

IPHONE POWER MANAGEMENT CLASS ACTION
LONG-FORM NOTICE OF CLAIMS PROCEDURE - NOTICE OF SETTLEMENT APPROVAL

www.SmartphonePerformanceSettlement.ca

This notice is directed to:

All individuals, both corporate and natural persons, who are or were domiciled in Canada, excluding persons who are Quebec residents as of **June 15, 2023**, who:

- (i) purchased and/or owned Apple iPhone 6, 6 Plus, 6s, 6s Plus, SE, 7 and 7 Plus smartphones; and
- (ii) installed or downloaded iOS version 10.2.1 or later (for iPhone 6, 6 Plus, 6s, 6s Plus, and SE) or iOS version 11.2 or later (for iPhone 7 and 7 Plus) **before December 21, 2017**,

and their estates, administrators or other legal representatives, heirs or beneficiaries but excluding:

- (i) directors, officers, and employees of Apple or its subsidiaries and affiliated companies, as well as Apple's legal representatives, heirs, successors, or assigns;
- (ii) any member of the judiciary presiding over this matter; and
- (iii) any other individuals whose claims already have been adjudicated to a final judgment.

(the "**Class Members**").

READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS. YOU MAY NEED TO TAKE PROMPT ACTION.

Important Deadline

Claim Deadline (to file a claim for compensation): **September 2, 2024**.

Claims Forms may not be accepted after the Claims Deadline. As a result, it is necessary that you act without delay.

Purpose of this Notice

The purpose of this Notice is to advise Class Members of the approval of the settlement of the proceeding styled as *Nicholas Stephen Crema v. Apple Inc. and Apple Canada Inc.*, British Columbia Supreme Court Vancouver Registry Action No. S-188008 (the "**Class Action**") brought on behalf of the Class Members. This notice provides Class Members with information about how to apply for compensation from the Settlement. **Class Members who wish to apply for compensation must do so by no later than September 2, 2024.**

Court Approval of the Settlement

In 2018, proposed class proceedings were commenced against the defendants Apple Inc. and Apple Canada Inc. (together, "**Apple**"):

- (i) in the British Columbia Supreme Court styled as *Crema v. Apple Inc. and Apple Canada Inc.* (S-188008) and *Strohmaier v. Apple Inc. and Apple Canada Inc.* (S-186592);
- (ii) in the Ontario Superior Court of Justice styled as *Gaudio v. Apple Inc. and Apple Canada Inc.* (479/18CL), *Collins Swartz v. Apple Inc. and Apple Canada Inc.* (CV-18-591399), and *Saleh v. Apple Inc. and Apple Canada Inc.* (CV-18-592677-00CP);

- (iii) in the Saskatchewan Court of King's Bench styled as Blythman v. Apple Inc. and Apple Canada Inc. (QB6 302 OT 2018); and
- (iv) in the Alberta Court of King's Bench styled as Hibanaura v. Apple Inc. and Apple Canada Inc. (1803 02688)

(the "**Proceedings**").

The Proceedings relate to allegations of (i) performance mitigation features of iOS operating software versions 10.2.1, 10.3, 11 and/or 11.2 for iPhones; (ii) defects causing the iPhones to prematurely age, degrade and shut down unexpectedly; (iii) defects in the performance of the iPhone batteries; and (iv) misrepresentations or intentional concealment concerning the foregoing.

On **June 23, 2023**, the British Columbia Supreme Court certified the Class Action as a multi-jurisdictional class proceeding for settlement purposes and authorized Nicholas Stephen Crema to act as representative plaintiff on behalf of the Class Members.

The parties have engaged in lengthy settlement negotiations. On **June 15, 2023**, the plaintiffs in the Proceedings and Apple executed a Settlement Agreement providing for the settlement of the Proceedings and the Class Action (the "**Settlement**").

Apple has agreed to pay between \$11,137,500 CAD and \$14,427,500 CAD (the "**Settlement Funds**") in consideration of the full and final settlement of the claims of Class Members, including but not limited to the Class Action and the Proceedings. In return for the payment of the Settlement Funds, the Settlement provides that the claims of all Class Members asserted or which could have been asserted in the Class Action or the Proceedings will be fully and finally released and the Class Action will be dismissed. The Settlement is not an admission of liability, wrongdoing, or fault on the part of Apple, which denies the allegations against it.

On **March 4, 2024**, the court approved the Settlement and ordered that it be implemented in accordance with its terms.

The Settlement Funds will be paid out in accordance with the Distribution Protocol in the Settlement Agreement, a partial summary of which follows. For more details, please refer to the Settlement Agreement available at www.SmartphonePerformanceSettlement.ca.

Class Members' Entitlement to Compensation

Pursuant to the court order approving the Settlement, the claims of Class Members that were or could have been asserted in the Class Action are now released and the Class Actions have been dismissed. Class Members may not pursue individual or class actions for those claims, regardless of whether or not they file a claim for compensation from the Settlement. **The Settlement therefore represents the only means of compensation available to Class Members in respect of the claims raised in the Class Action.**

Class Members will be eligible for compensation pursuant to the Settlement if they submit a completed Claim Form to the Claims Administrator, and their claim satisfies the criteria set out in the Distribution Protocol.

To be eligible for compensation under the Settlement, Class Members must submit their Claim Form and supplementary documentation, which must be received **by no later than September 2, 2024** (the "**Claim Deadline**"). Only Class Members are permitted to recover from the Settlement.

