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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

IN RE LITHIUM ION BATTERIES ANTITRUST LITIGATION,
This Documents Relates to:
ALL INDIRECT PURCHASER ACTIONS

Case No. 13-MD-02420 YGR (DMR)  
  
MDL No. 2420  
  
SUPPLEMENTAL DECLARATION OF  
ALAN VASQUEZ REGARDING  
IMPLEMENTATION OF CLASS  
NOTICE PLAN  
  
  
DATE ACTION FILED: Oct. 3, 2012

1 I, Alan Vasquez, hereby declare and state as follows:

2 1. I submit this supplemental declaration at the request of Class Counsel in order to  
3 further describe the proposed Notice plan and notice services in the above-captioned litigation.

4 2. I have personal knowledge of the matters set forth in this declaration and, if called  
5 as a witness, could and would testify competently thereto.

6 3. I am a Vice President of Legal Notification Services at Gilardi & Co. LLC  
7 (“Gilardi”), a KCC Class Action Services (“KCC”) company. In my role, I oversee Gilardi’s in-  
8 house advertising division specializing in the design and implementation of legal notice plans to  
9 reach unknown class members in class action litigation.

10 4. On December 6, 2016, Indirect Purchaser Plaintiffs (“IPPs”) filed with this Court a  
11 Motion for Preliminary Approval of Class Action Settlement with LG Chem. In support of that  
12 Motion, IPPs submitted my declaration, the Declaration of Alan Vasquez Regarding  
13 Implementation of Class Notice Plan (“Vasquez Declaration”).

14 5. In the Vasquez Declaration, I described my qualifications and experience and that of  
15 Gilardi, and I detailed the proposed Notice plan for the IPPs’ Settlement with Defendants LG  
16 Chem, Ltd. and LG Chem America, Inc (“LG Chem”). LG Chem has agreed to a Settlement  
17 resolving claims that they allegedly fixed the price of cylindrical Lithium Ion Battery Cells. This  
18 may have caused individuals and businesses to pay more for the following products which  
19 contained Lithium-Ion Cylindrical Batteries: (i) portable computers; (ii) power tools; (iii)  
20 camcorders; or (iv) a replacement battery for any of these products.

21 6. Defendants Hitachi Maxell, Ltd. and Maxell Corporation of America (“Hitachi  
22 Maxell”) and NEC Corporation (“NEC”) now also have agreed to Settlements resolving these same  
23 claims, and the Class for all three Settlements is the same. IPPs now have asked me to implement a  
24 Notice plan for the three Settlements together.

25 7. Because the original Notice plan was designed to target the same Class, indirect  
26 purchasers of the products identified in paragraph 5 or replacement batteries for any of these  
27 products, implementing a notice plan for the LG Chem, Hitachi Maxell, and NEC Settlements  
28

1 together will not affect or change the Notice plan described in the Vasquez Declaration, except as  
2 described in paragraph 8 and 9, *infra*.

3 8. The full Notice (Vasquez Decl., Exh. 3), Summary Notice (Vasquez Decl., Exh. 4),  
4 and claim form (Vasquez Decl., Exh. 8), needed to be modified to incorporate information about  
5 the Settlements with Hitachi Maxell and NEC, as well as to be modified for updated proposed  
6 notice and claim periods that will begin and end later than previously proposed because the hearing  
7 on Plaintiffs' Motion for Preliminary Approval of the three settlements will occur after the hearing  
8 date that had been set for the Motion regarding the LG Chem settlement only.

9 9. Additionally, the notices needed to be modified to inform class members who may  
10 make claims for benefits from an earlier settlement that IPPs reached with Sony Corporation, Sony  
11 Energy Devices Corporation, and Sony Electronics Inc. (collectively "Sony"), for which I have  
12 been informed notice has been completed and final approval is pending, that the claims period for  
13 the Sony settlement will occur at the same time as the claims period for the LG Chem, Hitachi  
14 Maxell, and NEC settlements. The claim form similarly had to be updated so that it may be used  
15 for class members wishing to make a claim for benefits from any of these settlements, to take into  
16 account the differences between the products included in the Sonny settlement versus the LG  
17 Chem, Hitachi Maxell, and NEC settlements. Modified banners ads, text link ads, and promoted  
18 tweets that were Exhibits 5, 6, and 7 to my earlier declaration also were modified to drive class  
19 members to the settlement website so that they may make a claim for benefits from the LG Chem,  
20 Hitachi Maxell, NEC, and/or Sony settlements.

