

If You Bought Electronics Such as a Portable Computer, Power Tool, Camcorder, and/or Other Items Containing a Lithium Ion Cylindrical Battery Since 2000

You Could Get Money From More Than \$113 Million in Settlements

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

- Please read this Notice and the Settlements carefully. Your legal rights may be affected whether you act or don't act. This Notice summarizes the proposed Settlements.
- **The following rights and options – and deadlines to exercise them – are explained in this Notice.**

YOUR LEGAL RIGHTS AND OPTIONS		
<u>YOU MAY:</u>		<u>DUE DATE:</u>
EXCLUDE YOURSELF	If you exclude yourself, you will keep any rights you currently have to sue SDI, Toshiba, TOKIN, and Panasonic (“Settling Defendants”) about the claims in this case. You will not be included in the Settlements and will receive no benefits from the Settlements with Settling Defendants.	May 28, 2019
DO NOTHING NOW	You will be included in the Settlements with Settling Defendants and eligible to submit a claim for a payment (if you qualify). You will give up your rights to sue the Settling Defendants about the claims in this case.	
OBJECT TO THE SETTLEMENTS	You can write to the Court explaining why you disagree with the Settlements with Settling Defendants or any request for attorneys’ fees (only if you do not exclude yourself).	May 28, 2019
SUBMIT A CLAIM FOR PAYMENT	Complete the claim form for payment available online at www.reversethecharge.com and submit it online or by mail (if you qualify for the Settlements).	July 19, 2019
GO TO THE HEARING	Speak in Court about your opinion of the Settlements with Settling Defendants or requested fees. The date of the hearing may change without further notice to the class, so please check www.reversethecharge.com or the Court’s PACER site (https://ecf.cand.uscourts.gov) to confirm that the date has not been changed.	July 16, 2019
REGISTER ON THE WEBSITE	The best way to receive updates about the lawsuit.	

- The Settlements and related court papers are available at www.reversethecharge.com, or by contacting class counsel. You can also access the Settlements and supporting motions for a fee through the Court’s docket in person or electronically. To access the Court’s docket (Case No. 4:13-md-2420) in person, visit the office of the Clerk of the Court for the United States District Court for the Northern District of California, 1301 Clay Street, Suite 400S, Oakland, CA 94612, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. To access the Court’s docket electronically through the Court’s Public Access to Court Electronic Records (PACER) system, go to <https://ecf.cand.uscourts.gov>, which allows you to register for and log in to PACER. Once you have logged in to PACER, go to “Query,” enter Case Number 4:13-md-2420, and click “Run Query” to access the Court’s docket. PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.
- A class action lawsuit has been brought on behalf of consumers, businesses and California local governments who bought the following products that contained Lithium-Ion Cylindrical Batteries, a type of Lithium-Ion Battery (“Li-Ion Battery”): (i) portable computers; (ii) power tools; (iii) camcorders; or (iv) replacement batteries for any of these products. This case is only on behalf of consumers and others who bought the devices to use them, usually from retailers. It is not on behalf of companies like retailers who bought the devices to re-sell them to consumers.
- Plaintiffs claim that Defendants (listed below) and co-conspirators conspired to fix, raise, maintain, or stabilize the prices of cylindrical Lithium Ion Battery Cells (“Li-Ion Cells”). Plaintiffs further claim that purchasers of the products

listed above containing Lithium-Ion Cylindrical Batteries (“Li-Ion Cylindrical Batteries”) overpaid for these devices because of the conspiracy. Defendants deny Plaintiffs’ claims.

- Settlements were previously reached with LG Chem, Ltd. and LG Chem America, Inc. (“LG Chem”); Hitachi Maxell Ltd. and Maxell Corporation of America (“Hitachi Maxell”); NEC Corporation (“NEC”); and Sony Corporation, Sony Energy Devices Corporation, and Sony Electronics Inc. (“Sony”).
- Settlements have now been reached with 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”) (together, the “Settling Defendants”). There are no remaining Defendants.
- The Court still has to decide whether to finally approve the Settlements with Settling Defendants. Payments will be made only (1) if the Court approves the Settlements and after any appeals are resolved, and (2) after the Court approves a Distribution Plan to distribute the Settlement Fund minus expenses, any Court-approved attorneys’ fees, and service awards (“Net Settlement Funds”) to Class Members.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION 3

