

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

If You Bought an Original Pixel Smartphone, You May Be Eligible for Payment from a Class Action Settlement

- If you bought one of the original Pixel or Pixel XL smartphones in the United States, other than for resale, you may be eligible to get a payment from a class action settlement.
- The lawsuit being settled concerns first-generation Pixel and Pixel XL smartphones manufactured before January 4, 2017. Plaintiffs allege that these Pixels have a defect that leads to microphone or speaker failures.
- The defendant in the case, Google LLC, denies these allegations but has agreed to pay \$7.25 million to settle the case.
- Visit www.PixelSettlement.com to make a claim. You can also opt out of or object to the Settlement.
- Please read this notice carefully. Your legal rights will be affected, and you have a choice to make now.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
SUBMIT A CLAIM FORM	The only way to get a payment.	October 7, 2019
EXCLUDE YOURSELF	Get no payment. This is the only option that allows you to keep your right to bring any other lawsuit against the Defendant for claims related to this case.	October 7, 2019
COMMENT ON OR OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	You can write to the Court about why you like or do not like the Settlement. You can't ask the Court to order a larger Settlement. You can also ask to speak to the Court at the hearing on December 6, 2019 about the fairness of the Settlement, with or without your own attorney.	October 7, 2019
DO NOTHING	Get no payment. Give up rights.	No Deadline

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved.

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QUESTIONS? CALL 1-855-879-3971 OR VISIT WWW.PIXELSETTLEMENT.COM

BASIC INFORMATION

1. Why did I get this notice?

A court authorized this notice because people who bought a Pixel or Pixel XL manufactured before January 4, 2017 have the right to know about a legal settlement. If you qualify as a class member, you can make a claim and get a payment.

To find out if you qualify, see the answer to Question 5.

The people who sued are called the plaintiffs. The company they sued, Google LLC, is called the defendant.

2. What is this lawsuit about?

The defendant and certain resellers sold the first-generation Pixel and Pixel XL smartphones in the United States. The plaintiffs brought a products liability lawsuit against the defendant, alleging that some of these Pixels have a defect that leads to microphone or speaker failures. The defendant denies that any Pixel or Pixel XL is defective and denies that it has any liability to plaintiffs.

3. What is a class action?

In a class action the plaintiffs act as “class representatives” and sue on behalf of themselves and other people who have similar claims. This group of people is called the “class,” and the people in the class are called “class members.” One court resolves the issues for all class members, except for people who exclude themselves from the class. Judge Nathanael Cousins of the United States District Court for the Northern District of California is in charge of this case. The case is *Weeks v. Google LLC*, No. 5:18-cv-00801-NC (N.D. Cal.).

4. Why is there a Settlement?

The Court did not decide in favor of plaintiffs or defendant. Instead, both sides agreed to a settlement. That way, they avoid the costs and risks of a trial, and class members get benefits or compensation. The class representatives and their attorneys think the settlement is best for the class.

WHO IS IN THE SETTLEMENT

5. Who is in the Settlement?

You are a class member, and are included in the Settlement, if you are in the United States and bought, other than for resale, a new Pixel or Pixel XL smartphone manufactured before January 4, 2017 and did not receive a replacement Pixel manufactured after January 3, 2017 or refurbished after June 5, 2017. Excluded from the Settlement Class are (a) Google and its officers, directors, employees, subsidiaries, and affiliates; (b) all judges assigned to this case and any members of their immediate families; (c) the parties’ counsel in this litigation.

6. What should I do if I am still not sure whether I am included?

If you are not sure whether you are included in the class, you can ask for free help by calling the Claims Administrator at 1-855-879-3971 for more information.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

The defendant will pay \$7,250,000 into a Settlement Fund. After deduction of the costs of notice and settlement administration, any award of attorneys’ fees (up to 30% of the Settlement Fund), litigation costs, and any service awards for the class representatives, the Settlement Fund will be distributed to class members who submit valid claims.

8. Who can get money from the Settlement, and how much?

To get money from the Settlement, you must be a class member and file a claim. You can fill out and submit a claim form at www.PixelSettlement.com.

If you experienced the alleged audio problems described above on your first-generation Pixel or Pixel XL, you are eligible to get more money than if you did not experience those problems.

