



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 own or owned a First Generation or Series 1, 2 or 3 Watch, you may be eligible for payment from a class action settlement

- A settlement has been reached with Apple Inc. (“Apple”) in a class action lawsuit alleging that certain First Generation, Series 1, Series 2, or Series 3 Watches (“Covered Watch/Watches”) experienced issues related to battery swell. Apple denies that the devices had such issues and denies all allegations of wrongdoing.
- The Settlement provides for a \$20 million fund for payments to Settlement Class Members who are natural persons who reside in the United States who own or owned a Covered Watch for personal and/or household use and who are reflected in Apple’s records as having reported issues potentially related to battery swell in the United States. The Settlement Class excludes Apple; any entity in which Apple has a controlling interest; Apple’s directors, officers, and employees; Apple’s legal representatives, successors, and assigns. Also excluded from the Settlement Class are all judicial officers assigned to this case as well as their staff and immediate families. The Class Period is April 24, 2015, to February 6, 2024.
- If Apple’s records reflect that you are a Settlement Class Member, you are eligible to receive payment without the need to submit a claim, but you should confirm or update your payment information to be sure of receiving payment. You may also elect your payment method. Click [here](#) or visit www.watchsettlement.com.
- You can also opt out of or object to the Settlement.
- Your rights are affected whether you act or do not act. Please read this Notice carefully.

QUESTIONS? CALL 1-877-_____ OR VISIT WWW.WATCHSETTLEMENT.COM

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS		DEADLINE
Stay in the Settlement Class and Receive a Payment	<p>Settlement Class Members will receive an email or postcard notifying them that they are eligible to receive a Class Payment.</p> <p>To ensure that you will receive your Class Payment, you should confirm or update your payment information by [date] online at www.watchsettlement.com, by scanning the QR code included below on this notice, or by e-mailing the completed form to the Settlement Administrator. You may elect to receive the payment by physical check, electronic check, ACH transfer (direct deposit), or virtual prepaid Visa or MasterCard, and providing the corresponding e-mail address, banking information, or mailing address for the payment's distribution by [date]. ACH transfer (direct deposit) may only be requested via online submission.</p> <p>By receiving a payment, Settlement Class Members will give up rights and be bound by the Settlement.</p>	<p>[]</p> <p>[]</p> <p>[]</p>
Exclude Yourself	<p>Get no payment.</p> <p>This is the only option that allows you to keep your right to bring any other claim against Apple arising out of or related to the claims in this case.</p>	
Comment On or Object to the Settlement and/or Attend a Hearing	<p>You can write to the Court about why you like or do not like the Settlement.</p> <p>You cannot ask the Court to order a larger settlement.</p>	

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	You can also ask to speak to the Court at the hearing on _____, 2024, about the fairness of the Settlement, with or without your own attorney.	
Do Nothing	Receive a payment if the Settlement Administrator has valid, current payment information for you. Give up rights and be bound by the Settlement.	

- 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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BASIC INFORMATION

1. Why did I get this Notice?

A court authorized this Notice because owners of Covered Watches have the right to know about a legal settlement. If you qualify as a Settlement Class Member, you can get a payment.

To find out if you qualify, see Questions 5-6 below.

This Notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

Judge Haywood S. Gilliam, Jr., of the United States District Court for the Northern District of California is in charge of this case and will decide whether to approve the Settlement. The case is entitled *Smith, et al. v. Apple Inc.*, No. 4:21-cv-09527 (N.D. Cal.)

2. What is this lawsuit about?

Plaintiffs alleged that First Generation, Series 1, Series 2 and Series 3 Watches (“Covered Watches”) experienced certain issues allegedly related to battery swell, and brought claims including alleged violation of consumer protection laws and breach of warranty.

Apple denies all of the allegations made in the lawsuit, denies that the Covered Watches experienced any issues related to battery swell, and denies that Apple did anything improper or unlawful. Apple asserts numerous defenses to the claims in this case. The proposed settlement to resolve this case is not an admission of guilt or wrongdoing of any kind by Apple.

3. What is a class action?

In a class action, one or more individuals and/or entities called “class representatives” sue on behalf of themselves and other individuals and/or entities who have similar claims. This group of individuals and/or entities is called the “class,” and the individuals and/or entities 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.

