

If you bought a new TCL television marketed as having a “Hz” rating twice as high as its native panel refresh rate (Hz) in California between April 24, 2016 and December 31, 2021, you may be entitled to a payment from a class action settlement of up to \$40.

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

- TTE Technology, Inc. (“TCL”) has agreed to pay \$2,900,000 (the “Settlement Fund”) to fully resolve and release claims of all persons who purchased a new TCL television marketed as having a “Hz” rating twice as high as its native panel refresh rate (Hz) in the state of California during the time period set forth above, as described in the settlement agreement (“Settlement”).
- The Settlement Fund shall include all settlement awards (“Settlement Awards”) to claiming Settlement Class Members, an attorneys’ fee award of up to 25% of the Settlement Fund or \$725,000, reasonable costs and expenses of approximately \$148,000, notice and administration costs estimated at \$125,000, and a \$2,500 incentive award to the Class Representative. If there are any amounts remaining in the Settlement Fund after payment of the Settlement Awards, that money will be distributed *cy pres* to charity. Any uncashed paper checks will escheat to the State of California.
- The Settlement Awards are capped at \$15 per valid Claim and subject to *pro rata* increase (totaling up to \$40) or decrease, depending on the number of all approved Claims submitted.
- The Settlement resolves a lawsuit alleging that TCL deceptively advertised certain of its Televisions with 60Hz native refresh rate panels as “120Hz CMI,” “120Hz Clear Motion Index,” and/or “120Hz CMI Effective Refresh Rate.”
- The two sides disagree on whether Plaintiff and the Settlement Class could have prevailed at trial. By entering into the Settlement, TCL has not conceded the truth or validity of any of the claims against it.
- Your legal rights may be affected whether you act, or don’t act. Read this Notice carefully.

Your Legal Rights and Options In This Settlement:	
SUBMIT A CLAIM FORM	If you submit a valid Claim Form by October 7, 2022 , you will receive a cash refund in the form of an electronic payment, and will give up certain rights to sue TCL.
EXCLUDE YOURSELF FROM THE CASE	This is the only option that allows you to sue TCL on your own regarding the legal claims in this case, but you will not receive compensation under the Settlement. The deadline for excluding yourself is October 7, 2022 .

OBJECT TO THE SETTLEMENT	Write to the Court about why you do not like the Settlement. A Settlement Class Member who objects still remains in the Settlement Class and must submit a Claim Form in order to obtain a monetary award. The deadline for objecting is October 7, 2022 .
DO NOTHING	If you do nothing, you will receive no money from the Settlement, but you will still give up certain rights to sue TCL.

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

BASIC INFORMATION

1. Why was this Notice issued?

This Notice was issued because a Court has conditionally “certified” this case as a class action lawsuit for settlement purposes only and your rights may be affected. If you bought a new TCL television marketed as having a “Hz” rating twice as high as its native panel refresh rate (Hz) in California between April 24, 2016, and December 31, 2021, you may have legal rights and options in this case. This Notice explains all of these issues. Judge Edward M. Chen of the United States District Court for the Northern District of California is overseeing this class action. The case is known as *Christopher Julian, et al. v. TTE Technology, Inc., dba TCL North America*, Case No. 3:20-CV-02857 (the “Action”). The people who sued are called the Plaintiffs. The company they sued, TTE Technology, Inc. dba TCL North America, is called the Defendant or TCL.

2. Why is this a class action?

In a class action, one or more people, called “Class Representatives” (in this case Paul Fiskratti, the named “Plaintiff”), sue on behalf of all people who have similar claims. Together, these people are called a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class. Here, the Court has certified a class action for settlement purposes only. More information about why this is a class action can be found in the Court’s Class Certification Order, which is available at www.HZClassAction.com.

3. Why is there a settlement?

The Court did not decide in favor of Plaintiff or TCL. Plaintiff thinks he would have prevailed at trial. TCL thinks the Plaintiff would not have won anything from a trial. But there was no trial. Instead, both sides agreed to this Settlement. That way, both sides avoid the risk and cost of a trial, and the Settlement Class Members will receive compensation. The Class Representative and their attorneys think the Settlement is best for all Settlement Class Members.

