SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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ORDER

THE STATE OF CALIFORNIA et al VS. SAMSUNG SDI, CO, LTD

001C05334178

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FILED
San Francisco County Superior Court
MAR 29 2016
CLERK OF THE COURT
BY: _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

THE PEOPLE OF THE STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

SAMSUNG SDI, CO., LTD., et al,

Defendants.

Case No. CGC-11-515784

[~~Proposed~~] ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENTS WITH LG, PANASONIC, HITACHI, TOSHIBA AND SAMSUNG, AND CONDITIONALLY CERTIFYING SETTLEMENT CLASS OF GOVERNMENT ENTITIES

Date: March 29, 2016
Time: 9:00 a.m.
Dept: 304
Judge: Curtis E.A. Karnow
Action Filed: November 8, 2011

The motion of plaintiffs for an order preliminarily approving the settlements in this action, certifying a settlement class of government entities, appointing the City and County of San Francisco as representative and the Attorney General as counsel for the settlement class of local government entities plus the University of California and the State Bar of California, approving the form and content of a class settlement notice and a *parens patriae* dismissal notice, establishing a schedule for publication of the notices, and setting a final approval hearing, came on for hearing in Department 304 of this Court on March 29, 2016. Having read the motion, the memorandum of points and authorities, supporting declarations, and all other filed documents and exhibits, and having heard argument of counsel, this Court preliminarily finds that:

(1) It is impracticable to bring all members of the settlement class before the Court;

(2) The class is ascertainable and is sufficiently numerous to warrant class treatment;

(3) The questions of law or fact common to the class are substantially similar and predominate over the questions affecting the individual members;

(4) The claims or defenses of the representative plaintiff are typical of the claims or defenses of the class;

(5) The representative plaintiff will fairly and adequately protect the interests of the class;

(6) A class action is the superior means for settling the claims in the litigation;

(7) The proposed settlements of this action ("the Settlements") falls within the range of possible approval;

(8) The proposed notice of the Settlements to members of the settlement class ("class notice"), attached hereto and designated Exhibit A, complies with applicable standards and should be distributed;

(9) The proposed notice of the dismissal of the *parens patriae* action ("*parens patriae* dismissal notice"), attached hereto and designated Exhibit B, complies with applicable standards and should be distributed;

(10) Upon publication of the class settlement and *parens patriae* dismissal notices, a final approval hearing ("the Fairness Hearing") shall be held to determine whether the Settlements should be finally approved, whether the dismissal with prejudice of the *parens patriae* claim

should be approved, and if a Final Approval Order and Final Judgment should be entered in this action based upon the Settlement.

IT IS THEREFORE ORDERED THAT:

1. A class action is proper as to the Cartwright Act cause of action of the Complaint herein that involve certain California government entities;

2. The class to be certified ("Plaintiff Class") is defined as: All political subdivisions and public agencies in California (i.e., counties, cities, K-12 school districts, and utilities), plus the University of California and the State Bar of California, that purchased CRTs and/or CRT products during the Relevant Period (March 1, 1995 through November 30, 2007). Excluded from this definition are all state agencies that either constitute an arm of the State of California under the Eleventh amendment of the U.S. Constitution or are not otherwise treated under California law as being autonomous from the State of California itself. This class is conditionally certified for purposes of granting preliminary approval.

3. Emilio Varanini, Deputy Attorney General for the State of California, is appointed lead counsel of the class conditionally certified in paragraph 2.

4. The LG, Panasonic/MTPD, Hitachi, Toshiba, and Samsung Settlement Agreements (collectively, "Settlement Agreements") are preliminarily approved on the basis they fall within the range of possible approval.

5. The Court approves, as to form and content, the class notice appended to this Order as Exhibit A. The class notice meets the requirements of section 382 of the Code of Civil Procedure, Rules 3.766 and 3.769 of the California Rules of Court, and due process.

6. The Court approves the form and content of the "Opt-Out Form" and the "Objection And/Or Appearance Form" accompanying the class notice for use in effectuating class members' rights to opt-out of the Settlements, and to object to the Settlements and/or request to appear at the Fairness Hearing.

7. The Court approves, as to form and content, the *parens patriae* dismissal notice appended to this Order as Exhibit B. The *parens patriae* notice meets the requirements of section 16760(c) of the Business and Professions Code and due process.

8. The Court approves the form and content of the "Exclusion Form" accompanying the *parens patriae* dismissal notice for use in effectuating California individuals' rights to "elect to exclude from adjudication" their claims through the *parens patriae* action per Business and Professions Code § 16760(b)(2).

9. The Court approves the incorporation of the opt-out process in class action proceedings, as provided by section 382 of the Code of Civil Procedure, into the *parens patriae* proceedings for the purpose of, and to the extent the class opt-out process is helpful in, effectuating California individuals' requests to be excluded from the *parens patriae* dismissal. Accordingly, upon receiving California individuals' "Exclusion Form" (attached to the *parens patriae* notice), the Attorney General's Office must deliver these forms to the Court together with any class members' "Opt-Out Form" and/or "Objection And/Or Appearance Form" (attached to the class notice).