1. What Is This Notice About?..... 3

2. What Is This Lawsuit About?..... 4

3. Why Are There Settlements? 4

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

5. Why Is This A Class Action? 4

THE SETTLEMENTS 4

6. How Do I Know If I May Be Included In The Class? 4

7. What Do The Settlements Provide?..... 4

HOW TO GET BENEFITS FROM THE SETTLEMENTS 5

8. How Much Money Can I Get And How Do I Make A Claim? 5

9. How And When Will I Get A Payment? 5

REMAINING IN THE CLASS 5

10. What Happens If I Remain In The Class?..... 5

EXCLUDING YOURSELF FROM THE CLASS 6

11. How Do I Get Out Of The Class?..... 6

12. If I Don't Exclude Myself, Can I Sue For The Same Thing Later? 6

13. If I Exclude Myself, Can I Still Get Money Benefits?..... 6

THE LAWYERS REPRESENTING YOU 6

14. Do I Have A Lawyer Representing Me?..... 6

15. How Will The Lawyers And Class Representatives Be Paid? 6

OBJECTING TO THE SETTLEMENTS 7

16. How Do I Object To Or Comment On The Settlements? 7

17. What Is The Difference Between Excluding Myself From The Class And Objecting To The Settlements? 7

THE FINAL FAIRNESS HEARING 7

18. When And Where Will The Court Decide Whether To Approve The Settlements?..... 7

19. Do I Have To Attend The Hearing?..... 7

20. May I Speak At The Hearing? 7

GET MORE INFORMATION..... 8

21. How Do I Get More Information? 8

BASIC INFORMATION

1. What Is This Notice About?

This Notice is to inform you about Settlements reached in this case, before the Court decides whether to finally approve the Settlements with Settling Defendants. This Notice explains the lawsuit, the Settlements, and your legal rights. The Court is the United States District Court for the Northern District of California. This case is titled *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.”

2. What Is This Lawsuit About?

The lawsuit alleges that Defendants and co-conspirators conspired to raise and fix the prices of cylindrical Li-Ion Cells for over ten years, resulting in overcharges to consumers and others who bought portable computers, camcorders, and power tools containing Li-Ion Cylindrical 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?

The last four groups of Defendants have now agreed to settle the lawsuit – SDI, TOKIN, Toshiba, and Panasonic. Previously, notice was provided about settlements reached with LG Chem, Hitachi Maxell, NEC, and Sony. In paragraph 8, below, there is information about how to get benefits from the settlements.

4. What Are Li-Ion Cells, Li-Ion Packs, Li-Ion Batteries, Cylindrical 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 is 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.
- “Lithium Ion Cylindrical Battery” or “Li-Ion Cylindrical Battery” means a cylindrical-type Lithium Ion Battery Cell or cylindrical-type 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 exclude 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 United States residents, from January 1, 2000 to May 31, 2011, purchased new, for their own use and not for resale, one of the following products: (i) a portable computer; (ii) a power tool; (iii) a camcorder; or (iv) a replacement battery for any of these products. The product must have been purchased from someone other than the Li-Ion Battery manufacturer, such as a retail store.

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 may be made only: (1) if the Court approves the Settlements and after any appeals are resolved, and (2) pursuant to a Court-ordered settlement Distribution Plan that deducts expenses, attorneys' fees, and service awards. The Court will determine the amount, if any, that each Class Member will receive.

Even if you are not in the Settlement Class, your rights may be affected if you bought a Finished Product establishing your membership in the Sony Settlement Class, and did not exclude yourself from it. The Sony Settlement Class has more members than the present Settlement Class because it covers more devices, including cell phones. As explained below, the attorneys will now submit a claim for fees, part of which may be paid from the Sony settlement fund. If you are a member of the Sony Settlement Class you may object to that fee request just like members of the SDI, TOKIN, Toshiba and Panasonic Settlement Class.

7. What Do The Settlements Provide?

The total amount of the Settlement Funds from the SDI, TOKIN, Toshiba, and Panasonic Settlements is \$49 million. After deducting Court-approved attorneys' fees, service awards, notice and administration costs, and litigation expenses, the remaining Settlement Fund will be divided into two funds, a Repealer Fund and a Non-Repealer Fund. The Repealer Fund (90% of the remaining 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, 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 remaining 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 and 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).