THE CLAIMS IN THE LAWSUIT

4. What is the lawsuit about?

The lawsuit claims that TCL deceptively advertised certain of its Televisions with 60Hz native refresh rate panels as “120Hz CMI,” “120Hz Clear Motion Index,” and/or “120Hz CMI Effective Refresh Rate.” The lawsuit claims that TCL violated, among others, the California Consumers Legal Remedies Act, California’s False Advertising Law, California’s Unfair Competition Law, and that TCL was unjustly enriched. TCL denied these claims. More information can be found in the Second Amended Class Action Complaint, available at www.HZClassAction.com.

MEMBERS OF THE SETTLEMENT CLASS

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

The Court has certified this case for settlement purposes only as a class action. The class (the “Settlement Class”) is defined as:

All individuals who, from April 24, 2016 to December 31, 2021, purchased a new TCL television marketed as having a “Hz” rating twice as high as its native panel refresh rate (Hz) in the state of California.

Excluded from the Settlement Class are all persons who validly opt out of the Settlement in a timely manner; governmental entities; counsel of record (and their respective law firms) for the Parties; TCL and any of its parents, affiliates, subsidiaries, independent service providers, and all of its respective employees, officers, and directors; the presiding judge in the Action or judicial officer presiding over the matter, and all of their immediate families and judicial staff; and any natural person or entity that entered into a release with TCL prior to the Effective Date concerning the refresh rate of TCL televisions.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

TCL has agreed to pay \$2,900,000 into a non-reversionary Settlement Fund in full and complete settlement and release of all claims of Plaintiff and the Settlement Class Members, as described in the Settlement. The Settlement Fund will be used to pay Settlement Awards to Settlement Class Members who send in a valid Claim Form, after attorneys’ fees and costs, notice and settlement administration costs, and an incentive award to the Class Representative have been deducted.

Class Counsel will ask the Court to approve an award of up to 25% of the Settlement Fund (or \$725,000) for attorneys’ fees; approximately \$125,000 for notice and settlement administration costs; reasonable costs and expenses spent in prosecuting the case of approximately \$148,000; and \$2,500 to the Class Representative, all to be paid from the Settlement Fund before Settlement Awards are paid to the Settlement Class. You cannot receive compensation unless you submit a Claim Form as set forth below.

The Settlement Awards will be set at \$15 per valid Claim and subject to *pro rata* increase (totaling up to \$40) or decrease, depending on the number of all approved Claims submitted.

7. How much will my payment be?

Your Settlement Award will depend on the number of valid Claims that Settlement Class Members submit. Settlement Awards are set at \$15 per valid Claim and may be subject to *pro rata* increase (totaling up to \$40) or decrease, depending on the number of all approved Claims submitted.

8. What am I giving up to stay in the Settlement Class?

Unless you exclude yourself from the Settlement, you will be part of the Settlement Class, and you will be cannot sue, continue to sue, or be part of any other lawsuit against TCL asserting a released claim. It also means that all of the Court's orders will apply to you and legally bind you. If you sign the Claim Form or do nothing, you will agree to release TCL from any and all claims under federal and state law that arise from the "Hz" marketing representations at issue in this action.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

Yes. The Court has appointed Charles J. Crueger, Esq. and Benjamin Kaplan, Esq. of Crueger Dickinson LLC, and the law firms Milberg Coleman Bryson Phillips Grossman PLLC and Hudock Law Group S.C., as Class Counsel to represent you and the Class in this case. These lawyers have experience handling similar cases. More information about these lawyers and their law firms is available at <https://cruegerdickinson.com> and <https://milberg.com>.

10. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is representing you and all the other members of the Settlement Class. If you want someone other than Class Counsel to speak for you, you may hire your own lawyer at your own expense.

11. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of up to \$725,000 in attorneys' fees, to be paid from the Settlement Fund. The requested fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement. Class Counsel also will ask the Court to approve approximately \$148,000 in reasonable costs and expenses spent prosecuting the case and a payment of \$2,500 to Paul Fiskratti for his services as Class Representative, to be paid from the Settlement Fund. The Court may award less than these amounts.

HOW TO APPLY FOR COMPENSATION

12. How can I get compensation under the Settlement?

To qualify for compensation under the Settlement, you must submit a Claim Form. A Claim Form is available on the internet at www.HZClassAction.com. Read the instructions carefully, fill out the form, sign it, and submit it online no later than **October 7, 2022**. You may also submit a Claim Form by mail if postmarked by no later than **October 7, 2022**.