10. Any member of the Plaintiff Class who has not elected to opt-out from the Plaintiff Class and who objects to approval of the Settlements, including the allocation and distribution plans and any application for attorney fees and expenses, may object in writing or orally at the Fairness Hearing in person or through counsel to show cause as to why the Court should not grant final approval of the Settlements.

11. Any California individual who has not elected to be excluded from the *parens patriae* dismissal will be prohibiting from filing a lawsuit for monetary damages against the Settling Defendants for same wrongdoing as alleged in this action.

12. Plaintiffs shall no later than April 28, 2016 (30 days of Order Granting Preliminary Approval) cause the class settlement and *parens patriae* dismissal notices to be distributed in accordance with the dissemination plan set forth in their motion and in the accompanying declarations of Emilio Varanini and notice expert Daniel Burke. The costs and expenses of distributing these notices shall be paid by Plaintiffs.

13. All requests of class members to opt-out of the Settlements, to object to the Settlements, and/or to appear at the Fairness Hearing shall be delivered to Plaintiffs' counsel at

the following address on or before May 30, 2016 (60 days of Order Granting Preliminary Approval):

Deputy Attorney General Emilio Varanini
Office of the Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

Any written papers or briefs submitted in support of said objections shall be considered by the Court only if said objector(s) deliver to Plaintiffs' counsel written notice of their intention to object, together with supporting papers stating specifically the factual basis and legal grounds of the objection, before the above date.

14. All requests of California individuals to be excluded from the Settlements shall be delivered to Plaintiffs' counsel at the following address on or before May 30, 2016 (60 days of Order Granting Preliminary Approval):

Deputy Attorney General Emilio Varanini
Office of the Attorney General
455 Golden Gate Ave., Suite 11000
San Francisco, CA 94102

15. Any Plaintiff Class member who does not elect to opt-out from the Settlements and any California individual who does not elect to be excluded from the *parens patriae* dismissal in the manner provided herein shall be deemed to have waived the right to opt-out or be excluded.

16. Any Plaintiff Class member who does not make an objection to the Settlements and/or appear at the Fairness Hearing in the manner provided herein shall be deemed to have waived the right to object by appeal, collateral attack, or otherwise.

17. Plaintiffs' counsel shall process for delivery to the Court all timely copies of "Opt-Out Form" and "Objection And/Or Appearance Form" received from class members as well as all timely copies of "Exclusion Form" received from California individuals. Plaintiffs' counsel shall file these received forms, along with any valid and timely papers or briefs in support of objections from class members, with the Court on or before September 7, 2016 (20 days before the Fairness Hearing).

18. Plaintiffs' briefs and supporting papers in response to objections shall be filed with the Court on or before September 16, 2016 (10 days before the Fairness Hearing).

19. Plaintiffs' briefs and supporting papers in support final approval of the Settlement, and application for an award of incentive payments, fees, costs, and expenses to counsel shall be filed with the Court on or before September 16, 2016 (10 days before the Fairness Hearing).

20. The Fairness Hearing shall be held on September 27, 2016 at 9:00 a.m. at San Francisco Superior Court, Department 304, 400 McAllister Street, San Francisco, CA 94102, as set forth in the class settlement and *parens patriae* dismissal notices, to determine whether the Settlements should be finally approved, whether the *parens patriae* claim should be dismissed with prejudice, and to review the *cy pres* requests. The Court will also consider at the Fairness Hearing whether the proposed allocation and distribution plans as well as applications for incentive payments and plaintiffs' attorney fees, costs, and expenses should be granted and, if so, in what amounts.

21. The Fairness Hearing described in the above paragraph may be postponed, adjourned or continued by order of the Court without further notice to the Plaintiff Class or to California individuals. After the Fairness Hearing, the Court may enter a Settlement Approval Order and Final Judgment in accordance with the Settlement Agreements that will adjudicate the rights of all class members and dismiss with prejudice the Attorney General's *parens patriae* claim.

22. In the event the Settlements are not approved by the Court, or for any reason the parties fail to obtain a Settlement Approval Order and Final Judgment as contemplated in the Settlement Agreements, or any Settlement Agreement is terminated pursuant to its terms, all orders entered in connection therewith with the terminated Settlement Agreement or Agreements shall become null and void and of no further force and effect, and shall not be used or referred to for any purpose whatsoever. In such event, such terminated Settlement or Settlements, and all negotiations and proceedings relating thereto, shall be withdrawn without prejudice as to the

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rights of any and all parties thereto.

Dated: March 29 2016

CURTIS E.A. KARNOW
JUDGE OF THE SUPERIOR COURT

Exhibit A

LEGAL NOTICE BY ORDER OF THE COURT
A court authorized this Notice. This is not a solicitation from a lawyer.

NOTICE OF PENDENCY OF CLASS ACTION AND CLASS ACTION SETTLEMENT

TO POLITICAL SUBDIVISIONS AND PUBLIC AGENCIES IN CALIFORNIA, THE UNIVERSITY OF CALIFORNIA, AND THE STATE BAR OF CALIFORNIA: AT ANY TIME BETWEEN MARCH 1, 1995 AND NOVEMBER 25, 2007, IF YOU PURCHASED A PRODUCT CONTAINING A CATHODE RAY TUBE, SUCH AS A TELEVISION OR A COMPUTER MONITOR, THE CALIFORNIA ATTORNEY GENERAL'S SETTLEMENTS DESCRIBED BELOW APPLY TO YOU.

