

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
DUPAGE COUNTY, ILLINOIS**

**If you purchased a OnePlus 9 or OnePlus 9 Pro smartphone
between March 23, 2021 and January 23, 2022, You May
Be Entitled to a Payment from a Class Action Settlement.**

A court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

- Plaintiffs filed a class action complaint alleging that OnePlus USA Corp. (the “Defendant”) violated Computer Fraud and Abuse Act (“CFAA”), 18 U.S.C. § 1030(a)(5) *et seq.*, and made certain false or misleading statements about the capabilities of its OnePlus 9 and OnePlus 9 Pro smartphones.
- A Settlement has been reached in this case and affects the following persons:
All individuals who purchased a OnePlus 9 or OnePlus 9 Pro smartphone in the United States between March 23, 2021 and January 23, 2022.
- The Settlement, if approved, would provide Settlement Payments to Settlement Class Members, the Service Award to the Class Representatives, and attorneys’ fees and costs.
- Your legal rights are affected whether you act or don’t act. Read this Notice carefully.
- The Class Action Settlement Agreement & Release memorializing the Settlement and other case-related documents are available at the Settlement Website, www.oneplus9smartphonesettlement.com. All capitalized terms in this Notice have the same definitions as those in the Class Action Settlement Agreement and Release.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

SUBMIT A CLAIM FORM	If you are a member of the Settlement Class, you must submit a completed Claim Form to receive a payment. If the Court approves the Settlement and it becomes final and effective, and you remain in the Settlement Class, you will receive a payment. Deadline: November 8, 2023
EXCLUDE YOURSELF	You may request to be excluded from the Settlement and, if you do, you will receive no benefits from the Settlement. Deadline: November 8, 2023
OBJECT	Write to the Court if you do not like the Settlement. Deadline: November 8, 2023
GO TO A HEARING	Ask to speak in Court about the fairness of the Settlement.
DO NOTHING	You will not receive a payment if you fail to submit timely a completed Claim Form, and you will give up your right to bring your own lawsuit against Defendant about the Claims in this case.

- 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. If it does, and after any appeals are resolved, benefits will be distributed to those who submit qualifying Claim Forms. Please be patient.

Questions? Call 1-866-573-3948 or visit www.oneplus9smartphonesettlement.com

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BASIC INFORMATION

1. Why is there a Notice?

A court authorized this Notice because you have a right to know about a proposed Settlement of the class action lawsuit known as *Wade v. OnePlus USA Corp.*, Case No. 2023LA000573 and about all of your options before the Court decides whether to give Final Approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The Circuit Court of DuPage County, Illinois is overseeing this case. The persons who sued, Eric Wade, Kristopher Pacheco, Paul Lukis, Quinn Haine and Marlon Siguenza, are called the “Plaintiffs” or “Class Representatives.” OnePlus USA Corp. is the “Defendant.”

2. What is this Litigation about?

The lawsuit alleges the Defendant violated the Computer Fraud and Abuse Act, 18 U.S.C. § 1030(a)(5) *et seq.*, California’s Computer Data Access and Fraud Act, Cal. Penal Code § 502 *et seq.*, California’s Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, *et seq.*, California’s False Advertising Law, Cal. Bus. & Prof. Code § 17500, *et seq.*, and made certain false or misleading statements about the capabilities of its OnePlus 9 and OnePlus 9 Pro smartphones.

Defendant denies all wrongdoing or liability of any kind whatsoever asserted by Plaintiffs or Settlement Class Members in the Litigation. Specifically, Defendant denies that it made any false or misleading statements regarding the performance of the devices or that it violated the CFAA. Despite Defendant’s belief that it is not liable for the allegations in the Litigation, and despite Defendant’s viable defenses to those allegations, Defendant desires to settle the Litigation, and thus avoid the expense and burden of continued litigation of any action or proceeding relating to the matters being fully settled and finally put to rest in this Settlement Agreement. The Settlement resolves the lawsuit. The Court has not decided who is right.

3. Why is this a class action?

In a class action, the persons called the “Class Representatives” (in this case, Plaintiffs) sue on behalf of themselves and other people with similar claims.

All the people who have claims similar to the Plaintiffs are Settlement Class Members, except for those who exclude themselves from the Settlement Class.

4. Why is there a settlement?

The Court has not found in favor of either Plaintiffs or the Defendant. Instead, both sides have agreed to a settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Members who submit timely and valid Claim Forms will receive a Settlement Payment, as described in this Notice. Defendant denies all legal claims in this case. Plaintiffs and their lawyers think the proposed Settlement is best for everyone who is affected.

WHO IS PART OF THE SETTLEMENT?

5. Who is included in the Settlement?

The Settlement Class includes the following persons:

All individuals who purchased a OnePlus 9 or OnePlus 9 Pro in the United States between March 23, 2021 and January 23, 2022 (the “Class Period”).

