

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

IF YOU PURCHASED AN APP STORE & iTUNES GIFT CARD AT ANY POINT BETWEEN MAY 2017 AND FEBRUARY 2018 IN CALIFORNIA, OR MARCH 2018 AND JULY 2020 IN THE UNITED STATES, AND YOUR APP STORE & iTUNES GIFT CARD(S) WERE REDEEMED BY AN UNKNOWN THIRD PARTY BEFORE YOU OR THE INTENDED RECIPIENT ATTEMPTED TO REDEEM THE GIFT CARD, YOU SHOULD READ THIS NOTICE AS IT MAY IMPACT YOUR LEGAL RIGHTS.

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

- A Settlement has been reached with Apple Inc. and Apple Value Services, LLC (“Apple” or “Defendants”) in a class action lawsuit alleging that Apple made certain misrepresentations regarding the value and security of App Store & iTunes Gift Cards, and that Apple did not disclose the risk that the gift card may be subject to fraud. Apple denies that it made any misrepresentations or omissions regarding App Store & iTunes Gift Cards and denies all allegations of wrongdoing.
- You may be included in this Settlement as a “Class Member” and entitled to receive a payment called the “Class Payment” if you purchased an App Store & iTunes Gift Card in the United States between May 2017 and February 2018 in California, or March 2018 to July 2020 anywhere in the United States (including California), and the App Store & iTunes Gift Card you purchased was redeemed by an unknown third party before you or the intended recipient of your App Store & iTunes Gift Card attempted to redeem it, and you did not receive a refund or replacement gift card from Defendants or any third party.
- The criteria to be a Class Member are defined more fully in the answers to Questions 5 and 6 below. Together, all Class Members are collectively known as the “Class.”
- You must file a Claim Package by January 8, 2024, to receive cash benefits from this Settlement.
- Your rights are affected whether you act or don’t act. Read this notice carefully.
- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
FILE A CLAIM DEADLINE: JANUARY 8, 2024	<p>The Parties to the Lawsuit have settled for \$1.8 million. If you purchased an App Store & iTunes Gift Card between May 2017 and February 2018 in California, or March 2018 to July 2020 anywhere in the United States (including California), and the App Store & iTunes Gift Card you purchased was redeemed by an unknown third party before you or the intended recipient of your App Store & iTunes Gift Card attempted to redeem it, and you did not receive a refund or replacement gift card from Defendants or any third party, you are eligible to file a claim for the amount equal to the face value of the eligible App Store & iTunes Gift Card(s) you purchased. Please note that you will only qualify as a Class Member if the independent Settlement Administrator confirms that the App Store & iTunes Gift Card(s) that are the subject of your claim were subject to a redemption attempt prior to the card’s activation. Please also note that the Class Payments may be reduced depending on the number of valid claims. Final payment amounts will be calculated and distributed based on the total number and value of valid claims submitted by Class Members. To file a claim, visit the Settlement website at www.ShayGiftCardSettlement.com.</p> <p>If you are a Class Member, you have the option of electing to receive a Class Payment by ACH transfer or by check.</p>

QUESTIONS? CALL 1-888-617-2646 OR VISIT WWW.SHAYGIFTCARDSETTLEMENT.COM

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
	If you decide to stay in the Class, you will give up the right to sue Apple in a separate lawsuit related to the subject matter of the claims in the Lawsuit. The Released Claims are described in more detail in Section 8 of the Settlement Agreement available at www.ShayGiftCardSettlement.com .
<p>ASK TO BE EXCLUDED (OPT OUT)</p> <p>DEADLINE: JANUARY 8, 2024</p>	<p>If you decide to opt out of this Settlement, you will keep the right to sue Apple at your expense in a separate lawsuit related to the subject matter of the claims this Settlement resolves, but you give up the right to get a Class Payment from this Settlement.</p> <p>This is the only option that allows you to sue, continue to sue, or be part of another lawsuit against Apple related to the subject matter of the claims in this Lawsuit. If you opt out of this Settlement and the Settlement is approved, you will no longer be represented by Class Counsel.</p>
<p>OBJECT TO THE SETTLEMENT</p> <p>DEADLINE: JANUARY 8, 2024</p>	<p>If you do not opt out of the Settlement, you may object to it by writing to the Court about why you don't like the Settlement.</p> <p>You may object to the Settlement, and if the Settlement is approved by the Court, you may still be able to receive a Class Payment.</p>
<p>GO TO A HEARING ON:</p> <p>JANUARY 17, 2024</p>	<p>You may object to the Settlement and ask the Court for permission to speak at the Final Approval Hearing where the Parties will request that the Final Approval Order be entered approving the Settlement.</p> <p>You may object to the Settlement and speak at the Final Approval Hearing, and if the Settlement is approved by the Court, you may still be able to receive a Class Payment.</p>

