

**CITATION:** Allott v. Panasonic Corporation, 2024 ONSC 5718  
**COURT FILE NO.:** 1899/15 CP  
**DATE:** 20241015

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** Sean Allott, Plaintiff

**AND:**

Panasonic Corporation; Panasonic Corporation of North America; Panasonic Canada Inc.; KOA Corporation; KOA Speer Electronics, Inc.; ROHM Co. Ltd.; ROHM Semiconductor U.S.A., LLC.; Vishay Intertechnology, Inc.; Hokuriku Electric Industry Co.; HDK America Inc.; Kamaya Electric Co., Ltd.; Kamaya, Inc.; ALPS Electric (North America), Inc.; Midori Precisions Co., Ltd.; Midori America Corporation; Susumu Co., Ltd.; Susumu International (USA) Inc.; Tokyo Cosmos Electric Co.; and Tocos America, Inc., Defendants

**BEFORE:** Justice R. Raikes

**COUNSEL:** Jonathan Foreman, Sarah Bowden, and Charles Wright - Counsel, for the Plaintiff

Katherine Kay and Sinziana Hennig - Counsel for the KOA Defendants

Kevin Wright - Counsel for the Susumu Defendants

Paul Martin - Counsel for the ROHM Defendants

Paul Wearing and Robert Tighe - Counsel for the Hokuriku Defendants

Sandra Forbes and Maura O'Sullivan - Counsel for the Kamaya Defendants

Emrys Davis and John Rook - Counsel, for the Panasonic Defendants

**HEARD:** In writing

**ENDORSEMENT**

- [1] The plaintiff has entered into settlement agreements with the KOA defendants and the Susumu defendants.
- [2] The plaintiff moves for an order certifying this action for settlement purposes as against those defendants. He also seeks an order approving the form and method by which notice of the certification and settlement approval hearing will be provided to settlement class members.

- [3] The settling defendants consented to the order requested. There are four previous settlements that received the requisite court approvals. Class members were given the opportunity to opt out of the action with the first settlement. There were no opt outs. There is no right to a further opt out option.
- [4] Pursuant to the settlement agreement with the KOA defendants, KOA will pay \$3.3 million for the benefit of the plaintiff class. The settlement is conditional upon approval by courts in Ontario, British Columbia, and Québec.
- [5] Pursuant to the settlement agreement with the Susumu defendants, Susumu will pay \$90,000 for the benefit of the plaintiff class. Susumu is not a named defendant in the British Columbia action. Accordingly, approval is only required in the Ontario action and in the Québec action.
- [6] The settling defendants are the final group of defendants to settle in this litigation. If approved, the litigation will be resolved in its entirety on a national basis. If the settlements are approved, the next step will be preparation of a distribution protocol for the settlement funds net of class counsel fees, disbursements, applicable taxes and notice costs.
- [7] The requirements for certification order are less rigorously applied in a settlement context. The proposed certification is on substantially the same terms as the prior consent certification orders. I am satisfied that the criteria for certification for settlement purposes is met as:
- a. the pleadings disclose a cause of action;
  - b. there is an identifiable class which is defined by reference to objective criteria. The class, as defined, bears a rational relationship to the causes of action and common issues;
  - c. the claimant raises a common issue. Although worded differently in the two settlement agreements, the common issues are substantially the same as those previously accepted by this court in the context of prior settlements;
  - d. a class proceeding is the preferable procedure; and
  - e. the proposed representative plaintiff is the same as previously approved for earlier settlements.
- [8] The plaintiff in settling defendants have agreed upon the form and content of short-form, long-form, banner ad, and press release notices. The proposed notices advise class members of the basic terms of the settlement and their right to participate in the settlement approval hearings.
- [9] The settling parties have also agreed upon a plan of dissemination for the notices. The notices and plan of dissemination are consistent with previously approved notices and plans save that newspaper publications have been excluded. I am satisfied that the notices

fulfil the requirements to inform class members of the basic terms of the settlement and the settlement approval hearing.

[10] I also accept that the proposed plan of dissemination is appropriate, reasonable, and likely to bring the required information to the attention of interested class members. It engages in a multimedia technique to publicize the settlement.

[11] Accordingly, the action is certified for settlement purposes as against of the settling defendants. The notices and plan of dissemination are hereby approved.



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Justice R. Raikes

**Date:** October 15, 2024