

COUR SUPÉRIEURE
« Recours collectif »

CANADA
PROVINCE DE QUÉBEC
DISTRICT DE QUÉBEC

N° : 200-06-000083-074

DATE : 16 novembre 2015

EN PRÉSENCE DE : L'HONORABLE GUY DE BLOIS, J.C.S.

COMMUNICATION MÉGA-SAT INC.

Requérante

c.

NEC CORPORATION
et
AL.

Intimées

**JUGEMENT SUR REQUÊTE POUR OBTENIR L'APPROBATION
DU PLAN DE DISTRIBUTION, DU PLAN D'ADMINISTRATION
ET DÉSIGNATION D'UNE ADMINISTRATRICE DES RÉCLAMATIONS**

- [1] ATTENDU que les parties sont impliquées dans un litige de la nature d'un recours collectif;
- [2] ATTENDU que par jugement rendu dans le cadre de cette affaire, sept (7) règlements ont été approuvés;

- [3] ATTENDU que la Requérante soumet la présente requête afin d'obtenir l'approbation d'un plan pour la distribution aux Membres du Groupe des Fonds prévus aux règlements approuvés totalisant à ce jour 4 850 000 \$;
- [4] CONSIDÉRANT les éléments de preuve produits au soutien de ladite requête notamment :
- a) le Plan d'Administration/*Administration Protocol* joint à ce jugement à l'annexe « A » (le Plan d'Administration) ;
 - b) le Plan de distribution/*Distribution Protocol* joint à ce jugement à l'annexe « B » (le Plan de distribution) ;
 - c) l'affidavit de monsieur Alain Filion à titre de personne désignée représentant Communication Méga-Sat inc.;
 - d) les affidavits de Me Reidar Morgerman; et
 - e) les pièces au dossier.
- [5] VU les représentations des procureurs du groupe québécois présentées pour le compte de la Requérante et les articles 1033 et suivants du *Code de procédure civile*;
- [6] CONSIDÉRANT que les Intimées s'en rapportent toutes à la justice ;
- [7] VU que la firme RicePoint Administration inc. consent à être désignée comme Administratrice des Réclamations;

POUR CES MOTIFS, LE TRIBUNAL :

- [8] **ACCUEILLE** la requête;
- [9] **DÉCLARE** que les définitions figurant dans le Plan de distribution/*Distribution Protocol* et dans le Plan d'Administration/*Administration Protocol* seront utilisées dans ce jugement et que, par conséquent, elles sont réputées en faire partie intégrante;
- [10] **APPROUVE** le Plan d'Administration/*Administration Protocol* qui est joint en annexe « A » de ce jugement ;
- [11] **DÉSIGNE** la firme RicePoint Administration inc. pour agir à titre d'Administratrice des Réclamations ;
- [12] **APPROUVE** le Plan de Distribution/*Distribution Protocol* qui est joint en annexe « B » à ce jugement;

- [13] **ORDONNE** que ce Plan de Distribution/*Distribution Protocol* et le Plan d'Administration/*Administration Protocol* régissent l'administration des ententes avec :
- (a) Micron Technology Inc., Micron Semiconductor Product Inc. et Micron Semiconductor Canada inc., en date du 8 décembre 2011;
 - (b) Samsung Electronics Co., Ltd., Samsung Semiconductor Inc. et Samsung Electronics Canada Inc., en date du 30 avril 2013;
 - (c) Hynix Semiconductor Inc. et Hynix Semiconductor America Inc., en date du 23 octobre 2014;
 - (d) Mitsubishi Electric Corporation, Mitsubishi Electric Sales Canada Inc., Mitsubishi Electric & Electronics USA, Inc., Renesas Electronics Corporation (antérieurement Renesas Technology Corporation), Renesas Electronics Canada Limited (antérieurement Renesas Technology Canada Limited) Renesas Electronics America Inc. (autrefois Renesas Technology America, Inc. (autrefois NEC Electronics America Inc.)), en date du 23 octobre 2014;
 - (e) Cypress Semiconductor Corporation, en date du 8 décembre 2014;
 - (f) Toshiba Corporation, Toshiba of Canada Limited (aussi connu sous le nom de Toshiba du Canada Ltée), Toshiba America Inc. (erronément désignée comme Toshiba America Corporation) et Toshiba America Electronic Components Inc., en date du 19 mars 2015;
 - (g) Etron Technology Inc. et Etron Technology America Inc., en date du 1^{er} avril 2015;
- [14] **APPROUVE** essentiellement la forme et le contenu des avis d'approbation et du processus des réclamations en la forme des documents qui sont joints en Annexe « C » de ce jugement ;
- [15] **APPROUVE** le plan de publication des avis essentiellement en la forme du plan qui est joint à l'Annexe « D » de ce jugement ;
- [16] **ORDONNE** que les avis d'approbation soient diffusés avec le plan de publication des avis, le Plan de distribution/*Distribution Protocol*, le Plan d'Administration/*Administration Protocol* et les conditions de ce jugement;
- [17] **ORDONNE** que le montant net des règlements, payés dans le cadre des Ententes, soit distribué par l'Administratrice des Réclamations en accord avec les termes du Plan de distribution/*Distribution Protocol*, du Plan d'Administration/*Administration Protocol* et en respectant le *Règlement sur le pourcentage prélevé par le Fonds d'aide aux recours collectifs*;