21 10. The modified versions of the full Notice, Summary Notice, and claim form are  
22 attached as Exhibits 1, 2, and 3, respectively, to this Declaration.

23 11. The modified banners ads, Facebook text link and banner ads, and Twitter promoted  
24 tweets are attached as Exhibits 4, 5, and 6 to this Declaration.

25 12. The proposed Notice plan described in the Vasquez Declaration and modified as  
26 described in this supplemental declaration provide the best notice practicable, consistent with the  
27 requirements set forth in Federal Rule of Civil Procedure 23 and other applicable State and Federal  
28

1 statutes, to reach at least 70 percent of the potential class while meeting or exceeding the  
2 requirements of due process and all applicable state and federal laws and court rules.

3  
4 I declare under penalty of perjury under the laws of the United States of America that the  
5 foregoing is true and correct.

6 Executed on this 24th day of January, 2017, at San Rafael, California.

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ALAN VASQUEZ

# EXHIBIT – 1

# 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 \$44.95 Million in Settlements

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

- Please read this Notice and the Settlement Agreements available at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com) carefully. Your legal rights may be affected whether you act or don't act. This Notice is a summary, and it is not intended to, and does not, include all of the specific details of the Settlements. To obtain more specific details concerning the Settlements, please read the Settlement Agreements.
- A class action lawsuit has been brought on behalf of indirect purchasers of the following products that contained Lithium-Ion Cylindrical Batteries, which is a type of Lithium-Ion Battery ("Li-Ion Battery"): (i) portable computers; (ii) power tools; (iii) camcorders; or (iv) a replacement battery for any of these products.
- Plaintiffs claim that Defendants (listed below) and co-conspirators engaged in an unlawful conspiracy to fix, raise, maintain, or stabilize the prices of cylindrical Lithium Ion Battery Cells ("Li-Ion Cells"). Plaintiffs further claim that indirect purchasers of the products listed above containing Lithium-Ion Cylindrical Batteries ("Li-Ion Cylindrical 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 cylindrical 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 LG Chem, Ltd. and LG Chem America, Inc. ("LG Chem"), Hitachi Maxell Ltd. and Maxell Corporation of America ("Hitachi Maxell"), and NEC Corporation ("NEC"), or collectively "the Settling Defendants."
- Your legal rights will be affected whether you act or don't act. This Notice includes information on the Settlements and the lawsuit. Please read the entire Notice carefully.
- **The following rights and options – and deadlines to exercise them – are explained in this Notice.**

YOUR LEGAL RIGHTS AND OPTIONS		
YOU MAY:		DUE DATE:
<b>EXCLUDE YOURSELF</b>	You will not be included in the Settlements from which you exclude yourself. You will receive no benefits from the Settlements, but you will keep any rights you currently have to sue LG Chem, Hitachi Maxell, and NEC about the claims in the case(s) from which you exclude yourself.	June 12, 2017
<b>DO NOTHING NOW</b>	You will be included in the Settlements 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 these cases.	
<b>OBJECT TO THE SETTLEMENTS</b>	If you do not exclude yourself, you can write to the Court explaining why you disagree with the Settlements.	June 12, 2017
<b>GO TO THE HEARING</b>	Ask to speak in Court about your opinion of the Settlements.	August 1, 2017
<b>SUBMIT A CLAIM FOR PAYMENT</b>	If you qualify, review the claim form online at <a href="http://www.batteriesconsumerlitigation.com">www.batteriesconsumerlitigation.com</a> and submit an online claim for payment or mail in a completed claim form.	September 30, 2017
<b>REGISTER ON THE WEBSITE</b>	The best way to receive updates about the lawsuit.	

