

## LEGAL NOTICE

***A federal court authorized this notice.***

***This is not a solicitation from a lawyer. You are not being sued.***

**If you are or were a resident of New York or New Jersey and are or were an owner of an iPhone 4S device and downloaded any version of iOS 9 onto your iPhone 4S device, you could be entitled to benefits under a class action settlement.**

### **WHAT'S THIS ABOUT?**

The plaintiffs filed a class action lawsuit against Apple in which they claimed that iOS 9 substantially slowed down the performance of the iPhone 4S. Apple denies that it did anything wrong, or that iOS 9 slowed down the iPhone 4S. The Court has not decided who is right. Apple is entering into this Settlement solely to avoid burdensome and costly litigation. The Settlement is *not* an admission of wrongdoing by Apple.

Under the settlement, Apple will pay a total of \$20 million. If the Court approves the Settlement, your rights may be affected. The United States District Court for the Eastern District of New York authorized this Notice. The Court will have a Final Approval Hearing to consider whether to approve the Settlement so that the benefits may be paid. This summary provides basic information about the Settlement.

### **WHO'S AFFECTED?**

You are a member of the Settlement Class if you (1) are or were a New Jersey or New York resident; (2) currently own or owned an iPhone 4S; (3) downloaded any version of iOS 9 onto the iPhone 4S; and (4) experienced a significant decline in performance on your iPhone 4S device(s). **You must meet all four criteria to be a member of the Settlement Class.**

### **WHAT BENEFIT CAN YOU GET FROM THE SETTLEMENT?**

Apple will provide a cash payment per eligible iPhone 4S to each Settlement Class Member who submits a declaration under penalty of perjury stating that (1) he or she downloaded iOS 9 (which was first released in September 2015), or any version thereof, onto the iPhone 4S; (2) he or she lived in New York or New Jersey at the time that he or she first downloaded any version of iOS 9; and (3) his or her iPhone 4S experienced a significant decline in performance as a result.

An owner is someone who owned, purchased, leased, or otherwise received an iPhone 4S, including for personal, work, or any other purposes, and whose iPhone 4S was shipped to the United States, its territories, and/or its possessions.

**Amount of Cash Payment:** Under the proposed Settlement, Apple will provide a cash payment of approximately \$15 per iPhone 4S. Please note that the actual cash payment per iPhone 4S may

be greater than or less than \$15, depending on the total number of approved claims and other factors, up to a maximum payment of \$150 as set forth in the more detailed Class Notice available at [www.OperatingSystemUpdateSettlement.com](http://www.OperatingSystemUpdateSettlement.com). Additionally, if multiple Settlement Class Members submit Claims pertaining to the same eligible device, the payment amount for that device shall be divided equally among those submitting Approved Claims regarding that particular device.

**HOW DO YOU GET A PAYMENT?**

An online Claim Form package contains everything you need and is available at [www.OperatingSystemUpdateSettlement.com](http://www.OperatingSystemUpdateSettlement.com) or by calling [1-877-540-0949](tel:1-877-540-0949). You may also submit a Claim Form by visiting the website or calling this toll-free number.

**WHAT ARE YOUR OPTIONS AND WHAT ARE THE DEADLINES?**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>		
<b>OPTION</b>	<b>EXPLANATION</b>	<b>DEADLINE</b>
<b>SUBMIT A CLAIM FORM ONLINE OR IN THE MAIL</b>	The only way to get a payment under the settlement.	<b>August 29, 2022</b>
<b>EXCLUDE YOURSELF (OPT OUT)</b>	Get no payment under the settlement. This is the only option that allows you to be a part of any other lawsuit against Apple about the claims and allegations in this case.	<b>August 29, 2022</b>
<b>OBJECT TO THE SETTLEMENT</b>	Write to the Court about why you don't like the settlement.	<b>August 29, 2022</b>
<b>OBJECT TO ATTORNEYS' FEES AND/OR EXPENSES</b>	Write to the Court about why you don't like the attorneys' fees and/or expenses that Class Counsel requests.	<b>August 25, 2022</b>
<b>GO TO A HEARING ON SEPTEMBER 22, 2022</b>	Ask to speak in Court about the fairness of the settlement.	<b>August 29, 2022</b>
<b>DO NOTHING</b>	Get no payment under the settlement and give up your right to compensation for the claims and allegations in this case.	N/A

