

If you purchased AppleCare Protection Plan or AppleCare+ for an iPhone or iPad, either directly or through the iPhone Upgrade Program, on or after July 20, 2012, and received a remanufactured replacement iPhone or iPad, you could be included in a class action lawsuit.

The United States District Court for the Northern District of California ordered this notice.

This is not an advertisement or solicitation from a lawyer.

You are not being sued.

- A lawsuit is pending in the United States District Court for the Northern District of California (the “Court”) against Apple Inc., AppleCare Service Company, Inc., and Apple CSC Inc. (collectively, “Defendants”). Plaintiffs’ claims arise out of two extended service plans offered by Apple Inc.: AppleCare+ and its predecessor AppleCare Protection Plan.
- The terms and conditions for AppleCare Protection Plan and AppleCare+ provide that when a customer seeks service for a covered iPhone or iPad due to a hardware defect or accidental damage, Apple Inc. will either repair the device or replace it with a device that is either “new or equivalent to new in performance and reliability.”
- One of the types of replacements customers can receive under AppleCare Protection Plan and AppleCare+ is a remanufactured iPhone or iPad. Plaintiffs allege that remanufactured devices are not “equivalent to new in performance and reliability” and assert claims against Defendants for breach of contract, breach of warranty, and alleged violations of California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200.
- On September 16, 2019, the Court certified a Class for purposes of litigating the merits of the case.
- Defendants deny any wrongdoing, and the Court has not decided whether Defendants did anything wrong. Plaintiffs must prove their claims against Defendants at a trial. There is no money available now, and no guarantee there will be.
- 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. **Please read this notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
Do Nothing	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you will be bound by the Court’s judgment, whether favorable or not. You will keep open the possibility of getting money or benefits, if any are awarded, from this lawsuit. But you will give up any right to sue Defendants separately about the claims in this lawsuit.
Ask to be Excluded by May 3, 2021	Get out of this lawsuit. Get no benefits from it. If you ask to be excluded, you cannot get money or benefits, if any are awarded, from this lawsuit. But you will keep any right to sue Defendants separately about the claims in this lawsuit. This is the only option that allows you to retain your right to sue Defendants for claims that would otherwise be released by a judgment in the lawsuit, whether that judgment is favorable to the Class or not.
Intervene	Hire a lawyer to represent you in this lawsuit. You may hire your own lawyer to appear in court for you, but if you do, you have to pay for that lawyer.

Questions? Call 1-888-490-0557 or visit www.ReplacementDeviceLawsuit.com

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BASIC INFORMATION ABOUT THE LAWSUIT

1. What is the lawsuit about?

The name of the lawsuit is *Maldonado v. Apple Inc., et al.*, and it is pending in the United States District Court for the Northern District of California (Case No. 3:16-cv-04067-WHO). Plaintiffs’ claims arise out of two extended service plans offered by Apple Inc.: AppleCare+ and its predecessor AppleCare Protection Plan.

The terms and conditions for AppleCare Protection Plan and AppleCare+ provide that when a customer seeks service for a covered iPhone or iPad due to a hardware defect or accidental damage, Apple Inc. will either repair the device or replace it with a device that is either “new or equivalent to new in performance and reliability.” One of the types of replacements customers can receive under AppleCare Protection Plan and AppleCare+ is a remanufactured iPhone or iPad. Plaintiffs allege that remanufactured devices are not “equivalent to new in performance and reliability” and assert claims against Defendants for breach of contract, alleged violations of the Magnusson-Moss Warranty Act and Song-Beverly Consumer Warranty Act, and alleged violations of California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200.

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You can read the operative Complaint at www.ReplacementDeviceLawsuit.com.

2. What is Defendants’ response?

Defendants deny that they did anything wrong. The Court has not found that Defendants engaged in any wrongdoing. Defendants’ answer to the operative Complaint is at www.ReplacementDeviceLawsuit.com.

3. What are Plaintiffs asking for?

Plaintiffs are asking the Court to award Class members monetary damages equal to the difference in value, if any, between the replacement iPhone or iPad they received and the value of a new or equivalent to new iPhone or iPad they were promised. Defendants dispute that Plaintiffs are entitled to any relief in the case, and also dispute that Plaintiffs are entitled to an award of monetary damages.

4. What has happened in the lawsuit?

Plaintiffs filed this action on July 20, 2016. Plaintiffs amended their complaint on November 14, 2016, which Defendants moved to dismiss. On March 2, 2017, the Court granted Defendants’ motion as to Plaintiffs’ fraud- and omission-based claims, and Plaintiffs elected not to file another amended complaint. You can read the Court’s order at www.ReplacementDeviceLawsuit.com.

On September 16, 2019, the Court granted Plaintiffs’ motion for class certification and certified the following Class: “All individuals who purchased AppleCare [Protection Plan] or AppleCare+, either directly or through the iPhone Upgrade Program, on or after July 20, 2012, and received a remanufactured replacement Device.”

The Court has not made any determinations as to the merits of Plaintiffs’ claims or Defendants’ defenses to those claims. No money or benefits are available now, and there is no guarantee that money or benefits will be obtained. Plaintiffs must prove their claims against Defendants at a trial. The Court has scheduled a trial date of August 16, 2021. (See “The Trial” below in Section 15.)