- The Court in charge of these cases still has to decide whether to finally approve the Settlements. 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. A Distribution Plan will be proposed at the conclusion of the cases against the Non-Settling Defendants or as ordered by the Court. The Distribution Plan will be described in a future Notice to be given at a later date, providing Class Members with an opportunity to state their views regarding the Distribution Plan.

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<b>BASIC INFORMATION</b>
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**1. What Is This Notice About?**

This Notice is to inform you about Settlements reached in this litigation, before the Court decides whether to finally approve the Settlements. 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.”

**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 indirect purchasers of 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 But The Litigation Is Continuing?**

Three groups of Defendants have agreed now to settle the lawsuit – LG Chem, Hitachi Maxell, and NEC. Previously, notice was provided about a settlement reached with Sony Corporation, Sony Energy Devices Corporation, and Sony Electronics Inc. (collectively “Sony”). In paragraph 9, below, there is information about how to get benefits from the Sony settlement. The case is continuing against the remaining Non-Settling Defendants. Additional money may become available in the future as a result of a trial or future settlements, but there is no guarantee that this will happen.

**4. Who Are The Non-Settling Defendant Companies?**

The Non-Settling Defendant companies include: Samsung SDI Co. Ltd.; Samsung SDI America, Inc.; Panasonic Corporation; Panasonic Corporation of North America; Sanyo Electric Co., Ltd.; Sanyo North America Corporation; NEC Tokin Corporation; and Toshiba Corporation.

**5. What Are Li-Ion Cells, 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” means Lithium Ion Battery Cells that have been assembled into a pack, 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 Lithium Ion Battery Cell or cylindrical Lithium Ion Battery Pack.
- “Finished Product” means any product and/or electronic device that contains a Lithium Ion Battery or Lithium Ion Battery Pack, 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.

**6. 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 in the specific class action. 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.

<b>THE SETTLEMENTS</b>
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**7. How Do I Know If I May Be Included In The Class?**

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, indirectly purchased new for their own use and not for resale one of the following products which contained a lithium-ion cylindrical battery manufactured by one or more Defendants in this lawsuit or their co-conspirators: (i) a portable computer; (ii) a power tool; (iii) a camcorder; or (iv) a replacement battery for any of these products. “Indirectly” means the product was purchased from someone other than the 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.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com). Payments to Class Members will be made only: (1) if the Court approves the Settlements and after any appeals are resolved, and (2) in accordance with a Distribution Plan to

QUESTIONS? VISIT [WWW.BATTERIESCONSUMERLITIGATION.COM](http://WWW.BATTERIESCONSUMERLITIGATION.COM) OR CALL 1-855-730-8645



distribute the Settlement Funds to Class Members after deducting expenses, Court-approved attorneys' fees, and service awards (the portion of the Settlement Funds remaining after deducting expenses, Court-approved attorneys' fees, and service awards, is called the "Net Settlement Fund"). A Distribution Plan will be proposed to the Court for approval at the conclusion of the case against Non-Settling Defendants or as ordered by the Court. The Distribution Plan, as approved by the Court, will determine the amount, if any, that each Class Member will receive. The Distribution Plan will be described in a future Notice, to be given at a later date, providing Class Members with an opportunity to state their views regarding the Distribution Plan.

## **8. What Do The Settlements Provide?**

The Settlement Fund is \$44.95 million. After deduction of attorneys' fees, service awards, notice and administration costs, and litigation expenses, as approved by the Court, the remaining Settlement Fund will be available for distribution to Class Members who timely file valid claims. The Settlements also includes non-monetary relief, including cooperation in the litigation. More details about the Settlements are set forth in the Settlement Agreements, available at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com).

### **HOW TO GET BENEFITS FROM THE LG CHEM, HITACHI MAXELL, NEC, OR SONY SETTLEMENTS**

## **9. How Much Money Can I Get and How Do I Make A Claim?**

At this time, it is unknown how much each Class Member who submits a valid claim will receive. Payments from the LG Chem, Hitachi Maxell, and NEC Settlements will be based on a number of factors, including the number of valid claims filed by all Class Members and each Class Member's number of purchase(s) of the following products which contained a lithium-ion cylindrical battery: (i) a portable computer; (ii) a power tool; (iii) a camcorder; or (iv) a replacement battery for any of these products, in proportion to the total claims filed and products purchased. No matter how many claims are filed, no money will be returned to the Settling Defendants once the Court finally approves the Settlements.

