

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

Ide, et al. v. British Airways, PLC (UK), 20-cv-03542-JMF

If you purchased one or more tickets for travel on British Airways flights scheduled to operate to or from the United States between March 1, 2020 and December 31, 2021, any of your flights were cancelled by British Airways, and you received a voucher, you may be eligible for benefits from a class action settlement.

*A federal court authorized this Class Notice. This is not a solicitation from a lawyer.
You are not being sued.*

- A proposed Settlement has been reached in a class action lawsuit. In the lawsuit, the plaintiffs alleged that British Airways Plc (“BA”) breached its Conditions of Carriage (“COC”) by failing to refund them for flights cancelled due to Covid-19. By entering the Settlement, BA does not concede the truth of any claims against it; BA maintains that it did not breach the COC, that it did provide refunds, and denies that it did anything wrong.
- The United States District Court for the Southern District of New York (the “Court”), which is overseeing this lawsuit (the “Litigation”), has not decided who is right. Instead, the parties agreed to a compromise.
- Defined terms (with initial capitals) used herein and not otherwise defined have the same meaning as set forth in the settlement agreement between the Parties (the “Settlement Agreement”).
- Whether you act or not, your legal rights as a Settlement Class Member are affected by the Settlement. Your rights and options—and the deadlines to exercise them—are explained in this Class Notice. Please read this Class Notice carefully in its entirety.

SETTLEMENT CLASS MEMBERS’ LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT:		
YOUR RIGHTS AND OPTIONS	WHAT THEY MEAN	DEADLINES
DO NOTHING	If you are a Settlement Class Member and do not take any action, you will not receive anything under the Settlement. However, if the Settlement is finally approved, you will be bound by the Court’s Final Judgment and the release of claims explained in the Settlement Agreement.	None
SUBMIT A CLAIM FORM	You must submit a Valid Claim to receive any money in the Settlement. To find out how to submit a Claim Form, please read Question 8.	Received on or before October 3, 2022

OBJECT OR COMMENT	Write to the Court about why you do or do not like the Settlement. To find out how to object or comment, please read Question 12.	Received on or before October 11, 2022
EXCLUDE YOURSELF (OPT OUT)	Get no benefits from the Settlement. Requesting exclusion from the Settlement (also called “opting out”) would allow you to file or continue your own lawsuit against BA about the legal claims involved in the Settlement, individually. To find out how to opt out, please read Question 12.	Received on or before October 11, 2022

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BASIC INFORMATION

1. Why did you receive this notice?

This notice (“Class Notice”) has been sent because the Court preliminarily approved the Settlement of the Litigation.

If you received an e-mail or a postcard concerning the Settlement, that means that BA’s records indicate you may be a Settlement Class Member who is affected by the Settlement.

2. What is the case about?

The plaintiffs filed a lawsuit in which they alleged that BA breached its Conditions of Carriage (“COC”) by failing to refund class members for flights cancelled due to Covid-19 when asked to do so. They further claim that Settlement Class Members received vouchers when they actually wanted refunds. BA denies that it did anything wrong or breached the COC, and maintains that it did provide refunds. Accordingly, BA has vigorously defended the plaintiffs’ allegations. The Parties, however, have agreed to settle the Litigation to avoid the cost, delay, and uncertainty of continuing the Litigation.

3. Why is this a class action?

In a class action, one or more “Class Representatives” or “Named Plaintiffs” sue on behalf of all those with the same types of claims arising from the same events. Here, the Class Representatives filed the Litigation as a proposed class action and asked to represent a class of individuals who purchased a ticket for a BA flights that was then cancelled by BA and they received a voucher instead of a refund. They sue on behalf of people who have similar claims—called the “Settlement Class” or “Settlement Class Members”—which in this case may include you.

When this case settled, the Court had not yet decided whether the case could be a class action. BA disputes that a class is appropriate for trial purposes, but the Parties have agreed to the certification of the Settlement Class, as defined below, for purposes of the Settlement, and the Court has preliminarily certified a class action for settlement purposes only.

