

## If you purchased a new iPhone 4, 4S or 5 you could get a payment from a class action settlement.

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*Includes: iPhone 4 purchases made from June 24, 2010 through October 10, 2011;  
iPhone 4S purchases made from October 11, 2011 through September 20, 2012; and  
iPhone 5 purchases made prior to April 1, 2013.*

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- A settlement has been reached with Apple Inc. (“Apple”) in a class action lawsuit alleging that Apple sold the iPhone 4, iPhone 4S and iPhone 5 with defective sleep/wake (power) buttons and failed to disclose (or insufficiently disclosed) this defect to purchasers in violation of various California state laws.
- You may be included in this settlement as a “Class Member” if you fit within one or both of the following Court certified Classes:
  - **iPhone 4 and 4S Class:** All California citizens who purchased one or more iPhone 4 or 4S smartphones from Apple or a third-party retailer, from June 24, 2010 through October 10, 2011 for the iPhone 4, and from October 11, 2011 through September 20, 2012 for the iPhone 4S, and whose sleep/wake (power) button stopped working or worked intermittently during a one year period from date of purchase.
  - **iPhone 5 Class:** All California citizens who purchased one or more iPhone 5 smartphones from Apple or a third-party retailer prior to April 1, 2013, and whose sleep/wake (power) button stopped working or worked intermittently during a three year period from date of purchase.  
The iPhones described above are referred to as “Class Devices”.
  - **Excluded from the Classes are persons whose Class Device was already repaired or replaced by Apple for free due to a non-working sleep/wake button.**
- Your rights are affected whether you act or don’t act. Read this Notice carefully.

### YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

<b>SUBMIT A CLAIM FORM DEADLINE: MARCH 23, 2020</b>	This is the only way you can receive a payment from this settlement if Apple does not have a record of a reported issue with the sleep/wake button on your Class Device (and no record that Apple has already provided a free repair or replacement for that device). If you submit a Claim Form, you will give up the right to sue Apple in a separate lawsuit about the claims this settlement resolves.
<b>ASK TO BE EXCLUDED DEADLINE: JANUARY 4, 2020</b>	If you decide to exclude yourself, you will keep the right to sue Apple in a separate lawsuit about the claims this settlement resolves, but you give up the right to get a payment from this settlement.  This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against Apple related to the legal claims in this case.
<b>OBJECT TO THE SETTLEMENT DEADLINE: DECEMBER 31, 2019</b>	If you do not exclude yourself from the settlement, you may object to it by writing to the Court about why you don’t like the settlement.
<b>GO TO A HEARING ON: MARCH 20, 2020</b>	You may object to the settlement and ask the Court for permission to speak at the Fairness Hearing about your objection.
<b>DO NOTHING</b>	If you are a Class Member, you are automatically part of the settlement. If you do nothing, you will not get a payment from this settlement and you will give up the right to sue, continue to sue, or be part of another lawsuit against Apple for any claim made in this lawsuit or released by the Settlement Agreement.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the settlement.

## BASIC INFORMATION

### 1. Why was this Notice issued?

A state Court authorized this Notice because you have a right to know about the proposed settlement of this class action lawsuit and about all of your options before the Court decides whether to grant final approval to the proposed settlement. This Notice explains the lawsuit, the settlement, your legal rights, what benefits are available, and who can get them.

The Honorable Ronald L. Styn of the Superior Court of San Diego County, Central Division, is overseeing this class action. The case is known as *Shamrell, et al. v. Apple Inc.*, Case No. 37-2013-00055830-CU-PL-CTL. The people who filed this lawsuit are called the “Plaintiffs” and the company they sued, Apple Inc., is called the “Defendant.”

### 2. What is this lawsuit about?

The lawsuit alleges that Apple sold the iPhone 4, iPhone 4S and iPhone 5 with defective sleep/wake (power) buttons and failed to disclose (or insufficiently disclosed) this defect to purchasers in violation of various California state laws. The lawsuit sought relief for alleged claims of breach of warranty and alleged violations of the California Consumers Legal Remedies Act, the California Unfair Competition Law, the California Song-Beverly Act and the Magnuson-Moss Warranty Act.

Apple denies all of the allegations made in the lawsuit, and denies that Apple did anything improper or unlawful. Apple has asserted numerous affirmative defenses to the claims in this case. The proposed settlement is not an admission of guilt or any wrongdoing by Apple.

### 3. What is a class action?

In a class action, one or more people or entities called Class Representatives or Plaintiffs (in this case Anthony Shamrell and Daryl Rysdyk) sue on behalf of other people with similar claims. The people included in the class action are called the Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

### 4. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or Defendant. Instead, the Plaintiffs and Defendant agreed to a settlement. This way, they avoid the cost, burden and uncertainty of a trial and the people allegedly affected can get benefits. The Class Representatives and their attorneys think the settlement is best for all Class Members.

