your legal rights:

1. Keep records of any purchases of ODDs or ODD Products from January 1, 2000 through December 31, 2010. Records include invoices, receipts and bank or loan statements.
2. Register online at www.siskinds.com/odd/ or www.cfmlawyers.ca/active-litigation/odd/ to receive updates about the ODD Proceedings.

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

If you want to tell the Court what you think about the proposed settlement or speak to the Court at the hearings listed above, you must send your written submissions to the appropriate Class Counsel at the addresses listed below, postmarked no later than August 30, 2019. 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 August 30, 2019, you may not be entitled to participate in the settlement approval hearings.

If you want to attend the hearings, please contact Class Counsel for additional details.

6. WHAT HAPPENS TO THE MONEY PAID UNDER THE SETTLEMENT?

The PLDS settlement funds (minus approved fees and expenses) will be held in an interest-bearing trust account. At a later date, the Court will decide how the settlement funds will be distributed and how you can apply to receive money from the PLDS settlement as well as the previous settlements achieved in the ODD Proceedings. Watch for another notice explaining how to claim money from the settlements. Register online at www.siskinds.com/odd/ or www.cfmlawyers.ca/active-litigation/odd/ to ensure that you are sent this notice by email or direct mail.

7. WHAT IS THE STATUS OF THE CONTESTED LITIGATION?

The contested litigation is continuing against the following defendants:

- Toshiba Corporation, Toshiba Samsung Storage Technology Corporation, Toshiba Samsung Storage Technology Korea Corporation, Toshiba of Canada Limited and Toshiba America Information Systems, Inc. (“Toshiba”);
- Samsung Electronics Co., Ltd., Samsung Electronics Canada Inc. and Samsung Electronics America, Inc. (“Samsung”);
- Quanta Storage, Inc. and Quanta Storage America, Inc. (“Quanta”);
- Panasonic Corporation, Panasonic Corporation of North America and Panasonic Canada Inc. (“Panasonic”);
- BenQ Corporation, BenQ America Corporation and BenQ Canada Corp. (“BenQ”); and
- Pioneer Corporation, Pioneer North America, Inc., Pioneer Electronics (USA) Inc., Pioneer High Fidelity Taiwan Co., Ltd. and Pioneer Electronics of Canada Inc. (“Pioneer”).

The British Columbia class action was certified on behalf of residents of British Columbia. The Defendants appealed the certification decision to the British Columbia Court of Appeal. The certification decision was upheld on appeal. The Defendants were granted leave to appeal to the Supreme Court of Canada. The appeal was heard on December 11, 2018 and judgment was reserved.

This means that, subject to the outcome of the appeal to the Supreme Court of Canada, the British Columbia action can proceed as a class action and the common issues (as defined in the British Columbia certification order) will be determined in a single proceeding on behalf of members of the following subclasses:

The British Columbia “Non-Umbrella Purchaser Subclass” is defined as:

All persons resident in British Columbia who purchased optical disc drives (“ODD”) manufactured or supplied by the defendants in this action, or products that contain ODD (“ODD Products”) in which the ODD was manufactured or supplied by the defendants in this action, in the period from January 1, 2004 through January 1, 2010.

The British Columbia “Umbrella Purchaser Subclass” is defined as:

All persons resident in British Columbia who purchased optical disc drives (“ODD”) that were not manufactured or supplied by the defendants in this action, or products that contain ODD (“ODD Products”) in which the ODD was not manufactured or supplied by the defendants in this action, in the period from January 1, 2004 through January 1, 2010.

ODDs mean CD-ROM, CD-R/RW, DVD-ROM, DVD-R/RW, Blu-Ray, Blu-Ray R/RW, and HD DVD.

ODD Products mean computers, video game consoles and ODDs that are designed to be attached externally to devices such as computers.

The Ontario action was stayed to avoid duplicating the British Columbia ODD litigation. If the Supreme Court of Canada upholds the certification decision, the BC class will be amended to include all persons in Canada (the “national class”).

At this time the Quebec action remains active. Any decisions regarding the interplay of the national class with the parallel Quebec ODD action will be made in the BC ODD action.

8. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS AND HOW ARE THEY PAID?

The law firm of Camp Fiorante Matthews Mogerman LLP represents the Settlement Class in British Columbia.

CAMP FIORANTE MATTHEWS MOGERMAN LLLP
Telephone: 1-800-689-2322

Email: oddclassaction@cfmlawyers.ca

Mail: 4th Floor, 856 Homer Street, Vancouver, BC V6B 2W5, Attention: Reidar Mogergerman

The law firm of Siskinds LLP represents the Settlement Class in Ontario and in all provinces other than British Columbia or Quebec:

SISKINDS LLP

Telephone (toll free): 1-800-461-6166 ext. 2455

Email: oddclassaction@siskinds.com

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

The law firm of Consumer Law Group Inc. represents the Settlement Class in Quebec.

CONSUMER LAW GROUP INC.

Telephone: 514-266-7863

Email: jorenstein@clg.org

Mail: 1030 rue Berri, Suite 102, Montreal, QC, H2L 4C3, Attention: Jeff Orenstein

As an individual, you do not have to pay the lawyers working on the ODD Proceedings any money. The lawyers will be paid from the money collected in the ODD Proceedings. The Courts will be asked to decide how much the lawyers will be paid. The lawyers will collectively be asking that the Courts approve legal fees of up to 25% of the settlement funds plus disbursements and applicable taxes. Any approved legal fees will be paid out of the settlement funds. Class Counsel reserve the right to ask the Courts to allow Class Counsel to use the settlement funds to pay for any future adverse costs award or future disbursements. At a later date, Class Counsel will ask the Courts to approve the distribution of the remaining settlement funds to settlement class members.

9. WHERE CAN I ASK MORE QUESTIONS

This notice contains only a summary of the PLDS settlement. To review the complete settlement agreement, visit www.siskinds.com/odd/ or www.cfmlawyers.ca/active-litigation/odd/. If you have questions that are not answered online at www.siskinds.com/odd/ or www.cfmlawyers.ca/active-litigation/odd/ please contact Class Counsel.

To receive future notices and updates regarding the class actions and any future settlements, register online at www.siskinds.com/odd/ or www.cfmlawyers.ca/active-litigation/odd/.

10. INTERPRETATION

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