

**If You Bought an Airline Ticket between the U.S.  
and Asia, Australia, New Zealand, or the Pacific Islands,  
You Could Receive Money from Class Action Settlements.**

*A Federal Court authorized this notice. This is not a solicitation.*

- Lawsuits involving the price of transpacific airline tickets have been settled with Air New Zealand Limited (“ANZ”), China Airlines, Ltd. (“China Airlines”), EVA Airways Corporation (“EVA”), and Philippine Airlines, Inc. (“PAL”) (collectively, “Settling Defendants”). The lawsuits were brought on behalf of consumers who bought a ticket for air travel that included at least one flight segment originating in the U.S. to Asia or Oceania at any time between January 1, 2000 and December 1, 2016.
- This is the second Notice in this case. Separate settlements were previously reached with eight Defendants. Settlements totaling \$49,900,000 (plus an additional \$750,000 to help pay a portion of the cost of notice and administration) have now been reached with four more Settling Defendants. The lawsuit is continuing against the remaining defendant (the “Non-Settling Defendant”). This Notice provides details of the proposed Settlements with the Settling Defendants and your rights in these lawsuits.
- The Settling Defendants have also agreed to certain cooperation in the litigation against the Non-Settling Defendant.
- For additional information, important documents, and case updates, visit the website [AirlineSettlement.com](http://AirlineSettlement.com).

YOUR LEGAL RIGHTS AND OPTIONS IN THESE SETTLEMENTS	
<b>SUBMIT A CLAIM</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	You will not receive a payment from the Settlements, but you will keep any rights you currently have to separately sue Defendants for the conduct that is the subject of these lawsuits.
<b>OBJECT TO THE SETTLEMENTS</b>	Write to the Court explaining why you have an objection to the Settlements.
<b>GO TO THE HEARING</b>	Ask to speak in Court about the Settlements.
<b>DO NOTHING</b>	You will not receive a cash recovery from the Settlements and you will give up any rights you currently have to separately sue Defendants for the conduct that is the subject of the lawsuits.

These rights and options – **and the deadlines to exercise them** – are explained in this Notice.

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## BASIC INFORMATION

### 1. What is this Notice about?

This Notice is to inform you about settlements with multiple Defendants (the “Settlements”) that may affect your rights, before the Court decides whether to approve the Settlements.

The United States District Court for the Northern District of California presides over this case. The case is called *In re Transpacific Passenger Air Transportation Antitrust Litigation*, MDL No. 1913. The people that sued are called Plaintiffs, and the companies they sued are called the Defendants (*see* Question 6).

### 2. What are the lawsuits about?

The lawsuits claim that thirteen Defendants and their alleged co-conspirators agreed to fix the prices of airline tickets for travel between the United States and Asia/Oceania. As a result, ticket purchasers may have paid more than was necessary. The Defendant airlines deny they did anything wrong, and the Defendants who have agreed to settle the case have done so with no admission of liability. One of the Defendants—All Nippon Airways Company, Limited—has pled guilty to fixing the prices of certain discounted tickets for transpacific air transportation sold in the United States from at least as early as April 1, 2000 until at least April 1, 2004.

Settlements were previously reached in 2015 with eight Defendants. Settlements have now been reached with four more Defendants. This group of Defendants is called “Settling Defendants” and includes the following airlines: Air New Zealand Limited (“ANZ”), China Airlines, Ltd. (“China Airlines”), EVA Airways Corporation (“EVA”), and Philippine Airlines, Inc. (“PAL”). The lawsuit is ongoing against the remaining Defendant airline, All Nippon Airways Company, Limited.

For a full list of Defendants, *see* Question 6 below. This list is also available on the Settlement Website, [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

### 3. What is a class action?

In a class action, one or more people called class representatives sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the class. In this case, there are several classes described in the settlement agreements.