## WHO IS INCLUDED IN THE SETTLEMENT

### 5. How do I know whether I am part of the settlement?

On January 7, 2019, following multiple rounds of class certification briefing, including two appeals to the California Court of Appeal, the Court certified two classes. You are included in the settlement if you fit within one or both of the certified class definitions, which are defined as:

- **iPhone 4 and 4s Class:** All California citizens who purchased one or more iPhone 4 or 4s smartphones from Apple or a third-party retailer, from June 24, 2010 through October 10, 2011 for the iPhone 4, and from October 11, 2011 through September 20, 2012 for the iPhone 4s, and whose sleep/wake (power) button stopped working or worked intermittently during a one year period from date of purchase.
- **iPhone 5 Class:** All California citizens who purchased one or more iPhone 5 smartphones from Apple or a third-party retailer prior to April 1, 2013, and whose sleep/wake (power) button stopped working or worked intermittently during a three year period from date of purchase.

#### **6. Are there exceptions to being included?**

Yes, the settlement does not include persons whose class iPhone was repaired or replaced by Apple due to a non-working sleep/wake button.

#### **7. What if I am still not sure whether I am part of the settlement?**

If you are not sure whether you are included, call 1-855-336-4060, go to [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com), or write to one of the lawyers listed in Question 17 below.

### **THE SETTLEMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY**

#### **8. What does the settlement provide?**

A \$20 million Settlement Fund has been established by Apple in this settlement. After deducting Court-approved attorneys' fees and expenses, service awards, and the costs of settlement notice and administration, the net Settlement Fund will be made available to Class Members who submit valid Claim Forms (and to those Class Members for whom Apple has a record of a reported issue with the sleep/wake button on their Class Device, but no record that Apple has already repaired or replaced that Class Device for free).

#### **9. How much will my payment be?**

Your payment amount could be as much as \$24 per Class Device. Final payments will be calculated and distributed based on the total number of Class Members who submit valid Claim Forms (and the number of Class Members for whom Apple has a record of a reported issue with the sleep/wake button on their Class Device, but no record that Apple has already repaired or replaced that Class Device for free).

### **HOW TO GET A SETTLEMENT PAYMENT—SUBMITTING A CLAIM FORM**

#### **10. How do I get a payment?**

If you received a notice by email or mail indicating that you are required to submit a Claim Form, you must complete and submit a valid Claim Form by March 23, 2020 in order to receive a payment under the proposed settlement. Claim Forms may be submitted online at [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com), or printed from the website and mailed to the address on the form. Claim Forms are also available by calling 1-855-336-4060.

If you received a notice via email that was directed to "Direct-Pay Class Members", this indicates that Apple has a record of a reported issue with the sleep/wake button on your Class Device, but no record that Apple has already repaired or replaced your Class Device for free. In order to receive your settlement payment, you must update or confirm your mailing address by March 23, 2020 in order to receive a settlement payment. You may confirm or update your address online at [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com) or by calling 1-855-336-4060.

### **11. When would I get my payment?**

The Court will hold a hearing at 2:00 p.m. on March 20, 2020, to decide whether to grant final approval to the settlement. If the Court approves the settlement, there may be appeals. It is always uncertain whether appeals will be filed and, if so, how long it will take to resolve them. Settlement payments will be distributed to Class Members as soon as possible, if and when the Court grants final approval to the settlement. The Court may also elect to move the Fairness Hearing to a different date or time in its sole discretion, without providing further Notice to the Class.

### **12. What rights am I giving up to get a payment and stay in the Class?**

Unless you exclude yourself, you are staying in the Class. If the settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You won't be able to sue, continue to sue, or be part of any other lawsuit against Apple and certain related parties for any claim made in this lawsuit or released by the Settlement Agreement. The rights you are giving up are called Released Claims.

### **13. What are the Released Claims?**

Generally, if and when the Settlement Agreement becomes final, Class Members will permanently release Apple Inc., (including its present or former affiliates, agents, attorneys, contractors, divisions, employees, holding companies, insurers, servants, shareholders, sister corporations, officers, directors, representatives, and successors) from claims relating to the sleep/wake button on the iPhone 4, 4s and 5. The specific claims you will be releasing are described in more detail in paragraph 4.2 of the Settlement Agreement, available at [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com).

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you want to keep the right to sue or continue to sue Apple for any claim made in this lawsuit or released by the Settlement Agreement, and you do not want to receive a payment from this settlement, you must take steps to get out of the settlement. This is called excluding yourself or opting out of the settlement.

### **14. How do I get out of the settlement?**

If you want to be excluded from the settlement you must mail a written request for exclusion to the Settlement Administrator. Your request for exclusion must include: (1) your full name, address and email address; (2) the name of this case, *Shamrell, et al. v. Apple Inc.*, Case No. 37-2013-00055830-CU-PL-CTL; (3) a clear statement indicating that you are a Class Member and you wish to be excluded from the Class; and (4) your signature. Your request for exclusion must be mailed to the Settlement Administrator at the address below and postmarked no later than January 4, 2020:

*Shamrell, et al. v. Apple Inc.*  
Settlement Administrator  
P.O. Box 43409  
Providence, RI 02940-3409

### **15. If I exclude myself, can I still get a payment from this settlement?**

No. If you exclude yourself, you are telling the Court that you don't want to be part of the Class in this settlement. You can only get a payment if you stay in the Class and provide or confirm your address or submit a Claim Form (if needed).

