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

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**If you bought Optical Disc Drives (“ODD”) or products containing ODD in Canada between  
from January 1, 2004 through January 1, 2010, you may be affected by class action  
settlements.**

**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 action lawsuits were commenced in Canada 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.

**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.

The following defendants agreed to settle the ODD Proceedings in exchange for a full release of the claims against them and their related entities relating to the alleged price-fixing of ODD:

- Quanta Storage, Inc. and Quanta Storage America, Inc. (“Quanta”) for \$500,000 USD;
- Pioneer Corporation, Pioneer North America, Inc., Pioneer Electronics (USA) Inc., Pioneer High Fidelity Taiwan Co., Ltd., and Pioneer Electronics of Canada Inc. (“Pioneer”) for \$1,185,000 CDN; and
- BenQ Corporation, BenQ America Corporation, and BenQ Canada Corp. (“BenQ”) for \$424,000 CDN.

If these settlements are approved by the courts there will be no more defendants in the ODD class actions and the litigation will be over.

Quanta, Pioneer and BenQ do not admit any liability, wrongdoing or fault. If approved, the settlements will resolve the litigation in its entirety.

All three settlements must be approved by the British Columbia Court. The Pioneer and BenQ settlements must also be approved by the Quebec Court.

The hearing before the British Columbia Court will be held by videoconference on February 22, 2022 at 10:00 am. The hearing before the Quebec court will take place by videoconference on

February 23, 2022 at 9h30 am. The Courts will decide whether the settlements are 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;
- 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;
- Philips & Lite-On Digital Solutions Corporation and Philips & Lite-On Digital Solutions USA, Inc. (“PLDS”) for \$5,695,000 CDN. The settlement also released 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.;
- Toshiba Corporation Toshiba Samsung Storage Technology Corporation, Toshiba Samsung Storage Technology Korea Corporation, Toshiba of Canada Limited, Toshiba America Consumer Products, LLC, Toshiba America Information Systems, Inc., Samsung Electronics Co., Ltd., Samsung Electronics Canada Inc., and Samsung Electronics America, Inc. (“TSST”) for \$5,695,000 CDN; and
- Panasonic Corporation, Panasonic Corporation of North America and Panasonic Canada, Inc. for \$1,650,000 USD.

These settlements have received the requisite court approvals and the settlement funds (less approved fees and expenses) are being held in trust for the benefit of settlement class members.

#### **4. WHO IS AFFECTED BY THE CLASS ACTIONS?**

For the purposes of implementing the settlement agreements, the British Columbia action was certified against Quanta, Pioneer and BenQ, and the Quebec action was authorized against Pioneer and BenQ.

The settlement classes include persons in Canada who purchased an ODD and/or ODD Product from January 1, 2004 through January 1, 2010. The defendants and certain entities related to the defendants are excluded from each of the settlement classes.

- 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 disk drives designed to be attached externally to computers or other devices.

- An “**ODD Product**” is 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.

## **5. WHAT HAPPENS TO THE MONEY PAID UNDER THE SETTLEMENTS?**

The British Columbia and Quebec Courts have each approved a protocol for the distribution of settlement funds. **The distribution has not yet occurred.**

At the settlement approval hearings, Class Counsel will propose to the Courts that the Quanta, Pioneer, and BenQ settlement amounts be distributed substantially in accordance with the approved distribution protocol. Class Counsel will also ask the Courts to amend the distribution protocol to, among other things, reflect that the litigation is concluding and there will be no further distributions.

To review a copy of the distribution protocol, visit [www.siskinds.com/odd/](http://www.siskinds.com/odd/) or [www.cfmlawyers.ca/active-litigation/odd/](http://www.cfmlawyers.ca/active-litigation/odd/).

## **6. HOW CAN I MAKE A CLAIM FOR SETTLEMENT MONEY?**

Watch for another notice explaining how to claim money from the settlements. Register online at [www.siskinds.com/odd/](http://www.siskinds.com/odd/) or email [oddclassaction@cfmlawyers.ca](mailto:oddclassaction@cfmlawyers.ca) to ensure that you are sent this notice by email or direct mail.

In the interim, you should keep all records of your ODD and ODD Product purchases during the period January 1, 2004 to January 1, 2010.

