

**IF YOU PURCHASED A SUBSCRIPTION FOR A THIRD-PARTY AUTO-RENEWING APP THROUGH ITUNES FROM DECEMBER 1, 2010 TO SEPTEMBER 13, 2016 YOU COULD BE INCLUDED IN THIS CLASS ACTION SETTLEMENT**

**The Court authorized this notice. You are not being sued. This is not an ad.**

- A proposed settlement (“Settlement”) has been reached in the class action lawsuit filed against Apple Inc., resolving claims that Apple did not follow all of the disclosure requirements of California’s automatic renewal law, which applies to sales of automatically-renewing subscriptions.
- Apple denies all allegations and is entering into this Settlement to avoid burdensome and costly litigation. The Settlement is not an admission of wrongdoing.
- Your legal rights are affected whether you act or don’t act. These rights and options — **and the deadlines to exercise them** — are explained in this notice. **Read this notice carefully.**
- This notice summarizes the Settlement. Additional information regarding the Settlement is available through the Settlement Administrator or Class Counsel, whose contact information is provided in this notice.
- If the Court approves the Settlement, Apple will create a \$16,500,000.00 fund, from which each participating class member will receive a pro rata share, in the form of a credit deposited in each participating class member’s iTunes Account. The exact amount of the credit is not yet known, but is likely to be approximately \$3.00. The Court in charge of this case still has to decide whether to approve the Settlement. A credit will only be provided if the Court grants final approval to the Settlement.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>DO NOTHING</b>	<p><b>Participate in this Settlement. Receive benefit. Give up certain rights.</b></p> <p>By doing nothing, you will automatically receive a credit in your iTunes account, or a check if there is no iTunes account available. You will be bound by this Settlement, and you will give up any rights to sue Apple or third-party developers separately about the claims resolved by the Settlement.</p>
<b>ASK TO BE EXCLUDED BY SEPTEMBER 22, 2018</b>	<p><b>Get no benefit from Settlement. Keep certain rights.</b></p> <p>If you ask to be excluded, you will not receive a credit under the Settlement. But, you keep any rights to sue Apple or third-party developers separately about the claims in this lawsuit, provided they are timely. Your request to exclude yourself must be postmarked by September 22, 2018.</p>
<b>OBJECT BY SEPTEMBER 22, 2018</b>	<p><b>Write to the Court about why you don’t approve of the Settlement.</b></p> <p>If you wish to object to the Settlement, you cannot exclude yourself from the Settlement. To object, you must mail to the Settlement Administrator your written objection no later than September 22, 2018.</p>

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### BASIC INFORMATION

#### 1. What is this notice?

Judge Brian C. Walsh of the Superior Court of California, Santa Clara County, authorized this notice because you have a right to know about the proposed Settlement of a class action lawsuit, *Siciliano v. Apple Inc.*, Case No. 2013-1-cv-257676 and about all of your options before the Court decides whether to approve the Settlement.

This notice explains the lawsuit, the Settlement, your legal rights, what benefits are provided by the Settlement, who is eligible for them, and how to get them. If the Court approves the Settlement and after objections and appeals are resolved, if any, then the credits agreed to in the Settlement will be conferred.

#### 2. What is this case about?

The name of the lawsuit is *Siciliano v. Apple Inc.*, and it is pending in the Superior Court of the State of California, County of Santa Clara. The lawsuit claims that Apple did not follow all of the disclosure requirements of California's automatic renewal law, which applies to sales of automatically-renewing subscriptions.

Apple denies all allegations and is entering into this Settlement to avoid burdensome and costly litigation. The Settlement is not an admission of wrongdoing.

### **3. Why is this a class action?**

In a class action, one or more people called “Class Representatives” (in this case, Frank Siciliano, Kelila Green, and Melissa Bleak) sue on behalf of themselves and other people with similar claims. Together, all the people with similar claims (except those who exclude themselves) are members of a “Class.” Please see response to Question 5 (below) to determine whether you are part of the Class.

### **4. Why is there a Settlement?**

The Court has not decided in favor of either party. Instead, both sides have agreed to the Settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, participating class members will receive the benefits described in this notice. The proposed Settlement does not mean that any law was broken or that Apple did anything wrong. Apple denies all allegations and is entering into this Settlement to avoid burdensome and costly litigation. The Settlement is not an admission of wrongdoing. The Class Representatives and their lawyers think the proposed Settlement is best for everyone who is affected.

## **THE SETTLEMENT**

### **5. Am I part of the Settlement Class?**

Unless you request to be excluded (see below in Section 9 for instructions), you are a member of the Settlement Class defined as follows: “all persons in California who purchased a third-party developer’s automatically-renewing In-App subscription from Apple Inc., billed through the Apple iTunes Store from December 1, 2010 to September 13, 2016.”