Excluded from the Settlement Class are: (1) officers and directors of OnePlus and its parents, subsidiaries, affiliates and any entity in which OnePlus has a controlling interest; (2) all judges assigned to hear any aspect of the Action, as well as their staff and immediate family; (3) Settlement Class Counsel, their staff members and their immediate family; and (4) any persons or entities who or which exclude themselves by individually submitting a timely and valid request for exclusion according to the opt-out requirements in the Class Notice and that is accepted by the Court.

6. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class or have any other questions about the Settlement, visit the Settlement Website at www.oneplus9smartphonesettlement.com or call the toll-free number, 1-866-573-3948. You also may send questions to the Settlement Administrator at *Wade v. OnePlus* Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134.

THE SETTLEMENT BENEFITS

7. What does the Settlement provide?

The Settlement provides for the payment of Settlement Payments to all Settlement Class Members, a Service Award to the Class Representatives, and attorneys’ fees and costs.

Each Settlement Class Member who timely files with the Settlement Administrator a valid Claim Form will receive payment in accordance with the following guidelines:

- Class Members who purchased a OnePlus 9 or OnePlus 9 Pro smartphone between March 23, 2021, and July 6, 2021, will receive a monetary payment of \$15.50 and a voucher in the amount of \$20.50 usable toward the purchase of any OnePlus cellular phone sold on www.oneplus.com.
- Class Members who purchased a OnePlus 9 or OnePlus 9 Pro smartphone between July 7, 2021, and January 23, 2022, will receive a monetary payment of \$12.00 and a voucher in the amount of \$15.00 usable toward the purchase of any OnePlus cellular phone sold on www.oneplus.com.

8. How do I file a Claim?

If you are a Settlement Class Member, you must complete and submit a valid Claim Form in order to receive a payment. You may download a Claim Form at the Settlement Website, www.oneplus9smartphonesettlement.com or request a Claim Form by calling the Settlement Administrator toll-free at 1-866-573-3948 or file a claim on the Settlement Website. To be valid, a Claim Form must be completed fully and accurately signed under penalty of perjury and timely submitted.

You may submit a Claim Form by U.S. mail or file a Claim Form on the Settlement Website. If you send in a Claim Form by U.S. mail, it must be postmarked no later than **November 8, 2023**. If you file a Claim Form on the Settlement Website, then you must do so by **November 8, 2023**.

Questions? Call 1-866-573-3948 or visit www.oneplus9smartphonesettlement.com

No matter which method you choose to file your Claim Form, please read the Claim Form carefully and provide all the information required. Only one Claim Form may be submitted per Settlement Class Member.

9. When will I receive my payment?

Payments to Settlement Class Members will be made only after the Court grants Final Approval to the Settlement and after any appeals are resolved (*see* “Final Approval Hearing” below). If there are appeals, resolving them can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and you want to keep the right to sue or continue to sue the Defendant on your own about the legal issues in this case, then you must take steps to exclude yourself from the Settlement. This is sometimes referred to as “opting out” of the Settlement Class.

10. How do I get out of the Settlement?

In order to exercise the right to be excluded, a Member of the Settlement Class must timely send an individual, written letter requesting exclusion from Settlement of the Action to the Settlement Administrator that includes the following information: (a) the Settlement Class Member’s full name, telephone number and mailing address; (b) a clear and unequivocal statement that the Settlement Class Member wishes to be excluded from the Settlement Class; (c) the name of the Action; and (d) the Settlement Class Member’s signature or the like signature or affirmation of an individual authorized to act on the Settlement Class Member’s behalf.

A request to be excluded that is not sent individually to the Settlement Administrator, or that is not postmarked within the time specified, shall be invalid and the person serving such a request shall be considered a Member of the Settlement Class and shall be bound as Settlement Class Members by the Settlement Agreement, if approved.

The request to be excluded must be sent to:

Wade v. OnePlus Settlement Administrator
P.O. Box 301134
Los Angeles, CA 90030-1134

Your letter requesting to be excluded from the Settlement must be personally signed by you under penalty of perjury and contain a statement that clearly indicates your desire to be excluded from the Settlement Class.

Your exclusion request must be postmarked no later than **November 8, 2023**. You cannot ask to be excluded on the phone, by email, or at the Settlement Website.

You may opt out of the Settlement Class only for yourself.

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

No. Unless you exclude yourself, you give up the right to sue the Defendant for the claims that the Settlement resolves. You must exclude yourself from this Settlement Class in order to pursue your own lawsuit.