- [18] **ORDONNE** que l'information transmise par tout réclamant dans le cadre du processus de réclamation soit recueillie, utilisée, conservée et divulguée en conformité avec le contenu des articles 25 et 26 du Plan d'Administration/*Administration Protocol*;
- [19] **ORDONNE** que tout Membre du Groupe qui désire obtenir un dédommagement devra produire à l'Administratrice des Réclamations un Formulaire de réclamation dûment complété avant la date limite indiquée dans les avis, laquelle ne pourra être inférieure à quatre-vingt-dix (90) jours après la publication de ces avis;
- [20] **DÉCLARE** que tout Membre du Groupe du Règlement qui fera défaut de produire son Formulaire de réclamation tel que décrit ci-dessus ne pourra participer à aucune forme de distribution dans le cadre du Plan de distribution approuvé, en ce qui a trait à ce dossier;
- [21] **LE TOUT** sans frais.



GUY de BLOIS, j.c.s.

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ANNEXE A

Voir le « PLAN D'ADMINISTRATION » aux 9 pages suivantes

ADMINISTRATION PROTOCOL

IN THE MATTER OF THE CANADIAN SRAM NATIONAL CLASS ACTIONS

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GENERAL PRINCIPLES OF THE ADMINISTRATION

1. This protocol (the "Administration Protocol") is intended to govern the administration of the Proceeds pertaining to the Canadian SRAM National Class Actions in accordance with the Distribution Protocol.
2. Compensation will be paid in accordance with the court-approved Distribution Protocol to Settlement Class Members who file a valid Claim determined in accordance with the claims process established by this Administration Protocol.
3. Generally, the claims administration shall:
 - (a) establish a claims process including a website and electronic web-based systems and procedures for completing, filing, receiving and adjudicating Claims;
 - (b) employ secure, web-based systems with electronic registration and record keeping wherever possible;
 - (c) provide professional and timely support and assistance to Settlement Class Members applying for compensation;
 - (d) provide efficient and timely adjudication of all Claims made in accordance with industry standards;
 - (e) provide timely payment of all valid Claims;
 - (f) provide complete and timely reporting in respect of all aspects of the claims process;
 - (g) provide for an interest bearing trust account at a Canadian Schedule 1 bank in Canada to hold the Proceeds; and
 - (h) be bilingual in all respects.
4. The only purchase information many Settlement Class Members will be required to report is the quantity of SRAM and each type and quantity of Eligible SRAM Product purchased during the Class Period. Where the Claim is audited pursuant to paragraphs 12 or 13, the Settlement Class Member will be required to provide documentary proof of purchase.

DEFINITIONS

5. For the purpose of this Administration Protocol the following definitions will also apply:
- (a) **Claim** means the claim forms developed for the claims process that a Settlement Class Member must complete and submit by the Claims Filing Deadline.
 - (b) **Claims Administrator** means the person appointed by the Courts to administer the Settlement Agreements and the Distribution Protocol, and any employees of such firm.
 - (c) **Claims Filing Deadline** means the date by which Claims (and any required supporting documentation) must be postmarked or electronically submitted in order for Settlement Class Members to make a Claim as set by the Supervising Court, and any subsequent extension thereto permitted under this Administration Protocol.
 - (d) **Class Counsel** means Camp Fiorante Matthews Mogeran; Sutts, Strosberg LLP, Siskinds LLP; and Bouchard Pagé Tremblay, Avocats s.e.n.c.
 - (e) **Class Period** means the period beginning on January 1, 1998 and ending on December 31, 2005.
 - (f) **Courts** means the Supervising Court, the Ontario Superior Court of Justice, and the Superior Court of Quebec.
 - (g) **Distribution Protocol** means the plan for distributing the Proceeds, in whole or in part, as established by Class Counsel and approved by the Courts.
 - (h) **Eligible SRAM Products** means personal digital assistants, smart phones, desktop computers, servers, routers, switches, and modems.
 - (i) **Orders** means the judgments and orders of the Courts approving the Settlement Agreements and any orders of the Courts approving class counsel fees and disbursements, administration expenses and notice costs.
 - (j) **Proceeds** mean the aggregate amounts recovered pursuant to the Settlement Agreements and all income earned thereon, less the payments that have been and/or will be made therefrom pursuant to the Settlement Agreements and/or Orders.
 - (k) **Settlement Agreements** means the settlement agreements as approved by the Courts in the Canadian SRAM National Class Actions.

