

**If You Bought a Lithium Ion Cell, Lithium Ion Battery, or Lithium Ion Battery Product, Class Action Settlements May Affect You.**

A “Lithium Ion Battery” is a cylindrical, prismatic, or polymer battery that is rechargeable and uses lithium ion technology. A “Lithium Ion Battery Product” is a product manufactured, marketed, and/or sold by Defendants, their divisions, subsidiaries, or affiliates, or their alleged co-conspirators that contains one or more Lithium Ion Battery Cells manufactured by Defendants or their alleged co-conspirators. Lithium Ion Battery Products include, but are not limited to, notebook computers, cellular (mobile) phones, digital cameras, camcorders, and power tools.

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

- A class action lawsuit brought on behalf of direct purchasers of Lithium Ion Battery Cells (“Li-Ion Cells”), Lithium Ion Batteries (“Li-Ion Batteries”), and Lithium Ion Battery Products (“Li-Ion Products”) is currently pending.
- Plaintiffs claim that Defendants (listed below) and co-conspirators engaged in an unlawful conspiracy to fix, raise, maintain, or stabilize the prices of Li-Ion Cells. Plaintiffs further claim that direct purchasers from the Defendants of Li-Ion Cells, Li-Ion Batteries, and Li-Ion Products 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 Li-Ion Cells, they and other direct purchasers paid more for Li-Ion Cells, Li-Ion Batteries, and Li-Ion Products than they would have paid absent the conspiracy. Defendants deny Plaintiffs’ claims.
- Settlements have been reached with the remaining Defendants: LG Chem, Ltd., and LG Chem America, Inc. (together “LG Chem”); Samsung SDI Co., Ltd., and Samsung SDI America, Inc. (together “Samsung SDI”); and TOKIN Corporation (“TOKIN”), formerly known as NEC TOKIN Corporation (collectively “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.

**These rights and options—and deadlines to exercise them—are explained in this Notice:**

You may make a claim .....see Question 9

You can object to or comment on the settlements or fee application.....see Question 10

You may exclude yourself from one or more of the settlements.....see Question 10

You may go to a hearing and comment on the settlements or fee application.....see Question 12

- The Court in charge of this case still has to decide whether to approve the settlements.

**For More Information, Call 1-844-778-5952  
or Visit [www.BatteriesDirectPurchaserAntitrustSettlement.com](http://www.BatteriesDirectPurchaserAntitrustSettlement.com).**

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## BASIC INFORMATION

### 1. Why did I get this Notice?

You or your company may have directly purchased Li-Ion Cells, Li-Ion Batteries, and/or Li-Ion Products from January 1, 2000, through May 31, 2011. For purposes of the settlements, a direct purchaser is a person or business who bought a Li-Ion Cell, Li-Ion Battery, and/or Li-Ion Product directly from one or more of the Defendants, or any division, subsidiary, or affiliate thereof, or any alleged co-conspirator (as opposed to an intermediary, such as a retail store) in the United States.

You have the right to know about the litigation and about your legal rights and options before the Court decides whether to approve the settlements.

The Notice explains the litigation, the settlements, and your legal rights.

The Court in charge of the case is the United States District Court for the Northern District of California, and the case is called *In re Lithium Ion Batteries Antitrust Litigation*, Case No. 13-MD-02420-YGR. The people who sued are called “Plaintiffs,” and the companies they sued are called “Defendants.”

### 2. Who are the Defendant companies?

The Defendant companies include LG Chem, Ltd.; LG Chem America, Inc.; Samsung SDI Co., Ltd.; Samsung SDI America, Inc.; Panasonic Corporation; Panasonic Corporation of North America; SANYO Electric Co., Ltd.; SANYO North America Corporation; Sony Corporation; Sony Energy Devices Corporation; Sony Electronics, Inc.; Hitachi Maxell, Ltd.; Maxell Corporation of America; NEC Corporation; TOKIN Corporation, formerly known as NEC TOKIN Corporation; and Toshiba Corporation.