5. What is a class action and who is involved?

In a class action lawsuit, one or more people called the “plaintiffs” sue on behalf of other people who have similar claims, called the “class members.” In certifying a class, the court appoints the plaintiffs to serve as “class representatives.” For the purposes of a class action lawsuit, one court will resolve the issues for all class members, except for those people who properly exclude themselves from the lawsuit, as described in Section 10 below.

DETERMINING IF YOU ARE A MEMBER OF THE CLASS

6. Am I part of the Class?

The Court has decided that, unless you request to be excluded, you are a member of the Class if you purchased AppleCare or AppleCare+, either directly or through the iPhone Upgrade Program, on or after July 20, 2012, and received a remanufactured replacement Device.

7. Are there exceptions to being included in the Class?

Yes. The Class excludes Class Counsel, any employees of Class Counsel, any officers, directors, or employees of Defendants’ and Defendants’ counsel, and the judge presiding over this case (as well

as members of his or her immediate family and staff). The Class will also exclude anyone who properly requests to be excluded (see Section 10 below).

8. I'm still not sure if I'm a Class member. What do I do?

If you are still not sure whether you are included in the Class, you can get free help by calling or writing to the lawyers in this case at the phone number or address listed in Section 12 below.

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded before the trial, and you have to decide this on or before May 3, 2021.

9. How do I stay in the Class?

You do not have to do anything to stay in the Class. By doing nothing, you will keep the possibility of getting money or benefits, if any, from this lawsuit. If you stay in the Class and Plaintiffs obtain money or benefits, you will be notified about how to apply for a share. If you do nothing now, regardless of whether Plaintiffs win or lose, you will give up your right to sue or continue to sue Defendants as part of any other lawsuit about the same legal claims in this lawsuit. By staying in the Class, you will also be legally bound by all of the orders the Court issues and the judgment the Court makes in this lawsuit.

10. How do I exclude myself from the Class?

If you do not want to be a member of the Class, you can exclude yourself from (or “opt out” of) the Class by clicking www.ReplacementDeviceLawsuit.com and following the prompts.

You can also opt out by sending a letter by mail to the Class Action Administrator. The exclusion letter must include:

- a) Your full name, address, and email;
- b) The name of this case: *Maldonado v. Apple Inc., et al.*, Case No. 3:16-cv-04067-WHO; and
- c) A clear statement that you want to be excluded from the Class.

The exclusion letter must be signed and dated, and postmarked no later than **May 3, 2021**. You must mail your exclusion letter to:

Maldonado v. Apple
Class Action Administrator
PO Box 6659
Portland OR 97228-6659

11. What happens if I exclude myself from the Class?

If you exclude yourself from the Class, you won't get any money or benefits from this lawsuit, if any are awarded. By excluding yourself, however, you will retain any right you may have to sue Defendants about the same claims alleged in this lawsuit at your own expense.

THE LAWYERS REPRESENTING YOU

12. As a Class member, who represents me in this case?

The Court has appointed Plaintiffs Justin Carter and Vicky Maldonado as Class Representative and the following lawyers to represent you and other Class members:

Steve W. Berman
HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Second Avenue, Suite 2000
Seattle, WA 98101

These lawyers are called “Class Counsel.” You may contact Class Counsel by writing to the address above, sending an email to applegcare@hbsslaw.com, or calling (206) 623-7292.

13. How will the lawyers be compensated? Will the Class Representatives receive any money?

Class Counsel represents the Class on a contingency-fee basis, which means that Class members do not incur any legal fees or out-of-pocket expenses. Class Counsel will request the Court to approve an award of attorneys’ fees and reimbursement of expenses. Class Counsel reserve the right to seek up to 30% of any future recovery that may occur in this Action. They also may ask for reasonable additional incentive awards for the Class Representatives from any future recovery that may occur in this Action. If approved, these fees, expenses, and incentive awards will be paid from any judgment if Plaintiffs win at trial.

14. Should I get my own lawyer?

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

THE TRIAL

15. How and when will the Court decide who is right?

Plaintiffs will have to prove their claims against Defendants at a trial, and Defendants will also have an opportunity to prove their defenses. The Court has scheduled a trial date of August 16, 2021. To check on the status of the trial date, please visit www.ReplacementDeviceLawsuit.com.

During the trial, the jury will hear all of the evidence to help the Court reach a decision about whether Plaintiffs or Defendants are right about the claims in the lawsuit.

16. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present Plaintiffs’ claims, and Defendants will present the defenses to those claims. You or your own lawyer are welcome to come at your own expense.

GETTING MORE INFORMATION

17. How do I get more information?

If you have any questions, you may contact Class Counsel listed above or the Class Action Administrator at 888-490-0557. Certain case documents are available at: www.ReplacementDeviceLawsuit.com.

Complete copies of public pleadings, Court rulings, and other filings are available for review by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the Clerk's office. The address is United States District Court, San Francisco Courthouse, Courtroom 2 - 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102. The Honorable William H. Orrick is overseeing the Action.

Please do not contact the Judge, Defendants, or Defendants' attorneys regarding this matter.