This Notice is being provided by Order of the San Francisco County Superior Court ("the Court") pursuant to California Rule of Court 3.766 and 3.769.

This Notice explains your legal rights and options under the Attorney General's settlements. Please read this Notice carefully.

PURPOSE OF THIS NOTICE

This is a legal notice concerning the settlements obtained by the Attorney General of the State of California in a civil lawsuit filed against makers of cathode ray tubes (also known as "CRTs"). The Attorney General's lawsuit alleges that between March 1, 1995 and November 25, 2007, CRT makers worldwide operated an illegal price-fixing cartel that illegally set the prices of CRTs ("CRT Cartel"), and as a result, Californians who purchased products containing CRTs, such as televisions and computer monitors, ended up being overcharged for their purchases. To date, several CRT companies have entered into settlement agreements with the Attorney General.

The purpose of this Notice is to explain your rights and options under the five settlements obtained by the Attorney General in the following lawsuit: ***The State of California, et al. v. Samsung SDI, Co., Ltd., et al.,*** **San Francisco Superior Court Case No. CGC-11-515784.** The terms of these settlements are summarized in Section 5 below.

The Court has already preliminarily approved these settlements. But before the settlement funds can be distributed, the Attorney General must also get the Court's final approval of these settlements. A court hearing has been scheduled to determine whether the Court will grant final approval. This final approval hearing is open to the public. The hearing location, date, and time are provided in Section 9 below. In addition to attending this hearing, you have other rights and options under the Attorney General's settlements. These rights and options – and the deadline to exercise them – are explained in Sections 10 and 11 below.

Please note, however, that the settlement funds obtained by the Attorney General will not be paid to any political subdivision or public agency. Rather, if final approval is granted by the Court, then the funds will be distributed in the manner described below as *Cy Pres* Distribution. In short, after court-approved deductions are made, the funds will be made available in the form of technology-related grants to some government entities. For more information on this *cy pres* grant process, see Section 8 below.

THE ATTORNEY GENERAL'S LAWSUIT AND SETTLEMENTS

1. What are Cathode Ray Tubes ("CRTs")?

CRTs are a display technology that was widely used in televisions and computer monitors. There are two main types of CRTs: Color Display Tubes ("CDTs" or "Monitor Tubes"), which were in computer monitors, and Color Picture Tubes ("CPTs" or "TV Tubes"), which were in televisions. Over time, CRTs were replaced with other display technologies, such as Plasma, LCD, and LED.

2. What is the California Attorney General's lawsuit about?

The Attorney General's lawsuit alleges that between March 1, 1995 and November 25, 2007, members of the CRT Cartel operated a global price-fixing scheme involving CRTs. The cartel's alleged price-fixing scheme violated the Cartwright Act (California state antitrust law), the Unfair Competition Law, and the common law doctrine of unjust enrichment (enrichment at the expense of another who should be compensated for that enrichment). The lawsuit further alleges that members of the cartel illegally conspired to fix, raise, maintain, and/or stabilize the price of CRTs. Their alleged control of CRT prices using an illegal price-fixing scheme created overcharges in the price of products that contained CRTs, such as televisions and computer monitors. The lawsuit alleges that the cartel's illegal conduct harmed both California's economy as well as California individuals and government entities who were overcharged for CRT products.

This lawsuit seek to recover money damages for the following groups of CRT purchasers: (a) natural persons residing in the State of California, including unincorporated sole proprietors doing business in their own name; (b) the State of California; and (c) the City and County of San Francisco, individually and on behalf of all non-federal local government entities, including the University of California and the State Bar of California, who purchased products containing CRTs. Group (c) makes up the class of affected government entities described under Section 4 below. The rights of corporations and partnerships are not part of and are not affected by these lawsuits.

The 22 companies listed below are among the defendants named in this lawsuit:

- Five Hitachi companies: Hitachi, Ltd., Hitachi Displays, Ltd., Hitachi Electronic Devices (USA), Inc., Hitachi America, Ltd., and Hitachi Asia, Ltd. (collectively "Hitachi");
- One LG company: LG Electronics, Inc. ("LG");
- Five Panasonic companies: Panasonic Corporation f/k/a Matsushita Electric Industrial Co., Ltd., Panasonic Corporation of North America, Panasonic Consumer Electronic Co., Matsushita Electronics Corporation (Malaysia) SDN. BHD., MT Picture Display Co., Ltd. f/k/a Matsushita-Toshiba Picture Display Co., Ltd. ("MTPD"), and Beijing Matsushita Color CRT Co., Ltd. (collectively "Panasonic");
- Seven Samsung SDI companies: Samsung SDI, Co., Ltd. F/K/A Samsung Display Device Co. Ltd., Samsung SDI America, Inc., Samsung SDI Mexico, S.A. DE C.V., Samsung SDI Brasil Ltda., Shenzhen Samsung SDI Co., Ltd., Tianjin Samsung SDI Co., Ltd., and Samsung SDI (Malaysia) SDN. BHD. (collectively "Samsung");
- Four Toshiba companies: Toshiba Corporation, Toshiba America Electronic Components, Inc, P.T. Tosummit Electronics Devices Indonesia, and Toshiba Display Devices (Thailand) Company, Ltd. (collectively "Toshiba").