### 3. What is this lawsuit about?

The lawsuit alleges that Defendants and co-conspirators conspired to raise and fix the prices of Li-Ion Cells for over ten years, resulting in overcharges to direct purchasers of Li-Ion Cells, Li-Ion Batteries, and Li-Ion Products. The complaint describes how the Defendants and co-conspirators allegedly violated the U.S. antitrust laws by agreeing to fix prices and restrict output of Li-Ion 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.

### 4. What is the status of the litigation?

Plaintiffs have now reached settlements with all of the Defendants in this Action. However, the litigation will continue in order to complete settlement approval, claims administration, and consider Plaintiffs’ Application for Attorneys’ Fees and Expenses and Incentive Awards.

### 5. What are Li-Ion Cells, Li-Ion Batteries, and Li-Ion Products?

For the purposes of the settlements, the following definitions apply:

- “Lithium Ion Battery Cell(s)” or “Li-Ion Cells” means the main components of Lithium Ion Batteries. A cell includes the cathode, anode, and electrolyte.
- “Lithium Ion Battery” or “Li-Ion Battery” means a cylindrical, prismatic, or polymer battery that is rechargeable and uses lithium ion technology.
- “Lithium Ion Battery Products” or “Li-Ion Products” means products manufactured, marketed, and/or sold by Defendants, their divisions, subsidiaries, or affiliates, or their alleged co-conspirators that contain one or more Lithium Ion Battery Cells manufactured by Defendants or their alleged co-conspirators. Lithium Ion Battery Products include, but are not limited to, notebook computers, cellular (mobile) phones, digital cameras, camcorders, and power tools.

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## 6. What is a class action?

In a class action, one or more people, called class representatives, sue on behalf of people who have similar claims. All these people are members of the class, except for those who exclude themselves from the class.

Important information about the case will be posted on the website [www.BatteriesDirectPurchaserAntitrustSettlement.com](http://www.BatteriesDirectPurchaserAntitrustSettlement.com) as it becomes available. Please check the website to be kept informed about any future developments.

## THE SETTLEMENT CLASSES

### 7. How do I know if I'm part of the settlement classes?

The settlement classes include persons and entities who, from January 1, 2000, through May 31, 2011, bought a Li-Ion Cell, Li-Ion Battery, and/or Li-Ion Product directly from one or more of the Defendants, or any division, subsidiary, or affiliate thereof, or any alleged co-conspirator (as opposed to an intermediary, such as a retail store) in the United States.

### 8. What do the settlements provide?

The settlements provide for payments totaling \$70,450,000.00 in cash as follows: Samsung SDI—\$24.5 million; LG Chem—\$41 million; TOKIN—\$4.95 million. The LG Chem and Samsung SDI settlements also provide for continuing cooperation, including the production of witnesses, in case there is a trial. In addition, Settling Defendants' sales remain in the case for the purpose of computing damages against any remaining Defendants in the event of trial. In return for these payments, settlement class members are required to give up the claims asserted in this lawsuit.

More details are in the settlement agreements, available at [www.BatteriesDirectPurchaserAntitrustSettlement.com](http://www.BatteriesDirectPurchaserAntitrustSettlement.com).

### 9. When can I get a payment?

Distribution of the Samsung SDI, LG Chem, and TOKIN settlement funds will be made, along with settlement funds from previous settlements totaling \$68,850,000.00 with the Sony, Maxell, NEC, Panasonic, and Toshiba Defendants, on a *pro rata* basis once the Court finally approves these settlements and authorizes distribution of the settlement funds. You must submit a claim to participate in the distribution.

Attached to this Notice is a Proof of Claim Form that has been approved by the Court. All claims must be submitted online or postmarked by **April 26, 2018**, to the address provided on the Proof of Claim Form. Additional Proof of Claim Forms may be obtained at [www.BatteriesDirectPurchaserAntitrustSettlement.com](http://www.BatteriesDirectPurchaserAntitrustSettlement.com), by calling 1-844-778-5952, or by writing to *In re Lithium Ion Batteries Antitrust Litigation*, Settlement Administrator, P.O. Box 4098, Portland, OR 97208-4098. Please do not contact the Court about claim administration.

