

If You Bought Electronics Such as a Portable Computer, Power Tool, Camcorder, or Mobile Phone Containing a Lithium Ion Battery or a Replacement Battery from January 1, 2000 through May 31, 2011

The Amount of Money You Could Receive from \$113.45 Million in Settlements May Have Changed and Your Legal Rights May Be Affected

A Federal Court authorized this Notice. This is not a solicitation from a lawyer.

- This Notice provides a summary of the lawsuit, the Settlements, recent changes to the proposed plan to distribute funds from the Settlements, and an extended deadline to object to the proposed Revised Settlement Distribution Plan. To obtain additional details concerning the Settlements, please read this entire Notice and the Settlement Agreements, available at www.reversethecharge.com, carefully.
- **The following rights and options - and deadlines to exercise them - have changed, as explained in this Notice.**

YOUR LEGAL RIGHTS AND OPTIONS		
YOU MAY:		DUE DATE:
DO NOTHING NOW	You will be included in the Settlements with all Settling Defendants. If you previously filed a claim in the Settlements discussed in Paragraph 8 below, you may receive a portion of the settlement fund pursuant to the Court-approved Settlement Distribution Plan.	N/A
OBJECT TO THE SETTLEMENT DISTRIBUTION PLAN	You can write to the Court explaining why you disagree with the Settlement Distribution Plan.	November 16, 2020
GO TO THE HEARING	Ask to speak in Court about your opinion of the Settlement Distribution Plan.	December 8, 2020

- A class action lawsuit has been brought on behalf of indirect purchasers of products that contained Lithium-Ion Batteries (“Li-Ion Batteries”), such as: (i) portable computers; (ii) power tools; (iii) camcorders; (iv) mobile phones; or (v) a replacement battery for any of these products. Indirect purchasers include consumers, businesses, and California local governments who purchased their products from someone other than the battery manufacturer, such as a retail store.
- Plaintiffs claim that Defendants (listed below) and co-conspirators engaged in an unlawful conspiracy to fix, raise, maintain, or stabilize the prices of Lithium Ion Battery Cells (“Li-Ion Cells”). Plaintiffs further claim that purchasers of the products listed above containing Lithium-Ion Batteries may recover for the effect that the conspiracy had on the prices of these devices. Plaintiffs allege that, as a result of the unlawful conspiracy involving Li-Ion Cells, they and other indirect purchasers paid more for these products and replacement batteries than they would have paid absent the conspiracy. Defendants deny Plaintiffs’ claims.
- Settlements have been reached with Sony Corporation, Sony Energy Devices Corporation, and Sony Electronics Inc. (collectively “Sony”); LG Chem, Ltd. and LG Chem America, Inc. (“LG Chem”); Hitachi Maxell Ltd. and Maxell Corporation of America (“Hitachi Maxell”); NEC Corporation (“NEC”); Samsung SDI Co., Ltd. and Samsung SDI America, Inc. (“SDI”); TOKIN Corporation (“TOKIN”); Toshiba Corporation (“Toshiba”); and Panasonic Corporation, Panasonic Corporation of North America, SANYO Electric Co., Ltd., and SANYO North America Corporation (“Panasonic”) (collectively, the “Settling Defendants”).
- The Court in charge of these cases previously approved the Settlements. It is now considering whether to finally approve a Revised Settlement Distribution Plan, as more fully described herein. Payments will be made (1) after the Court approves all Settlements, along with the Revised Settlement Distribution Plan, (2) after any appeals are resolved, and (3) after the Court-approved payment of attorneys’ fees, expenses, and service awards to Class Representatives.