After the claims deadline, the Settlement Fund will be paid out as follows. First, money will be set aside to pay up to \$20 to each person who did not experience the alleged audio defect or who cannot provide any documentation to show that

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they experienced it. Second, people who paid an insurance deductible to receive a replacement Pixel will be refunded the amount of the deductible. Third, people who experienced the alleged audio defect on more than one Pixel will be paid \$500 each. Fourth, people who experienced the alleged audio defect on one Pixel will be paid \$350 each, unless there is not enough money left to make those payments, in which case the rest of the fund will be distributed to them on a *pro rata* basis. For more information on the Plan of Allocation, see www.PixelSettlement.com.

For information on how to make a claim, see Question 10 and www.PixelSettlement.com.

9. What am I giving up if I stay in the class?

Unless you exclude yourself with an opt-out request (*see* Question 16), you cannot sue, continue to sue, or be part of any other lawsuit against the defendant about the issues in this case. The “Releases” section in the Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The Settlement Agreement can be viewed at www.PixelSettlement.com.

HOW TO GET A PAYMENT—MAKING A CLAIM

10. How can I get a payment?

How do I make a claim? If you are a class member (see Question 5), you can make a claim at www.PixelSettlement.com. You can also contact the Claims Administrator to request a paper claim form by telephone at 1-855-879-3971 or by U.S. mail at *Weeks, et al. v. Google, LLC* Claims Administrator, P.O. Box 404153, Louisville, KY 40233-4153, and submit the claim form to the same U.S. mail address. There will be one claim form, and each Pixel may be the subject of only one claim. Class members who purchased multiple Pixels may submit a separate claim for each Pixel they purchased. You are not in the class if you bought a Pixel that was manufactured after January 4, 2017, or if you returned a Pixel manufactured before January 4, 2017 to Google or Verizon and received as a replacement a Pixel manufactured after January 3, 2017 or refurbished after June 5, 2017.

How can I support my claim? If your claim form does not indicate that you experienced the alleged audio defect, you can attest that you experienced it and support your claim with documentation such as emails, customer service chat logs, repair records, insurance claims, Return Merchandise Authorization (“RMA”) confirmations, or other credible evidence of failure.

11. What is the deadline for submitting a claim form?

To be eligible for payment, claim forms must be submitted electronically or postmarked no later than **October 7, 2019**.

12. When will I get my payment?

The Court will hold a hearing on **December 6, 2019 at 1:00 p.m.**, to decide whether to approve the Settlement. If the Settlement is approved, the Claims Administrator anticipates that payments will be sent out within 3 months.

Updates regarding the Settlement and when payments will be made will be posted on the Settlement website, www.PixelSettlement.com.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in the case?

Yes. The Court appointed the law firms of Girard Sharp LLP and Chemicles Schwartz Kriner & Donaldson-Smith LLP to represent you and the other class members. These firms are called Class Counsel. You will not be charged for their services.

14. Should I get my own lawyer?

You do not need to hire your own lawyer, as Class Counsel is working on your behalf. If you want your own lawyer, you may hire one, but you will be responsible for any payment for that lawyer’s services. For example, you can ask your own lawyer to appear in court if you want someone other than Class Counsel to speak for you. You may also appear for yourself without a lawyer.

15. How will the lawyers be paid?

You do not have to pay Class Counsel. Class Counsel have not been paid for their services in this case since it began, and will seek an award of attorneys' fees of up to 30% of the Settlement Fund, in addition to reimbursement of reasonable litigation expenses. The fees will compensate Class Counsel for investigating the facts, litigating the case, and negotiating and presenting the Settlement for court approval.

Class Counsel will also ask the Court to approve service award payments of \$5,000 to each of the 4 individual class representatives. If approved, these awards (like any fee and cost award to Class Counsel) will be paid out of the Settlement Fund.

In addition, the costs of providing this notice and administering the Settlement are being paid out of the Settlement Fund.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from the Settlement and you want to keep your right, if any, to sue the defendant on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself from—or "opting out" of—the Settlement Class.

16. How do I get out of the Settlement?

You may opt out online by **October 7, 2019**, at www.PixelSettlement.com. Click on the "Opt Out" tab and provide the requested information. You may also opt out by mailing the Opt-Out form available at www.PixelSettlement.com to the Claims Administrator at:

Weeks, et al. v. Google, LLC Claims Administrator
P.O. Box 404153
Louisville, KY 40233-4153

Mailed opt-out requests must be postmarked no later than **October 7, 2019**.