- (l) **Settlement Class Members** means the BC Settlement Class Members, Quebec Settlement Class Members, and Ontario Settlement Class Members as certified by their respective Court.
- (m) **SRAM** means all types of static random access memory sold during the Class Period, including, without limitation, high speed SRAM, low-powered SRAM, synchronous SRAM (including both Late Write and DDR synchronous SRAM), asynchronous SRAM (including asynchronous fast SRAM), pseudo SRAM (also known as PSRAM or mobile PSRAM), DDR SRAM, cellular RAM, and slow SRAM.
- (n) **Supervising Court** means the Supreme Court of British Columbia.

THE CLAIMS ADMINISTRATOR'S DUTIES AND RESPONSIBILITIES

6. The Claims Administrator shall administer the Distribution Protocol in accordance with the provisions of the Orders, the Settlement Agreements and this Administration Protocol under the oversight of Class Counsel and the ongoing authority and supervision of the Supervising Court.

7. The Claims Administrator's duties and responsibilities shall include the following:

- (a) providing notice(s) to the Settlement Class Members as may be required;
- (b) receiving the defendants' customer information, including names, addresses and sales information;
- (c) developing, implementing and operating the claims process including a claims website;
- (d) assisting Settlement Class Members and facilitating their Claims;
- (e) making timely decisions in respect of Claims received and notifying the Settlement Class Members of the decision promptly thereafter;
- (f) reporting the results of the claims process and the intended distributions for each claims category to Class Counsel in a timely fashion;
- (g) performing such recalculation of the distributions in those claims categories as may be required by Class Counsel or if ordered by the Supervising Court;
- (h) maintaining the Claims information so as to permit Class Counsel to audit the administration at the discretion of Class Counsel or if ordered by the Supervising Court;

- (i) arranging payment to Settlement Class Members in a timely fashion;
- (j) dedicating sufficient personnel to respond to Settlement Class Members inquiries in English or French, as the Settlement Class Member elects;
- (k) remitting the amounts payable to the Fonds d'aide aux recours collectifs;
- (l) arranging payments of Class Counsel fees and disbursements and administration expenses, as ordered by the Courts;
- (m) reporting to Class Counsel respecting Claims received and administered and administration expenses;
- (n) holding the Proceeds in an interest bearing trust account at a Canadian Schedule 1 bank in Canada and making all payments from the Proceeds from that account as authorized;
- (o) cash management and audit control;
- (p) preparing and submitting reports and records as directed by Class Counsel or the Supervising Court; and
- (q) fulfilling any obligation to report taxable income and make tax payments (including interest and penalties) due with respect to the income earned by the Proceeds.

THE CLAIMS PROCESS

Claims Process

8. Where one or more defendants have identified a Settlement Class Member and provided customer information about that Settlement Class Member, the Claims Administrator may use that customer information to provide notice to the Settlement Class Member and/or as *prima facie* proof of the Settlement Class Member's Claim, provided the Claims Administrator, in its sole discretion, considers that the customer information provided by the defendant(s) is sufficiently accurate to be useful.

9. Generally, the Claim shall require:

- (a) information about the quantum of the Settlement Class Member's SRAM and/or Eligible SRAM Product purchases during the Class Period. The Settlement Class Member can rely on defendant data (where available);

- (b) information that enables the Claims Administrator to categorize the Settlement Class Member's SRAM and/or Eligible SRAM Product purchases according to the purchaser categories identified in the Distribution Protocol;
- (c) disclosure as to whether the Settlement Class Member has received compensation through other proceedings or settlements pertaining to SRAM and/or Eligible SRAM Product purchases and the details of the compensation received and the claim or claims released;
- (d) authorization to the Claims Administrator to contact the Settlement Class Member or its representative for clarification, information and/or to audit the Claim;
- (e) a declaration that the information submitted in the Claim is true and correct and that the SRAM and/or Eligible SRAM Products comprising the Claim have not been submitted for any other compensation claim;
- (f) an option for the Settlement Class Member to consent to receiving communications regarding other class actions that the Settlement Class Member might be affected by; and
- (g) such further and other information as the Claims Administrator may require to process Claims.

Claims Filing Deadline

10. Subject to further directions of the Supervising Court, the completed Claim must be submitted to the Claims Administrator postmarked or electronically submitted no later than the Claims Filing Deadline. If the postmark is not legible, the Claim will be deemed to have been submitted on four business days before it is received by the Claims Administrator.

11. Subject to further directions of the Supervising Court, any Claim not submitted on or before the Claims Filing Deadline will be rejected by the Claims Administrator.

Claims Audit

12. The Claims Administrator shall audit all Claims where the Settlement Class Member has relied in whole or in part on its own purchase records, and the Total SRAM Sum (as per Appendix A of the Distribution Plan) of that portion of the Settlement Class Member's Claim equals \$10,000 or more.

13. The Claims Administrator shall conduct a random audit of at least 10% of Claims where the Settlement Class Member has relied in whole or in part on its own purchase records, and the Total SRAM Sum (as per Appendix A of the Distribution Plan) of that portion of the Settlement Class Member's Claim equals less than \$10,000. At its sole discretion, the Claims Administrator can elect to audit additional Claims.

