

**Court-Directed Notice regarding Class Certification  
Shamrell, et al. v. Apple Inc. Class Litigation**

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**LEGAL NOTICE**

**PLEASE READ THIS NOTICE CAREFULLY.**

**IF YOU PURCHASED A NEW IPHONE 4 FROM JUNE 24, 2010 THROUGH OCTOBER 10, 2011 OR IPHONE 4S FROM OCTOBER 11, 2011 THROUGH SEPTEMBER 20, 2012 OR THE IPHONE 5 PRIOR TO APRIL 1, 2013, YOUR RIGHTS MAY BE AFFECTED BY PROCEEDINGS IN THIS LITIGATION.**

The purpose of this Notice is to inform you that your rights may be affected by proceedings in the lawsuit known as *Shamrell, et al. v. Apple Inc.*, Case No. 37-2013-00055830-CU-PL-CTL, pending before the Honorable Ronald L. Styn of the Superior Court of San Diego County, Central Division (the “Court”). This Notice is given under California law and by order of the Court.

**What is this lawsuit about?** The Fourth Amended Complaint (“Complaint”) alleges that Apple Inc. sold the iPhone 4, iPhone 4S and iPhone 5 with defective sleep/wake (power) buttons and failed to disclose (or insufficiently disclosed) this defect to purchasers in violation of various California state laws. This action seeks relief for alleged claims of breach of warranty and alleged violations of the California Consumers Legal Remedies Act, the California Unfair Competition Law, the California Song-Beverly Act and the Magnuson-Moss Warranty Act. The Complaint seeks damages in the form of recovery of the cost to repair the broken sleep/wake button or the diminished value of the iPhone due to the broken sleep/wake button, along with restitution, injunctive and declaratory relief.

Apple denies all of the allegations in the Complaint, and denies that Apple did anything improper or unlawful. Apple has asserted numerous affirmative defenses to the claims in this case.

A trial to determine the merits of Plaintiffs’ claims has not yet occurred. This matter is set for trial beginning on October 25, 2019.

**Are you included?** If you are a California citizen who purchased a new iPhone 4, 4S or 5 from Apple or a third-party retailer and your sleep/wake button stopped working or worked intermittently during the first year after purchase for the iPhone 4 and iPhone 4S, or during the first three years after purchase for the iPhone 5, you may be a member of one or more of the classes.

**Are you not included?** You are not a member of any class if Apple has already repaired the malfunctioning sleep/wake button on your device or provided you with a replacement device (including under the Repair Extension Program for the iPhone 5). You are not a member of the iPhone 5 class if you purchased your iPhone 5 device after April 1, 2013.

By Court Order dated January 8, 2019, the Court certified this case to proceed on behalf of two Classes, defined as follows:

iPhone 4 and 4S Class:

**All California citizens who purchased one or more iPhone 4 or 4S smartphones from Apple or a third-party retailer, from June 24, 2010 through October 10, 2011 for the iPhone 4, and from October 11, 2011 through September 20, 2012 for the iPhone 4S, and whose sleep/wake (power) button stopped working or worked intermittently during a one year period from date of purchase. Excluded are persons whose iPhone 4 or 4S was repaired or replaced by Apple due to a non-working sleep/wake button.**

iPhone 5 Class:

**All California citizens who purchased one or more iPhone 5 smartphones from Apple or a third-party retailer prior to April 1, 2013, and whose sleep/wake (power) button stopped working or worked intermittently during a three year period from date of purchase. Excluded are persons whose iPhone 5 was repaired or replaced by Apple due to a non-working sleep/wake button.**

The public version of the Complaint, the Court's class certification order and other documents related to this lawsuit can be accessed at [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com).

**What are your options?** If you are a member of one or both of the Classes, you have the right to stay in the Class or be excluded from the lawsuit.