The settlement funds will be allocated on a *pro rata* basis based on the dollar value of each class member's purchase(s) of Li-Ion Cells, Li-Ion Batteries, and/or Li-Ion Products in proportion to the total claims filed. For purposes of determining the *pro rata* allocation of the settlement funds, purchases of Li-Ion Batteries and/or Li-Ion Products will be valued according to the proportionate value of the Li-Ion Cells contained in the product. This will be determined by the number of cylindrical cells, or equivalent (by capacity) prismatic or polymer cell, typically contained in particular finished products or battery packs. For example, laptop computers typically contained six (6) cylindrical cells. Camcorders typically contained four (4) cylindrical cells. Cell phones and digital cameras typically contained one (1) prismatic cell of approximately one half the capacity and price of a typical cylindrical cell. These will count as one half of a cylindrical cell. If a class member purchased batteries or packs, or other products, they will be valued according to the number of cylindrical cells, or equivalent (by capacity) prismatic or polymer cell, they contained. The resulting amounts will be multiplied by the net settlement funds (total settlements plus accrued interest minus attorneys' fees, expenses, and class representative incentive awards) to determine each claimant's *pro rata* share of the Settlement Fund.

### 10. What are my rights in the settlement classes?

**Remain in the settlement classes:** If you wish to remain a member of the settlement classes, you do not need to take any action at this time.

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**Get out of one or more of the settlement classes:** If you wish to keep your rights to sue LG Chem, Samsung SDI, and/or TOKIN about claims concerning the manufacture, supply, distribution, sale, or pricing of Li-Ion Cells—other than indirect purchaser claims, claims based on foreign purchases, or claims for product liability, personal injury, or breach of contract claims not related to the allegations in this case—you must exclude yourself from the settlement class(es) relating to the Defendant(s) you wish to retain your rights to sue. You will not get any money from the settlements from which you exclude yourself.

To exclude yourself from one or more of the settlement classes, you must send a letter that includes the following:

- Your name, address, and telephone number (include trade or business names, and address, and telephone numbers);
- A statement saying that you want to be excluded from the Direct Purchaser Plaintiff settlement class in *In re Lithium Ion Batteries Antitrust Litigation*, Case No. 13-MD-02420-YGR, as to each Defendant (LG Chem, Samsung SDI, and/or TOKIN) for which you wish to retain your rights to sue; and
- Your signature.

You must mail your exclusion request, postmarked no later than **March 1, 2018**, to the following address:

In re Lithium Ion Batteries Antitrust Litigation  
Settlement Administrator  
P.O. Box 4098  
Portland, OR 97208-4098

**Remain in the settlement classes and object:** You can ask the Court to deny approval of one or more of the settlements by filing an objection. You can't ask the Court to order larger settlements; the Court can only approve or deny the settlements. If the Court denies approval of a settlement, no payments from that settlement will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

You may object to the proposed settlements in writing. You may also appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*In re Lithium Ion Batteries Antitrust Litigation*, Case No. 13-MD-02420-YGR), (b) be submitted to the Court either by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, 1301 Clay Street, 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 (c) be filed or postmarked on or before **March 1, 2018**.

## 11. What am I giving up to stay in the settlement classes?

Unless you exclude yourself from the relevant settlement class(es), you can't sue LG Chem, Samsung SDI, or TOKIN, or be part of any other lawsuit against LG Chem, Samsung SDI, or TOKIN, about the legal issues in this case. It also means that all of the decisions by the Court will bind you. The "Release of Claims" included in the settlement agreements includes any causes of actions asserted or that could have been asserted in the lawsuit, as described more fully in the settlement agreements. The settlement agreements are available at [www.BatteriesDirectPurchaserAntitrustSettlement.com](http://www.BatteriesDirectPurchaserAntitrustSettlement.com).

