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9 *Interim Co-Lead Counsel for Plaintiffs*

10  
 11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **IN RE TRANSPACIFIC PASSENGER**  
 14 **AIR TRANSPORTATION ANTITRUST**  
 15 **LITIGATION**

Civil Case No. 3:07-cv-05634-CRB

MDL No. 1913

16 **This Document Relates to:**  
 17 **ALL ACTIONS**

**DECLARATION OF JOEL BOTZET RE**  
**CLAIMS ADMINISTRATION AND**  
**REQUESTS FOR EXCLUSIONS**

Hearing Date: October 18, 2019  
 Judge: Hon. Charles R. Breyer  
 Time: 10:00 a.m.  
 Courtroom: 6, 17th Floor

1 JOEL BOTZET, declares and states that:

2 1. I am a Program Manager for Rust Consulting, Inc. (“Rust Consulting”), the  
3 Court-appointed Claims Administrator for the class action Settlement in this case. My business  
4 address is 625 Marquette Avenue, Suite 900, Minneapolis, Minnesota 55402-2469. My business  
5 telephone number is (612) 359-2035. I am over twenty-one (21) years of age and am authorized  
6 to make this declaration on behalf of Rust Consulting and myself. I make this Declaration  
7 pursuant to 28 U.S.C. § 1746.

8 2. Rust Consulting has extensive experience in class action matters, having provided  
9 settlement administration services in class action lawsuits affecting millions of class members in  
10 cases involving employment, consumers, banking and financial services, property, insurance,  
11 securities and products liability, among its more than 6,500 projects.

12 3. Except as otherwise stated, I am fully familiar with and have personal knowledge  
13 of the matters stated in this declaration and am competent to testify about them if called upon to  
14 do so.

15 4. I submit this Declaration to provide the Court and the parties to the above-  
16 captioned action with information regarding the Claims Administration and Requests for  
17 Exclusions.

18 **Settlement Website**

19 5. Rust Consulting created and continues to maintain the Settlement Website. The  
20 following internet address was reserved: [www.AirlineSettlement.com](http://www.AirlineSettlement.com). The internet address  
21 appeared in the Short Form and Long Form Notices for the Settlement with All Nippon Airways  
22 Company, Limited (“ANA”). The Settlement Website became operational on February 10, 2015,  
23 and has been operational at all times since February 10, 2015. The website was updated on or  
24 before July 8, 2019, to provide additional information and is able to accept claims for the \$58  
25 million Settlement with ANA. The Settlement Website contains a copy of the Short Form Notice,  
26 the Long Form Notice, Claim Form and the following Court documents for the Settlement with  
27 ANA: Plaintiff’s Notice of Motion and Motion for Award of Attorney’s Fees and  
28

1 Reimbursement; Plaintiff's Notice of Motion and Motion for Preliminary Approval of Settlement  
2 with Defendant All Nippon Airways Co., Ltd and for Approval of Notice Program; Order  
3 Granting Preliminary Approval of Settlement with Defendant All Nippon Airways Co., Ltd. and  
4 Notice Program, Notice Forms, and Plan of Allocation; and Settlement Agreement between  
5 Plaintiffs and All Nippon Airways Co., Ltd. The Settlement Website also contains copies of  
6 Court Documents for the two earlier settlement rounds reached with Air New Zealand Limited,  
7 China Airlines, LTD.; EVA Airways Corporation; Philippine Airlines, Inc.; Cathay Pacific  
8 Airways, LTD.; Japan Airlines Company, LTD.; Malaysian Airline System Berhad; Qantas  
9 Airways Limited; Singapore Airlines Limited; Societe Air France; Thai Airways International  
10 Public Co., LTD; and Vietnam Airlines Company Limited.

11 6. The Settlement Website is currently available in three languages (English,  
12 Japanese, and Traditional Chinese)<sup>1</sup> and provides the toll-free number, mailing address for the  
13 Claims Administrator, contact information for Class Counsel and Commonly Asked Questions  
14 and Answers. A printer-friendly version of the Long Form Notice, as well as a Claim Form, is  
15 available for download. Through October 2, 2019, there have been approximately 1,146,217  
16 unique visitors to the Settlement Website.