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

If the Settlement becomes final, unless you opt out of the Settlement, you are releasing any and all claims (including but not limited to any and all Claims in the Action) that you ever had, now have or may have in the future, against Defendant and any and all of its past, present, and future direct and indirect predecessors, successors (including, without limitation, acquirers of all or substantially all of its assets, stock or other ownership interests), assigns, parents (including, but not limited to, OnePlus Technology (Shenzhen) Co., Ltd.), subsidiaries,

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divisions, affiliates, or other related business entities, and their past, present and future assigns, joint ventures, joint venturers, distributors, retailers, principals, trustees, partners, officers, directors, management, owners, employees, agents, attorneys, shareholders, advisors, and any representatives, heirs, executors, and administrators of any of the above related to or arising from the Action, the allegations therein, or the settlement thereof. This release includes a release of unknown claims under California Civil Code Section 1542 or any similar statute. This means you cannot sue or be part of any other lawsuit against the Defendant about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you.

The Class Action Settlement Agreement & Release, which can be found on the Settlement Website, provides more detail regarding the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firm representing the Settlement Class listed in Question 14 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Claims or what they mean.

13. If I exclude myself, can I still get a payment?

No. You will not get a payment from the Settlement Fund if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in the case?

The Court has appointed the following lawyers as “Class Counsel” to represent all Members of the Settlement Class:

Milberg Coleman Bryson Phillips Grossman PLLC
227 W. Monroe Street, Suite 2100
Chicago, IL 60606

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

15. How will the lawyers be paid?

Class Counsel intends to request an amount not to exceed one million one hundred thousand dollars (\$1,100,000.00) in attorneys’ fees and costs. The Court will decide the amount of fees and expenses to award.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court I do not like the Settlement?

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement. To object, you must by no later than **November 8, 2023**, file your objection with the Clerk of the Court and send copies by mail to the Settlement Administrator, Class Counsel, and Defendant’s counsel and the following addresses:

Court	Defendant's Counsel
18th Judicial Circuit Court 505 N. County Farm Road, Room 2016 Wheaton, IL 60187	Morgan, Lewis & Bockius, LLP ATTN: Molly Moriarty Lane One Market Spear Street Tower San Francisco, CA 94105
Class Counsel	Settlement Administrator
Milberg Coleman Bryson Phillips Grossman PLLC 227 W. Monroe Street, Suite 2100 Chicago, IL 60606	<i>Wade v. OnePlus</i> Settlement Administrator P.O. Box 301134 Los Angeles, CA 90030-1134

Any Settlement Class Member who intends to object to this Settlement must: (a) include the case name and case number; (b) include the full name, mailing address, and telephone number of the Settlement Class Member objecting to the Settlement (the “Objector”); (c) include the Objector’s signature, or the like signature or affirmation of an individual authorized to act on the Objector’s behalf; (d) state with specificity the grounds for the objection; (e) state whether the objection applies only to the Objector, to a specific subset of the class, or to the entire class; (f) include the name, address, bar number, and telephone number of counsel for the Objector, if represented by an attorney in connection with the objection; and (g) state whether the Objector intends to appear at the Final Approval Hearing, either in person or through counsel. If the Objector or his or her attorney intends to present evidence at the Final Approval Hearing, the objection must contain a detailed description of all evidence the Objector will offer at the Final Approval Hearing, including copies of any and all exhibits that the Objector may introduce at the Final Approval Hearing. To the extent any Settlement Class Member objects to the proposed Settlement, and such objection is overruled in whole or in part, such Settlement Class Member will be forever bound by the Final Approval Order and accompanying Judgment.

17. What is the difference between objecting and asking to be excluded?

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. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses (“Final Approval Hearing”).

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

The Court has scheduled a Final Approval Hearing on **January 4, 2024 at 10:00 a.m.** at the 18th Judicial Circuit Court, 505 N. County Farm Rd., Room 2016, Wheaton, IL 60187. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.oneplus9smartphonesettlement.com for updates. At the Final Approval Hearing, the Parties will request that the Court consider whether the Settlement Class should be certified as a class pursuant to 735 ILCS 5/2 for settlement. In making that decision, the Court will (i) consider any properly-filed objections; (ii) determine whether the Settlement is fair, reasonable and adequate, was entered into in good faith and without collusion, should be approved, and shall provide findings in connections therewith. If the Court decides to approve the Settlement, it will enter the Final Approval Order, including final approval of the Settlement Agreement, and will make a decision about the fees and costs that Class Counsel has requested they be paid. It is unknown how long these decisions will take.

19. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time and it complies with all the other requirements set forth above, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it is not necessary.

20. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing (*see* Question 16 above). You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you are a Settlement Class Member and do nothing, meaning you do not file a timely Claim, you will not get benefits from the Settlement. Further, unless you exclude yourself, you will be bound by the judgment entered by the Court.

GETTING MORE INFORMATION

22. How do I get more information?

This Notice summarizes the proposed Settlement. More details are available in the Class Action Settlement Agreement & Release, which you can view at www.oneplus9smartphonesettlement.com.

You can also contact the Settlement Administrator by mail, email or phone.

MAIL

Wade v. OnePlus Settlement Administrator
P.O. Box 301134
Los Angeles, CA 90030-1134

EMAIL

info@oneplus9smartphonesettlement.com

PHONE

1-866-573-3948