4. Why is there a Settlement?

The Court has not decided which side is right or wrong in the Litigation. Instead, both sides agreed to a settlement to avoid the costs and risks of a lengthy trial and appeals process.

After motions practice, discovery, and extensive, arm's-length negotiations, overseen by a mediator, a former federal judge, the lawyers representing the Parties agreed to settle the Litigation to avoid the cost, delay, and risk of continuing the Litigation. The Class Representatives and their lawyers think the Settlement is fair, reasonable, adequate, and in the best interests of all Settlement Class Members.

WHO DOES THE SETTLEMENT APPLY TO?

5. Who is in the Settlement Class?

The Settlement Class under the Settlement includes: all persons or entities in the United States who purchased a ticket for a BA flight:

- a) where BA later canceled that flight between March 1, 2020 and December 31, 2021; and
- b) the customer did not cancel the flight or fail to show for the first leg of the flight prior to the cancellation of a later leg; and
- c) the customer did not receive a refund or rebooking from BA; and
- d) the customer received a voucher from BA and (1) with respect to the March 1 - November 19 Settlement Class Members did not already use the entire full value of the voucher; and (2) with respect to the November 20 - December 31 Settlement Class Members did not already use their voucher in whole or in part.

“March 1 – November 19 Settlement Class Members” means all Settlement Class Members who purchased a ticket for a BA flight where BA later canceled that flight between March 1, 2020 and November 19, 2020.

“November 20 – December 31 Settlement Class Members” means all Settlement Class Members who purchased a ticket for a BA flight where BA later cancelled that flight between November 20, 2020 and December 31, 2021.

6. Are there exceptions to being included in the Settlement Class?

The Settlement Class under the Settlement excludes: (1) all persons who validly opt out of the Settlement in a timely manner; (2) governmental entities; (3) counsel of record (and their respective law firms) for the Parties; (4) BA's officers, directors, and employees; (5) any judge to whom the Litigation is assigned, along with his or her staff; and (6) anyone who has already released the Released Claims.

7. I'm still not sure if I am included.

If you are still not sure whether you are included in the Settlement Class, you can call toll-free 1-844-443-0441 or visit **www.FlightRefundSettlement.com** for more information.

THE SETTLEMENT BENEFITS AND OPTIONS

If the Settlement is approved and becomes final, it will provide the benefits described below to Settlement Class Members.

As a result of a commitment BA made to the European Consumer Protection Cooperation Network ("CPC"), BA is offering all March 1 – November 19 Settlement Class Members the opportunity to receive a full refund for their canceled ticket directly from BA. In addition to a full refund, in connection with the proposed Settlement, each March 1 – November 19 Settlement Class Member who submits a Valid Claim will receive the greater of: (a) four percent (4%) of the value of their remaining unused voucher, or (b) \$25.00.

All November 20 – December 31 Settlement Class Members who submit a Valid Claim will receive a cash refund equal to the value of their voucher, in replacement of the voucher, which will be cancelled.

8. What do I need to do to participate in the Settlement?

If you are a Settlement Class Member and would like to receive (1) 4% of the value of your remaining unused voucher or \$25.00 (whichever is greater); or (2) a cash refund equal to the value of your voucher, in replacement of any voucher that you previously received, you must submit a Claim Form by following the directions set forth at www.flightrefundsettlement.com.

To receive any benefits provided by the Settlement, you must submit your Claim Form by the Claims Deadline—no later than October 3, 2022.

9. When will the Settlement go into effect?

The Court will hold a Final Approval Hearing on November 15, 2022 to decide whether to approve the Settlement. Even if the Court approves the Settlement, there could be appeals. The time for an appeal varies and could take more than a year.

The Effective Date is the date when all appeals are completed, and the Settlement becomes final. You can visit the Settlement Website at **www.FlightRefundSettlement.com** after November 15, 2022, to check on the progress of the Court-approval process and the Effective Date. Please be patient.