**QUESTIONS? VISIT WWW.REVERSETHECHARGE.COM
OR CALL 1-855-730-8645**

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BASIC INFORMATION

1. What Is This Notice About?

This Notice is to inform you about updates to the Settlement Distribution Plan reached in this litigation, before the Court decides whether to finally approve the Settlement Distribution Plan. This Notice explains the lawsuit, the Settlements, and your legal rights. The Court in charge is the United States District Court for the Northern District of California. This litigation is known as *In re Lithium Ion Batteries Antitrust Litigation - All Indirect Purchaser Actions*, MDL No. 2420. The people who sued are called the “Plaintiffs.” The companies they sued are called the “Defendants.”

Previously, the Court granted final approval of the Settlements with the Settling Defendants. Subsequently, an appeal was filed with the United States Court of Appeals for the Ninth Circuit (“Ninth Circuit”) regarding aspects of the Court’s certification of a nationwide class and a pro rata distribution plan as part of the final approval. Recently, the Ninth Circuit vacated (eliminated) the Court’s final approval order related to the settlements with LG Chem, Hitachi Maxell, and NEC, and remanded (sent) the case back for further proceedings before the Court. Since then, the Court has ruled that the Settlements with all Settling Defendants should have the same plan of allocation and distribution of settlement funds. The details of the Revised Settlement Distribution Plan are set forth in this Notice.

The Court has yet to decide this matter.

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2. What Is This Lawsuit About?

The lawsuit alleges that Defendants and co-conspirators conspired to raise and fix the prices of Li-Ion Cells for over ten years, resulting in overcharges to buyers of batteries, battery packs, and products such as portable computers, camcorders, power tools, and mobile phones containing Li-Ion Batteries. The complaint describes how the Defendants and co-conspirators allegedly violated the U.S. and state antitrust, unfair competition, and consumer protection laws by agreeing to fix prices and restrict output of these cells by, among other things, face-to-face meetings and other communications, customer allocation, and the use of trade associations. Defendants deny Plaintiffs' allegations. The Court has not decided who is right.

3. Why Are There Settlements?

This Notice concerns Settlements with all Settling Defendants—Sony, LG Chem, Hitachi Maxell, NEC, SDI, TOKIN, Toshiba, and Panasonic—which effectively end this litigation. Paragraph 8, below, provides information about the benefits of all Settlements.

4. What Are Li-Ion Cells, Li-Ion Packs, Li-Ion Batteries, And Finished Products?

For purposes of the Settlements:

- “Lithium Ion Battery Cell(s)” or “Li-Ion Cells” means cylindrical, prismatic, or polymer cells used for the storage of power that are rechargeable and uses lithium ion technology.
- “Lithium Ion Battery Pack(s)” or “Li-Ion Packs” means Lithium Ion Battery Cells that have been assembled into packs, regardless of the number of Lithium Ion Cells contained in such packs.
- “Lithium Ion Battery” or “Li-Ion Battery” means a Lithium Ion Battery Cell or Lithium Ion Battery Pack.
- “Finished Product” means any product and/or electronic device that contains a Lithium Ion Battery, including but not limited to laptop PCs, notebook PCs, netbook computers, tablet computers, mobile phones, smart phones, cameras, camcorders, digital video cameras, digital audio players, and power tools.

5. Why Is This A Class Action?

In a class action, one or more people called the “Class representatives” sue on behalf of themselves and other people with similar claims. All of these people together are the “Class” or “Class Members.” In a class action, one court may resolve the issues for all Class Members, except for those who have excluded themselves from the class.

THE SETTLEMENTS

6. How Do I Know If I May Be Included In The Class Or If My Rights Are Affected?

The Class includes all persons and entities who, as residents of the United States and during the period from January 1, 2000 through May 31, 2011, purchased new for their own use and not for resale one products which contained a lithium-ion battery manufactured by one or more Defendants in this lawsuit or their co-conspirators, such as: (i) a portable computer; (ii) a power tool; (iii) a camcorder; (iv) mobile phones, tablet computers, cameras and digital audio players; or (v) a replacement battery for any of these products. Purchasers of the finished products in category (iv) or non-specified products may only make claims against the proceeds of the Sony settlement.