4. Why is there a Settlement?

The Court did not decide in favor of the Plaintiffs or Apple. Instead, both sides agreed to a Settlement. That way, they avoid the costs and risks of a trial, and the allegedly affected Settlement Class Members can get benefits or compensation. The class representatives and their attorneys think the Settlement is best for the Class.

QUESTIONS? CALL 1-877-_____ OR VISIT WWW.WATCHSETTLEMENT.COM

WHO IS IN THE SETTLEMENT?

5. Who is in the Settlement?

The Settlement Class includes all natural persons who reside in the United States, who own or owned any model First Generation, Series 1, Series 2 or Series 3 Watch for personal and/or household, and who are reflected in Apple's records as having reported issues potentially related to battery swell in the United States. The Settlement Class excludes Apple; any entity in which Apple has a controlling interest; Apple's directors, officers and employees; Apple's legal representatives, successors, and assigns; and judicial officers assigned to this case and their staff and immediate families. The Class Period is April 24, 2015, to February 6, 2024.

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

If you are still not sure whether you are included in the Settlement Class, you can visit the website www.watchsettlement.com, call toll-free 1-[XXX-XXX-XXXX], or write to the Settlement Administrator at the address below for more information.

Watch Settlement
Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

Apple will pay \$20 million into a Settlement Fund. After deduction of the costs of notice and settlement administration, any award of attorneys' fees, litigation costs, and any service awards for the Class Representatives, the Settlement Fund will be distributed to Settlement Class Members in accordance with a plan of allocation that accounts for the number of eligible Settlement Class Members. The plan of allocation is described in detail in the Settlement Agreement available at www.watchsettlement.com.

We will not know the final amounts until the Settlement Administrator determines the total number of eligible Settlement Class Members who provide or confirm payment information or for whom the Settlement Administrator can confirm valid, current payment information.

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

Settlement Class Members will receive a payment without the need to submit a claim form. Settlement Class Members will receive an email or postcard Notice confirming eligibility for payment and explaining how to confirm or update their payment information and elect their preferred payment method. It is estimated that Settlement Class Members will receive a payment of approximately \$20 per Covered Watch. Payments may be less or more than \$20 depending on the total number of eligible Settlement Class Members who confirm or update their payment information or for whom the Settlement Administrator can confirm valid, current payment information, and are capped at \$50 per Covered Watch. The plan of allocation is described in detail in the Settlement Agreement available at www.watchsettlement.com.

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

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

HOW TO GET A PAYMENT

10. How can I get a payment?

You do not need to submit a claim, but to ensure that you will receive your Class Payment, you should confirm or update your payment information by [date] online at www.watchsettlement.com or by scanning the QR code included below on this notice. You may elect to receive the payment by physical check, electronic check, ACH transfer (direct deposit), or virtual prepaid Visa or MasterCard, and providing the corresponding e-mail address, banking information, or mailing address for the payment’s distribution by [response date]. If you do not confirm payment information or elect a payment method by [response date], you will receive an electronic payment if the Settlement Administrator has a valid, current e-mail address for you, or a physical check if the Settlement Administrator does not have sufficient information to make an electronic payment but has a valid, current mailing address. If you do not confirm or update your payment information and the Settlement Administrator cannot confirm valid, current payment information for you, you will not receive a payment.

11. When will I get my payment?

The Court will hold a hearing on _____, 2024, at __:00 .m., to decide whether to approve the Settlement. The Court may move the Final Approval Hearing to a different date or time without providing further Notice to the Class. The date and time of the Final Approval Hearing can be confirmed at www.watchsettlement.com. If the Settlement is approved, there may be appeals. The

QUESTIONS? CALL 1-877-_____ OR VISIT WWW.WATCHSETTLEMENT.COM

appeal process can take time. If there is no appeal, your settlement benefit will be processed promptly. Please be patient.

Updates regarding the Settlement and when payments will be made will be posted at www.watchsettlement.com.

12. How can I verify or update my mailing address?

See Question 10, above.

THE LAWYERS REPRESENTING THE CLASS

13. Do I have a lawyer in the case?

Yes. The Court appointed the law firms of Cunningham Bounds, LLC, Morgan & Morgan Complex Litigation Group, and Kilborn Law, LLC 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?