#### 17 Telephone Support

18 7. A toll-free telephone support line providing 24-hour service via an Interactive  
19 Voice Response system was established for receiving questions and requests for the notice  
20 package. The toll-free number is 1-800-439-1781, and it currently provides recorded information  
21 in three languages (English, Japanese, and Traditional Chinese).<sup>2</sup>

22 8. The telephone support line became operational on February 5, 2015, and has been  
23 in operation at all times since February 5, 2015. The toll-free number was updated on or before  
24 July 8, 2019, to provide additional information for the \$58 million Settlement with ANA and

25 \_\_\_\_\_  
26 <sup>1</sup> On or before July 8, 2019, the Settlement Website was modified to provide information in three  
languages instead of the original 10 languages based on visitor traffic.

27 <sup>2</sup> Similarly, on or before July 8, 2019, the U.S. toll-free number was modified to provide  
information in three languages instead of the original 10 languages.  
28

1 appeared in the Short Form Notice, the Long Form Notice and the Settlement Website. Through  
2 October 2, 2019, there have been approximately 10,641 calls to the telephone support line.

3 **Mailing of ANA Settlement Notice Package**

4 9. Rust Consulting received the approved text for the notice material from counsel  
5 and prepared drafts of the materials for sending to potential Class Members in connection with  
6 the ANA Settlement. Rust Consulting received approval from the Parties for all mailed notice  
7 material that consist of the Email Notice, Postcard Notice, summary notice to travel agents,  
8 Claim Form and the Long Form Notice.

9 10. Prior to mailing, all physical mailing addresses were sent to the National Change  
10 of Address database (“NCOA”) for processing and any updated addresses were used for the  
11 mailing.

12 11. On July 8, 2019, Rust caused Email Notice to be sent to 47,328 potential Class  
13 Members who either submitted a claim in a previous settlement or who registered during the  
14 certification program for the litigation with ANA via email. A true and correct copy of this  
15 notice is attached hereto as Exhibit A.

16 12. On July 8, 2019, Rust caused Postcard Notice to be sent to 7,834 potential Class  
17 Members who either submitted a claim in a previous settlement and no email contact information  
18 was available via the United States Postal Service (“USPS”). A true and correct copy of this  
19 notice is attached hereto as Exhibit B.

20 13. On July 8, 2019, Rust caused a cover letter and summary notice to be mailed to  
21 361 *Satogaeri* travel agents in the United States via the United States Postal Service (“USPS”). A  
22 true and correct copy of this notice is attached hereto as Exhibit C.

23 14. The notice package consisting of the Claim Form and the Long Form Notice has  
24 been and will continue to be mailed on a rolling basis in response to requests from Settlement  
25 Class Members via telephone and mailed correspondence. Through October 2, 2019, 87 requests  
26 for the notice package have been received, and Rust has mailed out the requested notice  
27 packages. A true and correct copy of the Notice Package is attached hereto as Exhibit D.



# EXHIBIT A

To:  
From: Claims Administrator  
Subject: Final Transpacific Settlement

Dear <<Class Member>>:

Our records show you could be affected by a \$58 million Settlement with All Nippon Airways (“ANA”) in a class action lawsuit involving the price of airline tickets. Settlements were previously reached with 12 Defendants.

### **What is the case about?**

The lawsuit claims that ANA agreed to fix prices on tickets for transpacific air travel. As a result, ticket purchasers may have paid more than they would have in the absence of the price-fixing. ANA denies any liability, although it has pled guilty to fixing the prices of certain discounted tickets.

### **Am I included?**

There are three classes included in this Settlement. Generally, you may be included if: (1) Japan Class - you bought a ticket for air travel from ANA or Japan Airlines between February 1, 2005 and December 31, 2007 that included a fuel surcharge; and/or (2) Satogaeri Class - you purchased a ticket from ANA or Japan Airlines between January 1, 2000 and April 1, 2006 for a *Satogaeri* (i.e., “homecoming”) fare and the ticket included at least one flight segment originating in the U.S. to Japan; and/or (3) Settlement Class III - you bought a ticket for air travel from one of 13 airlines, including ANA or Japan Airlines; the ticket included at least one flight segment originating in the U.S. to Asia or Oceania; and your purchase was made between January 1, 2000 and December 1, 2016.

Please review the class definitions carefully at the website below. Travel agents are only included if they bought tickets for their personal use.

### **What does the Settlement provide?**

ANA has agreed to pay \$58 million (the “Settlement Fund”). Money will be distributed pursuant to a Plan of Allocation approved by the Court. At this time, it is unknown how much each eligible member of the Classes will receive. However, based on the claims that have already been filed, it is estimated that the average payment of prior settlements, which had classes similar to Settlement Class III, could be in the range of \$5 per eligible ticket claimed. Because there is no prior claims history for the *Satogaeri* and Japan Classes, a per ticket estimate is not possible for those Classes. Claims from the earlier round of settlements have not yet been audited. 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 may increase.