**OPTION 1. Do Nothing. Remain a Member of the Class(es).** If you do nothing, you are choosing to remain in the Class(es). It will cost you nothing to remain a member of the Class(es), and if any recovery is ultimately awarded by the judge or jury, you may receive a share of that recovery. However, if Apple prevails, you will not receive anything, and you will not be able to prosecute a separate claim against Apple arising out of these claims.

If you elect Option 1, you need to do nothing at this time. You may receive a later notice advising you of the outcome of this case and your right to participate in any recovery, if any recovery is obtained. In addition, any member who does not request exclusion ("opt out") may, if the member so desires (but is not required to), enter an appearance through counsel. ANY JUDGMENT OBTAINED ON THE CLASS CLAIMS IN THIS ACTION, WHETHER FAVORABLE OR NOT, WILL BIND ALL CLASS MEMBERS WHO DO NOT OPT OUT OF THIS ACTION.

**OPTION 2. Exclude yourself from the lawsuit.** Alternatively, you have the right not to be part of this lawsuit by excluding yourself or "opting out" of the Class(es). The Court will exclude from the Class(es) any person who timely requests exclusion. If you elect to opt out, you will not be bound by any judgment of the Court, and you retain your right to sue Apple for any individual claims you may have arising out of these issues. As a condition of opting out of the class, you will be unable to participate in any recovery that a judge or jury may award the Class(es) in this action. If you choose to exclude yourself from the lawsuit, you should decide soon whether to pursue your own case, because your claims are subject to statutes of limitations that set time limits for filing a lawsuit.

IF YOU WISH TO EXCLUDE YOURSELF FROM THIS PROCEEDING, you must request exclusion in one of the following ways:

1. Send an "Exclusion Request" in the form of a letter sent by U.S. mail, stating that you want to be excluded from *Shamrell, et al. v. Apple Inc.*, Case No. 37-2013-00055830-CU-PL-CTL (San Diego Superior Court). Be sure to include your name, address, telephone number, email address, and signature. You must mail your Exclusion Request, **postmarked by August 26, 2019**, to: *Shamrell et al. v. Apple* Class Litigation, P.O. Box 404111, Louisville, KY 40233-4111.

2. Send an Exclusion Request Form, available at [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com) by mail **postmarked by August 26, 2019**, to: *Shamrell et al. v. Apple* Class Litigation, P.O. Box 404111, Louisville, KY 40233-4111. Or, email your exclusion request form to [Admin@powerbuttonclassaction.com](mailto:Admin@powerbuttonclassaction.com) by **August 26, 2019**.

**Who represents you?** The Court has appointed ANTHONY SHAMRELL and DARYL RYSDYK to act as the class representatives for the iPhone 4/4S class and iPhone 5 class, respectively. The Court has also appointed several law firms to act as counsel for the Class (“Class Counsel”), including:

DOYLE LOWTHER, LLP  
William J. Doyle, II.  
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You don’t have to pay Class Counsel or anyone else to participate. If Class Counsel obtains money or benefits for one or both of the Classes, they will ask the Court for an award of fees and costs, which will be paid by Apple Inc. or from any money awarded to or recovered for the Class(es). However, any fee paid to Class Counsel must be approved by the Court.

You do not have to use Class Counsel. You have the right to hire your own lawyer to appear in Court for you in this lawsuit; however, if you do, you are responsible for paying that lawyer.

**How do I find out more about this lawsuit?** If you have any questions about either this lawsuit or this Notice, you may call or write to Class Counsel at the addresses provided above. Inquiries should not be directed to the Court.

For more detailed information about this lawsuit, including the Complaint, the Court’s class certification order and other documents, go to [www.powerbuttonclassaction.com](http://www.powerbuttonclassaction.com) or call 1-855-336-4060 or contact Class Counsel above. It is possible that the trial date or other deadlines will change. Please check the website for updates on the status of the case and the schedule.

This Notice has been approved and directed to be provided to Class Members by Court order dated February 22, 2019.

**DO NOT CONTACT THE COURT FOR ANY REASON.**