

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE )  
MR. JUSTICE RAIKES )

FRIDAY, THE 29<sup>th</sup> DAY  
OF DECEMBER, 2023

B E T W E E N :

CYGNUS ELECTRONICS CORPORATION and SEAN ALLOTT

Plaintiffs

- and -

PANASONIC CORPORATION; PANASONIC CORPORATION OF NORTH AMERICA;  
PANASONIC CANADA INC.; SANYO ELECTRIC CO., LTD.; NEC TOKIN CORPORATION;  
NEC TOKIN AMERICA INC.; KEMET CORPORATION; KEMET ELECTRONICS  
CORPORATION; NIPPON CHEMI-CON CORPORATION; UNITED CHEMI-CON  
CORPORATION; HITACHI CHEMICAL CO., LTD.; HITACHI CHEMICAL COMPANY  
AMERICA, LTD.; HITACHI CANADA; NICHICON CORPORATION; NICHICON (AMERICA)  
CORPORATION; AVX CORPORATION; RUBYCON CORPORATION; RUBYCON AMERICA  
INC.; ELNA CO., LTD.; ELNA AMERICA INC.; MATSUDO ELECTRIC CO., LTD.; TOSHIN  
KOGYO CO., LTD.; SAMSUNG ELECTRO-MECHANICS; SAMSUNG ELECTRO-MECHANICS  
AMERICA INC.; SAMSUNG ELECTRONICS CANADA INC.; ROHM CO., LTD.; ROHM  
SEMICONDUCTOR U.S.A., LLC.; HITACHI AIC INC.; HITACHI CHEMICAL ELECTRONICS  
CO., LTD.; FPCAP ELECTRONICS (SUZHOU) CO., LTD.; FUJITSU LTD.; FUJITSU CANADA,  
INC.; HOLY STONE ENTERPRISE CO., LTD.; VISHAY POLYTECH CO., LTD. f/k/a  
HOLYSTONE POLYTECH CO., LTD.; MILESTONE GLOBAL TECHNOLOGY, INC. d/b/a  
HOLYSTONE INTERNATIONAL; and HOLY STONE HOLDINGS CO., LTD.

Defendants

PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT, 1992*

**ORDER**

**(Approval of Class Counsel Fees and Disbursements  
– ROHM, Fujitsu, KEMET, Nichicon and NCC/UCC Settlements)**

**THIS MOTION** made by the Plaintiffs for an Order approving the legal fees, disbursements and applicable taxes of Ontario and British Columbia class counsel ("Class Counsel"), was heard Monday, October 23, 2023 at the Court House, 80 Dundas Street, London, Ontario.

**ON BEING ADVISED THAT** by Orders dated October 13, 2023, the British Columbia Court approved the settlement agreements entered into with ROHM Co., Ltd., and ROHM Semiconductor U.S.A., LLC (collectively, "ROHM") dated September 13, 2022 (the "ROHM Settlement Agreement"); Fujitsu Ltd., and Fujitsu Canada, Inc. (collectively, "Fujitsu") dated



December 15, 2022 (the “Fujitsu Settlement Agreement”); KEMET Corporation, and KEMET Electronics Corporation (collectively, “KEMET”) dated January 31, 2023 (the “KEMET Settlement Agreement”); and Nichicon Corporation, and Nichicon (America) Corporation (collectively, “Nichicon”) dated March 31, 2023 (the “Nichicon Settlement Agreement”);

**AND ON BEING ADVISED THAT** by Order dated October 25, 2023, the British Columbia Court also approved the settlement agreement entered into with Nippon Chemi-Con Corporation, and United Chemi-Con, Inc. (collectively, “NCC/UCC”) dated July 14, 2023 (the “NCC/UCC Settlement Agreement”, collectively, the “Settlement Agreements”);

**ON BEING ADVISED THAT** this Court approved the ROHM, Fujitsu, KEMET, and Nichicon Settlement Agreements by Orders dated September 28, 2023, and approved the NCC/UCC Settlement Agreement by Order dated October 23, 2023;

**ON BEING ADVISED THAT** the Québec Court approved the ROHM, Fujitsu, KEMET, Nichicon, and NCC/UCC Settlement Agreements, and approved legal fees and disbursements for Québec class counsel only, by Order dated November 6, 2023;

**ON BEING ADVISED THAT** Class Counsel has reserved all rights to re-attend before this Court to seek approval of the remaining Class Counsel fees payable pursuant to the terms of the retainer agreement entered into with the plaintiff;

**AND ON READING** the materials filed and on hearing the submissions of Class Counsel:

1. **THIS COURT ORDERS** that Class Counsel's legal fees in the amount of \$7,750,000.00 (the “Fee Award”) plus applicable taxes with respect to the Settlement Agreements are approved.
2. **THIS COURT ORDERS** that the payment of the Fee Award will be structured as follows:
  - (a) \$6,250,000.00 plus applicable taxes, to be paid immediately upon the Effective Date of the Settlement Agreements; and

(b) \$1,500,000.00 plus applicable taxes, to be held back in trust and paid upon further order of this Court.

3. **THIS COURT ORDERS** that Class Counsel's requested disbursements in the amount \$35,942.61 plus applicable taxes are approved.
4. **THIS COURT ORDERS** that Class Counsel's legal fees, approved disbursements and applicable taxes shall be paid from the settlement funds, pursuant to the terms of the ROHM, Fujitsu, KEMET, Nichicon and NCC/UCC Settlement Agreements.
5. **THIS COURT ORDERS** that this Order is contingent upon approval of Class Counsel legal fees, disbursements and applicable taxes by the Supreme Court of British Columbia and the terms of this Order shall not be effective unless and until such order is made by the Supreme Court of British Columbia.

Date: January 4, 2024



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The Honourable Mr. Justice Raikes

CYGNUS ELECTRONICS  
CORPORATION, et al.  
Plaintiffs

v. PANASONIC CORPORATION, et al.  
Defendants

Court File No. 3795/14 CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT LONDON

Proceeding Under the *Class Proceedings Act, 1992*

**ORDER  
(Approval of Class Counsel Fees and  
Disbursements – ROHM, Fujitsu, KEMET, Nichicon  
and NCC/UCC Settlements)**

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