### **16. If I do not exclude myself, can I sue Apple for the same claims later?**

No. Unless you exclude yourself, you are giving up the right to sue Apple for the claims that this settlement resolves. You must exclude yourself from *this* lawsuit to start or continue with your own lawsuit or be part of any other lawsuit against Apple.

## THE LAWYERS REPRESENTING YOU

### 17. Do I have a lawyer in this case?

Yes. Judge Styn appointed Doyle Lowther, LLP and Gomez Trial Attorneys to represent you and other Class Members as “Class Counsel.” These law firms and their lawyers are experienced in handling similar cases. 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.

### 18. How will the lawyers be paid?

Class Counsel will ask the Court for an award of attorneys’ fees from the Settlement Fund of no more than 35% of the Settlement Fund, as well as reimbursement of their expenses. The Court will determine these amounts. All of these amounts, as well as the costs associated with administering the settlement and service awards to the Class Representatives (\$10,000 each, if approved), will be paid from the Settlement Fund before making payments to qualifying Class Members.

## OBJECTING TO THE SETTLEMENT

You can tell the Court if you don’t agree with the settlement or any part of it.

### 19. How do I tell the Court that I do not like the settlement?

If you are a Class Member, you can object to the settlement if you do not like it or a portion of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter via First Class U.S. mail saying that you object to the settlement of *Shamrell, et al. v. Apple Inc.*, Case No. 37-2013-00055830-CU-PL-CTL. Your objection must also include: (1) your full name; (2) address; (3) email address; (4) telephone number; (5) signature; (6) the words “Notice of Objection” or “Formal Objection,” or words to that effect; and (7) a clear statement setting forth the factual and/or legal reasons why you object to the settlement. Mail your objection to all three addresses below postmarked on or before December 31, 2019.

Clerk of the Court	Class Counsel	Defense Counsel
Clerk of the Superior Court of California, County of San Diego, Central Division 330 W. Broadway, Room 225 San Diego, CA 92101	Deborah Dixon Gomez Trial Attorneys 655 W. Broadway, Suite 1700 San Diego, CA 92101	Matthew D. Powers O’Melveny & Myers LLP 2 Embarcadero Ctr., 28 <sup>th</sup> Fl. San Francisco, CA 94111

### 20. May I come to Court to speak about my objection?

Yes. You or your attorney may speak at the Fairness Hearing about your objection. To do so, in addition to the information above, your objection must also include: (1) a statement that it is your “Notice of Intention to Appear at the Fairness Hearing for *Shamrell, et al. v. Apple Inc.*, Case No. 37-2013-00055830-CU-PL-CTL; (2) an outline of your positions and the reasons for them; and (3) copies of any supporting documents or briefs you want the Court to consider. Remember, your objection must be postmarked by December 31, 2019, and sent to all three addresses in Question 19.

### 21. What is the difference between objecting to the settlement and asking to be excluded from it?

Objecting is simply telling the Court that you don’t like something about the settlement. You can object only if you stay in the Class (do not exclude yourself). Excluding yourself is telling the Court that you don’t want to be part of the Class. If you exclude yourself, you cannot object because the settlement no longer affects you.

## THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

### **22. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Fairness Hearing at 2:00 p.m. on March 20, 2020, at the Superior Court of California, County of San Diego, Central Division, 330 W. Broadway, Dept. 74, San Diego, California 92101. At this hearing, the Court will consider whether to approve the settlement; Class Counsel's request for attorneys' fees and expenses; and the service awards to the Class Representatives. If there are objections, the Court will consider them. Judge Styn will listen to people who have asked to speak at the hearing (*see* Question 20 above). At the hearing, the Court will decide whether to approve the settlement. The Court may elect to move the Fairness Hearing to a different date or time in its sole discretion, without providing further Notice to the Class. The date and time of the Fairness Hearing can be confirmed at [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com).

### **23. Do I have to come to the hearing?**

No. Class Counsel will answer any questions Judge Styn may have. However, you are welcome to come to the hearing at your own expense. If you send an objection, 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 pay your own lawyer to attend, but that is not necessary.

### **24. May I speak at the hearing?**

Yes. You may ask the Court for permission to speak at the Fairness Hearing (*see* Question 20 above).

## IF YOU DO NOTHING

### **25. What happens if I do nothing at all?**

If you are a Class Member and you do nothing, you will give up the rights explained in Question 13, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Apple for any claim made in this lawsuit or released by the Settlement Agreement. In addition, you will not receive a payment from the Settlement Fund.

## GETTING MORE INFORMATION

### **26. How do I get more information?**

This Notice summarizes the proposed settlement. Complete details are provided in the Settlement Agreement. The Settlement Agreement and other related documents are available at [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com), by calling 1-855-336-4060, or by writing to the Settlement Administrator at: *Shamrell, et al. v. Apple Inc.* Settlement Administrator, P.O. Box 43409, Providence, RI 02940-3409.