14. If a Settlement Class Member's Claim is audited, the Settlement Class Member must provide documentary proof of the Settlement Class Member's SRAM and Eligible SRAM Products purchases. Such documentary proof may take any of the following forms:

- (i) invoices, receipts, purchase records or purchase orders, historical accounting records or comparable verification that is acceptable to the Claims Administrator; or
- (ii) statutory declarations by the Settlement Class Member setting out a reasonable estimate of the SRAM or Eligible SRAM Products purchased during the Class Period and an explanation of how that estimate was arrived at.

15. The Claims Administrator shall notify the Settlement Class Member, by email or regular mail, that his/her/its Claim is the subject of an audit and the requirement to provide documentary proof of the Settlement Class Member's SRAM and Eligible SRAM Products purchases in accordance with paragraph 14. The Claims Administrator shall allow the Settlement Class Member thirty (30) days from the date of such notice to provide documentary proof. If documentary proof is not provided within the thirty (30) day period, the Claims Administrator shall reject the Claim, subject to the deficiency process identified in paragraph 16 below.

Deficiencies

16. If the Claims Administrator finds that deficiencies exist in a Claim, the Claims Administrator shall forthwith notify the Settlement Class Member of the deficiencies. The Settlement Class Member will have thirty (30) days after being informed of a deficiency to correct the deficiencies to the satisfaction of the Claims Administrator.

Claims Administrator's Decision

17. In respect of each Claim, the Claims Administrator shall:
- (a) determine whether the claimant is a Settlement Class Member;
 - (b) determine whether the Settlement Class Member has satisfied the Claims requirements;
 - (c) calculate the Settlement Class Member's compensation based on the Distribution Protocol; and
 - (d) advise the Settlement Class Member of its approval or rejection of the Claim within ninety (90) days of the Claims Filing Deadline (the "Decision Notice").
18. Where the Claims Administrator has rejected or re-categorized all or part of the Claim, the Claims Administrator shall include in the Decision Notice its grounds for so doing.
19. The Claims Administrator's decision will be final and binding upon the Settlement Class Member.

THE CLAIMS DISTRIBUTION PROCESS

20. As soon as practicable after all valid Claims are processed, the Claims Administrator shall report to Class Counsel, stating the particulars of the proposed distribution of the Proceeds.
21. Upon receipt of the Claims Administrator's report, Class Counsel shall forthwith take such steps as they determine may be required pursuant to the provisions of the Distribution Protocol to finalize compensation payments to Settlement Class Members including, if necessary, an application to the Supervising Court.
22. Once all steps contemplated by paragraph 21 are complete, Class Counsel will instruct the Claims Administrator to make any recalculations of compensation which may be required and pay approved Claims.
23. The Claims Administrator shall make arrangements to pay approved Claims as expeditiously as possible following receipt of Class Counsel's instruction.

CLASS COUNSEL

24. Class Counsel shall oversee the claims process, but shall have no involvement in the adjudication of Claims. Class Counsel may, in consultation with the Claims Administrator, modify provisions of this Administration Protocol, including any time limits or deadlines, during the claims process to enhance the efficacy of the claims process if they consider it is necessary and reasonable for the fair administration of the Distribution Protocol.

CONFIDENTIALITY

25. All information received from the Defendants or the Settlement Class Members is collected, used, and retained by the Claims Administrator pursuant to the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c. 5 for the purposes of administering Claims.

26. The information provided by Settlement Class Members is strictly private and confidential and will not be disclosed without the express consent of the Settlement Settlement Class Member, except in accordance with the Settlement Agreements, orders of the Courts and/or the Distribution Protocol.

ANNEXE B

Voir le « PLAN DE DISTRIBUTION » aux 5 pages suivantes

Canadian SRAM National Class Actions

Distribution Protocol

Rules for Distribution:

1. The Supervising Court for the purpose of the distribution of the net settlement proceeds of the Canadian SRAM National Class Actions shall be the Supreme Court of British Columbia.
2. NPT RicePoint, Inc. will be the Claims Administrator for the purpose of the distribution of the net proceeds of all approved settlements in the Canadian SRAM National Class Actions.
3. The net proceeds of all approved settlements in the Canadian SRAM National Class Actions shall be distributed in accordance with the rules established by this court-approved Distribution Protocol.
4. The claims-made process will be designed in accordance with the provisions of the court-approved Administration Protocol to assist Settlement Class Members to easily and efficiently advance their claims in all applicable claims categories.
5. Claims for compensation will be permitted for SRAM and for the following types of new Eligible SRAM Products purchased by Settlement Class Members in Canada during the Class Period:
 - A. Computers
 - 1) Personal Digital Assistants
 - 2) Smart Phones
 - 3) Desktop Computers
 - 4) Servers
 - B. Networking
 - 1) Routers
 - 2) Switches
 - 3) Modems(collectively, the "Eligible SRAM Products").
6. Settlement Class Members may not recover in relation to SRAM or Eligible SRAM Products compensated or released as part of U.S. proceedings or a private settlement.