Previously, notice was provided about a settlement reached with Sony for \$19.5 million. The claims period for that settlement will be opened up and occur during the same time period as the claims period for the LG Chem, Hitachi Maxell, and NEC settlements, and it will also end on September 30, 2017. Payments to Class Members from the Sony settlement will be based on a number of factors, including the number of valid claims filed by all members of the Sony Class and each Class Member's number of purchase(s) of Finished Products or a replacement battery for any of these Finished Products, in proportion to the total claims filed and products purchased. No matter how many claims are filed, no money will be returned to the Settling Sony Defendants once the Court finally approves the Settlement. You must submit a claim during the claim period to receive money from the Sony Settlement.

To make a claim and get payment, you will need to file a valid claim form online or by mail by September 30, 2017. **The simple online claim form only takes 3-5 minutes for most individuals to complete. You will find the claim form at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com).** Claims may be submitted online at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com) or by mail to Lithium Batteries Indirect Purchaser Settlements, c/o KCC Class Action Services, P.O. Box 8060, San Rafael, CA 94912-8060. The same products are not covered by all of the settlements, and thus filling out the claim form as accurately and completely as possible is important to ensure that Class Members submitting valid claims receive a correct share of the Settlements.

## **10. When Will I Get A Payment?**

No money will be distributed yet. The lawyers for the Plaintiffs will continue to pursue the lawsuit against the Non-Settling Defendants. All Settlement Funds that remain after payment of the Court-ordered attorneys' fees, service awards, costs, and expenses will be distributed at the conclusion of the lawsuit or as ordered by the Court.

### **REMAINING IN THE CLASS**

## **11. What Happens If I Remain In The Class?**

You will give up your right to sue the Settling Defendants on your own for the claims described in detail in the Settlement Agreements unless you exclude yourself from the Class. You also will be bound by any decisions by the Court relating to the Settlements. In return for paying the Settlement Amounts and providing the non-monetary benefits, the Settling Defendants (and certain related entities defined in the Settlement Agreements) will be released from 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). The Settlement Agreements describe the released claims in detail, so read them carefully since those releases will be binding on you if the Court approves the Settlements. If you have any questions, you can talk with Class Counsel for free, or you can, of course, talk with your own lawyer (at your own expense) if you have questions about what this means. The Settlement Agreements and the specific releases are available at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com).

### **EXCLUDING YOURSELF FROM THE CLASS**

## **12. 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 June 12, 2017, to:

Lithium Batteries Indirect Purchaser Settlements  
EXCLUSIONS  
c/o KCC Class Action Services  
P.O. Box 43454  
Providence, RI 02940-3454

### 13. 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 litigation.

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

No. If you exclude yourself from the Settlement Class in these Settlements, you will not get any money as a result of the Settlements.

## THE LAWYERS REPRESENTING YOU

### 15. 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:

Steven N. Williams, Esq. Cotchett, Pitre & McCarthy, LLP San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010 batteries@cpmlegal.com	Jeff Friedman, 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 94111-3339 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.

### 16. 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 based on their services in this litigation, not to exceed 30% of the \$44.95 million Settlement Fund. Any payment to the attorneys will be subject to Court approval, and the Court may award less than the requested amount.

At the Final Fairness Hearing, Class Counsel also will ask the Court to provide service awards to the Class representatives in the amount of \$1,500 each for the work they have undertaken on behalf of the Plaintiffs. Any service award will be subject to Court approval, and the Court may award less than the requested amount.

The attorneys' fees, costs, expenses, and service awards that the Court orders, plus the costs to administer the Settlements, will come out of the Settlement Fund. Class Counsel may seek additional attorneys' fees, costs, and expenses, as well as service awards, from any other settlements or recoveries obtained in the future.

When Class Counsel's motion for fees, costs, expenses, and service awards is filed, it will be available at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com). The motion will be posted on the website 14 days before the deadline for requests for exclusion or objections to the settlement, and you will have an opportunity to comment on the motion.