HOW TO GET BENEFITS FROM THE SETTLEMENTS

8. How Much Money Can I Get And How Do I Make A Claim?

Money from all settlements in this case will be distributed together on a per-Class Member basis, but the amount you receive from each settlement will depend on a Court-approved plan of allocation.

SDI, TOKIN, Toshiba, and Panasonic Settlements: The claim form will allow Class Members to state the number of devices they had that are subject to the settlement. Every Class Member who files a valid claim against the Repealer or Non-Repealer fund will receive the same amount per device as other people who file claims with that fund. 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 the Settlement Funds are distributed 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 Settlements.

LG Chem, Hitachi Maxell, NEC, and Sony Settlements: Notice was provided about settlements reached with LG Chem, Hitachi Maxell, and NEC for \$44.95 million, and with Sony for \$19.5 million. Information about those settlements is available at www.reversethecharge.com. If you already made a claim on those settlements you do not need to make a new claim on the SDI, TOKIN, Toshiba, and Panasonic settlements. Your old claim will be automatically applied to the new settlements. If you have not yet made a claim on these settlements, you may do so now via the same process. These settlements do not differentiate between people who live in different states. Everyone who submits a valid claim will receive the same amount per device.

Although the Court granted final approval to these settlements with LG Chem, Hitachi Maxell, NEC, and Sony, approval of the settlements is currently being appealed, and claims cannot be paid until the appeals are resolved. If there is any balance remaining following distribution of the funds in those settlements to Class Members and money is not able to be reasonably redistributed to Class Members, remaining funds will escheat to federal or state governments. No money will return to the Settling Defendants once the Court finally approves the Settlements.

To make a claim and receive payment, you need to file a valid claim form online or by mail by July 19, 2019. **The simple claim form only takes 3-5 minutes for most individuals to complete.** Claims may be submitted online at www.reversethecharge.com or by mail to Lithium Batteries Indirect Purchaser Settlements, c/o Epiq, P.O. Box 10194, Dublin, OH 43017-3194. The same products are not covered by all of the settlements, so filling out the claim form as accurately and completely as possible helps ensure that you receive your correct share of the Settlements.

9. How And When Will I Get A Payment?

If final approval is granted to the Settlements with Settling Defendants, Class Members who have filed valid and timely claims will receive cash payments and may receive them distributed directly into an online account. Such accounts may include accounts with Amazon, PayPal, or Google Wallet, among others. If you are a Class Member with valid and timely claims and prefer to receive a physical check, please submit a written request by July 19, 2019 to Lithium Batteries Indirect Purchaser Settlements, c/o Epiq, P.O. Box 10194, Dublin, OH 43017-3194.

The timing of the distribution will be requested by Plaintiffs’ lawyers and approved by the Court. It may not occur until the 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.

REMAINING IN THE CLASS

10. What Happens If I Remain In The Class?

To submit a claim you must remain in the class. In return for receiving monetary and/or nonmonetary benefits of the Settlement Agreements, you will give up your right to sue the Settling Defendants based on claims relating to the alleged conduct pertaining to any indirect purchase of cylindrical, prismatic, or polymer battery cells or packs (including cylindrical,

prismatic, or polymer battery cells or packs contained in finished products). You also will be bound by any decisions by the Court relating to the Settlements. The Settlement Agreements describe the released claims in detail, so read them carefully because those releases will be binding. If you have any questions, you can talk with Class Counsel for free, or you can talk with your own lawyer (at your own expense). The Settlement Agreements are available at www.reversethecharge.com.

EXCLUDING YOURSELF FROM THE CLASS

11. How Do I Get Out Of The Class?

To exclude yourself from the Class, you must send a letter by mail stating that you want to be excluded from *In re Lithium Ion Batteries Antitrust Litigation – All Indirect Purchaser Actions*, MDL No. 2420, Indirect Purchaser Settlements. Your letter must also include:

- Your name, address, and telephone number;
- A statement saying that you want to be excluded from *In re Lithium Ion Batteries Antitrust Litigation – All Indirect Purchaser Actions*, MDL No. 2420, Indirect Purchaser Settlements; and
- Your signature.