## **7. HOW CAN I PARTICIPATE IN THE APPROVAL HEARINGS?**

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

As a Class Member you are entitled to file written submissions or appear in person at the hearings to comment on or object to the proposed settlements and/or proposed distribution of the Quanta, Pioneer and BenQ settlement funds. If you want to comment or object you must submit a written submission by mail or email to class counsel at the address listed below, postmarked no later than February 10, 2022. The written submission must explain your comments or objections, and whether you intend to appear in person at the hearing. Class Counsel will forward all submissions to the courts.

If you want to attend the hearings, please contact Class Counsel for additional details (including whether the hearings are proceeding in person or by videoconference).

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

The law firms of Camp Fiorante Matthews Mogerman LLP and Siskinds LLP represent Settlement Class Members in all provinces other than Quebec:

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 Mogerman

SISKINDS LLP

Telephone (toll free): 1-800-461-6166

Email: oddclassaction@siskinds.com

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

The law firm of Consumer Law Group Inc. represents Settlement Class Members 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 out-of-pocket.** 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 33<sup>1/3</sup>% of the Quanta, Pioneer and BenQ settlement funds plus disbursements and applicable taxes. Class Counsel's fee request in respect of these settlements totals CAD \$536,333.33 and USD \$166,666.67 plus disbursements and taxes.

In addition, Class Counsel will also ask the Courts to approve outstanding fees related to prior settlements.

Previously, BC and Ontario Class Counsel was awarded interim fees equal to  $16^{2/3}\%$  of prior settlement amounts notionally allocated to the BC and Ontario settlement classes, notwithstanding that the plaintiffs' retainer agreements allowed Class Counsel to seek fees ranging from 25% to  $33^{1/3}\%$ . On the first fee approval application, the BC Court explained that the fee awards would be "on an interim basis" only. The court stated that "[f]inal approval of all fees is subject to all matters being finalized in this class proceeding and reviewed by this court with any submissions from the representative plaintiff and class members." As the court is now asked to approve the final settlements in the case, it is the appropriate time for the court to address class counsel's final fee request.

At the approval hearing, Class Counsel will ask the BC Court to award additional fees equal to  $8^{1/3}\%$  of the TEAC, NEC, Sony, HLDS and PLDS settlement amounts notionally allocated to the BC and Ontario settlement classes. Following the certification of the BC Action on a national basis, the Ontario action was discontinued. Prior to the discontinuance, these settlements and the associated fee requests were approved by the Ontario court. The total fees sought on these settlement amounts will be 25%, which is the permitted fee request under the retainer agreement with the former Ontario representative plaintiff.

BC and Ontario Class counsel will seek an additional  $16^{1/3}\%$  of the TSST and Panasonic settlement amounts notionally allocated to the BC and Ontario settlement classes, which were approved after discontinuance of the Ontario case. The fees sought on these settlements are a higher percentage ( $33^{1/3}\%$ ) because that is what is permitted under the retainer agreement with the BC representative plaintiff.

BC and Ontario Class Counsel's total fee request with respect to prior settlements is CAD \$2,349,666.31 and USD \$323,815.63 plus taxes.

Quebec Class Counsel was previously awarded fees of 25% of the notional Quebec allocation of the settlement amounts on the TEAC, NEC, Sony, HLDS, PLDS and TSST settlements. Quebec Class Counsel will ask the Quebec Court to approve a further  $8^{1/3}\%$  on the notional Quebec allocation of the TSST settlement, which amounts to CAD \$34,170.00 plus taxes.

Any approved legal fees will be paid out of the settlement funds.

## **9. WHERE CAN I ASK MORE QUESTIONS?**

For more information and to register to receive updates about the class action, please visit [www.siskinds.com/odd/](http://www.siskinds.com/odd/) or [www.cfmlawyers.ca/active-litigation/odd/](http://www.cfmlawyers.ca/active-litigation/odd/).

If you have any questions that are not answered online, please contact Class Counsel at the addresses listed above.

## **10. INTERPRETATION**

This notice contains a summary of some of the terms of the settlement agreements reached with the Quanta, Pioneer and BenQ. To review the complete settlement agreements, visit

[www.siskinds.com/odd/](http://www.siskinds.com/odd/) or [www.cfmlawyers.ca/active-litigation/odd/](http://www.cfmlawyers.ca/active-litigation/odd/). If there is a conflict between the provisions of this notice and the settlement agreements, the terms of the settlement agreements shall prevail.