## WHO IS INCLUDED

### 4. How do I know if I am included in the classes?

The specific details on class membership are provided below for each Settlement Class:

#### **ANZ Settlement Class:**

All persons and entities that purchased passenger air transportation originating in the United States that included at least one flight segment to Asia or Oceania, from Defendants or their alleged co-conspirators, or any predecessor, subsidiary, or affiliate thereof, at any time between January 1, 2000 and December 1, 2016.

#### **EVA/China Airlines Settlement Class:**

All persons and entities that purchased passenger air transportation originating in the United States that included at least one flight segment to Asia or Oceania, from Defendants, or any predecessor, subsidiary, or affiliate thereof, at any time between January 1, 2000 and December 1, 2016.

#### **PAL Settlement Class:**

All persons and entities that purchased passenger air transportation originating in the United States that included at least one flight segment to Asia or Oceania, from Defendants or their co-conspirators, or any predecessor, subsidiary, or affiliate thereof, at any time between January 1, 2000 and December 1, 2016.

## **5. Who is not included in the classes?**

The classes do not include:

- Governmental entities;
- Defendants and any officers, directors, employees and immediate families; and
- Former defendants in the lawsuits and any parent, subsidiary, or affiliate.

## **6. Who are the Defendants and Alleged Co-Conspirators?**

The Settling Defendants are:

- Air New Zealand Limited;
- China Airlines, Ltd. (Taiwan);<sup>1</sup>
- EVA Airways Corporation; and
- Philippine Airlines, Inc.

The alleged Defendants and Co-Conspirators are:

- American Airlines, Inc.;
- Asiana Airlines, Inc.;
- British Airways, Plc.;
- Continental Airlines, Inc.;
- Delta Airlines, Inc.;
- Deutsche Lufthansa AG;
- The International Air Transport Association;
- Korean Airlines, Ltd.;
- KLM Royal Dutch Airlines;
- Northwest Airlines Corporation;
- Scandinavian Airlines System;
- Swiss International AG;
- United Airlines, Inc.; and
- Virgin Atlantic Airways, Ltd.

The following airlines previously agreed to settlements and the Court has given final approval to these settlements:

- Cathay Pacific Airways Limited;
- Japan Airlines International Company, Ltd.;
- Malaysian Airline System Berhad;
- Qantas Airways Limited;
- Singapore Airlines Limited;
- Societe Air France;
- Thai Airways International Public Co., Ltd.; and
- Vietnam Airlines Company Limited.

The Non-Settling Defendant is:

- All Nippon Airways Company, Limited (Non-Settling Defendant)

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<sup>1</sup> Air China Limited, an airline based in the People's Republic of China, is neither a Defendant nor a Co-Conspirator.

## 7. Why are there Settlements but the lawsuit is continuing?

Settlements were previously reached with eight of the Defendant airlines. The Settling Defendants in these Settlements are ANZ, China Airlines, EVA, and PAL. The remaining Non-Settling Defendant has **not** agreed to settle so the lawsuit continues against it. The Non-Settling Defendant is All Nippon Airways Company, Limited.

Additional money may become available in the future as a result of a trial or future settlements. Alternatively, the litigation may be resolved in favor of the Non-Settling Defendant and no additional money may become available. There is no guarantee as to what will happen.

### THE SETTLEMENTS' BENEFITS

## 8. What do the Settlements provide?

The Court has already approved eight settlements totaling \$39,502,000. There are four new Settlements being presented to the Court for approval.

**Settlement Amounts:** Each Defendant airline's contribution to the settlement fund is:

Company	Contribution
ANZ	\$400,000
China Airlines	\$19,500,000
EVA	\$21,000,000
PAL	\$9,000,000
<b>Total</b>	<b>\$49,900,000<sup>2</sup></b>

Any interest earned will be added to the settlement fund. The Settling Defendants have also agreed to certain cooperation with the Class Counsel to prosecute the claims against the Non-Settling Defendant. It is possible that any money left after paying members of the classes will be donated to charities approved by the Court. More details are in the settlement agreements, available at [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

## 9. How much money will I receive?

At this time, it is unknown how much each eligible member of the classes will receive. In order to receive a payment, you will need to file a valid claim form. To save time and money, payments will be made at the conclusion of the case.