### **How can I get benefits?**

You must submit a Claim Form online at [www.AirlineSettlement.com](http://www.AirlineSettlement.com) or by mail. The earliest deadline to submit a Claim Form is **February 15, 2020**.

### **What are my rights?**

If you do nothing, you will be bound by the Court’s decisions and will get no money. As described above, if you want to get money from the Settlement, you must file a claim. If you want to keep your right to sue

ANA and get no money from the Settlement, you must exclude yourself from the classes by **September 13, 2019**. If you stay in the classes, you may object to the Settlement by **September 13, 2019**. The detailed notice describes how to exclude yourself or object and is available on [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

The Court will hold a hearing on **October 18, 2019** to consider whether to approve the Settlement and a request for attorneys' fees up to one-third of the Settlement Fund, plus reimbursement of costs and expenses. You or your own lawyer may appear at the hearing at your own expense, but you do not have to attend.

**For more information & a detailed notice, please call 1-800-439-1781 or visit  
[www.AirlineSettlement.com](http://www.AirlineSettlement.com).**

# EXHIBIT B

CLAIMS ADMINISTRATOR  
PO BOX 2209  
FARIBAULT, MN 55021-1609  
*Court-Ordered Legal Notice*

## Final Transpacific Settlement

**If You Bought an Airline Ticket between the U.S. and Asia, Australia, New Zealand, or the Pacific Islands**

***You Could Receive Benefits from a Settlement***

**This notice is only a summary.**

**For more information & a detailed notice:  
1-800-439-1781  
[www.AirlineSettlement.com](http://www.AirlineSettlement.com)**



- UAP - <<SequenceNo>>

<<NAME1>>  
<<NAME2>>  
<<ADDRESS1>>  
<<ADDRESS2>>  
<<CITY>> <<STATE>> <<ZIP>>  
<<COUNTRY>>

A \$58 million Settlement has been reached with All Nippon Airways (“ANA”) in a class action lawsuit involving the price of airline tickets. Settlements were previously reached with 12 Defendants.

### What is the case about?

The lawsuit claims that ANA agreed to fix prices on tickets for transpacific air travel. As a result, ticket purchasers may have paid more than they would have in the absence of the price-fixing. ANA denies any liability, although it has pled guilty to fixing the prices of certain discounted tickets.

### Am I included?

There are three classes included in this Settlement. Generally, you may be included if: (1) Japan Class - you bought a ticket for air travel from ANA or Japan Airlines between February 1, 2005 and December 31, 2007 that included a fuel surcharge; and/or (2) Satogaeri Class - you purchased a ticket from ANA or Japan Airlines between January 1, 2000 and April 1, 2006 for a Satogaeri (*i.e.*, “homecoming”) fare and the ticket included at least one flight segment originating in the U.S. to Japan; and/or (3) Settlement Class III - you bought a ticket for air travel from one of 13 airlines, including ANA or Japan Airlines; the ticket included at least one flight segment originating in the U.S. to Asia or Oceania; and your purchase was made between January 1, 2000 and December 1, 2016.

Please review the class definitions carefully at the website below. Travel agents are only included if they bought tickets for their personal use.

### What does the Settlement provide?

ANA has agreed to pay \$58 million (the “Settlement Fund”). Money will be distributed pursuant to a Plan of Allocation approved by the

Court. At this time, it is unknown how much each eligible member of the Classes will receive. However, based on the claims that have already been filed, it is estimated that the average payment of prior settlements, which had classes similar to Settlement Class III, could be in the range of \$5 per eligible ticket claimed. Because there is no prior claims history for the *Satogaeri* and Japan Classes, a per ticket estimate is not possible for those classes. Claims from the earlier round of settlements have not yet been audited. 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 may increase.

### How can I get benefits?

You must submit a Claim Form online at [www.AirlineSettlement.com](http://www.AirlineSettlement.com) or by mail. The earliest deadline to submit a Claim Form is **February 15, 2020**.

### What are my rights?

If you do nothing, you will be bound by the Court’s decisions and will get no money. As described above, if you want to get money from the Settlement, you must file a claim. If you want to keep your right to sue ANA and get no money from the Settlement, you must exclude yourself from the classes by **September 13, 2019**. If you stay in the classes, you may object to the Settlement by **September 13, 2019**. The detailed notice describes how to exclude yourself or object and is available on [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

The Court will hold a hearing on **October 18, 2019** to consider whether to approve the Settlement and a request for attorneys’ fees up to one-third of the Settlement Fund, plus reimbursement of costs and expenses. You or your own lawyer may appear at the hearing at your own expense, but you do not have to attend.