17. If I don't opt out, can I sue the Defendant for the same thing later?

No. Unless you opt out, you give up the right to sue the Defendant for the claims the Settlement resolves. You must exclude yourself from the class if you want to try to pursue your own lawsuit.

18. What happens if I opt out?

If you opt out of the Settlement, you will not have any rights as a member of the Settlement Class under the Settlement; you will not receive any payment as part of the Settlement; you will not be bound by any further orders or judgments in this case; and you will keep the right, if any, to sue on the claims alleged in the case at your own expense.

OBJECTING TO THE SETTLEMENT

19. How do I tell the Court if I don't like the Settlement?

If you're a class member and do not opt out of the Settlement, you can ask the Court to deny approval of the Settlement by filing 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 settlement 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 file 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.

To object, you must file a document with the Court saying that you object to the proposed Settlement in *Weeks v. Google LLC*, No. 5:18-cv-00801-NC (N.D. Cal.). Be sure to include:

- Your name, address, and signature; and
- A detailed statement of your objection, including the grounds for the objection together with any evidence you think supports it.

You can mail the objection by First Class U.S. Mail to the following address:

Clerk of the Court
U.S. District Court for the
Northern District of California
280 South 1st Street, Room 2112
San Jose, CA 95113
Case No. 5:18-cv-00801-NC (N.D. Cal.)

If you do not mail the objection, you must either deliver it in person to the above address or file it electronically at <https://www.cand.uscourts.gov/cm-ecf>.

Your objection must be received by the Court no later than **October 7, 2019**.

20. What's the difference between objecting and excluding?

Objecting is telling the Court that you don't like something about the Settlement. You can object to the Settlement only if you do not exclude yourself from the Settlement. Excluding yourself from the Settlement is opting out and telling the Court that you don't want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because it no longer affects you. You cannot both opt out and object to the Settlement.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **December 6, 2019 at 1:00 p.m.**, in Courtroom 5 of the San Jose federal courthouse, located at 280 South 1st Street, San Jose, CA 95113.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing.

The Court may also decide how much Class Counsel should receive in fees and expense reimbursements. After the hearing, the Court will decide whether to approve the Settlement.

The Court may reschedule the Final Approval Hearing or change any of the deadlines described in this notice. The date of the Final Approval Hearing may change without further notice to the class members. Be sure to check the website, www.PixelSettlement.com, for news of any such changes. You can also access the case docket via the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

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

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you send an objection, you do not have to come to the hearing 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 hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include a statement in your written objection (see Question 19) that you intend to appear at the hearing. Be sure to include your name, address, and signature as well.

You cannot speak at the hearing if you exclude yourself from the class.

IF YOU DO NOTHING

24. What happens if I do nothing at all?

If you do nothing, you'll be a member of the Settlement Class, you'll get no money from this Settlement, and you won't be able to sue the defendant for the conduct or violations alleged in this case.

GETTING MORE INFORMATION

25. Are more details about the Settlement available?

Yes. This notice summarizes the proposed Settlement—more details are in the Settlement Agreement and other case documents. You can get a copy of these and other documents at www.PixelSettlement.com, by contacting Class Counsel at sgrille@girardsharp.com or bfj@chimicles.com, by accessing the docket in this case through the Court’s Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California at any of the Court’s locations between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays:

- Robert F. Peckham Federal Building and United States Courthouse, 280 South 1st Street, San Jose, CA 95113
- Phillip Burton Federal Building & United States Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102
- Ronald V. Dellums Federal Building & United States Courthouse, 1301 Clay Street, Oakland, CA 94612
- United States Courthouse, 3140 Boeing Avenue, McKinleyville, CA 95519

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

26. How do I get more information?

The website, www.PixelSettlement.com, has the claim form, answers to questions about the Settlement, and other information to help you determine whether you are eligible for a payment.

You can also call or write to the Claims Administrator at:

Weeks, et al. v. Google, LLC Claims Administrator
P.O. Box 404153
Louisville, KY 40233-4153

Class Counsel can be reached using the following contact information:

- **Simon S. Grille.** Telephone: (415) 981-4800; email: sgrille@girardsharp.com
- **Ben F. Johns.** Telephone: (610) 642-8500; email: bfj@chimicles.com