Defendants Hitachi, LG, Panasonic, Samsung, and Toshiba all deny the Attorney General's allegations against them. The Court has not decided who is right.

3. What are the Attorney General's powers in this lawsuit?

As the chief law enforcement officer for the State of California, the Attorney General has broad powers to enforce the laws enacted by the State, including bringing civil lawsuits against wrongdoers. Under the Cartwright Act, The Cartwright Act specifically grants the Attorney General the authority to represent state government entities in civil actions to recover monetary damages they have suffered from violations of the Cartwright Act. She also can file damages claims on behalf of local government entities. In addition to bringing civil actions under the Cartwright Act, the Attorney General can bring a civil law enforcement action to get a court order that requires the wrongdoer to immediately stop the wrongdoing, i.e., an injunction aimed at restoring competition to the marketplace. The Attorney General also can bring a civil law enforcement action based on unjust enrichment or under the Unfair Competition Law to force the wrongdoer to give up ill-gotten gains.

4. Who is included in the class affected by these settlements?

The settlement agreements with Hitachi, LG, Panasonic, Samsung, and Toshiba describe the affected class as the Settlement Class of Government Entities or Settlement Class. This class includes "all political subdivisions and public agencies in California (i.e., counties, cities, K-12 school districts, and utilities), plus the University of California and the State Bar of California, that have purchased CRTs and/or CRT products during the Relevant Period." The "Relevant Period" is between March 1, 1995 and November 25, 2007. The term "political subdivisions" refers to local government entities, authorized under California law, that do not have statewide jurisdiction. Each political subdivision is a "class member" of the Settlement Class. Likewise, the University of California and the State Bar also are "class members." The use of the term "you" or "your" in this Notice refers to an individual representative of each class member.

The Attorney General's Complaint currently identifies numerous political subdivisions and public agencies as "Plaintiffs," including the City and County of San Francisco. Those Plaintiffs are all members of the Settlement Class. However, not all political subdivisions and public agencies affected have been identified as plaintiffs or class members. Unidentified plaintiffs in a class action are commonly referred to as unnamed class members. Recently, the Court appointed the California Attorney General to be the Class Counsel for all members of the Settlement Class. The Court also appointed the City and County of San Francisco to be their Class Representative.

5. What do the Attorney General's Settlements with Hitachi, LG, Panasonic, Samsung, and Toshiba provide?

The Attorney General has obtained five separate settlements – one from each of the settling defendants. Below is a summary of the various settlement terms:

(a) Settlement Fund:

- JDI agrees to pay $600,000 in civil fines and damages as well as $25,000 to administer the Hitachi settlement;
- LG agrees to pay $750,000 in civil fines and damages;
- Panasonic agrees to pay $1,100,000 in civil fines and damages;
- Samsung agrees to pay $1,600,000 in civil fines and damages; and
- Toshiba agrees to pay $875,000 in civil fines and damages.

(b) Injunction:

- Japan Display Inc. ("JDI") – a spin-off of Hitachi, Toshiba, and Sony Corporation – is prohibited for three years from engaging in price fixing, market allocation (dividing up the available market for a product among cartel members), and/or bid rigging in the flat panel display market.
- LG is prohibited for three years from engaging in price fixing, market allocation,

and/or bid rigging in the CRTs and flat panel display markets.

- The Panasonic entity MPTD is prohibited for three years from engaging in price fixing, market allocation, and/or bid rigging in the CRTs and flat panel display markets.
- Samsung and its subsidiaries are prohibited for five years from engaging in price fixing, market allocation, and/or bid rigging in the CRTs and flat panel display markets;
- Toshiba is prohibited for four years from engaging in price fixing, market allocation, and/or bid rigging in the CRTs and flat panel display markets, if Toshiba reenters the display market.

(c) Antitrust Compliance: JDI, LG, MTPD, the Toshiba entity Toshiba America Electronics Corporation ("TAEC"), and Samsung all agree to maintain an antitrust compliance program to educate their officers and employees responsible for pricing and sales of CRTs and flat panels about United States federal and state antitrust laws. In addition, Samsung's officers and employees responsible for pricing and sales of lithium ion battery products also will be required to participate in the antitrust compliance program. JDI, LG, MTPD, Samsung, and TAEC also agree to provide the Attorney General with reports on their compliance programs.

(d) Cooperation: The settling defendants agreed to provide key information concerning the CRT price-fixing conspiracy that led to the resolution of this lawsuit. In addition, the Samsung Defendants also will provide information beyond the CRT price-fixing conspiracy. The Attorney General believes that the settling defendants' cooperation will be valuable in deterring repeat offenses by members of the CRT Cartel.

7. What is the Attorney General's proposed allocation and distribution plan for the Settlement Fund?

The Attorney General has submitted to the Court a proposed plan for allocating and distributing the $4.95 million Settlement Fund. The Court will consider this proposal at the Fairness Hearing described in Section 9 below. If the Court approves the proposal, then the Attorney General will distribute the Settlement Fund as follows:

(a) Settlement Class of Government Entities, which includes YOU: $1,032,113 (about 21% of the Settlement Fund) will be allocated as recovery of the monetary damages suffered by the Settlement Class. This amount will be distributed cy pres to some Class members as explained in Section 8 below.