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court overseeing this case still has to decide whether to approve the Settlement.
- This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, you may (1) see the Settlement Agreement available at www.ShayGiftCardSettlement.com; (2) contact Class Counsel representing the Class Members (contact info listed under Question 16 below); (3) access 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 (4) visit the office of the Clerk of Court for the United States District Court for the Southern District of California, 333 West Broadway, Suite 420, San Diego, CA 92101, between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays.

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

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BASIC INFORMATION

1. Why was this Notice issued?

A federal Court authorized this Notice because you have a right to know about the proposed Settlement of the Lawsuit and all of your options before the Court decides whether to approve the proposed Settlement. This Notice explains the Lawsuit, the Settlement, your legal rights, what benefits are available, and who can get them.

Judge Jinsook Ohta of the United States District Court for the Southern District of California is currently overseeing this case and will decide whether to approve the Settlement. The case is entitled *Shay v. Apple Inc.*, No. 3:20-cv-01629 (S.D. Cal.). The person who sued is called the Plaintiff. The companies she is suing are Apple Inc. and Apple Value Services, LLC, which are called the Defendants.

2. What is a class action?

In a class action, one or more people called “Class Representatives” (in this case, Rachel Shay, the Plaintiff) sue on behalf of people who have similar claims. All these people are a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who opt out of the Class.

3. What is the Lawsuit about?

Plaintiff brought claims for negligent misrepresentation and violation of California consumer protection laws based on various representations and omissions regarding the value and security of App Store & iTunes Gift Cards.

Apple maintains that it did nothing wrong and denies that it made any misrepresentations or omissions regarding App Store & iTunes Gift Cards. Apple asserts numerous defenses to the claims in this case. The proposed Settlement to resolve this Lawsuit is not an admission of guilt or any wrongdoing of any kind by Apple, and it is not an admission by Apple of the truth of any of the allegations in the Lawsuit.

4. Why is there a Settlement?

The Court has not decided in favor of the Class or Defendants. Instead, the Class Representative and Defendants agreed to a Settlement. This way, they avoid the cost, burden, and uncertainty of a trial and the purchasers allegedly affected can get benefits. The Class Representative and her attorneys think the proposed Settlement is best for all Class Members.

WHO IS INCLUDED IN THE SETTLEMENT

5. How do I know if I am part of the Settlement?

The Court has decided that everyone who fits the following descriptions is a Class Member, and is thus included in the Settlement:

“Nationwide Class” shall mean all consumers who purchased an Eligible Gift Card in the United States from March 2018 to July 2020, whose Eligible Gift Card was subject to a redemption attempt prior to activation, whose gift card was redeemed by an unknown third party prior to attempted redemption by the consumer or intended user, and who did not receive a refund or replacement gift card from Defendants or any third party; and

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“California Subclass” shall mean all consumers who purchased an Eligible Gift Card in the State of California from May 2017 to February 2018, whose gift card was subject to a redemption attempt prior to activation, whose gift card was redeemed by an unknown third party prior to attempted redemption by the consumer or intended user, and who did not receive a refund or replacement gift card from Defendants or any third party.

Excluded from the Class are Defendants, their parents, subsidiaries, affiliates, officers, directors, and employees; any entity in which Defendants have a controlling interest; and all judges assigned to hear any aspect of this litigation, as well as their staff and immediate family members.

6. I'm still not sure if I am included in the Class.

If you are still not sure whether you are included in the Class, you can visit the website www.ShayGiftCardSettlement.com, call toll-free 1-888-617-2646, or write to *Shay v. Apple* c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606, for more information.

THE SETTLEMENT BENEFITS-WHAT YOU GET IF YOU QUALIFY

7. What does the Settlement provide?

The Parties to the Lawsuit have agreed to a \$1.8 million Settlement. After deducting any Court-approved Service Award, Apple will provide to the Settlement Administrator information for all Class Members for whom it has records. The Settlement Administrator will contact all such Class Members via email or U.S. mail, and will additionally publish notice of this Settlement in print publications and in a digital media campaign. The Settlement Administrator will evaluate all claims by potential Class Members to determine their validity and eligibility and will determine the Class Payment that will be made available to Class Members in accordance with the description provided in the response to Question 8 below.