You must mail your exclusion request postmarked no later than May 28, 2019, to:

Lithium Batteries Indirect Purchaser Settlements
EXCLUSIONS
c/o Epiq
P.O. Box 10194
Dublin, OH 43017-3194

12. If I Don't Exclude Myself, Can I Sue For The Same Thing Later?

No. Unless you exclude yourself, you give up any right to sue the Settling Defendants for the claims being released in this case.

13. If I Exclude Myself, Can I Still Get Money Benefits?

No. If you exclude yourself from the Settlement Class, you may not submit a claim and will not receive any money from the Settlements.

THE LAWYERS REPRESENTING YOU

14. 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 J. Zapala, Esq. Cotchett, Pitre & McCarthy, LLP 840 Malcolm Road, Suite 200 Burlingame, CA 94010 batteries@cpmlegal.com	Shana E. Scarlett, Esq. Hagens Berman Sobol Shapiro LLP 715 Hearst Avenue, Suite 202 Berkeley, CA 94710 batteries@hbsslw.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.

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

At the Final Fairness Hearing, Class Counsel will ask the Court to reimburse them for certain fees, costs, and expenses. At the Final Fairness Hearing, or at a later date, Class Counsel will ask the Court for attorneys' fees in the amount of \$34,035,000 (inclusive of \$4,495,000 already awarded by the Court) plus interest, which is 30% plus interest of the \$113.45 million aggregate amount from settlements with all defendants. Attorneys' fees will be awarded proportionally from the funds of each prior settlement, including the \$64.45 million in settlements (from Sony, LG Chem, Hitachi Maxell, and NEC) previously approved by the Court. Class Counsel will also request reimbursement of costs incurred through final approval, not to exceed \$6,850,000 (inclusive of the \$860,188.50 already awarded by the Court). Any payment to the attorneys requires Court approval, and the Court may award less than the requested amounts.

At the Final Fairness Hearing, Class Counsel will ask the Court to provide service awards to the Class representatives, in the amount of \$10,000 for each individual Class representative and \$25,000 for each governmental entity Class representative, for the work they have undertaken on behalf of the Class. Any service award requires Court approval, and the Court may award less than the requested amounts.

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

Class Counsel's motion for fees, costs, expenses, and service awards will be filed on or around April 23, 2019, and available at www.reversethecharge.com shortly thereafter. The motion will be posted on the website 35 days before the deadline for requests for exclusion or objections to the Settlements, and you will have an opportunity to comment on the motion. Any member of any of the settlement classes in this case may do so.

OBJECTING TO THE SETTLEMENTS

16. How Do I Object To Or Comment On The Settlements?

You can ask the Court to deny final approval of the Settlements with Settling Defendants by filing an objection. You can't ask the Court to change the Settlements; the Court can only approve or reject the Settlements. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. If you exclude yourself from the Class, you can't object to the Settlements.

Any objection to the proposed Settlements with Settling Defendants 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 May 28, 2019.

17. What Is The Difference Between Excluding Myself From The Class And Objecting To The Settlements?

If you exclude yourself from the Class, you are telling the Court that you do not want to participate in the Settlements. Therefore, you will not be eligible to receive any benefits from the Settlements, and you will not be able to object to the Settlements. Objecting to a Settlement means telling the Court that you do not like something about the Settlements. You are still eligible to receive a settlement payment if you object.

THE FINAL FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlements with Settling Defendants and any requests by Class Counsel for fees, costs, expenses, and Class representative service awards. You may attend and you may ask to speak, but you do not have to do so.

18. When And Where Will The Court Decide Whether To Approve The Settlements?

The Court will hold a Final Fairness Hearing at 2:00 p.m. on July 16, 2019, at the United States Courthouse, 1301 Clay Street, Courtroom 1, 4th Floor, Oakland, CA 94612. The hearing may be moved to a different date or time without additional notice, so check the Court's PACER site, 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 Settlements are 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. The Court may also decide how much to pay Class Counsel or whether and how much to provide in service awards to Class representatives. At or after the hearing, the Court will decide whether to approve the Settlements.

19. 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.

20. May I Speak At The Hearing?

If you send an objection or comment on the Settlements, you may have the right to speak at the Final Fairness Hearing as determined by the Court. You cannot speak at the hearing if you exclude yourself from the Class.

GET MORE INFORMATION

21. 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. You should also register at the website to be directly notified of the terms of the Distribution Plan of the Settlement Fund and other information concerning this case.

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

Dated: April 5, 2019

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