## THE SETTLEMENT APPROVAL HEARING

### 12. When and where will the Court decide whether to approve the settlements?

The Court will hold a Fairness Hearing at **2:00 p.m. on May 8, 2018**, at United States District Courthouse, 1301 Clay Street, Courtroom 1, 4<sup>th</sup> Floor, Oakland, CA 94612. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the settlement class website for information. At this hearing, the Court will consider whether the settlements are fair, reasonable, and adequate. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the settlements. We do not know how long these decisions will take.

### 13. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you file or mail an objection, you don't have to come to Court to talk about it. As long as you filed or mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

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## THE LAWYERS REPRESENTING YOU

### 14. Do I have a lawyer in the case?

Yes. The Court has appointed the law firms of Saveri & Saveri, Inc.; Pearson, Simon & Warshaw, LLP; and Berman Tabacco to represent you as “Class Counsel.” You do not have to pay Class Counsel. If you want to be represented by your own lawyer, and have that lawyer appear in court for you in this case, you may hire one at your own expense. The contact information for Class Counsel is as follows:

CLASS COUNSEL		
R. Alexander Saveri Geoffrey C. Rushing SAVERI & SAVERI, INC. 706 Sansome Street San Francisco, CA 94111	Bruce L. Simon PEARSON, SIMON & WARSHAW, LLP 44 Montgomery Street, Suite 2450 San Francisco, CA 94104	Joseph J. Tabacco, Jr. BERMAN TABACCO 44 Montgomery Street, Suite 650 San Francisco, CA 94104

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

Class Counsel will also submit an Application for Attorneys’ Fees and Expenses and Incentive Awards to be heard at the same time as the Fairness Hearing on May 8, 2018. Class Counsel will ask the Court for attorneys’ fees of 30% of the total settlement funds of \$139,300,000 (the sum of \$70,450,000 from the current settlements and \$68,850,000 from previous settlements with the Sony, Maxell, NEC, Panasonic and Toshiba Defendants), or \$41,790,000. Class Counsel will also request reimbursement of litigation costs and expenses not to exceed \$3,900,000, in accordance with the provisions of the settlement agreements. Class Counsel may also request that an amount be paid to each of the class representatives who helped the lawyers on behalf of the whole class (known as an “incentive award”).

Lead Counsel will file their Application for Attorneys’ Fees and Expenses and Incentive Awards on or before February 8, 2018. On the same day, Lead Counsel will post their Application for Attorneys’ Fees and Expenses and Incentive Awards on the settlement website, [www.BatteriesDirectPurchaserAntitrustSettlement.com](http://www.BatteriesDirectPurchaserAntitrustSettlement.com). You may comment on or object to Class Counsel’s Application for Attorneys’ Fees and Expenses and Incentive Awards by following the procedure set forth in Question 10 above. Any comment or objection must be filed with the Court or postmarked by **March 1, 2018**.

## GETTING MORE INFORMATION

### 16. How do I get more information?

This notice summarizes the proposed settlements. For the precise terms and conditions of the settlements, please see the settlement agreements available at [www.BatteriesDirectPurchaserAntitrustSettlement.com](http://www.BatteriesDirectPurchaserAntitrustSettlement.com), by contacting Class Counsel at the addresses listed above under Question 14, by accessing the Court docket in this case through the Court’s Public Access to Court Electronic Records (PACER) system at [ecf.cand.uscourts.gov](http://ecf.cand.uscourts.gov) (using the instructions provided here: [cand.uscourts.gov/existcasefaq](http://cand.uscourts.gov/existcasefaq) and here: [pacer.gov/psc/faq.html](http://pacer.gov/psc/faq.html)), or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 1301 Clay Street, Courtroom 1, 4th Floor, Oakland, CA 94612, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THESE SETTLEMENTS OR THE CLAIM PROCESS.

Dated: **December 22, 2017**

BY ORDER OF THE COURT

**For More Information, Call 1-844-778-5952  
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