Pursuant to the proposed plan of allocation, eligible claims will receive a pro rata share of the applicable settlement funds for each class in which the claim(s) qualify. However, based on the claims that have already been filed, it is estimated that the average payment could be in the range of \$8.50 per eligible ticket claimed. This does not include amounts that will be paid on any future settlement or judgment involving ANA. The claims administrator received a large number of claims just before a claims deadline concerning an earlier round of settlements, and these claims have not yet been subjected to audit. As a result, the number of claimed tickets that are determined to be eligible may be reduced, and the corresponding amount of compensation to be allocated among the remaining eligible claims will increase. These Settlement Classes are not releasing claims for Asia/Oceania originating travel as part of the settlement agreements.

### HOW TO GET BENEFITS

## 10. How do I get benefits?

Provided that the Court finally approves the Settlements, you must complete and submit a Claim Form online or mail a paper Claim Form to benefit from the Settlements. If you filed a claim in the previous settlements and want to supplement your original Claim Form with an updated number of tickets you want to claim, you will need to complete and submit a new Claim Form. The deadline to submit a Claim Form is **December 31, 2018**. For additional information regarding completing a Claim Form, visit [www.AirlineSettlement.com](http://www.AirlineSettlement.com) or call 1-800-439-1781.

<sup>2</sup> ANZ, China Airlines, and EVA have agreed to provide an additional \$250,000 each to cover the costs associated with providing this notice and partially fund the cost of administering the Settlements.

### 11. When will I get benefits?

Disbursement of the Settlement Funds will be made at the end of the case.

### REMAIN IN THE CLASSES

### 12. What am I giving up if I stay in the classes?

Unless you exclude yourself, you will give up your right to sue the Settling Defendants for any claims described in the releases. You also will be bound by any decisions by the Court relating to the lawsuit and Settlements.

In return for paying the settlement amounts, the Settling Defendants will be released for certain claims relating to the facts underlying these lawsuits. The settlement agreements describe the releases, so read them carefully. If you have any questions, you can talk to Class Counsel listed in Question 18 for free or you can talk to your own lawyer if you have questions about what this means. The settlement agreements and the specific releases are available at [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

### EXCLUDE YOURSELF FROM THE CLASSES

### 13. How do I get out of the classes?

To exclude yourself from one or more of the classes, you must send a letter (a "Request for Exclusion") by mail. It must include:

- Your name, address, and telephone number;
- A statement that you want to be excluded from a Settlement class or several of the Settlement classes and an indication of which Settlement class(es) you are excluding yourself from (*e.g.*, "I/we hereby request that I/we be excluded from all of the proposed Settlement classes OR [indicate which Settlement class or classes you are seeking to exclude yourself from] in the *In re Transpacific Passenger Air Transportation Antitrust Litigation.*"); and
- Your signature.

Your Request for Exclusion must be postmarked no later than **August 30, 2018**, to:

Transpacific Air Settlement Exclusions  
P.O. Box 2209  
Faribault, MN 55021-1609

### 14. If I don't exclude myself, can I sue for the same thing later?

No. Unless you exclude yourself, you will remain in the classes and give up any right to separately sue the Settling Defendants for the claims released by the settlement agreements.

### 15. If I exclude myself, can I still get benefits?

No. If you exclude yourself, you may not make a claim, and you will not be eligible to receive money from the Settlements.