Individuals who previously filed timely and valid requests to be excluded from the certified Class are excluded from the Settlement Class. Class Counsel and Apple’s outside counsel in this case (Morrison & Foerster LLP), any employees of their firms, any employees of Apple, and the judge presiding over this case (as well as Court staff) are also excluded from the Settlement Class.

If you are not sure whether you are in the Settlement Class or have any other questions about the Settlement, visit the Settlement Website at [www.AutorenewLawsuit.com](http://www.AutorenewLawsuit.com) or call the toll-free number, 1-855-505-1512. You may also send questions to the Settlement Administrator at *Siciliano v. Apple Inc.* Settlement Administrator, P.O. Box 404070, Louisville, KY 40233-4070. Please do not address any questions about the Settlement to Apple, the Clerk of the Court, or the Judge.

### **6. What does the Settlement provide?**

Apple has agreed to pay \$16,500,000.00 to create a “Settlement Fund.” The Settlement Fund will be used to provide iTunes Account credits or checks to participating class members (called “Settlement Awards”); the Service Awards to the Class Representatives as approved by the Court; the Attorneys’ Fees and Expenses to Class Counsel as approved by the Court; and the costs of administering the Settlement. The administration costs to be deducted from the Settlement Fund will fall between \$290,500 (if the e-mail notice reaches at least 90% of class members) and \$500,000 (if postcard notice is required because more than 10% of the e-mail notices “bounce back”).

The Settlement Awards will be distributed to participating class members on a pro rata basis. If the iTunes Account is active at the time Settlement Awards are distributed (meaning the iTunes Account used to purchase an auto-renewing in-app subscription during the Settlement Class Period), then Apple will automatically deposit a credit into that iTunes Account if you choose to participate in the Settlement.

If you do not have an active iTunes Account, then the Settlement Administrator will mail a check to your mailing address, if a valid mailing address is on record. If no address is on record, the award will be re-distributed to the Settlement Class.

In no event will the Settlement Fund pass back to Apple. If there are any funds remaining in the Settlement Fund after all Settlement Awards have been distributed, they will be distributed to a non-profit organization approved by the Court.

## 7. How much is my Settlement Award?

The amount that you will receive as an iTunes Account credit or, if you do not have an active iTunes Account, via check, under the Settlement is called your “Settlement Award.” The Settlement Award is calculated by allocating the \$16,500,000.00 Settlement Fund, after deducting the Service Awards to the Class Representatives as approved by the Court, the Attorneys’ Fees and Expenses to Class Counsel as approved by the Court, and Settlement Administration Expenses as approved by the Court. The amount remaining after deducting these costs from the Settlement Fund will be evenly allocated across all class members who have not opted out of the Settlement.

It is not possible to know at this point exactly how much your Settlement Award credit will be, since the amount of credit or check will depend on factors that are not presently known, including the number of class members who ultimately participate in the Settlement and the amounts of the Service Awards and Class Counsel Attorneys’ Fees and Expenses as approved by the Court. However, the parties estimate that each participating class member will receive approximately \$3.00.

## YOUR RIGHTS AND OPTIONS

You have to decide whether to participate in the Settlement, to ask to be excluded from the Settlement, or to object to the Settlement. You have to decide this on or before September 22, 2018.

## 8. What happens if I do nothing at all?

You don’t have to do anything now if you want to receive an iTunes Account credit or check from the Settlement. By doing nothing you are staying in the Settlement Class.

If you do nothing, you give up your right to sue Apple or third-party developers as part of any other lawsuit about the claims resolved or the facts alleged in this Settlement. The full release language can be found in paragraph 4.2 of the Settlement Agreement, available on the Settlement website [here](#).

If you have questions about the released claims or what they mean, you can talk to the law firms representing the Class listed in Question 13 for free, or you can, at your own expense, talk to your own lawyer.

## 9. How do I ask the Court to exclude me from the Settlement?

If you do not want to participate in the Settlement, you can exclude yourself from (or “opt out” of) the Settlement by clicking [here](#) before 11:59 p.m. on **September 22, 2018**:

You can also opt out by sending a letter by mail to the Settlement Administrator. The opt-out or exclusion letter must include:

- a) Your full name, address, and email;
- b) The name of this case: *Siciliano, et al. v. Apple Inc.*; and
- c) A clear statement that you do not want to participate in the Settlement.