Class Counsel may ask the Court for an award of attorneys' fees of up to 30% of the Settlement Fund, litigation expenses, and service awards to the Class Representatives of up to \$5,000 each. The Court will determine these amounts. All of these amounts, as well as the costs associated with notice and administering the Settlement, will be paid from the Settlement Fund.

A copy of Class Counsel's Motion for Attorneys' Fees and Expenses and for Class Representative Service Awards will be available at www.watchsettlement.com by _____.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from the Settlement and you want to keep your right, if any, to sue Apple 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?

QUESTIONS? CALL 1-877-_____ OR VISIT WWW.WATCHSETTLEMENT.COM

You may opt out online by _____, 2024, at www.watchsettlement.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.\[URL\].com](http://www.[URL].com) or mailing to the Claims Administrator at

Watch Settlement
Attn: Opt Outs
P.O. Box 58220
Philadelphia, PA 19103

Opt-out requests must be submitted electronically or postmarked no later than _____, 2024.

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

No. Unless you opt out, you give up the right to bring any other claim against Apple arising out of or related to the claims in this case. 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 any claims against Apple arising out of or related to the claims in this case at your own expense.

OBJECTING TO THE SETTLEMENT

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

If you are a Settlement 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 also object to the requested award of attorneys’ fees and expenses to Class Counsel or service awards to the Class Representatives. The Court will consider your views. You cannot 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 *Smith et al. v. Apple Inc.*, No. 4:21-cv-09527 (N.D. Cal.). Be sure to include:

QUESTIONS? CALL 1-877-_____ OR VISIT WWW.WATCHSETTLEMENT.COM

- Your full name, mailing address, telephone number, email address, and signature. If you are represented by counsel, you must include your counsel's name, mailing address, email address, and telephone number.
- Information sufficient to verify that you are a member of the Settlement Class.
- A detailed statement of your objection, including all the grounds for the objection together with any evidence that you think supports it.
- A statement whether the objection applies only to you, to a specific subset of the Settlement Class, or to the entire Settlement Class.
- A statement whether you or your counsel intends to speak at the Final Approval Hearing.

You can file the objection electronically at <https://ecf.cand.uscourts.gov/>, file the objection in person at any location of the United States District Court for the Northern District of California, or mail the objection by First Class U.S. Mail, so that it is submitted electronically or postmarked no later than _____, 2024, to the following address:

Clerk of the Court
U.S. District Court for the Northern District of California
450 Golden Gate Avenue
Box 36060
San Francisco, CA 94102
Case No. 4:21-cv-09527-HSG

If you do not mail or electronically file the objection, you must have it delivered in person to the above boxed address no later than _____, 2024.

20. What is the difference between objection and excluding?

Objecting is telling the Court that you do not 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 do not 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 _____, 2024, at ____ .m. at the United States District Court for the Northern District of California, Oakland Courthouse, 1301 Clay Street, Courtroom 2 – 4th Floor, Oakland, CA 94612.

QUESTIONS? CALL 1-877-_____ OR VISIT WWW.WATCHSETTLEMENT.COM

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 Settlement Class Members 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 Class Members. Be sure to check the website, www.watchsettlement.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 ___) 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 I DO NOTHING

24. What happens if I do nothing at all?

If you are a Settlement Class Member, you confirm or update payment information or the Settlement Administrator can confirm valid, current information for you, and you do not exclude yourself from the Settlement, you will be sent a payment. See Question ___ above for information about how to confirm or update your payment information and elect a payment method.

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

QUESTIONS? CALL 1-877-_____ OR VISIT WWW.WATCHSETTLEMENT.COM

www.watchsettlement.com, by contacting Class Counsel at watchsettlement@cunninghambounds.com or watchsettlement@forthepeople.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.

PLEASE DO NOT CALL THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT

26. How do I get more information?

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

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

Watch Settlement
Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19102

Class Counsel can be reached using the following contact information:

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- **Lucy E. Tufts**, email: watchsettlement@cunninghambounds.com
 - **Michael F. Ram**, email: watchsettlement@forthepeople.com
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