7. Settlement Class Members will be entitled to advance claims for purchases of SRAM and/or Eligible SRAM Products in one or more of the following claims categories: 1) End User Claims; 2) Manufacturer Claims; and 3) Distributor/Reseller Claims, provided they meet the rules for each applicable claims category.
8. A fund will be created for each claims category and net settlement proceeds will be allocated to each fund as follows:

1)	END USERS FUND	25%
2)	MANUFACTURERS FUND	50%
3)	DISTRIBUTORS/RESELLERS FUND	25%

9. Compensation for all valid claims received will be calculated by the Claims Administrator based on the rules for the applicable claims category and the net settlement proceeds available in the applicable claims fund.
10. Each eligible Settlement Class Member will be paid the compensation calculated by the Administrator provided his/her/its respective share amounts to \$25.00 or more.
11. Compensation payable to Quebec Settlement Class Members will be subject to deduction in respect of the amounts payable to the Fonds d'aide aux recours collectifs.
12. Additional rules for the various claims categories are as follows:

End User Claims:

13. A Settlement Class Member will be entitled to submit an End User Claim for his/her/its aggregate purchases of SRAM or Eligible SRAM Products purchased in Canada during the Class Period for his/her/its own use and not for commercial resale provided his/her/its Total SRAM Sum as per Appendix A equals \$100 or more.
14. To account for those Settlement Class Members whose Total SRAM Sum as per Appendix A does not equal \$100 or more, there will be a *cy près* distribution of CAD\$80,000.00 from the End Users Fund. The *cy près* distribution will be split evenly between the Boys and Girls Clubs of

Canada and the United Way Centraide Canada (the "Approved Recipients") to be used in accordance with their court-approved *cy pres* proposals.

15. All valid End User Claims will be compensated out of the End Users Fund.
16. The Total SRAM Sum for each valid End User Claim will be calculated by the Claims Administrator using the formula set out in Appendix A. The Total SRAM Sum payable for each valid End User Claim will be subject to such pro-ration as may be required, such that the aggregate of the Total SRAM Sums payable to all valid End User Claims shall utilize the whole of the End Users Fund after the deduction of the *cy pres* distribution pursuant to paragraph 13.

Manufacturer Claims:

17. A Settlement Class Member will be entitled to submit a Manufacturer Claim for SRAM purchased by him/her/it to manufacture or assemble products containing SRAM for direct or indirect commercial resale to End Users in the modified form.
18. All valid Manufacturer Claims will be compensated out of the Manufacturers Fund.
19. The Total SRAM Sum for each valid Manufacturer Claim will be calculated by the Claims Administrator using the formula set out at Appendix A. The Total SRAM Sum payable for each valid Manufacturer Claim will be subject to such pro-ration as may be required, such that the aggregate of the Total SRAM Sums payable to all valid Manufacturer Claims shall utilize the whole of the Manufacturers Fund.

Distributor/Reseller Claims:

20. A Settlement Class Member will be entitled to submit a Distributor/Reseller Claim for SRAM and/or Eligible SRAM Products purchased by him/her/it for resale by him/her/it without modification.
21. All valid Distributor/Reseller Claims will be compensated out of the Distributors/Resellers Fund.
22. The Total SRAM Sum for each valid Distributor/Reseller Claim will be calculated by the Claims Administrator using the formula set out at Appendix A. The Total SRAM Sum payable for each valid Distributor/Reseller Claim will be subject to such pro-ration as may be required, such that

the aggregate of the Total SRAM Sums payable to all valid Distributor/Reseller Claims shall utilize the whole of the Distributors/Resellers Fund.

Residual Discretion for the Management of the Distribution Protocol:

23. Notwithstanding the foregoing, if, following the claims process and the calculation of compensation in accordance with this Distribution Protocol, Class Counsel have concerns that the claims process and/or Distribution Protocol has produced an unjust result on the whole or to any segment of the Settlement Class Members or that a modification is required, they shall move to the Supervising Court for approval of a reasonable modification to this Distribution Protocol to remedy any unjust result or for further directions with respect to the distribution of the net settlement proceeds.
24. In arriving at a determination that an unjust result has occurred or that a modification is required, Class Counsel shall seek a consensus among themselves failing which they may move to the Supervising Court for a determination of any such issue.
25. In arriving at a determination that an unjust result has occurred or that a modification is required, the Supervising Court and Class Counsel will consider whether any Settlement Class Member received more than approximately 25% of their Total SRAM Sum as per Appendix A.

