

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

A court authorized this notice. This is not a solicitation from a lawyer.

If You Bought a Nexus 6P Smartphone, You May Get a Payment from a Class Action Settlement

- If you are in the United States and bought a Nexus 6P smartphone, other than for resale, you may be eligible to get a payment from a class action settlement.
• The lawsuit at issue concerns Nexus 6P smartphones. Plaintiffs allege that the Nexus 6P has a defect that can cause two different issues: "bootloop" and "battery drain."
• The defendants in the case, Huawei Device USA, Inc. and Google LLC, deny these allegations but have agreed to pay \$9.75 million to settle the case.
• Visit www.Nexus6PSettlement.com to make a claim. You can also opt-out of or object to the Settlement.
• Please read this notice carefully. Your legal rights will be affected, and you have a choice to make now.

Table with 3 columns: Action, Description, and Deadline. Rows include: SUBMIT A CLAIM FORM (9/3/19), EXCLUDE YOURSELF (9/3/19), COMMENT ON OR OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING (9/3/19), and DO NOTHING (No Deadline).

- 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. Payments will be made if the Court approves the Settlement and after any appeals are resolved.

WHAT THIS NOTICE CONTAINS

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BASIC INFORMATION

1. Why did I get this notice?

A court authorized this notice because people who bought a Nexus 6P have the right to know about a legal settlement. If you qualify as a class member, you can make a claim and get a payment.

To know if you qualify, see the answer to Question 5.

The people who sued are called the plaintiffs. The companies they sued, Huawei Device USA, Inc. and Google LLC, are called the defendants.

2. What is this lawsuit about?

The defendants and certain third-party retailers sold the Nexus 6P smartphone in the United States. The plaintiffs brought a products liability lawsuit against the defendants, alleging that the Nexus 6P has a defect that can cause one or both of two issues. First, “bootloop” which is when a Nexus 6P allegedly begins randomly rebooting, and in some instances fails permanently in an endless bootloop cycle, where the phone constantly reboots without ever advancing to the home screen, and in some instances, may stop booting altogether. Second, “battery drain,” which is when a Nexus 6P allegedly has a noticeable decrease in battery life, or shuts off suddenly even when its battery life icon shows that it is charged. The defendants deny that the Nexus 6P is defective and deny that they have any liability to plaintiffs.

3. What is a class action?

In a class action the plaintiffs act as “class representatives” and sue on behalf of themselves and other people who have similar claims. This group of people is called the “class,” and the people in the class are called “class members.” One court resolves the issues for all class members, except for people who exclude themselves from the class. Judge Beth Labson Freeman of the United States District Court for the Northern District of California is in charge of this case. The case is *In re Nexus 6P Products Liability Litigation*, No. 5:17-cv-02185-BLF (N.D. Cal.).

4. Why is there a Settlement?

The Court did not decide in favor of plaintiffs or defendants. Instead, both sides agreed to a settlement. That way, they avoid the costs and risks of a trial, and class members get benefits or compensation. The class representatives and their attorneys think the settlement is best for the class.

WHO IS IN THE SETTLEMENT

5. Who is in the Settlement?

You are a class member, and are included in the Settlement, if you are in the United States and purchased a Nexus 6P smartphone, other than for resale, between September 29, 2015 and May 3, 2019. Excluded from the Settlement Class are (a) Huawei and Google, and their officers, directors, employees, subsidiaries, and affiliates; (b) all judges assigned to this case and any members of their immediate families; and (c) the parties’ counsel in this litigation.

6. What should I do if I am still not sure whether I am included?

If you are not sure whether you are included in the class, you can ask for free help by calling the Claims Administrator at 1-855-336-4167 for more information.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

The defendants will pay \$9,750,000 into a Settlement Fund. After deduction of the costs of notice and settlement administration, any award of attorneys’ fees (up to 30% of the Settlement Fund), litigation costs, and any service awards for the class representatives, the Settlement Fund will be distributed to class members who submit valid claims.

8. Who can get money from the Settlement, and how much?

To get money from the Settlement, you must be a class member and file a claim. You can fill out and upload the claim form at www.Nexus6PSettlement.com.

If you experienced one or both of the two alleged issues with the Nexus 6P described above, you are eligible to get more money than if you did not experience any alleged issues. Subject to adjustment depending on how many claims of various

kinds are made, people who experienced alleged bootloop and submit documentation of the issue will receive up to \$325, people who experienced alleged battery drain and submit documentation of the issue will receive up to \$150, and people who experienced alleged issues on multiple Nexus 6Ps and submit documentation of the issues will receive up to \$400. People who did not experience any alleged bootloop or battery drain issues with their Nexus 6P, or who received a Pixel XL as a replacement, will receive at least \$5 and no more than \$10. People who attest that they experienced alleged battery drain, but who do not submit documentation, will receive at least \$10 and no more than \$45. People who attest that they experienced alleged bootloop, but who do not submit documentation, will receive at least \$20 and no more than \$75.