(b) Named Government Entities: $330,000 (about 7% of the Settlement Fund) will be allocated as incentive payments for the time and work contributed by the 33 government entities identified in the Complaint. Each entity will receive a direct payment of $10,000.

(c) State Agencies: $182,137 (about 3.6% of the Settlement Fund) will be allocated as recovery of the monetary damages suffered by the state agencies that indirectly purchased CRTs. This amount also will be distributed *cy pres* in a similar way as the process described under Section 8 below.

(d) Fines and Reliefs:

- $865,000 will be allocated as civil fines. Pursuant to the civil penalties statute (section 17206 of the California Business and Professions Code), this amount will be allocated equally between the Attorney General's Office and the City and County of San Francisco as the location where the Attorney General filed her

Complaint. The stature further requires that portion of the fines collected by the Attorney General's Office must be deposited into the "Unfair Competition Law Fund" to be used by the Attorney General to support investigations and prosecutions of California's Unfair Competition Law.

- $431,917 will be allocated as disgorgement of ill-gotten gains. This amount will be deposit into the antitrust enforcement fund account of the Attorney General's Office.
- $863,833 will be allocated as deadweight loss, i.e., loss to the state's general economy. This amount also will be distributed *cy pres* in a similar way as the process described under Section 8 below.
- $195,000 will go towards ensuring that all California natural persons who indirectly purchased CRTs would benefit from the settlement of their claims by the Class of Indirect Purchaser Plaintiffs in the parallel litigation in federal court with which we coordinated our claims brought on behalf of those persons (*In re: Cathode Ray Tube (CRT) Antitrust Litigation* (2007), Case No. 3:07-MDL-1917). This amount also will be distributed *cy pres* in a similar way as the process described under Section 8 below.

(e) Settlement Administration Costs, Attorneys' Fees and Litigation Costs:

- $75,000 for notice and administration of the Settlement Fund.
- $975,000 (20% of the Settlement Fund) for attorneys' fees and litigation costs.
- Administration costs for *cy pres* grants will not exceed 9% of the total amount distributed.

8. What is *Cy Pres* Distribution of the Settlement Fund?

Since it would be impossible to distribute fairly the Settlement Fund to every class member, the Court has approved a *cy pres* distribution in the form of grants to some class members whose work addresses as near as possible the harm alleged in the lawsuit, i.e., that the CRT price-fixing scheme artificially raised prices for CRT-related products such as televisions and computer monitors. To that end, the Attorney General has allocated $1,032,113.00 to be distributed via *cy pres* as technology-related grants. Class members may request a grant that involves the purchase of technological items representing the next generation after CRTs, such as tablets, smart phones, computer labs, or better sewer system video technology. While all class members may apply for grant funding, not all applicants will receive a grant. To ensure a diversity of grants for class members located in different areas and communities throughout the state, each grant will be in the amount of $30,000, or thereabout. The Attorney General will retain a third-party grant administrator who will issue a request for grant applications, vet the candidates, recommend grantees to the Attorney General for awards, and after the court has approved the recipients the administrator will oversee the grant making process including reviewing reports regarding how the grant funds were spent to ensure that the grants are being used for the approved purposes.

9. When and where is the court hearing concerning final approval of the Settlements?

The Court will hold a hearing to determine whether to grant final approval of the Settlements. The legal term for this type of hearing is **"Fairness Hearing."** It will be held on {}, beginning at {} **a.m.** before Judge Curtis E.A. Karnow at 400 McAllister Street, San Francisco, CA 94102, in Department 304. The hearing may be adjourned, extended to another date and time or postponed without further notice.

LEGAL RIGHTS AND OPTIONS OF CLASS MEMBERS

10. What are the legal rights of each class member?

Members of the Settlement Class have the right to sue Hitachi, LG, Panasonic, Samsung, and/or Toshiba for violating the Cartwright Act, for violating the Unfair Competition Law, and/or for unjust enrichment. Each class member may bring its own lawsuit against Hitachi, LG, Panasonic, Samsung, and/or Toshiba or be part of this lawsuit. **But, unless a class member excludes itself in writing as described below, the Attorney General's lawsuit and settlements with respect to Hitachi, LG, Panasonic, Samsung, and Toshiba will prohibit each member of the Settlement Class from filing its own lawsuit against these defendants for monetary damages.**

11. Regarding the legal claims, what are my options?

Do Nothing: If you want to participate in this lawsuit – by being a member of the Settlement Class, no further action on your part is required. By doing nothing, you agree to be represented by the California Attorney General as Class Counsel and by the City and County of San Francisco as the Class Representative. You also agree to the terms of the Attorney General's Settlements with Hitachi, LG, Panasonic, Samsung, and Toshiba and, as such, agree to release Hitachi, LG, Panasonic, Samsung, and Toshiba from this lawsuit in exchange for the benefits described above.