8. How much will my Class Payment be?

Class Members shall be compensated in an amount equal to the face value at the time of purchase of the App Store & iTunes Gift Card(s) purchased by that Class Member and subject to a redemption attempt prior to activation and redeemed by an unknown third party prior to attempted redemption by the Class Member or intended user. If the total value of payments to eligible Class Members exceeds the settlement amount (\$1.8 million, less any Service Award to the Class Representative), the payments of all eligible Class members shall be reduced pro rata.

HOW TO GET A CLASS PAYMENT

9. How do I get a Class Payment?

To receive Class Payment, you must submit a claim through the Settlement Website, www.ShayGiftCardSettlement.com, with the following items:

- Your name, address, telephone number, and email address; and

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- Proof of purchase (e.g., a sales receipt) of the App Store & iTunes Gift Card(s) that are the subject of your claim, that includes: (i) the purchase date; (ii) the original purchase price; and (iii) the gift card number(s) associated with the App Store & iTunes Gift Card(s) that are the subject of your claim; or
- If you or the other intended user previously reported the scam incident to Apple, an attestation that you were the individual who purchased the Eligible Gift Card and that you previously provided the Proof of Purchase to Apple; and
- An attestation by you or another intended user of your App Store & iTunes Gift Card(s) that you or the other intended user: (1) were unable to redeem the App Store & iTunes Gift Card(s) because they had already been redeemed by an unknown third party that was not the gift card's intended recipient or beneficiary; and (2) have not obtained a refund, cash-out, or other form of compensation from Defendants or any third party in connection with the purchase of the App Store & iTunes Gift Card(s) that are the subject of your claim; and
- Any necessary information to complete payment via your payment method of choice (e.g., physical check, e-check, or ACH transfer).

10. When would I get my Class Payment?

The Court will hold a hearing on January 17, 2024, at 9:30 AM, to decide whether to grant final approval of the Settlement. If the Court approves the Settlement, there may be objections. It is always uncertain whether objections will be filed and, if so, how long it will take to resolve them. Class Payments will be distributed to Class Members as soon as possible, if and when the Court grants final approval of the Settlement and any objections are overruled with finality. The Court may also elect to move the Final Approval Hearing to a different date or time in its sole discretion, without providing further notice to the Class. The date and time of the Final Approval Hearing can be confirmed at www.ShayGiftCardSettlement.com.

11. What rights am I giving up to get a Class Payment and stay in the Class?

Unless you opt out, you will remain in the Class. If the Settlement is approved and becomes final, all of the Court's orders will apply to you and legally bind you. You won't be able to sue, continue to sue, or be part of any other lawsuit against Apple that is related to the subject matter of the claims in this Lawsuit. The rights you are giving up are called Released Claims, which are explained in Question 12.

12. What are the Released Claims?

Generally, if and when the Settlement Agreement becomes final, Class Members who do not opt out will permanently release Apple Inc. and Apple Value Services, integrators of App Store and iTunes Gift Cards, and retailers of App Store and iTunes Gift Cards, including Defendants', Integrators', and Retailers' past or present parents, subsidiaries, divisions, affiliates, stockholders, officers, directors, insurers, employees, agents, attorneys, and any of their legal representatives (and the predecessors, heirs, executors, administrators, successors, purchasers, and assigns of each of the foregoing), from claims that are related to the subject matter of the claims in this Lawsuit. The Released Claims are described in more detail in Section 8 of the Settlement Agreement, available at www.ShayGiftCardSettlement.com.

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OPTING OUT OF THE SETTLEMENT

If you want to keep the right to sue or continue to sue Apple at your expense for any claim related to the subject matter of this Lawsuit, and you do not want to receive a Class Payment from this Settlement, you must take steps to get out of the Settlement. This is called opting out of, or excluding yourself from, the Settlement.

13. How do I request to opt out of the Settlement?

To opt out, you must send a letter with the following information:

- Your name, address, telephone number, and email address;
- A statement that you wish to opt out of the Class in *Shay v. Apple Inc.*, No. 3:20-cv-01629; and
- Your signature.

You must mail your opt-out request to:

Shay v. Apple Inc.
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

Your opt-out request must be received no later than January 8, 2024.

14. If I opt out, can I still get a Class Payment from this Settlement?

No. If you opt out, you are telling the Court that you don't want to be part of the Class in this Settlement. You can only get a Class Payment if you remain in the Class. See Question 9.