The specific definition of who is included in the Class is set forth in the Settlement Agreements. The Settlement Agreements, and the related Complaints, are accessible on the website www.reversethecharge.com. Payments to Class Members will be made only: (1) after the Court approves all Settlements, along with the revised Settlement Distribution Plan and, (2) after any appeals are resolved, and (3) after the Court-approved payment of attorneys' fees, expenses, and service awards to Class Representatives. A revised Settlement Distribution Plan was provided by the Court in an Order issued on August 27, 2020. The revised Settlement Distribution Plan, as approved by the Court, will determine the amount, if any, that each Class Member will receive.

7. What is the Revised Settlement Distribution Plan?

The settlements total \$113.45 million. After deducting Court-approved attorneys' fees, service awards, notice and administration costs, and litigation expenses, the remaining Net Settlement Fund will be divided into two funds, a Repealer Fund and a Non-Repealer Fund. The Repealer Fund (90% of the Net Settlement Fund) will be available for distribution to Class Members who are residents of the following Repealer States: Alabama, Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan,

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Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin. All other states and/or jurisdictions are “Non-Repealer” States. The Non-Repealer Fund (10% of the Net Settlement Fund) will be available for distribution to Class Members who are residents of Non-Repealer States. However, the plan for distributing the Settlement Funds is not final and may be changed by the Court after considering any and all objections by Class Members. If the Court determines that further changes to the allocation of the Settlement Funds between the Repealer Fund and the Non-Repealer Fund are appropriate, those changes will be posted on the settlement website (www.reversethecharge.com), which also provides more details about the Settlements), according to state of residence. The Court has the discretion not to pay any “de minimis” claims where the value of the claim does not justify the cost of distribution.

Previously, the proceeds of the Sony settlement were to be distributed regardless of the Class Member’s state of residence. The other settlements were to be distributed differently based on state of residence, as described above. Under the new plan, the Sony settlement proceeds will be distributed in the same way as the other settlements.

HOW TO GET BENEFITS FROM THE SETTLEMENTS

8. How Much Money Can I Get?

Money from all settlements in this case will be distributed together on a per-device basis, but the amount you receive from each settlement will depend on the Court-approved Revised Settlement Distribution Plan. For all Settlements, the amount Class Members will be paid has changed to the following:

Every Class Member who already filed a valid claim will have that claim applied against the Repealer Fund or Non-Repealer Fund, depending on the Class Member’s state of residence. As noted above, 90% of the Net Settlement Fund will be distributed to the Repealer-State residents, and 10% of the Net Settlement Fund will be distributed to Non-Repealer-State residents. The amount available for distribution will be affected by any awards made by the Court against the funds for attorneys’ fees, reimbursement of costs, or service awards for the Class representatives. How much each Class Member receives will also depend on the number of claims made from Repealer and Non-Repealer states and a balancing of the cost of distribution with the amount to be distributed to each Class Member.

Any remaining balance after an initial distribution of the Settlement Funds to qualified claimants will be redistributed to Class Members or, if redistribution is too costly compared with the amount of the remaining balance, such funds will escheat to federal or state governments. No money will return to the Settling Defendants once the Court finally approves the Revised Settlement Distribution Plan.

9. How And When Will I Get A Payment?

No money will be distributed yet. If final approval is granted as to the Revised Settlement Distribution Plan, Class Members who have already filed a valid and timely claim will receive cash payments and may receive them through an online payment system (such as Amazon, PayPal, or Google Wallet). If you are a Class Member with valid and timely claims and prefer to receive a physical check, please submit a written request to Lithium Batteries Indirect Purchaser Settlements, c/o Epiq, P.O. Box 10194, Dublin, OH 43017-3194. The deadline to file a claim has already passed. The deadline was July 19, 2019. If you did not already file a claim, you will not receive a cash payment from the Settlements.