Opt Out of the Settlement Class: You have the right to exclude yourself from the Settlement Class, i.e., to opt out of the Settlement Class. The Court will exclude any class member who so requests to be excluded. By opting out of the Settlement Class, you will not be legally bound by the Attorney General's Settlements or the final judgment of her case, and you will retain the right, if any, to sue Hitachi, LG, Panasonic, Samsung, and/or Toshiba on your own for the same conduct alleged in this lawsuit. To opt out, you must complete the "Opt-Out Form" accompanying this Notice and follow all stated instructions on that form.

Object or Request to Appear at Fairness Hearing: If you do not opt out of the Settlement Class, you have the following rights: (a) to object to the Attorney General's Settlements as well as to the proposed allocation and distribution plan described in Section 7 above; and (b) to request to appear at the Fairness Hearing described in Section 9 above. But if you opted out of the Settlement Class by completing the "Opt-Out Form" described above, you may not object or request to appear at the Fairness Hearing. To object and/or request to appear, you must complete the "Objection and/or Appearance Form" accompanying this Notice and follow all instructions stated on that form.

For More Information: visit http://oag.ca.gov/consumers/crt_notice

OPT-OUT FORM

I hereby assert my right to opt out the Settlement Class in *The State of California, et al. v. Samsung SDI, Co., Ltd., et al.*, San Francisco Superior Court Case No. CGC-11-515784. I understand that by opting out of the Settlement Class, I cannot object to the proposed settlements or appear at the Fairness Hearing.

Print Name:

Address Line 1:

Address Line 2:

Signature of Authorized Representative:

Date:

****For your request above to be effective, you MUST provide your name and address AND sign and date the form. Your completed form MUST be postmarked by Month DD, YYYY, and MUST be mailed to the following address:**

EMILIO E. VARANINI
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA
455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102

Failure to follow these instructions will make your request ineffective.

**You do not need to send your request to the Court or to the Defendants. The Attorney General's Office WILL FILE your request with the Court and give copies to Defendants.

OBJECTION AND/OR APPEARANCE FORM

If you DID NOT opt out of the Settlement Class, you have the right to object to the proposed settlements as well as the right to appear at the Fairness Hearing. Check the appropriate box or boxes below to exercise these rights:

☐ I assert my right to object to the Settlements in *The State of California, et al. v. Samsung SDI, Co., Ltd., et al.*, San Francisco Superior Court Case No. CGC-11-515784. (You are not required to explain your objection to the Settlements, but if you would like to so, you may state specific objections to any of the five proposed settlements in a separate document. Please submit that document with this form.)

☐ I assert my right to request to appear at the Fairness Hearing in *The State of California, et al. v. Samsung SDI, Co., Ltd., et al.*, San Francisco Superior Court Case No. CGC-11-515784.

Print Name:

Address Line 1:

Address Line 2:

Signature of Authorized Representative:

Date:

******For your request(s) above to be effective, you MUST provide your name and address AND sign and date the form. Your completed form MUST be postmarked by Month DD, YYYY, and MUST be mailed to the following address:**

EMILIO E. VARANINI
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA
455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102

Failure to follow these instructions will make your request(s) ineffective.

**You do not need to send your request(s) to the Court or to the Defendants. The Attorney General's Office WILL FILE your request with the Court and give copies to Defendants.

Exhibit B

LEGAL NOTICE BY ORDER OF THE COURT
A court authorized this Notice. This is not a solicitation from a lawyer.

NOTICE OF DISMISSAL OF *PARENS PATRIAE* CLAIM TO INDIVIDUALS AND SOLE PROPRIETORS IN CALIFORNIA

AT ANY TIME BETWEEN MARCH 1, 1995 AND NOVEMBER 25, 2007, IF YOU PURCHASED A PRODUCT CONTAINING A CATHODE RAY TUBE, SUCH AS A TELEVISION OR A COMPUTER MONITOR, THE DISMISSAL OF THE ATTORNEY GENERAL'S *PARENS PATRIAE* CLAIM DESCRIBED BELOW APPLIES TO YOU.

This Notice is being provided by Order of the San Francisco County Superior Court ("the Court") pursuant to section 16760(b)-(c) of the California Business and Professions Code.

The California Attorney General is requesting dismissal of her *parens patriae* claim in a civil lawsuit against makers of cathode ray tubes ("CRTs") for allegedly fixing the prices of CRTs. Read on for more information about the Attorney General's lawsuit against the CRT makers, her request to dismiss the *parens patriae* portion of that lawsuit, and your related rights and options.

Note that the requested dismissal will not affect your right to file a claim for cash payment from a related private class action in federal court (the "Federal Lawsuit").
To file a claim for a cash payment in the Federal Lawsuit, go to www.crtclaims.com.

THE LAWSUITS

1. What are Cathode Ray Tubes ("CRTs")?

CRTs are a display technology that was widely used in televisions and computer monitors. There are two main types of CRTs: Color Display Tubes ("CDTs" or "Monitor Tubes"), which were in computer monitors, and Color Picture Tubes ("CPTs" or "TV Tubes"), which were in televisions. Over time, CRTs were replaced with other display technologies, such as Plasma, LCD, and LED.