All payments shall be issued by the Settlement Claims Administrator at the earliest practicable time following the Effective Date. The Court will have the power to enforce the terms of the Settlement Agreement.

EXCLUDING YOURSELF FROM THE SETTLEMENT CLASS

If you do not want to participate in the Settlement and instead you want to keep all of your rights to sue BA individually about the Claims being resolved in the Settlement, then you must take steps to get out of the Settlement Class. This is called asking to be excluded from, or sometimes called “opting out” of, the Settlement Class.

10. If I do not want to participate in the Settlement, what must I do?

To exclude yourself from the Settlement, you must send a signed statement to Angeion Group that includes your name, address, and telephone number stating that you wish to exclude yourself from the case. Your written request should be mailed to:

British Airways Settlement Administrator
ATTN: EXCLUSION REQUEST
P.O. Box 58220
Philadelphia, PA 19102

Your written request must be received by October 11, 2022. If your request is not received by that date, your right to opt out will be waived and you will be bound by all orders and judgments entered in connection with the Settlement.

11. If I exclude myself, can I get anything from the Settlement?

If you choose to exclude yourself from the Settlement Class: (1) you will not be entitled to receive the benefits of the Settlement; (2) you will not be legally bound by the Settlement Agreement; and (3) you will keep any rights you may have to sue BA individually for the legal claims included in the Settlement Agreement, as long as suit is filed before the relevant statute of limitation expires.

OBJECTING TO THE SETTLEMENT OR THE REQUEST FOR ATTORNEYS’ FEES

12. How do I tell the Court if I do not like the Settlement or the attorneys’ fees request?

If you are a Settlement Class Member, you can object to the Settlement if you do not like any part of it. You can also object to Class Counsel’s request for attorneys’ fees and expenses. You can give reasons why you think the Court should not approve the Settlement or award the requested

fees or expenses. The Court will consider your views.

Anyone who objects to the Settlement, the Settlement Agreement, the application for attorneys' fees, expenses, or service awards for the Class Representatives, or the other matters to be considered at the Final Approval Hearing may appear and present such objections. To be permitted to do so, however, you must, on or before October 11, 2022, file with the Court using the ECF filing system your written objection. If you are unable to access the ECF filing system, you must serve your objection by first-class mail on the Clerk of Court of the Southern District of New York, Class Counsel, BA's Counsel, and the Settlement Class Administrator and serve on the Settlement Claims Administrator your written objection and Your objection must include the following information:

- Your name, address, telephone number and, if represented by counsel, the name, address, and telephone number of your counsel;
- Your flight numbers for all flights at issue in the Settlement, the flight dates, and the flight route (destination and origin airports) as well as the passenger name record on your ticket;
- All grounds for your objection, accompanied by any legal support for the objection known by you or your counsel;
- Copies of any papers, briefs, or other documents upon which the objection is based or upon which you or your counsel intend to rely;
- A statement whether you intend to appear at the Final Approval Hearing, either in person or through counsel; and
- Your handwritten signature.

If you intend to have a lawyer present, your lawyer must enter a written notice of appearance of counsel with the Clerk of Court no later than October 11, 2022. You must sign your own objection. Attorneys' signatures on objections will not be accepted.

If you do not comply with the foregoing procedures and deadlines for submitting written objections and/or any intention to appear at the Final Approval Hearing, you may lose substantial legal rights to contest the orders or judgments of the Court entered in connection with the Settlement.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court has appointed Adam Polk, Scott Grzenczyk, and Tom Watts of Girard Sharp LLP, and Shanon J. Carson and John G. Albanese of Berger Montague PC as Class Counsel to represent the Settlement Class Members. The only fees and expenses these lawyers will seek are those described in Question 14 below. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

14. How will the lawyers be paid?

In connection with the Final Approval Hearing on the Settlement, Class Counsel will apply to the Court for an award of expenses and attorneys' fees, with the total amount not to exceed \$1,276,250 in expenses and fees.