Distribution of Residual Funds

26. If residual funds remain after all eligible Settlement Class Members have been paid settlement benefits pursuant to this Distribution Protocol, such residual funds shall be distributed cy pres to the Approved Recipients to be used in accordance with their court-approved cy pres proposals.
27. Any monies distributed cy pres pursuant to paragraphs 13 and 26 will have an initial deduction for distribution to the Fonds d'aide aux recours collectifs (the "Fonds Levy").¹

¹ In calculating the Fonds Levy, it will be assumed that the cy pres distributions will be allocated across Canada in proportion to the provincial populations. Statistics Canada reports that, in 2005, 23.5% of the Canadian population resided in Quebec. As a result, the Fonds Levy will be calculated on 23.5% of the Cy Près Fund. The Fonds Levy will be deducted from the amount allocated for the indirect benefit of Quebec Settlement Class Members.

Appendix A

The Total SRAM Sum will be calculated by the Claims Administrator for each Settlement Class Member in each applicable claims category using the following formula:

Step 1 for each Eligible SRAM Product type purchased in the applicable claims category:

Number of Units Purchased x Percentage Containing SRAM x Value of SRAM per Unit = Product Dollar Value.

Step 2: The sum of all Product Dollar Values in the applicable claims category = Total Eligible SRAM Product Sum

Step 3 for all raw SRAM purchased in the applicable claims category: Total Eligible SRAM Product Sum + Total dollar value of purchases of raw SRAM = Total SRAM Sum

Where the defined terms shall have the following meanings:

- A. **Number of Units Purchased** means the number of each type of Eligible SRAM Product purchased (eg. 100 desktop computers) in the applicable claims category for which compensation is being calculated.
- B. **Percentage Containing SRAM** means the estimated percentage of the Eligible SRAM Product type that contains SRAM (eg. Desktops 45%). This eliminates from the claim the estimated percentage of the Eligible SRAM Product type that did not contain any SRAM.
- C. **Value of SRAM per Unit** means the estimated cost of SRAM in the relevant Eligible SRAM Product type.

The following chart provides the applicable values for the above defined terms:

Eligible SRAM Product Type	Percentage Containing SRAM	Value of SRAM per Unit
Desktops	45%	\$11.24
Servers	90%	\$45.95
Routers	82%	\$17.29
Switches	32%	\$35.42
Modems	58%	\$4.02
Smartphones	22%	\$47.01
PDA's	40%	\$6.29

ANNEXE C

Voir les « AVIS D'APPROBATION » aux 8 pages suivantes

AVEZ-VOUS ACHETÉ UN APPAREIL ÉLECTRONIQUE OU DE LA MÉMOIRE VIVE STATIQUE (SRAM) ENTRE 1998 ET 2005?

SI OUI, IL VOUS EST PEUT-ÊTRE POSSIBLE DE RÉCLAMER DE L'ARGENT QUI VOUS EST DÛ SUITE À UNE ENTENTE INTERVENUE DANS LE CADRE D'UN RECOURS COLLECTIF.

Le recours collectif soutenait que les acheteurs auraient payé un montant trop élevé pour la mémoire vive statique (SRAM) et les produits contenant de la SRAM puisque certains manufacturiers auraient comploté pour fixer le prix.

QUE VISENT LES ENTENTES DANS CE RECOURS COLLECTIF?

La mémoire vive statique (SRAM) est une forme de mémoire vive que l'on retrouve dans plusieurs appareils électroniques. Un recours collectif alléguait qu'entre le 1^{er} janvier 1998 et le 31 décembre 2005 (la «période du recours»), certains manufacturiers de SRAM auraient comploté pour fixer leur prix. Ceci a eu comme résultat que les consommateurs, les entreprises et d'autres types d'acheteurs auraient payé trop cher pour la SRAM et pour les appareils électroniques contenant de la SRAM qu'ils ont achetés au Canada. Le recours collectif s'est réglé pour une somme de **4,85 millions** de dollars. Il est maintenant venu le temps de distribuer cet argent aux personnes ayant acheté certaines quantités de SRAM ou des produits électroniques contenant de la SRAM en accord avec les termes du Plan de distribution ayant été approuvé par la Cour.

COMBIEN D'ARGENT PUIS-JE RECEVOIR?

Si votre réclamation est acceptée, elle sera évaluée sur la base du montant de SRAM et/ou du nombre d'appareils électroniques éligibles que vous avez achetés.

Le paiement sera effectué sur la base de la proportionnalité (c'est-à-dire, la valeur de votre réclamation relativement à la valeur de toutes les réclamations approuvées), conditionnellement à ce que ce montant soit de 25 \$ ou plus. Aucun chèque ne sera émis pour les montants de moins de 25 \$.

COMMENT OBTENIR L'ARGENT?

Il vous faudra compléter une réclamation avant le ♦. Les réclamations pourront être soumises en ligne au ♦. Il vous est aussi possible de demander qu'une copie papier vous soit transmise en appelant le ♦.

DOIS-JE DÉBOURSER POUR FAIRE UNE RÉCLAMATION ?

Non, il ne coûte absolument rien de formuler une réclamation.

COMMENT AVEZ-VOUS ACHETÉ DE LA SRAM?