15. If I do not opt out, can I sue Apple for the same claims later?

No. Unless you opt out, you are giving up the right to sue Apple regarding any claims that are related to the subject matter of the claims in this Lawsuit. You must opt out of this Lawsuit to have the ability to start or continue with your own lawsuit or be part of any other lawsuit against Apple.

THE LAWYERS REPRESENTING THE CLASS

16. Do I have a lawyer in this case?

Yes. The Court appointed the following attorneys to represent you as "Class Counsel":

James R. Hawkins
Malte L. L. Farnaes
Christina M. Lucio
Mitchell J. Murray
JAMES HAWKINS APLC
9880 Research Drive, Suite 200
Irvine, CA 92618
(949) 387-7200

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You do not have to pay Class Counsel out of your own pocket. If you want to be represented by your own lawyer and have that lawyer appear in Court for you in this case, you may hire one at your own expense.

17. How will the lawyers be paid?

Class Counsel may ask the Court for an award of Attorneys' Fees and Costs, as well as a Service Award to the Class Representative. Class Counsel will move for both the Service Award and for Attorneys' Fees and Costs at the Final Approval Hearing, and the Court will determine the amounts to be awarded. The Service Award will be paid from the \$1.8 million that the Parties settled for before making Class Payments to Class Members. The Attorneys' Fees and Costs will be paid by Apple in addition to the Settlement Amount, except as set forth in Section 2.3 of the Agreement. Apple reserves the right to object to the amount of the Service Award and any Attorneys' Fees and Costs in excess of 25% of the Settlement Amount.

A copy of Class Counsel's motion for Attorneys' Fees and Costs and for the Class Representative's Service Award will be available at www.ShayGiftCardSettlement.com by December 7, 2023.

18. May I get my own lawyer?

If you are in the Class, you are not required to hire your own lawyer because Class Counsel is working on your behalf. However, if you want your own lawyer, you may hire one at your own expense. If you opt out of the Settlement, you will no longer be represented by Class Counsel once the Settlement is approved.

OBJECTING TO THE SETTLEMENT

19. How do I tell the Court that I do not like the Settlement?

If you are a Class Member, you can tell the Court if there is something about the Settlement that you do not like by submitting an objection. You can't ask the Court to order a different Settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no Class 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 submit 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. All written objections and supporting papers must (a) clearly identify the case name and number (*Shay v. Apple Inc.*, No. 3:20-cv-01629); (b) include your full name, address, telephone number, and email address of your attorney (if you are represented by counsel); (c) state the grounds for the objection; (d) be submitted to the Court either by mailing them to the Clerk of Court for the United States District Court for the Southern District of California, 333 West Broadway, Suite 420, San Diego, CA 92101, or by filing them in person at any location of the United States District Court for the Southern District of California; and (e) be filed or postmarked on or before January 8, 2024.

20. What is the difference between objecting and opting out?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class (and do not opt out). Opting out is telling the Court that you don't want to be part of the Class. If you opt out, you cannot object because the Settlement no longer affects you.

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THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you don't have to.

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

The Court will hold a Final Approval Hearing on January 17, 2024, at 9:30 AM, at the United States District Court for the Southern District of California, Edward J. Schwartz United States Courthouse, 221 West Broadway, Courtroom 4C, 4th Floor, San Diego, CA 92101. At this hearing, the Court will decide whether to approve the Settlement, Class Counsel's request for Attorneys' Fees and Costs, and the Service Award to the Class Representative. If there are objections, the Court will consider them. The Court may elect to move the Final Approval Hearing to a different date or time in its sole discretion, without providing further notice to the Class. The date and time of the Final Approval Hearing can be confirmed at www.ShayGiftCardSettlement.com.

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

No. Class Counsel will answer any questions the Court may have. However, you are welcome to come to the Final Approval 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 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.

23. May I speak at the Final Approval Hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing.

IF YOU DO NOTHING

24. What happens if I do nothing at all?

If you are a Class Member and you do nothing, you will not be eligible to receive a Class Payment. However, you will still be bound by the Settlement.

You will give up the rights explained in Question 12, including your right to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Apple related to the Lawsuit or for claims that in any way are related to the subject matter of the claims in this Lawsuit.

GETTING MORE INFORMATION

25. Are more details available?

Visit the website at www.ShayGiftCardSettlement.com, where you will find the Settlement Agreement and other related documents. You may also call toll-free at 1-888-617-2646 or write to *Shay v. Apple*, c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606. Inquiries should NOT be directed to the Court.

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