# EXHIBIT C

**IMPORTANT LEGAL MATERIALS**



<<Name 1>>  
<<Name 2>>  
<<Name 3>>  
<<Name 4>>  
<<Address 1>>  
<<Address 2>>  
<<City>> <<State>> <<Zip 10>>  
<<CountryName>>

Dear Travel Agent,

Your customers could be affected by a Settlement with All Nippon Airways Company, Limited (“ANA”) over the price of airline tickets. The Court has expressed a desire that travel agents take whatever reasonable steps necessary to inform customers about the Settlement. If your customers are included in the Class(es), their rights may be impacted by the Settlement.

There are three Classes included in this Settlement. Generally, customers may be included if: (1) they bought a ticket for air travel from ANA or Japan Airlines (“JAL”) between February 1, 2005 and December 31, 2007 and paid a fuel surcharge (“Japan Class”); and/or (2) they purchased a ticket from ANA or JAL between January 1, 2000 and April 1, 2006 for a *Satogaeri* (i.e., “homecoming”) fare and the ticket included at least one flight segment originating in the U.S. to Japan (“*Satogaeri* Class”); and/or (3) they purchased a ticket for air travel from one of 13 airlines,<sup>1</sup> the ticket included at least one flight segment originating in the U.S. to Asia or Oceania, and the purchase was made between January 1, 2000 and December 1, 2016. Please review the class definitions carefully at the website below. Travel agents are only included if they bought tickets for their personal use.

Your agency has been identified as having sold *Satogaeri* airline tickets. It is important that all customers are notified of the Settlement and we would be grateful for your assistance in notifying them. Enclosed you will find a short one-page notice, which provides additional information about the Settlement. Please use this information in your emails, newsletters, or any other communications that reach your customers.

You can also obtain further information and materials by visiting [www.AirlineSettlement.com](http://www.AirlineSettlement.com) or calling 1-800-439-1781.

Sincerely,

Official Settlement Administrator

<sup>1</sup> Those airlines are: ANA; JAL; Air New Zealand Limited; China Airlines, Ltd.; EVA Airways Corporation; Philippine Airlines, Inc.; Cathay Pacific Airways Limited; Malaysian Airline System Berhad; Qantas Airways Limited; Singapore Airlines Limited; Societe Air France; Thai Airways International Public Co., Ltd.; and Vietnam Airlines Company Limited.



# If You Bought an Airline Ticket between the U.S. and Asia, Australia, New Zealand, or the Pacific Islands, You Could Receive Benefits from a Settlement

A \$58 million Settlement has been reached with All Nippon Airways (“ANA”) in a class action lawsuit involving the price of airline tickets. Settlements were previously reached with 12 Defendants.

## What is the case about?

The lawsuit claims that ANA agreed to fix prices on tickets for transpacific air travel. As a result, ticket purchasers may have paid more than they would have in the absence of the price-fixing. ANA denies any liability, although it has pled guilty to fixing the prices of certain discounted tickets.

## Am I included?

There are three classes included in this Settlement. Generally, you may be included if: (1) Japan Class - you bought a ticket for air travel from ANA or Japan Airlines between February 1, 2005 and December 31, 2007 that included a fuel surcharge; and/or (2) Satogaeri Class - you purchased a ticket from ANA or Japan Airlines between January 1, 2000 and April 1, 2006 for a Satogaeri (*i.e.*, “homecoming”) fare and the ticket included at least one flight segment originating in the U.S. to Japan; and/or (3) Settlement Class III - you bought a ticket for air travel from one of 13 airlines, including ANA or Japan Airlines; the ticket included at least one flight segment originating in the U.S. to Asia or Oceania; and your purchase was made between January 1, 2000 and December 1, 2016.

Please review the class definitions carefully at the website below. Travel agents are only included if they bought tickets for their personal use.

## What does the Settlement provide?

ANA has agreed to pay \$58 million (the “Settlement Fund”). Money will be distributed pursuant to a Plan of Allocation approved by the Court. At this time, it is

unknown how much each eligible member of the Classes will receive. However, based on the claims that have already been filed, it is estimated that the average payment of prior settlements, which had classes similar to Settlement Class III, could be in the range of \$5 per eligible ticket claimed. Because there is no prior claims history for the *Satogaeri* and Japan Classes, a per ticket estimate is not possible for those classes. Claims from the earlier round of settlements have not yet been audited. 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 may increase.

