

## **LEGAL NOTICE**

**If you are or were a U.S. owner of an iPhone 6, 6 Plus, 6s, 6s Plus, and/or SE device that ran iOS 10.2.1 or later before December 21, 2017, and/or a U.S. owner of an iPhone 7 or 7 Plus device that ran iOS 11.2 or later before December 21, 2017, you could be entitled to benefits under a class action settlement.**

### **WHAT'S THIS ABOUT?**

In a consolidated class action lawsuit pending against Apple, Plaintiffs claimed that a performance management feature introduced for iPhone 6, 6 Plus, 6s, 6s Plus, and SE devices in iOS 10.2.1, and introduced for iPhone 7 and 7 Plus devices in iOS 11.2, diminished the performance of some of those devices. Apple denies all allegations and is entering into this settlement to avoid burdensome and costly litigation. The settlement is *not* an admission of wrongdoing by Apple.

Under the settlement, Apple will pay a minimum of \$310,000,000 and a maximum of \$500,000,000 depending on the number of claims submitted. If the settlement is approved by the Court, your rights may be affected. The United States District Court for the Northern District of California authorized this Legal Notice. The Court will have a Final Hearing to consider whether to approve the settlement so that the benefits may be paid. This summary provides basic information about the settlement.

### **WHO'S AFFECTED?**

You are a member of the Settlement Class if you are or were (1) a United States owner of an iPhone 6, 6 Plus, 6s, 6s Plus, 7, 7 Plus, and/or SE device (2) that ran iOS 10.2.1 or later or, in the case of iPhone 7 and 7 Plus devices, that ran iOS 11.2 or later before December 21, 2017. **You must meet both criteria to be a member of the Settlement Class.**

### **WHAT BENEFIT CAN YOU GET FROM THE SETTLEMENT?**

Apple will provide a cash payment per eligible device to each Class Member who submits a timely and valid [Claim Form](#) including a serial number of an eligible device and a declaration under penalty of perjury stating that they are or were (1) a United States owner of an iPhone 6, 6 Plus, 6s, 6s Plus, 7, 7 Plus, and/or SE device (2) that ran iOS 10.2.1 or later or, in the case of iPhone 7 and 7 Plus devices, that ran iOS 11.2 or later before December 21, 2017; and (3) they experienced diminished performance on the device(s).

A United States owner is someone who owned, purchased, leased, or otherwise received an eligible device, including for personal, work, or any other purposes, and whose eligible device was shipped to the United States, its territories, and/or its possessions. The Settlement Class does not include iPhone owners who are domiciled outside of the United States, its territories, and/or its possessions.

**Amount of Cash Payment:** Under the proposed settlement, Apple will provide a cash payment of approximately \$25 per eligible device. Please note that the actual cash payment per eligible device may be greater than or less than \$25, depending on the total number of approved claims and other factors. The total payments to be made by Apple under the proposed settlement are subject to a minimum and maximum as set forth above and in more detail in the Class Notice available at [www.SmartphonePerformanceSettlement.com](http://www.SmartphonePerformanceSettlement.com).

**HOW DO YOU GET A PAYMENT?**

An online Claim Form package contains everything you need and is available at [www.SmartphonePerformanceSettlement.com](http://www.SmartphonePerformanceSettlement.com). You may also submit a Claim Form by clicking this link.

**WHAT ARE YOUR OPTIONS AND WHAT ARE THE DEADLINES?**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>		
<b>OPTION</b>	<b>EXPLANATION</b>	<b>DEADLINE</b>
SUBMIT A CLAIM FORM ONLINE OR IN THE MAIL	The only way to get a payment under the settlement.	<b>October 6, 2020</b>
EXCLUDE YOURSELF	Get no payment under the settlement. This is the only option that allows you to be a part of any other lawsuit against Apple about the claims and allegations in this case.	
OBJECT TO THE SETTLEMENT	Write to the Court about why you don't like the settlement and ask to speak at the Final Hearing.	
OBJECT TO ATTORNEYS' FEES AND/OR EXPENSES	Write to the Court about why you don't like the attorneys' fees and/or expenses that Class Counsel requests.	
GO TO A HEARING	Speak in Court about the fairness of the settlement.	<b>December 4, 2020 at 10:00 a.m. PST</b>
DO NOTHING	Get no payment under the settlement and give up your right to compensation for the claims and allegations in this case.	N/A