2. What is the Attorney General's Lawsuit about, and how does the *parens patriae* portion of the lawsuit apply to me?

As the chief law enforcement officer for the State of California, the Attorney General has broad powers to enforce the laws enacted by the State, including bringing civil lawsuits against wrongdoers. Under the Cartwright Act, the Attorney General has the authority to bring civil actions on behalf of California individuals in order to recover monetary damages those people have suffered from violations of the Cartwright Act. These actions are called *parens patriae* actions; the Attorney General acts as a legal protector of the state's citizens.

In 2011, the California Attorney General brought a civil lawsuit against certain makers of CRTs alleging they were part of a price-fixing scheme that resulted in overcharges in the price of products that contained CRTs, such as televisions and computer monitors. The alleged price-fixing scheme occurred between March 1, 1995 and November 25, 2007 (the "price-fixing period"). The lawsuit is called ***The State of California, et al. v. Samsung SDI, Co., Ltd., et al.,***

Case No. CGC-11-515784 ("Attorney General's Lawsuit") and was filed in the Superior Court of California, County of San Francisco ("State Court").

The Attorney General's Lawsuit contains several different claims for relief. Among them is a claim, made under the Attorney General's *parens patriae* authority, for monetary damages suffered by individuals and sole proprietors in California who indirectly purchased CRTs during the price-fixing period ("*Parens Patriae* Claim").

3. What is the Federal Lawsuit about?

There is another civil lawsuit, in federal court, related to the same price-fixing scheme. A group of indirect purchasers of CRTs filed a lawsuit against makers of CRTs for the same price-fixing scheme. The plaintiffs in that lawsuit are called the Indirect Purchaser Plaintiffs ("IPPs") and their case is called ***In re: Cathode Ray Tube (CRT) Antitrust Litigation***, Case No. 3:07-MDL-1917, pending in the United States District Court for the Northern District of California. The Federal Lawsuit has been certified as a nationwide class action and the IPPs have been permitted to also recover monetary damages suffered by individuals and sole proprietors in California who indirectly purchased CRTs during the price-fixing time period.

4. Why is the Attorney General dismissing the *Parens Patriae* Claim?

Recently, the IPPs and the defendant CRT makers in the Federal Lawsuit have reached a settlement that resulted in a sizeable Settlement Fund for the benefit of indirect purchasers of CRTs nationwide. **This Settlement Fund provides monetary payments to indirect purchasers of CRTs, including individuals and sole proprietors in California who purchased a product containing CRT at any time between March 1, 1995 and November 25, 2007, who file valid claims.**

The Attorney General believes that the IPPs' Settlement Fund is adequate to address the monetary interests of California individuals and sole proprietors who have been harmed by the CRT price-fixing scheme. Moreover, at the Attorney General's request, the federal court recently ordered the IPPs to extend the deadline for affected California individuals and sole proprietors to file a claim for payment from the IPPs' Settlement Fund. California individuals and sole proprietors who indirectly purchased CRTs now have until **June 30, 2016** to submit a claim for payment from the IPPs' Settlement Fund. For more information on the claims process and updates on the federal court's approval of the IPPs' Settlement Fund, go to www.crtclaims.com.

In addition, the Attorney General will also establish a grant fund in the amount of $195,000 for the indirect benefit of California individuals and sole proprietors affected by the CRT price-fixing scheme. This fund will be distributed in the form of geographically diverse grants to charitable or non-profit organizations whose work addresses as near as possible the harm alleged in the lawsuit by offering computer-related or technology-related services. For purposes of awarding those grants, those services could include helping provide technology-using skills to various communities or helping assist in the delivery of technology-related services to various communities. The Attorney General will retain a third-party grant administrator who will issue a request for grant applications, vet the candidates, recommend grantees to the Attorney General for awards, and oversee the grant making process including reviewing reports regarding how the

grant funds were spent. For additional information on this grant process, visit the Attorney General's website at http://oag.ca.gov/consumers/crt_notice.

Based on these developments, the Attorney General has requested that the State Court dismiss her *Parens Patriae* Claim against the following defendants: Hitachi, Ltd., Hitachi Displays, Ltd., Hitachi Electronic Devices (USA), Inc., Hitachi America, Ltd., and Hitachi Asia, Ltd. (collectively "Hitachi"); LG Electronics, Inc. ("LG"); Panasonic Corporation f/k/a Matsushita Electric Industrial Co., Ltd., Panasonic Corporation of North America, Panasonic Consumer Electronic Co., Matsushita Electronics Corporation (Malaysia) SDN. BHD., MT Picture Display Co., Ltd. f/k/a Matsushita-Toshiba Picture Display Co., Ltd. ("MTPD"), and Beijing Matsushita Color CRT Co., Ltd. (collectively "Panasonic"); Samsung SDI, Co., Ltd. F/K/A Samsung Display Device Co. Ltd., Samsung SDI America, Inc., Samsung SDI Mexico, S.A. DE C.V., Samsung SDI Brasil Ltda., Shenzhen Samsung SDI Co., Ltd., Tianjin Samsung SDI Co., Ltd., and Samsung SDI (Malaysia) SDN. BHD. (collectively "Samsung"); Toshiba Corporation, Toshiba America Electronic Components, Inc., P.T. Tosummit Electronics Devices Indonesia, and Toshiba Display Devices (Thailand) Company, Ltd. (collectively "Toshiba").