## OBJECTING TO THE SETTLEMENTS

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

If you have objections to or comments about any aspect of the Settlements, you may express your views to the Court. You can object to or comment on the Settlements only if you do not exclude yourself from the Class. To object to or comment on the Settlements, you must:

- Specify in writing your name, address, and telephone number;
- Clearly identify in writing the case name, number, and settlement (*In re Lithium Ion Batteries Antitrust Litigation – All Indirect Purchaser Actions*, MDL No. 2420, Indirect Purchaser Settlements);
- Submit your letter to the Court either by mailing it to the Class Action Clerk, United States District Court for the Northern District of California, 1301 Clay Street, Oakland, CA 94612, or by filing it in person at any location of the United States District Court for the Northern District of California; and
- Make sure that the letter is filed or postmarked on or before June 12, 2017.

**18. 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 simply means telling the Court that you do not like something about the Settlements. Objecting does not make you ineligible to receive a payment.

**THE FINAL FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the Settlements 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.

**19. 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 August 1, 2017, 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.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.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 to provide service awards. At or after the hearing, the Court will decide whether to approve the Settlement.

**20. 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.

**21. 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.

**THE TRIAL****22. When And Where Will The Trial Against The Non-Settling Defendants Take Place?**

If the case against the Non-Settling Defendants is not dismissed or settled, the Plaintiffs will have to prove their claims against the Non-Settling Defendants at trial. Trial dates have not yet been set.

At the trial, a decision will be reached about whether the Plaintiffs or the Non-Settling Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or other benefits for Class Members at trial.

**23. What Are The Plaintiffs Asking For From The Non-Settling Defendants?**

The Class representatives are asking for money for Class Members. The Class representatives are also seeking an order to prohibit the Non-Settling Defendants from engaging in the alleged behavior that is the subject of the lawsuit.

**24. Will I Get Money After The Trial?**

If the Plaintiffs obtain money or benefits as a result of a trial or settlement, Class Members will be notified about how to ask for a share or what their other options are at that time. These things are not known right now.

**GET MORE INFORMATION****25. 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.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com). You also may write with questions to Lithium Batteries Indirect Purchaser Settlements, c/o KCC Class Action Services, P.O. Box 8060, San Rafael, CA 94912-8060 or call the toll-free number 1-855-730-8645. You should also register at the website to be directly notified of any future settlements, the terms of the Distribution Plan of the Settlement Fund, and other information concerning this litigation.

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

Dated:

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

# EXHIBIT – 2

## LEGAL NOTICE

### **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 \$44.95 Million in Settlements***

LG Chem, Ltd. and LG Chem America, Inc. (“LG Chem”), Hitachi Maxell Ltd. and Maxell Corporation of America (“Hitachi Maxell”), and NEC Corporation (“NEC”), or collectively “the Settling Defendants,” have agreed to settlements resolving claims that they allegedly fixed the price of cylindrical Lithium Ion Battery Cells. This may have caused individuals and businesses to pay more for the following products which contained Lithium-Ion Cylindrical Batteries: (i) portable computers; (ii) power tools; (iii) camcorders; or (iv) a replacement battery for any of these products.

#### **Am I Included?**

You may be included if, as a resident of the United States and during the period from January 1, 2000 through May 31, 2011, you indirectly purchased new for your own use and not for resale one of the following products which contained a lithium-ion cylindrical battery manufactured by one or more Defendants in this lawsuit or their co-conspirators: (i) a portable computer; (ii) a power tool; (iii) a camcorder; or (iv) a replacement battery for any of these products. “Indirectly” means the product was purchased from someone other than the manufacturer, such as a retail store. A more detailed notice, which includes additional information about the settlements, is available at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com).

#### **What do the Settlements provide?**

The LG Chem Settlement provides for the payment of \$39,000,000 in cash to the Class. The Hitachi Maxell settlement provides for the payment of \$3,450,000. The NEC settlement provides for the payment of \$2,500,000. The Settling Defendants have also agreed to cooperate in the pursuit of the litigation.