Il est possible que vous ayez acheté de la SRAM comme produit autonome ou encore que vous ayez acheté un appareil électronique en contenant.

Les appareils éligibles à l'indemnisation sont :

- Assistant numérique personnel
- Téléphone intelligent
- Ordinateur
- Routeur
- Communicateur réseau
- Modem
- Serveur

QUI PEUT FAIRE UNE RÉCLAMATION?

Vous pouvez soumettre une réclamation si:

1. vous vivez au Canada;
2. vous avez acheté de la SRAM et/ou un appareil électronique contenant de la SRAM au Canada durant la période visée par le recours; et
3. vos achats rencontrent le montant minimal requis. Allez au **◆** pour déterminer si vous rencontrez le montant minimal d'achat requis.

DE QUELLE INFORMATION AI-JE BESOIN POUR FORMULER UNE RÉCLAMATION?

À moins que votre réclamation soit sélectionnée pour un audit, aucun reçu n'est requis. Si votre réclamation est choisie pour un audit, l'Administrateur des Réclamations vous contactera pour plus d'information.

QUAND VAIS-JE RECEVOIR L'ARGENT?

Toutes les réclamations sont dirigées à l'Administrateur des Réclamations, qui les reçoit et les traite.

L'Administrateur des Réclamations transmettra un avis de décision à toute personne ayant soumis une réclamation. Des chèques ou des transferts électroniques de fonds par courriel seront envoyés à toute personne dont la réclamation a été approuvée. Il est attendu que les paiements seront émis avant le **◆**.

J'AI D'AUTRES QUESTIONS. COMMENT PUIS-JE AVOIR PLUS D'INFORMATION?

Visitez-le **◆**, écrivez un courriel au **◆**, ou appelez le **◆**.

Cet avis n'est qu'un sommaire des modalités du Plan de distribution approuvé par le Tribunal. Pour obtenir les dispositions complètes, les membres du groupe doivent consulter le Plan de distribution disponible au www. ♦.

Il vous est aussi possible de contacter l'un des avocats ayant travaillé sur le recours collectif :

Camp Fiorante Matthews Mogerman
604-689-7555 ou 1-800-689-2322
SRAMSettlement@cfmlawyers.ca
Attn: Reidar Mogerman

Bouchard Pagé Tremblay Avocats
418-622-6699 ou 1-855-768-6667
recourscollectifs@bptavocats.com
Attn: Brian A. Garneau

Sutts, Strosberg LLP
1-800-229-5323 poste 8296
sramclassaction@strosbergco.com
Attn: Heather Rumble Peterson

DID YOU PURCHASE SRAM COMPUTER MEMORY OR ELIGIBLE ELECTRONIC DEVICES BETWEEN 1998 AND 2005?

IF SO, YOU MAY BE ENTITLED TO COLLECT FROM A CLASS ACTION SETTLEMENT.

The class action claimed purchaser paid too much for SRAM and products containing SRAM because some manufacturers conspired to fix prices.

WHAT IS THE CLASS ACTION SETTLEMENT ABOUT?

SRAM ("Static Random Access Memory") is a computer memory chip found in many electronic devices. A class action lawsuit alleged that between January 1, 1998 and December 31, 2005 (the "Class Period") some makers of SRAM conspired to fix prices—resulting in consumers, businesses, and other purchasers paying too much for SRAM and electronic devices with SRAM in them purchased in Canada. The class action lawsuit settled for **\$4.85 million**. Now it is time to pay money to the people who bought certain quantities of SRAM and/or electronic devices with SRAM in accordance with the terms of the Court-approved distribution plan.

HOW MUCH MONEY CAN I GET?

If your request for payment is accepted, your request will be valued based on the amount of SRAM and/or the number of eligible electronic devices with SRAM you purchased.

Payments will be made on a proportional basis (i.e., the value of your request relative to the value of all approved requests), provided it amounts to \$25 or more. Cheques will not be issued for amounts below \$25.

HOW DO I GET MONEY?

Complete a request for payment before ♦. Requests can be submitted online at ♦. You can also ask that a hardcopy request form be sent to you by calling ♦.

DOES IT COST ANYTHING TO REQUEST A PAYMENT?

No, it costs absolutely nothing to request your payment.

HOW DID YOU BUY SRAM?

You may have either bought SRAM as a standalone product or contained in an electronic device.

The following electronic devices are eligible for compensation are:

- Personal Digital Assistants
- Smart Phones
- Desktop Computers
- Servers
- Routers
- Switches
- Modems

WHO CAN REQUEST A PAYMENT?

You should request a payment if:

1. you live in Canada;
2. you bought SRAM and/or an eligible electronic device with SRAM in Canada during the Class Period; and
3. your purchases meet the minimum purchase requirement. Go to ♦ to determine if you meet the minimum purchase requirement.

WHAT INFORMATION DO I NEED TO REQUEST A PAYMENT?

A receipt is not required, unless your claim is selected for audit. If your claim is selected for audit, the claims administrator will contact you for more information.