A court hearing has been scheduled to determine whether to grant the Attorney General's request ("Dismissal Hearing"). The hearing location, date, and time are provided in Section 8 below.

YOUR RIGHTS AND OPTIONS

5. How do I make a claim for monetary payment in the Federal Lawsuit?

The original deadline for filing a claim in the Federal Lawsuit was December 7, 2015. However, that deadline does not apply to California individuals and sole proprietors. At the Attorney General's request, the federal court extended your claims deadline to **June 30, 2016**. This new deadline applies only to California individuals and sole proprietors. To file a claim and get more information, visit www.crtclaims.com.

6. What are my legal rights and will they be affected by the dismissal of the Attorney General's *Parens Patriae* Claim?

If you are an individual or sole proprietor residing in California and you purchased a product containing CRTs between March 1, 1995 and November 25, 2007, you may have the right to sue Defendants Hitachi, LG, Panasonic, Samsung, and Toshiba for violating the Cartwright Act, for violating the Unfair Competition Law, and/or for unjust enrichment. You may exercise this right by being a part of the Federal Lawsuit described above.

Do Nothing: By doing nothing, you agree to the Attorney General's request to dismiss "with prejudice" (meaning the Attorney General may not file another lawsuit based on the same claim) the *Parens Patriae* Claim against Defendants Hitachi, LG, Panasonic, Samsung, and Toshiba. If the State Court grants the dismissal with prejudice, then the Attorney General will not be able to refile this claim on your behalf. However, the dismissal will not affect your right to make a claim for cash payment in the Federal Lawsuit.

Exclude Yourself from the Dismissal of the *Parens Patriae* Claim: You have the right to be excluded from the dismissal of the Attorney General's *Parens Patriae* Claim. To be excluded from the dismissal of the Attorney General's *Parens Patriae* Claim, you must complete the "Exclusion Form" accompanying this Notice and follow all stated instructions on that form. Your exclusion request must be postmarked by {Month DD, YYYY}.

Request to Appear at the Dismissal Hearing: If you do not exclude yourself, you have the right to appear at the Dismissal Hearing described below. To request to appear, you must complete the "Appearance Form" accompanying this Notice and follow all instructions stated on that form. Your request must be postmarked by {Month DD, YYYY}.

7. Will the dismissal of the Attorney General's *Parens Patriae* Claim prevent me from making a money claim in the Federal Lawsuit?

No. Dismissal of the Attorney General's Parens Patriae Claim will not affect your right to file a claim for a cash payment in the Federal Lawsuit.

8. The Dismissal Hearing

The State Court will hold a hearing on {Month DD, YYYY} to determine whether to grant the Attorney General's request to dismiss the *parens patriae* portion of her lawsuit. The hearing will begin at _____ a.m. before Judge Curtis E.A. Karnow at 400 McAllister Street, San Francisco, CA 94102, in Department 304. The hearing may be adjourned, extended to another date and time or postponed without further notice. Please check the Attorney General's website for the most up-to-date information on the hearing date and time.

For More Information and Updates on the Attorney General's Lawsuit and Dismissal of the *Parens Patriae* Claim:
Visit the California Attorney General's website at http://oag.ca.gov/consumers/crt_notice
You also may call 1-888-283-3187.

EXCLUSION FORM

I hereby assert my right to be excluded from the dismissal of the Attorney General's *Parens Patriae* Claim in the following lawsuit: *The State of California, et al. v. Samsung SDI, Co., Ltd., et al.,* San Francisco Superior Court Case No. CGC-11-515784.

Print Name:

Address Line 1:

Address Line 2:

Signature of Authorized Representative:

Date:

****For your exclusion request above to be effective, you MUST provide your name and address AND sign and date the form. Your completed form MUST be postmarked by {MM/DD/YYYY}, and MUST be mailed to the following address:**

EMILIO E. VARANINI
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA
455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102

Failure to follow these instructions will make your request ineffective.

**You do not need to send your request to the Court or to the Defendants. The Attorney General's Office WILL FILE your request with the Court and give copies to Defendants.

APPEARANCE FORM

If you DID NOT request to be excluded from the dismissal of the Attorney General's *Parens Patriae* Claim in the lawsuit *The State of California, et al. v. Samsung SDI, Co., Ltd., et al.*, San Francisco Superior Court Case No. CGC-11-515784, then you have the right to appear at the Dismissal Hearing on {Month DD, YYYY}.

Check the below if you want to exercise your right to appear at the Dismissal Hearing:

☐ I assert my right to request to appear at the Dismissal Hearing in *The State of California, et al. v. Samsung SDI, Co., Ltd., et al.*, San Francisco Superior Court Case No. CGC-11-515784.

Print Name:

Address Line 1:

Address Line 2:

Signature of Authorized Representative:

Date:

****For your appearance request above to be effective, you MUST provide your name and address AND sign and date the form. Your completed form MUST be postmarked by {MM/DD/YYYY}, and MUST be mailed to the following address:**

EMILIO E. VARANINI
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF CALIFORNIA
455 GOLDEN GATE AVENUE, SUITE 11000
SAN FRANCISCO, CA 94102

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