Class Counsel will also apply to the Court for service awards in amounts not to exceed \$5,000 each for Stephen Ide and Karen Steele Clarke. These service awards compensate the Class Representatives for their efforts and commitment on behalf of the Settlement Class during the Litigation, including sitting for depositions, producing documents, submitting testimony to the Court, and communicating with Class Counsel on behalf of Class Members.

THE COURT'S FINAL APPROVAL HEARING

15. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement and whether to grant Class Counsel's motion for attorneys' fees and expenses. You may attend and you may ask to speak, but you do not have to do either one.

The Final Approval Hearing will be held telephonically before the Honorable Jesse M. Furman on November 15, 2022, at 2:00 p.m. Eastern Time. To appear, speak, or present objections at the Final Approval Hearing, you must follow the instructions in the response to Question 12 of this Class Notice. Interested parties who wish to listen in only may dial in to the Final Approval Hearing through the Court's conference line (888) 363-4749 and using access code 542-1540, followed by the pound (#) key.

Do not write or call the judge or the clerk concerning this Class Notice or the Litigation.

The purpose of the Final Approval Hearing will be for the Court to determine whether the Settlement should be finally approved as fair, reasonable, and adequate, and in the best

interests of the Settlement Class, and to consider awarding attorneys' fees and expenses to Class Counsel, as well as service awards to the Class Representatives. At that hearing, the Court will hear any objections and arguments concerning the fairness of the Settlement or the fees that have properly been submitted, as set forth above.

The Final Approval Hearing may be postponed or changed to a different date, time, or location without notice. You should check the website, www.FlightRefundSettlement.com, to check on the date of the Final Approval Hearing, the Court-approval process, and the Effective Date.

16. Do I have to come to the Final Approval Hearing?

No, you are not required to come to the Final Approval Hearing. Class Counsel will answer any questions the Court may have.

If you want to have a lawyer appear on your individual behalf at the Final Approval Hearing, your lawyer must enter a written notice of appearance with the Clerk of the Court no later than October 11, 2022 and must comply with all of the requirements explained in response to Question 12 of this Class Notice.

If you send an objection, you do not have to come to Court to talk about it. As long as you filed your written objection on time and complied with the other requirements for a proper objection, the Court will consider it.

17. May I speak at the Final Approval Hearing?

You or your lawyer may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must tell the Court in your objection letter that you or your lawyer would like to speak at the hearing. You must also comply with all of the requirements explained in response to Question 12 of this Class Notice.

You cannot speak at the hearing if you do not comply with this procedure.

IF YOU DO NOTHING

18. What happens if I do nothing?

IF YOU DO NOTHING AND THE SETTLEMENT IS FINALLY APPROVED, YOU WILL BE BOUND BY THE COURT'S FINAL JUDGMENT AND RELEASE OF

**CLAIMS EXPLAINED IN THE SETTLEMENT AGREEMENT.
GETTING MORE INFORMATION**

19. How do I get more information?

This Class Notice is only a summary of the terms of the Settlement. More details about the Settlement, the Effective Date, the deadlines, and your options are available in a longer document called the Settlement Agreement. The Settlement Agreement can be reviewed by clicking here: **www.FlightRefundSettlement.com**

The Settlement Website also contains answers to common questions about the Settlement, plus other information to help you determine whether you are a Settlement Class Member. In addition, some of the key documents in the case will be posted on the Settlement Website. If you would like this Class Notice or the Settlement Agreement mailed to you, please call 1-844-443-0441 or write to the Settlement Administrator at:

British Airways, PLC Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19102

Alternatively, all of the court documents in this case are on file and available for review during regular office hours at the Clerk of the Court, United States District Court for the Southern District of New York, United States Courthouse, 40 Foley Square, New York, New York 10007.

PLEASE DO NOT CALL BA, THE COURT OR THE OFFICE OF THE CLERK.