WHEN WILL I RECEIVE THE PAYMENT?

All requests for payment are sent to a Claims Administrator, who receives and processes them.

The Claims Administrator will send out decision notices to everyone who filed a request. Cheques or email transfers will be sent to everyone whose request was approved. It is expected that payments will be issued by ♦.

I HAVE MORE QUESTIONS. HOW CAN I GET MORE INFORMATION?

Go to ♦, email ♦, or call ♦.

This notice is a summary only of the terms of the Court-approved Distribution Plan which governs. Class members should review the Distribution Plan found at www.♦ for the complete rules.

You can also contact one of the lawyers who worked on the class action lawsuit:

Camp Fiorante Matthews Mogerman
604-689-7555 or 1-800-689-2322
SRAMSettlement@cfmlawyers.ca
Attn: Reidar Mogerman

Bouchard Page Tremblay Avocats
418-622-6699 or 1-855-768-6667
recourscollectifs@bptavocats.com
Attn: Brian A. Garneau

Sutts, Strosberg LLP
1-800-229-5323 extn 8296
sramclassaction@strosbergco.com
Attn: Heather Rumble Peterson

AVEZ-VOUS ACHÉTÉ UN APPAREIL ÉLECTRONIQUE OU DE LA MÉMOIRE VIVE STATIQUE (SRAM) ENTRE 1998 ET 2005?

SI OUI, IL VOUS EST PEUT ÊTRE POSSIBLE DE RÉCLAMER DE L'ARGENT QUI VOUS EST DÛ SUITE À UNE ENTENTE INTERVENUE DANS LE CADRE D'UN RECOURS COLLECTIF.

Le recours collectif soutenait que les acheteurs auraient payé un montant trop élevé pour la mémoire vive statique (SRAM) et les produits contenant de la SRAM puisque certains manufacturiers auraient comploté pour fixer le prix.

QUE VISENT LES ENTENTES DANS CE RECOURS COLLECTIF?

La mémoire vive statique (SRAM) est une forme de mémoire vive que l'on retrouve dans plusieurs appareils électroniques. Un recours collectif alléguait qu'entre le 1^{er} janvier 1998 et le 31 décembre 2005 (la «période du recours»), certains manufacturiers de SRAM auraient comploté pour fixer leur prix. Ceci a eu comme résultat que les consommateurs, les entreprises et d'autres types d'acheteurs auraient payé trop cher pour la SRAM et pour les appareils électroniques contenant de la SRAM qu'ils ont acheté au Canada. Le recours collectif s'est réglé pour une somme de **4,85 millions** de dollars. Il est maintenant venu le temps de distribuer cet argent aux personnes ayant acheté certaines quantités de SRAM ou des produits électroniques contenant de la SRAM.

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DOIS-JE DÉBOURSER POUR FAIRE UNE RÉCLAMATION?

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SI J'AI D'AUTRES QUESTIONS. COMMENT PUIS-JE AVOIR PLUS D'INFORMATION?

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WHAT INFORMATION DO I NEED?

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HOW DID YOU BUY SRAM?

You may have either bought SRAM as a standalone product or contained in an electronic device.

The following electronic devices are eligible for compensation:

- Personal Digital Assistants (PDAs)
- Smart Phones
- Desktop Computers
- Routers
- Switches
- Modems
- Servers

WHO CAN REQUEST A PAYMENT?

You should request a payment if:

1. you live in Canada;
2. you bought SRAM and/or an eligible electronic device with SRAM in Canada during the Class Period; and
3. your purchases meet the minimum purchase requirement. Go to ♦ to determine if you meet the minimum purchase requirement.

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ANNEXE D

Voir le « Plan de publication des avis » à la page suivante

NOTICE PLAN
Notice of Distribution and Claims Process

The short-form Notice of Distribution and Claims Process shall be distributed in the following manner:

1. sent to the following industry associations, in either English or French, as is appropriate for each association, requesting voluntary distribution to their membership:
 - (a) Information Technology Association of Canada; and
 - (b) Information and Communications Technology Council (ICTC).
2. sent by direct mail or email in English or French, as is appropriate, to:
 - (a) the Settling Defendants' direct purchaser customers of SRAM or products containing SRAM during the relevant period, to the extent that such information has been provided to Class Counsel;
 - (b) certain SRAM class members who are identified by the Claims Administrator following their review of the data and claims collected through the LCD and DRAM claims process;
 - (c) anyone who has contacted Class Counsel about the litigation or who has otherwise provided their contact information for the purpose of receiving notice; and
 - (d) large end purchasers of SRAM products identified by Class Counsel and the Claims Administrator, including procurement officers of the federal, provincial and municipal governments, school boards and universities, health authorities, and large businesses.

The long-form Notice of Certification and Settlement Approval Hearing shall be disseminated in the following manner:

- (e) posted in English and French by Class Counsel on Class Counsel's respective websites; and
- (f) provided by Class Counsel to any person who requests it