After the claims deadline, the Settlement Fund will be paid out as follows. First, money needed to pay the \$5, \$10, and \$20 minimum payments just described will be set aside and reserved to make those payments. Second, the documented claims of alleged bootloop, battery drain, and multiple experiences of alleged bootloop or battery drain will be paid up to the amounts described above. Third, if any money remains in the fund at that point, claimants who paid insurance deductibles to Assurant in connection with a claim regarding alleged bootloop or battery drain in their Nexus 6P will be reimbursed for those deductibles, except for claimants who did not experience any alleged bootloop or battery drain issues. Fourth, if any money still remains in the fund, it will be distributed *pro rata* to the claimants in the \$5, \$10, and \$20 groups described above, with those payments being capped at \$10, \$45, and \$75, respectively. Finally, if there is still money left after all of these steps, Class Counsel will notify the Court and propose a reasonable alternative or alternatives for distribution. This is only a summary. For more information on the Plan of Allocation, see www.Nexus6PSettlement.com.

For information on how to make a claim, see Question 10 and www.Nexus6PSettlement.com. For more information on the Plan of Allocation, see www.Nexus6PSettlement.com.

9. What am I giving up if I stay in the class?

Unless you exclude yourself with an opt-out request (*see* Question 16), you cannot sue, continue to sue, or be part of any other lawsuit against the defendants about the issues in this case. The “Releases” section in the Settlement Agreement describes the legal claims that you give up if you remain in the settlement class. The Settlement Agreement can be viewed at www.Nexus6PSettlement.com.

HOW TO GET A PAYMENT—MAKING A CLAIM

10. How do I make a claim?

If you are in the United States and bought a Nexus 6P, other than for resale, between September 29, 2015 and May 3, 2019, and are not an officer, director, employee, subsidiary, or affiliate of Huawei or Google; a judge assigned to the case or a member of their immediate family; or counsel for any of the parties, you can make a claim at www.Nexus6PSettlement.com. You can also contact the Claims Administrator to request a paper claim form by telephone at 1-855-336-4167 or by U.S. mail at *In re Nexus 6P Products Liability Litigation*, c/o KCC Class Action Services, P.O. Box 404135 Louisville, KY 40233-4135, and submit the claim form to the same U.S. mail address. There will be one claim form, and each Nexus 6P may be the subject of only one claim. Class members who purchased multiple Nexus 6Ps may submit a separate claim for each Nexus 6P they purchased.

11. How do I submit documentation?

If you are submitting a claim form online, you may submit documentation to support your claim of the alleged “bootloop” and/or “battery drain” issues to the Claims Administrator online.

If you are submitting a claim form by mail, you may include documentation to support your claim of the alleged “bootloop” and/or “battery drain” issues when you mail the claim form to the Claims Administrator.

Documentation to support a claim of “bootloop” and/or “battery drain” issues may include, but is not limited to, photographs, screenshots, emails, customer service chat logs, repair records, insurance claims, Return Merchandise Authorization (“RMA”) confirmations, or other credible contemporaneous evidence of alleged “bootloop” or “battery drain.” If you submit only an RMA as documentation, the Claims Administrator may require you to submit additional supporting documentation if necessary to establish that you experienced the alleged “bootloop” or “battery drain.”

12. What is the deadline for submitting a claim form?

To be eligible for payment, claim forms must be submitted electronically or postmarked no later than **September 3, 2019**.

13. When will I get my payment?

The Court will hold a hearing on **October 10, 2019 1:30 p.m.**, to decide whether to approve the Settlement. If the Settlement is approved, the Claims Administrator anticipates that payments will be sent out within 3 months.

Updates regarding the Settlement and when payments will be made will be posted on the Settlement website, www.Nexus6PSettlement.com.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in the case?

Yes. The Court appointed the law firms of Girard Sharp LLP and Chimicles Schwartz Kriner & Donaldson-Smith LLP to represent you and the other class members. These firms are called Class Counsel. You will not be charged for their services.

15. Should I get my own lawyer?

You do not need to hire your own lawyer, as Class Counsel is working on your behalf. If you want your own lawyer, you may hire one, but you will be responsible for any payment for that lawyer's services. For example, you can ask your own lawyer to appear in Court for you if you want someone other than Class Counsel to speak for you. You may also appear for yourself without a lawyer.

16. How will the lawyers be paid?

You do not have to pay Class Counsel. Class Counsel have not been paid for their services in this case since it began, and will seek an award of attorneys' fees not to exceed 30% of the Settlement Fund, in addition to reimbursement of reasonable litigation expenses. The fees will compensate Class Counsel for investigating the facts, litigating the case, and negotiating and presenting the Settlement for court approval.

Class Counsel will also ask the Court to approve service award payments of \$3,000 to each of the 13 individual class representatives. If approved, these awards (like any fee and cost award to Class Counsel) will be paid out of the Settlement Fund.