The letter must be signed and dated, and postmarked no later than **September 22, 2018**. You must mail your Exclusion Request to:

*Siciliano v. Apple Inc.* Settlement Administrator  
P.O. Box 404070  
Louisville, KY 40233-4070

## 10. What happens if I exclude myself from the Settlement?

If you exclude yourself from the Settlement, you won't receive a credit or check from the Settlement Fund, and you cannot object to the Settlement. By excluding yourself, however, you may be able to sue Apple or third-party developers about the claims in this lawsuit.

## 11. How do I tell the Court if I do not like the Settlement?

If you're a class member, you can ask the Court to deny approval by filing an objection. You can't ask the Court to order a larger payment; the Court can only approve or deny the Settlement. If the Court denies approval, no settlement benefits will be conferred and the lawsuit will continue. If that is what you want to happen, you must object.

You may object to the Settlement in writing. All written objections and supporting papers must include:

- a) Your full name, address, and email;
- b) The name of this case: *Siciliano, et al. v. Apple Inc.*;
- c) The words "Notice of Objection," "Formal Objection," or words to that effect; and
- d) The basis for your objection. You must include the legal and factual arguments supporting the objection; facts showing you are a class member; and any supporting documentation.

Your written objection must be signed and dated, and postmarked no later than **September 22, 2018**. You must mail your Objection to the Settlement Administrator at:

*Siciliano v. Apple Inc.* Settlement Administrator  
P.O. Box 404070  
Louisville, KY 40233-4070

You may also appear at the Fairness Hearing and make an oral objection, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney.

## 12. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not want the Settlement to go through for the entire Settlement Class because you do not like something about it. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

### THE ATTORNEYS REPRESENTING YOU

## 13. Do I have an attorney in this case?

The Court appointed Frank Siciliano, Kelila Green, and Melissa Bleak as Class Representatives and the following attorneys as Class Counsel to represent all members of the Settlement Class:

Laura L. Ho  
James Kan  
Megan Ryan  
Katharine Fisher  
Goldstein, Borgen, Dardarian & Ho  
300 Lakeside Drive, Suite 1000  
Oakland, CA 94612

Julian Hammond  
Ari Cherniak  
Polina Pecherskaya  
HammondLaw PC  
1829 Reisterstown Road, Suite 410  
Baltimore, MD 21208

You may contact Class Counsel by sending an email to [AutorenewLawsuit@gbdhlegal.com](mailto:AutorenewLawsuit@gbdhlegal.com) and [appleclassaction@hammondlawpc.com](mailto:appleclassaction@hammondlawpc.com) or calling 1-866-796-6594.

#### **14. Should I get my own attorney?**

You do not need to hire your own attorney because Class Counsel is working on your behalf. But, if you want your own attorney, you will have to pay that attorney. If you hire your own attorney, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

#### **15. What attorneys' fees and costs are involved?**

Class Counsel intend to request up to \$4,000,000.00 for reasonable attorneys' fees and reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation. Class Counsel has worked for nearly five years on this case without compensation, and have paid over \$176,000.00 out of their pockets for the costs of prosecuting this case. The fees and expenses awarded by the Court will be paid out of the Settlement Fund.

Class Counsel also will request that Service Awards of up to \$2,500.00 each be paid from the Settlement Fund to the Class Representatives for their service as representatives on behalf of the Class, including sitting for depositions, providing written answers to Apple's questions, and being prepared to attend trial in 2018. All applications for attorneys' fees and costs and Service Awards are subject to Court approval.

### **THE COURT'S FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses ("Fairness Hearing").

#### **16. When and where will the Court decide whether to approve the Settlement?**

The Court has scheduled a Fairness Hearing on **November 2, 2018 at 9:00 a.m.**, at the Superior Court of California for the County of Santa Clara, 191 North First Street, San Jose, California, 95113, Department 1. The hearing may be moved to a different date or time without additional notice, so you may check [www.AutorenewLawsuit.com](http://www.AutorenewLawsuit.com) for updates.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for reasonable attorneys' fees and expenses and for Service Awards to the Class Representatives. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

#### **17. Do I have to attend the hearing?**

No. Class Counsel will answer any questions the Court may have. But, you are welcome to attend 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 file or submit your written objection on time, to the proper location or address, and it complies with the other requirements set forth above, the Court will consider it. You also may pay your own lawyer to attend the hearing, but it is not necessary.

### **GETTING MORE INFORMATION**

#### **18. Are more details available?**

If you have any questions, you may call Class Counsel listed above or the Settlement Administrator at **1-855-505-1512**. Refer to the "*Siciliano, et al. v. Apple Inc.*" case. Certain case documents are available here: [www.AutorenewLawsuit.com](http://www.AutorenewLawsuit.com).

**PLEASE DO NOT CALL THE COURT REGARDING THIS MATTER.**