The claims approved by the Claims Administrator (the "**Approved Claims**"), Class Counsel Fees, Administration Expenses and any honorariums for the plaintiffs in the Proceedings will be paid out of the Settlement Funds in accordance with the Distribution Protocol.

Each Class Member who submits an Approved Claim will receive a portion of the Settlement Funds. As explained below, the payment per Approved Claim depends on the actual number of approved claims and other factors,

including Class Counsel Fees, Administration Expenses and any honorariums for the plaintiffs in the Proceedings.

Apple will provide a cash payment for each Approved Claim, provided that Apple will not pay more than \$14,427,500 CAD (the “**Maximum Settlement Amount**”) and will not pay less than \$11,137,500 CAD (the “**Minimum Settlement Amount**”). If the total value of Approved Claims, Class Counsel Fees, Administration Expenses and any honorariums for the plaintiffs in the Proceedings exceeds the Maximum Settlement Amount, the value of each Approved Claim will be reduced on a *pro rata* basis. Additionally, under the Settlement, if the total value of Approved Claims, Class Counsel Fees, Administration Expenses and any honorariums for the plaintiffs in the Proceedings does not exceed the Minimum Settlement Amount, the value of each Approved Claim may be increased on a *pro rata* basis, up to a maximum of \$150 CAD per device.

In addition to approving the Settlement, on **March 4, 2024**, the court also awarded Class Counsel legal fees, expenses, applicable taxes and disbursements (“**Class Counsel Fees**”) in the amount equal to 25% of the Minimum Settlement Amount (the “**Settlement Claim Funds**”). As is customary in such cases, Class Counsel conducted the Class Action on a contingency fee basis. Class Counsel was not paid as the matter proceeded and funded the expenses of conducting the litigation. Class Counsel Fees will be deducted from the Settlement Funds before they are distributed to the Class Members.

Expenses incurred or payable relating to the approval, notification, implementation and administration of the Settlement (“**Administration Expenses**”) will also be paid from the Settlement Funds before they are distributed to Class Members.

The representative plaintiffs in the Proceedings will be paid honorariums from the Settlement Funds before they are distributed to Class Members.

Under no circumstances will any of the Minimum Settlement Amount revert to Apple. In the event that the Approved Claims, Class Counsel Fees, Administration Expenses and any honorariums for the plaintiffs in the Proceedings are less than the Minimum Settlement Amount after the value of each Approved Claim is increased on a *pro rata* basis up to \$150 CAD per device, any amounts remain undistributed will be allocated *cy-près* to a charity or charities chosen by Apple and approved by the court if needed.

Administrator

The Court has appointed Epiq Class Action Services Canada Inc. as the Claims Administrator of the Settlement. The Claims Administrator will, among other things: (i) receive and process the Claim Forms; (ii) determine Class Members’ eligibility for an entitlement to compensation pursuant to the Distribution Protocol; (iii) communicate with Class Members regarding claims for compensation; and (iv) manage and distribute the Settlement Amount in accordance with the Settlement Agreement and the orders of the court. The Claims Administrator can be contacted at:

Attention: iPhone Power Management Class Action
Mail: P.O. Box 507 STN B, Ottawa ON K1P 5P6
Email: info@SmartphonePerformanceSettlement.ca
Fax: 1-866-262-0816

Filing a Claim

All claims for compensation from the Settlement must be received by the Claims Administrator **by no later than September 2, 2024**.

The most efficient way to file a claim is to visit the Claims Administrator’s website at www.SmartphonePerformanceSettlement.ca. The website provides step-by-step instructions on how to file a claim. In order to verify claims, the Claims Administrator will require certain information and supporting documentation, including: the Class Member’s iPhone serial number(s). **Accordingly, Class Members should visit the Administrator’s website as soon as possible so that they have time to obtain the required documentation prior to the Claim Deadline.**

The Claims Administrator will also accept Claim Forms filed by mail or courier. To obtain a copy of the Claim Form, Class Members may contact the Claims Administrator to have one sent by regular mail or email. Forms sent by mail or courier should be sent to:

Epiq Class Action Services Canada Inc.
Attention: iPhone Power Management Class Action
P.O. Box 507 STN B
Ottawa ON K1P 5P6.

Class Members with questions about how to complete or file a Claim Form, or the documentation required to support a claim, should contact the Claims Administrator via the contact information provided above.

Copies of Settlement Documents

Copies of the Settlement Agreement, Distribution Protocol, the Claim Form and the orders of the Courts may be found on the Claims Administrator's website (www.SmartphonePerformanceSettlement.ca) or by contacting Class Counsel via the contact information provided below.

Class Counsel

The law firms representing Class Members are:

Garcha & Company

Attention: iPhone Power Management Class Action
Mail: #405 – 4603 Kingsway, Burnaby, BC V5H 4M4
Email: iphonesettlement@garchalaw.ca
Telephone (toll-free): 1-844-878-0444

Rochon Genova LLP

Attention: Jon Sloan
Mail: 121 Richmond Street West, Suite #900, Toronto, ON M5H 2K1
Email: jsloan@rochongenova.com

Interpretation

Capitalized terms not defined herein are as defined in the Settlement Agreement.

If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement will prevail.

PLEASE DO NOT CONTACT THE COURTS WITH INQUIRIES ABOUT THE CLASS ACTION OR THE SETTLEMENT.

All inquiries should be directed to the Claims Administrator or Class Counsel.

DISTRIBUTION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE BRITISH COLUMBIA SUPREME COURT