The timing of the distribution will be requested by the Plaintiffs’ lawyers and approved by the Court. It may not occur until all Settlements are final, and after resolution of any appeals. All Settlement Funds that remain after payment of the Court-ordered attorneys’ fees, service awards, costs, and expenses will be distributed within 45 days of the final judgment (which includes resolution of any appeals), unless modified by the Court.

THE LAWYERS REPRESENTING YOU

10. Do I Have A Lawyer Representing Me?

The Court has appointed the following lawyers as Class Counsel to represent you and all other members of the Class:

Adam Zapala, Esq. Cotchett, Pitre & McCarthy, LLP San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010 batteries@cpmlegal.com	Shana Scarlett, Esq. Hagens Berman Sobol Shapiro LLP 715 Hearst Avenue, Suite 202 Berkeley, CA 94710 batteries@hbsslaw.com	Brendan P. Glackin, Esq. Lief Cabraser Heimann & Bernstein, LLP 275 Battery Street, 29th Floor San Francisco, CA 94111 lithiumbatteries@lchb.com
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You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

11. How Will The Lawyers And Class Representatives Be Paid?

The attorneys' fees, costs, expenses, and service awards that the Court orders, plus the costs to administer the Settlements, will be paid from the cumulative Settlement Fund.

OBJECTING TO THE SETTLEMENT DISTRIBUTION PLAN

12. How Do I Object To Or Comment On The Revised Settlement Distribution Plan?

You can ask the Court to deny final approval of the Revised Settlement Distribution Plan by filing an objection.

Any objection to the proposed Settlement Distribution Plan must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must:

- Specify your name, address, and telephone number;
- Clearly identify the case name, number, and settlement (*In re Lithium Ion Batteries Antitrust Litigation - All Indirect Purchaser Actions*, MDL No. 2420, Indirect Purchaser Settlements);
- Be submitted to the Court either by mailing it to the Clerk of the Court, United States District Court for the Northern District of California, 1301 Clay Street, Suite 400S, Oakland, CA 94612, or by filing them in person at any location of the United States District Court for the Northern District of California; and
- Be filed or postmarked on or before November 16, 2020.

THE FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement Distribution Plan. You may attend and you may ask to speak, but you do not have to do so.

13. When And Where Will The Court Decide Whether To Approve The Revised Settlement Distribution Plan?

The Court will hold a Final Fairness Hearing on December 8, 2020, at 2:00 p.m. The hearing will be conducted on a Zoom platform with the link posted on the Court's PACER site and at the settlement website (www.reversethecharge.com). The hearing may be moved to a different date or time without additional notice, so check the Court's PACER site or the settlement website (www.reversethecharge.com), or call 1-855-730-8645 to confirm the date has not been changed. At this hearing, the Court will consider whether the Revised Settlement Distribution Plan is fair, reasonable, and adequate. If there are objections or comments, the Court will consider them at that time and may listen to people who have asked to speak at the hearing. At or after the hearing, the Court will decide whether to approve or modify the Revised Settlement Distribution Plan.

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14. Do I Have To Attend The Hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend at your expense. If you send an objection or comment, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also hire your own lawyer at your own expense to attend on your behalf, but you are not required to do so.

15. May I Speak At The Hearing?

If you send an objection or comment on the Settlement Distribution Plan, you may have the right to speak at the Final Fairness Hearing as determined by the Court.

GET MORE INFORMATION

16. How Do I Get More Information?

This Notice summarizes the Settlements. More details are in the Settlement Agreements. You can get copies of the Settlement Agreements and more information about the Settlements at www.reversethecharge.com. You also may write with questions to Lithium Batteries Indirect Purchaser Settlements, c/o Epiq, P.O. Box 10194, Dublin, OH 43017-3194 or call the toll-free number 1-855-730-8645.

**DO NOT CONTACT THE COURT, THE OFFICE OF THE CLERK OF THE COURT,
DEFENDANTS OR THEIR COUNSEL REGARDING THIS NOTICE**

Dated: September 22, 2020

By Order of the Court
United States District Court
Northern District of California