### OBJECT TO OR COMMENT ON THE SETTLEMENTS

### 16. How do I object to or comment on the Settlements?

If you have objections to any aspect of the Settlements, you may express your views to the Court by writing to the address below. It must include you:

- Name, address, and telephone number;
- The case name and number (*In re Transpacific Passenger Air Transportation Antitrust Litigation*, N.D. Cal. Case No. 3:07-cv-05634-CRB);
- Proof of membership in the Settlement classes;
- The name, address, and telephone number of any lawyer assisting you;
- Specific details surrounding your objection; and
- Your signature.

CALL TOLL FREE 1-800-439-1781 OR VISIT [WWW.AIRLINESETTLEMENT.COM](http://WWW.AIRLINESETTLEMENT.COM)

You can ask the Court to deny approval of the Settlements by filing an objection. You can't ask the Court to order a larger settlement; the Court can only approve or deny the Settlements. 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 comment or objection must be postmarked no later than **August 30, 2018** and mailed to these two addresses:

<b>COURT</b>	<b>CLASS COUNSEL</b>
Clerk's Office United States District Court for the District of Northern California 450 Golden Gate Avenue San Francisco, CA 94102	Transpacific Air Settlement Objections P.O. Box 2209 Faribault, MN 55021-1609

**17. What is the difference between excluding myself from the classes and objecting to the Settlements?**

If you exclude yourself from the classes, you are telling the Court that you don't want to participate in the Settlements. Therefore, you will not be eligible to receive any benefits from the Settlements, and you will not be able to object to the Settlements. Objecting to the Settlements simply means telling the Court that you don't like something about the Settlements. Objecting does not disqualify you from making a claim nor does it make you ineligible to receive a payment.

**THE LAWYERS REPRESENTING YOU**

**18. Do I have a lawyer representing me?**

The Court has appointed the following law firms as Class Counsel to represent you and all other members of the classes:

Cotchett, Pitre & McCarthy LLP San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010	Hausfeld, LLP 44 Montgomery Street Suite 3400 San Francisco, CA 94104
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If you have any questions about the Settlements, you can talk to Class Counsel or you can retain your own lawyer at your own expense.

**19. How will the lawyers be paid?**

You do not need to separately pay Class Counsel. Class Counsel have not requested attorneys' fees or reimbursement of costs at this time. Class Counsel will request a fee award in connection with the final approval of the Settlements. With respect to the settlement agreements described in this Notice, Class Counsel's fee request will not exceed one-third of the settlement amounts. Class Counsel has also asked the Court to approve an incentive award for an additional class representative in an amount not to exceed \$7,500 for the time and effort she has spent prosecuting the litigation. Class Counsel will submit their motion for fees and costs at least 35 days prior to the final approval hearing.

**THE FAIRNESS HEARING**

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

The Court will hold a Fairness Hearing on **September 14, 2018 at 10:00 a.m.**, at the United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102, Courtroom 6, 17th Floor. The hearing may be moved to a different date or time without additional notice, so check [www.AirlineSettlement.com](http://www.AirlineSettlement.com) for current information. At the Fairness Hearing, the Court will consider whether these Settlements are fair, reasonable, and adequate. If there are objections or comments, the Court will consider them at that time. After the hearing, the Court will decide whether to grant final approval to each of the Settlements. We do not know how long these decisions will take.

**21. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also retain a lawyer to appear on your behalf at your own expense.

**22. May I speak at the hearing?**

If you send an objection or comment on the Settlements as described in Question 16, you will have the right to speak at the Fairness hearing. You cannot speak at the hearing if you exclude yourself from the classes.

**GET MORE INFORMATION****23. Where can I get more information?**

This Notice summarizes the Settlements. You can get more information about the Settlements at [www.AirlineSettlement.com](http://www.AirlineSettlement.com), by calling 1-800-439-1781, or by writing to Transpacific Air Settlement, P.O. Box 2209, Faribault, MN 55021-1609.

You can also get copies of the official Court file by accessing the Court 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, 450 Golden Gate Avenue, San Francisco, CA 94102, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THESE SETTLEMENTS OR THE CLAIM PROCESS.**