Please read the more detailed Class Notice, which is available at [www.OperatingSystemUpdateSettlement.com](http://www.OperatingSystemUpdateSettlement.com), emailing

info@OperatingSystemUpdateSettlement.com, or by calling [1-877-540-0949](tel:1-877-540-0949) and decide whether you want to make a Claim.

To claim a Settlement benefit, your Claim Form must be **received** on or before **August 29, 2022**. **If you do not claim a settlement benefit by this deadline, you will lose your right to obtain this benefit.**

If you don't want to make a Claim and you don't want to be legally bound by the Settlement, your request to be excluded must be **received** by **August 29, 2022**, or you won't be able to sue, or continue to sue, Apple about the claims and allegations in this case. If you request to be excluded, you will not be eligible to receive a payment from this settlement.

If you stay in the Settlement Class, you may object to the Settlement. Objections to the Settlement must be **received** by **August 29, 2022**. Objections to Class Counsel's request for Attorneys' Fees and Expenses must be **received** by **August 25, 2022**.

The more detailed Class Notice available at [www.OperatingSystemUpdateSettlement.com](http://www.OperatingSystemUpdateSettlement.com) or by calling [1-877-540-0949](tel:1-877-540-0949) explains how to request exclusion from the Settlement Class or object to the settlement. The Court will hold a Final Approval Hearing in this case (*Lerman v. Apple Inc.*, No. 15-cv-07381 (SJ) (LB) (E.D.N.Y.)) on **September 22, 2022 at 10:30 a.m.** to consider whether to approve: (1) the Settlement, (2) Attorneys' Fees and Expenses for Class Counsel, and (3) Named Plaintiff Service Awards. The Final Approval Hearing will take place at the Courthouse, 225 Cadman Plaza East Brooklyn, NY 11201, or virtually. You may appear at the Final Approval Hearing, but you don't need to. The date of the Final Approval Hearing may change without further notice. You should check the Court's Public Access to Court Electronic Records (PACER) site, for a fee, at <https://ecf.nyed.uscourts.gov/> to confirm that the date has not been changed.

#### **FOR MORE INFORMATION ABOUT THE SETTLEMENT**

To obtain a Class Notice, Claim Form, copy of the Settlement Agreement, copies of motions for settlement approval and attorneys' fees, expenses and service awards, and any other important documents in this case, go to [www.OperatingSystemUpdateSettlement.com](http://www.OperatingSystemUpdateSettlement.com), email [info@OperatingSystemUpdateSettlement.com](mailto:info@OperatingSystemUpdateSettlement.com) or call [1-877-540-0949](tel:1-877-540-0949). For more details, you also may write to Class Counsel at Pomerantz LLP, Attn: Jeremy A. Lieberman and Michael Grunfeld, 600 Third Avenue, 20th Floor New York, NY 10016 and/or Bronstein, Gewirtz & Grossman, LLPC, Attn: Peretz Bronstein and Eitan Kimelman, 60 East 42nd Street, Suite 4600 New York, NY 10165.

In addition, you can access the Court docket in this case, for a fee, through the Court's PACER site at <https://ecf.nyed.uscourts.gov/>. You can also visit the office of the Clerk of the Court for the United States District Court for the Eastern District of New York, Brooklyn Division, located at 225 Cadman Plaza East Brooklyn, NY 11201, between 8:30 a.m. and 5:00 p.m., Monday through Friday, excluding Court holidays, subject to the COVID-19 protocols as set forth at <https://www.nyed.uscourts.gov/covid-19-screening-coming-eastern-district-new-york>.

BY ORDER OF THE U.S. DISTRICT COURT