Previously, notice was provided about a settlement reached with Sony Corporation, Sony Energy Devices Corporation, and Sony Electronics Inc. (collectively “Sony”) for \$19,500,000. Below, there is information about how to receive benefits from the Sony settlement.

#### **How can I get a payment and how much will I receive?**

At this time, it is unknown how much each Class Member who submits a valid claim will receive from the LG Chem, Hitachi Maxell, and NEC Settlements. Payments will be based on a number of factors, including the number of valid claims filed by all Class Members and each Class Member’s number of purchase(s) of the products described above, in proportion to the total claims filed and products purchased. No matter how many claims are filed, no money will be returned to the Settling Defendants once the Court finally approves the settlements.

The claims period for the Sony settlement will be opened up and occur during the same time period as the claims period for the LG Chem, Hitachi Maxell, and NEC settlements. Payments to Class Members from the Sony settlement will be based on a number of factors, including the number of valid claims filed by all members of the Sony Class and each Class Member’s number of purchase(s) of laptop PCs, notebook PCs, netbook computers, tablet computers, mobile phones, smart phones, cameras, camcorders, digital video cameras, digital audio players, power tools, or a replacement battery for any of these products, in proportion

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to the total claims filed and products purchased. No matter how many claims are filed, no money will be returned to Sony once the Court finally approves the Settlement.

To make a claim and get payment from any of these settlements, you will need to file a valid claim form online or by mail by September 30, 2017. **The simple online claim form only takes 3-5 minutes for most individuals to complete. You will find the claim form at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com).** Claims may be submitted online at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com) or by mail to Lithium Batteries Indirect Purchaser Settlements, c/o KCC Class Action Services, P.O. Box 43454, Providence, RI 02940-3454.

No money will be distributed yet. The lawyers for the Plaintiffs will continue to pursue the lawsuit against the Non-Settling Defendants. All settlement funds that remain after payment of the Court-ordered attorneys' fees, service awards, costs, and expenses will be distributed at the conclusion of the lawsuit or as ordered by the Court.

If you want to receive notice about the claims process or future settlements, you should register at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com).

### **What are my rights?**

Even if you do nothing, you will be bound by the Court's decisions concerning these Settlements. If you want to keep your right to sue the Settling Defendants regarding Lithium Ion Battery and/or Lithium Ion Battery Product purchases, you must exclude yourself in writing from the Class by June 12, 2017. If you stay in the Class, you may object in writing to the Settlements by June 12, 2017. The Settlement Agreements, along with details on how to exclude yourself or object, is available at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com). The U.S. District Court for the Northern District of California will hold a hearing on August 1, 2017 at 2:00 p.m., at 1301 Clay Street, Courtroom 1, 4th Floor, Oakland, CA 94612 to consider whether to approve the Settlements. Class Counsel will also request at the hearing, or at a later date, attorneys' fees of up to 30% of the settlement funds, plus reimbursement of costs and expenses, for investigating the facts, litigating the case, and negotiating the settlements. Class Counsel also will request service awards for Class Representatives in the amount of \$1,500 each. You or your own lawyer may appear and speak at the hearing at your own expense, but you are not required to appear. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the website for additional information. Please do not contact the Court about this case.

If the case against the other Defendants is not dismissed or settled, Class Counsel will have to prove their claims against the other Defendants at trial. Dates for the trial have not yet been set. The Court has appointed the law firms of Cotchett, Pitre & McCarthy, LLP; Lieff Cabraser Heimann & Bernstein, LLP; and Hagens Berman Sobol Shapiro LLP as Class Counsel, to represent Indirect Purchaser Class members.

# EXHIBIT – 3





# Purchaser Actions

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

# CLAIM FORM

## GENERAL INSTRUCTIONS

You do not need to submit proof of your purchase(s) with your Claim Form. For questions about completing or submitting your claim, call the Claims Administrator at 1-855-730-8645.