To receive a Settlement Award, each Settlement Class Member must attest under penalty of perjury that they purchased a TCL Television during the Class Period, and the information supplied in the Claim Form is true and correct to the best of the Settlement Class Member's knowledge. For a Claim to be valid, each Settlement Class Member must enter the following information into the Claim Form: (1) Television model number(s), (2) approximate date(s) of purchase, and (3) the place(s) of purchase (selling retailer name and state of purchase). For online purchases, the place of purchase is your state of residence at the time of the purchase.

Additionally, for a Claim to be valid, each Settlement Class Member must provide "proof of purchase" concurrently with the Claim Form by submitting one (1) of the following:

- A copy of the receipt(s) of the Television purchase (must identify Television model number, date of purchase, and selling retailer, and if an online purchase, your state of residence); or
- The serial number of the Television(s); or
- A statement under penalty of perjury that the Settlement Class Member sold, donated, or gave away the Television(s) prior to January 1, 2018; or
- A statement under penalty of perjury that the Settlement Class Member recycled the Television(s) under California law, including the name and location of the collector/recycler where the Television was dropped off, the approximate date of drop off, and acknowledgement of the following: "California law prohibits the disposal of electronic devices in garbage and in landfills. The California Electronic Waste Recycling Act of 2003 requires that televisions be dropped off by their owners at accredited collectors or recyclers. I understand that my Claim may be verified against available accredited collector/recycler information, including Covered Electronic Waste (CEW) Collection Logs submitted by each collector/recycler to the State of California Department of Resources Recycling and Recovery."

The "Television(s)" included in the Settlement are comprised of the following TCL model numbers: 32S327, 40D100, 40S303, 40S305, 40S325, 43S303, 43S305, 43S325, 43S403, 43S405, 43S421, 43S423, 43S425, 43S431, 43S433, 43S434, 43S435, 43S513, 43S515, 43S517, 43S525, 49D100, 49S303, 49S305, 49S325, 49S403, 49S405, 49S425, 49S515, 49S517, 50S421, 50S423, 50S425, 50S431, 50S433, 50S434, 50S435, 50S525, 55C803, 55C807, 55P605, 55P607, 55R613, 55R615, 55R617, 55S401, 55S403, 55S405, 55S421, 55S423, 55S425, 55S431, 55S433, 55S434, 55S435, 55S515, 55S517, 55S525, 65C807, 65R613, 65R615, 65R617, 65S4, 65S401, 65S403, 65S405, 65S421, 65S423, 65S425, 65S431, 65S433, 65S434, 65S435, 65S517, 65S525, 75C803, 75C807, 75R615, 75R617, 75S423, 75S425, 75S431, 75S433, 75S434, and 75S435 only.

13. When would I receive compensation?

The Court will hold a hearing on **January 19, 2023, at 1:30 p.m.** to decide whether to approve the Settlement. If the Court approves the Settlement, after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who sends in a Claim Form will be informed of the progress of the Settlement through information posted at www.HZClassAction.com. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. How do I get out of the Settlement?

If you do not want a Settlement Award under this Settlement, and you want to keep the right to sue or continue to sue TCL regarding its “Hz” rating marketing that is the subject of the Action, then you must take steps to get out of the Settlement Class. This is called excluding yourself from, or opting out of, the Settlement Class.

To exclude yourself from the Settlement, you must send a letter by mail to the Class Action Settlement Administrator that (a) states your name, address, and phone number; (b) is personally signed by you, and not your attorney or anyone acting on your behalf; and (c) includes the statement “I/we request to be excluded from the class settlement in *Christopher Julian, et al. v. TTE Technology, Inc.*, Case No. 3:20-CV-02857-EMC (N.D. Cal.)” No request for exclusion will be valid unless all of the information described above is included.

You must mail your exclusion request postmarked no later than **October 7, 2022**, to the Class Action Settlement Administrator at the following address:

TCL Consumer Settlement Administrator
ATTN: Exclusions
A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

15. If I do not exclude myself, can I sue Defendant for the same thing later?

No. If you do not exclude yourself, you give up any right to sue (or continue to sue) TCL for the claims that this Settlement resolves.