In addition, the costs of providing this notice and administering the Settlement are being paid out of the Settlement Fund.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from the Settlement and you want to keep your right, if any, to sue the defendants on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself from—or "opting-out" of—the settlement class.

17. How do I get out of the Settlement?

You may opt-out online by **September 3, 2019**, at www.Nexus6PSettlement.com. Click on the "Opt-Out" tab and provide the requested information. You may also opt-out by mailing the Opt-Out form available at www.Nexus6PSettlement.com to the Claims Administrator at

In re Nexus 6P Products Liability Litigation
c/o KCC Class Action Services
P.O. Box 404135
Louisville, KY 40233-4135

Mailed opt-out requests must be postmarked no later than **September 3, 2019**.

18. If I don't opt-out, can I sue Huawei or Google for the same thing later?

No. Unless you opt-out, you give up the right to sue Huawei and Google for the claims the Settlement resolves. You must exclude yourself from the class if you want to try to pursue your own lawsuit.

19. What happens if I opt-out?

If you opt-out of the Settlement, you will not have any rights as a member of the Settlement Class under the Settlement, you will not receive any payment as part of the Settlement, you will not be bound by any further orders or judgments in this case, and you will keep the right, if any, to sue on the claims alleged in the case at your own expense.

OBJECTING TO THE SETTLEMENT

20. How do I tell the Court if I don't like the Settlement?

If you're a class member and do not opt-out of the Settlement, you can ask the Court to deny approval of the Settlement by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or deny the Settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

Any objection to the proposed settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney.

To object, you must file a document with the Court saying that you object to the proposed Settlement in *In re Nexus 6P Products Liability Litigation*, No. 5:17-cv-02185-BLF. Be sure to include:

- Your name, address, and signature; and
- A detailed statement of your objection, including the grounds for the objection together with any evidence you think supports it.

You can mail the objection by First Class U.S. Mail to the following address:

Class Action Clerk
U.S. District Court for the Northern District of California
280 South 1st Street, Room 2112
San Jose, CA 95113
Case No. 5:17-cv-02185-BLF

If you do not mail the objection, you must either deliver it in person to the above boxed address or file it electronically at <https://www.cand.uscourts.gov/cm-ecf>.

Your objection must be received by the Court no later than September 3, 2019.

21. What's the difference between objecting and excluding?

Objecting is telling the Court that you don't like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is opting-out and telling the Court that you don't want to be part of the Settlement. If you opt-out of the Settlement, you cannot object to it because it no longer affects you. You cannot both opt-out and object to the Settlement.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **October 10, 2019 at 1:30 p.m.**, in Courtroom 3 of the San Jose federal courthouse, located at 280 South 1st Street, San Jose, CA 95113.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing.

The Court may also decide how much Class Counsel should receive in fees and expense reimbursements. After the hearing, the Court will decide whether to approve the Settlement.

The Court may reschedule the Final Approval Hearing or change any of the deadlines described in this notice. The date of the Final Approval Hearing may change without further notice to the class members. Be sure to check the website, www.Nexus6PSettlement.com, for news of any such changes. You can also access the case docket via the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

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

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you send an objection, you do not have to come to the hearing 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?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include a statement in your written objection (see Question 20) that you intend to appear at the hearing. Be sure to include your name, address, and signature as well.

You cannot speak at the hearing if you exclude yourself from the class.

IF I DO NOTHING

25. What happens if I do nothing at all?

If you do nothing, you'll be a member of the Settlement Class, you'll get no money from this Settlement, and you won't be able to sue either defendant for the conduct or violations alleged in this case.

GETTING MORE INFORMATION

26. Are more details about the Settlement available?

Yes. This notice summarizes the proposed Settlement—more details are in the Settlement Agreement and other important case documents. You can get a copy of these and other documents at www.Nexus6PSettlement.com, by contacting Class Counsel at apolk@girardsharp.com or bfj@chimicles.com, by accessing the docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California at any of the Court's locations between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays:

- Robert F. Peckham Federal Building and United States Courthouse, 280 South 1st Street, San Jose, CA 95113
- Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102
- Ronald V. Dellums Federal Building & United States Courthouse, 1301 Clay Street, Oakland, CA 94612
- United States Courthouse, 3140 Boeving Avenue, McKinleyville, CA 95519

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

27. How do I get more information?

The website, www.Nexus6PSettlement.com, has the claim form, answers to questions about the Settlement, and other information to help you determine whether you are eligible for a payment.

You can also call or write to the Claims Administrator at:

In re Nexus 6P Products Liability Litigation
c/o KCC Class Action Services
P.O. Box 404135
Louisville, KY 40233-4135

Class Counsel can be reached using the following contact information:

- **Adam Polk.** Telephone: (415) 981-4800, Email: apolk@girardsharp.com
- **Ben Johns.** Telephone: (610) 642-8500, Email: benjohns@chimicles.com