*Please type or neatly print all information.*

[illegible][illegible]

Person To Contact If There Are Questions Regarding This Claim

[illegible][illegible][illegible]

Foreign Province	Foreign Postal Code	Foreign Country Name/Abbreviation

[illegible]

FOR CLAIMS PROCESSING ONLY	OB		CB		<input type="radio"/> DOC <input type="radio"/> LC <input type="radio"/> REV	<input type="radio"/> RED <input type="radio"/> A <input type="radio"/> B



Businesses must provide the following:

—

Taxpayer Identification Number

Selection the Employee Size of Business (fill in one):

☐ 1-10

☐ 11-50

☐ 50 plus

## PART 2: PURCHASE INFORMATION

Please type or neatly print all information.

Provide the total number of products containing a lithium-ion battery or a replacement battery for one of those products purchased between January 1, 2000 and May 31, 2011. For example, if you bought 3 laptop PCs, write "3" in the corresponding space.

PRODUCT TYPE	NUMBER PURCHASED	STATE OF RESIDENCE AT TIME OF PURCHASE
Laptop PC (or replacement battery for Laptop PC)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Notebook PC (or replacement battery for Notebook PC)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Netbook Computer (or replacement battery for Netbook Computer)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Tablet Computer (or replacement battery for Tablet Computer)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Mobile Phone (or replacement battery for Mobile Phone)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Smart Phone (or replacement battery for Smart Phone)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Camera (or replacement battery for Camera)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Camcorder (or replacement battery for Camcorder)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Digital Video Camera (or replacement battery for Digital Video Camera)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Digital Audio Player (or replacement battery for Digital Audio Player)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>
Power Tool (or replacement battery for Power Tool)	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>

## PART 3: SIGN AND DATE CLAIM FORM

By signing below, I (we) affirm that the information provided in this Claim Form is true and correct.

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

(if you are filling out this form for a business)

## REMINDER LIST

Please make sure that you:

1. Sign and date the Claim Form;
2. Keep a copy of the completed Claim Form for your records;
3. Retain your proof of purchase documentation until your claim is closed. You will be notified if you are required to provide this documentation.
4. Submit your Claim Form no later than September 30, 2017, online at [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com) or by mail to Lithium Batteries Indirect Purchaser Settlements, c/o KCC Class Action Services, P.O. Box 43454, Providence, RI 02940-3454. If you desire an acknowledgment of receipt of your claim form please send it Certified Mail, Return Receipt Requested.

**Claim Forms must be electronically submitted no later than September 30, 2017  
or postmarked no later than September 30, 2017.**

**Questions? Visit [www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com) or call, toll-free, 1-855-730-8645**



# EXHIBIT – 4

## RON Banner Samples

300x250

**Bought a Computer, Mobile or Smart Phone, Power Tool, Camera, Camcorder, or Digital Audio Player? You Could Get Money From \$64.45 Million In Settlements.**



United States District Court, Northern District Of California  
In re Lithium Ion Batteries Antitrust Litigation  
[www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com)

728x90

**Bought a Computer, Mobile or Smart Phone, Power Tool, Camera, Camcorder, or Digital Audio Player? You Could Get Money From \$64.45 Million In Settlements.**



[www.batteriesconsumerlitigation.com](http://www.batteriesconsumerlitigation.com)

**300x600**

**Bought a Computer,  
Mobile or Smart  
Phone, Power Tool,  
Camera,  
Camcorder, or  
Digital Audio  
Player? You Could  
Get Money From  
\$64.45 Million In  
Settlements.**



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**160x600**

**Bought a  
Computer,  
Mobile or Smart  
Phone, Power  
Tool, Camera,  
Camcorder, or  
Digital Audio  
Player? You  
Could Get  
Money From  
\$64.45 Million  
In Settlements.**





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District Of California  
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# EXHIBIT – 5

## Sample facebook Banner Advertisement






### Desktop

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 Like Page

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**Lithium Ion Batteries Antitrust Litigation**  
Register by clicking [HERE](#) to receive notices and updates about this Settlement and any future settlements relating to the In re Lithium Ion Batteries Antitrust Litigation Indirect Purchaser Actions.


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 Like  Comment  Share






### Mobile

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 Like  Comment  Share

# **EXHIBIT – 6**



# Sample Twitter Promoted Tweet Advertisements

iOS



Android



Desktop



Twitter Audience Platform