Please read the more detailed Class Notice, which is available at [www.SmartphonePerformanceSettlement.com](http://www.SmartphonePerformanceSettlement.com), and decide whether you want to make a Claim.

To claim a settlement benefit, your [Claim Form](#) must be **received on or before October 6, 2020**. **If your claim for a settlement benefit is not received by this deadline, you will lose your right to obtain this benefit.**

If you don't want to make a Claim and you don't want to be legally bound by the settlement, your request to be excluded must be received by **October 6, 2020**, or you won't be able to sue, or continue to sue, Apple about the claims and allegations in this case. If you request to be excluded, you will not be eligible to receive a payment from this settlement.

If you stay in the Settlement Class, you may object to the settlement. Objections to the settlement and/or to Class Counsel's request for Attorneys' Fees and Expenses must be received by **October 6, 2020**.

The more detailed Class Notice, available at [www.SmartphonePerformanceSettlement.com](http://www.SmartphonePerformanceSettlement.com), explains how to request exclusion from the Settlement Class or object to the settlement. The Court will hold a Final Hearing in this case (*In re Apple Inc. Device Performance Litigation*, Case No. 18-MD-2827-EJD) on **December 4, 2020 at 10:00 a.m. PST** to consider whether to approve (1) the settlement; (2) Class Counsel's request for Attorneys' Fees of up to 30% of the \$310,000,000 Floor, plus expenses of up to \$2 million; and (3) Named Plaintiff Service Awards of up to \$3,500 each (for those Named Plaintiff who were deposed) and \$1,500 (for all other Named Plaintiffs). The Final Hearing will take place at the United States District Court for the Northern District of California, San Jose Courthouse, Courtroom 4, 280 South 1st Street, San Jose, CA 95113. You may appear at the Final Hearing, but you don't need to. The date of the Final Hearing may change without further notice. You should check the settlement website or the Court's Public Access to Court Electronic Records (PACER) site, for a fee, at <https://ecf.cand.uscourts.gov> to confirm that the date has not been changed.

#### **FOR MORE INFORMATION ABOUT THE SETTLEMENT**

To obtain a [Class Notice](#), [Claim Form](#), copy of the [Settlement Agreement](#), copies of motions for settlement approval and attorneys' fees, expenses and service awards, and any other important documents in this case, go to [www.SmartphonePerformanceSettlement.com](http://www.SmartphonePerformanceSettlement.com), [send an email to: Questions@SmartphonePerformanceSettlement.com](mailto:Questions@SmartphonePerformanceSettlement.com), or call toll-free 1-833-649-0927. For more details, you also may write to the Claims Administrator at: *In re Apple Inc. Device Performance Litigation*, 1650 Arch Street, Suite 2230, Philadelphia, PA 19103 or Class Counsel at Cotchett, Pitre & McCarthy LLP, Attn: Mark C. Molumphy, 840 Malcolm Road, Suite 200, Burlingame, California 94010 and/or Kaplan Fox & Kilsheimer LLP, Attn: Laurence D. King, 1999 Harrison Street, Suite 1560, Oakland, CA 94612.

In addition, you can access the Court docket in this case, for a fee, through the Court's PACER site at <https://ecf.cand.uscourts.gov>. Subject to the Court's current operations in light of the COVID-19 pandemic, you can also visit the office of the Clerk of the Court for the United States District Court for the Northern District of California, San Jose Division, located at 280 South 1<sup>st</sup> Street, Second Floor, San Jose, California, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

BY ORDER OF THE U.S. DISTRICT COURT