16. If I exclude myself, can I get compensation under this Settlement?

No. If you ask to be excluded, you will not get any compensation under the Settlement, and you cannot object to the Settlement.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court that I do not agree with 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 Awards will be sent out and the lawsuit will continue. If that is what you want to happen, you must object. A Settlement Class Member who objects still remains in the Settlement Class and must timely submit a Claim Form in order to obtain a monetary award.

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.

All written objections and supporting papers must (a) clearly identify the case name and number (*Christopher Julian, et al. v. TTE Technology, Inc.*, Case No. 3:20-CV-02857-EMC (N.D. Cal.)), (b) be submitted to the Court either by mailing them to the Class Action Clerk, United States District Court for the Northern District of California, San Francisco Courthouse, 450 Golden Gate Avenue, Courtroom 5 - 17th Floor, San Francisco, CA 94102, or by filing them in person at any location of the United States District Court for the Northern District of California, and (c) be filed or postmarked on or before **October 7, 2022**.

Written objections must also contain: (1) your full name, address, and telephone number; (2) a written statement of all grounds for the objection accompanied by any legal support for the objection (if any); (3) copies of any papers, briefs, or other documents upon which the objection is based (if any); (4) a list of all persons who will be called to testify in support of the objection (if any); (5) a statement of whether you intend to appear at the Final Approval Hearing; (6) proof of membership in the Class (if any); (7) a list of all objections filed by you and your counsel to class action settlements in the last three years (if any); and (8) your signature and your attorney's signature (if any).

18. What is the difference between objections and excluding myself from the Settlement?

Objecting means telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself from the Settlement means that you do not want to be part of the Settlement Class. If you exclude yourself, then you have no basis to object to the Settlement.

A Settlement Class Member who objects still remains in the Settlement Class and must timely submit a Claim Form in order to obtain a monetary award.

IF YOU DO NOTHING

19. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class and you will give up your rights to sue TCL; however, you will not receive any compensation because you must submit a valid Claim Form in order to receive compensation under this Settlement.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at 1:30 p.m. on January 19, 2023, at the United States District Court for the Northern District of California, San Francisco Courthouse, 450 Golden Gate Avenue, Courtroom 5 - 17th Floor, San Francisco, CA 94102. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are valid objections that comply with the requirements herein, the Court also will consider them and will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel and the Class Representatives.

The date of the Final Approval Hearing may change without further notice to the Settlement Class. Settlement Class Members should check the Settlement Website or the Court's PACER site to confirm that the date has not been changed and whether the hearing may proceed virtually due to COVID-19.

21. Do I have to come to the hearing?

No. Class Counsel will appear on behalf of the Settlement Class. But, you are welcome to come, or have your own lawyer appear, at your own expense.

22. May I speak at the hearing?

You, or any lawyer you retain, may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your objection to the Settlement a statement saying that it is your intent to appear at the Final Approval Hearing. Your Objection and notice of intent to appear must be submitted to the Court and postmarked no later than **October 7, 2022**. You cannot speak at the hearing if you excluded yourself from the Settlement.

GETTING MORE INFORMATION

23. Is this the entire Settlement?

No. This Notice is only a summary of the proposed Settlement. More information about the lawsuit and the precise terms and conditions of the Settlement is available at www.HZClassAction.com, or by calling toll-free 877-888-8386, or by writing to TCL Class Action Settlement Administrator c/o A.B. Data, Ltd., P.O. Box 173007, Milwaukee, WI 53217, or by accessing 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 by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, 450 Golden Gate Avenue, Courtroom 5 - 17th Floor, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays, or by contacting Class Counsel at the information listed immediately below.

<u>Crueger Dickinson LLC</u> Charles J. Crueger Benjamin Kaplan 4532 N. Oakland Ave. Whitefish Bay, Wisconsin 53211 (414) 210-3868 cjc@cruegerdickinson.com bak@cruegerdickinson.com	<u>Milberg Coleman Bryson Phillips Grossman PLLC</u> Alex Straus Los Angeles (919) 600-5000 astraus@milberg.com	<u>Hudock Law Group S.C.</u> Luke Hudock P.O. Box 83 Muskego, Wisconsin 53150 (414) 526-4906 lphudock@law-hlg.com
---	--	--

Please do not telephone the Court or the Court Clerk's Office to inquire about this Settlement or the Claims Process.