## How can I get benefits?

You must submit a Claim Form online at [www.AirlineSettlement.com](http://www.AirlineSettlement.com) or by mail. The earliest deadline to submit a Claim Form is **February 15, 2020**.

## What are my rights?

If you do nothing, you will be bound by the Court’s decisions and will get no money. As described above, if you want to get money from the Settlement, you must file a claim. If you want to keep your right to sue ANA and get no money from the Settlement, you must exclude yourself from the classes by **September 13, 2019**. If you stay in the classes, you may object to the Settlement by **September 13, 2019**. The detailed notice describes how to exclude yourself or object and is available on [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

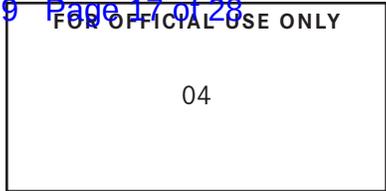
The Court will hold a hearing on **October 18, 2019** to consider whether to approve the Settlement and a request for attorneys’ fees up to one-third of the Settlement Fund, plus reimbursement of costs and expenses. You or your own lawyer may appear at the hearing at your own expense, but you do not have to attend.

**For more information & a detailed notice:  
1-800-439-1781 [www.AirlineSettlement.com](http://www.AirlineSettlement.com)**



# EXHIBIT D

TRANSPACIFIC AIR SETTLEMENT  
PO BOX 2209  
FARIBAULT, MN 55021-1609  
USA



**IMPORTANT LEGAL MATERIALS**



<<Name 1>>  
<<Name 2>>  
<<Name 3>>  
<<Name 4>>  
<<Address 1>>  
<<Address 2>>  
<<City>> <<State>> <<Zip 10>>  
<<CountryName>>

**TRANSPACIFIC AIR TRANSPORTATION SETTLEMENT CLAIM FORM**

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

Provided that the Court finally approves the Settlement, you must complete and submit a Claim Form online or mail a paper Claim Form to benefit from the Settlement. Even if you filed a claim in the previous settlements you will need to provide a supplemental Claim Form to allow the claims administrator to determine your eligibility to participate in the *Satogaeri* Settlement Class and the Japan Settlement Class. Additionally, there is a longer class period concerning Settlement Class III than there was for some of the earlier settlement classes. You will need to supplement your earlier Claim Form with information concerning flights that were not previously disclosed on your prior Claim Form if you want them considered for money from the Settlement Class III fund. The earliest deadline to submit a Claim Form is **February 15, 2020**, but you will have until 120 days after the Settlement becomes final and effective to file your claim.

Claim Forms may be submitted online at [www.AirlineSettlement.com](http://www.AirlineSettlement.com) or by mail to:

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

**A. Class Member Information**

Name: \_\_\_\_\_

Person to Contact in Regard to this Claim: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Country: \_\_\_\_\_ Zip: \_\_\_\_\_ - \_\_\_\_\_

Daytime Telephone Number: (\_\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_

Were your purchases for business purposes?       Yes       No





**B. Class Definition**

**Settlement Classes:**

**Japan Settlement Class:**

All persons and entities that directly purchased tickets for passenger air transportation from Japan Airlines International Company, Ltd. or All Nippon Airways Company, Limited, or any predecessor, subsidiary or affiliate thereof, that originated in the United States and included at least one flight segment from the United States to Japan between the period beginning February 1, 2005 and ending December 31, 2007. Excluded from the Japan Class are any tickets that did not include a fuel surcharge. Excluded from the Japan Class are any antitrust immunized fares agreed upon at International Air Transport Association ‘Tariff Coordinating Conferences.’ Excluded from the Japan Class are tickets exclusively acquired through award or reward travel or any tickets acquired for infant travel with a 90% discount. Also, excluded from the Japan Class are purchases by government entities, Defendants, any parent subsidiary or affiliate thereof, and Defendants’ or any other commercial airline’s officers, directors, employees, agents, and immediate families.

**Satogaeri Settlement Class:**

All persons and entities that directly purchased *Satogaeri* fares from Japan Airlines International Company, Ltd. or All Nippon Airways Company, Limited or any predecessor, subsidiary or affiliate thereof, that originated in the United States and included at least one flight segment to Japan and does not include travel to countries other than the United States and Japan between the period beginning January 1, 2000 and ending April 1, 2006. Excluded from the *Satogaeri* Settlement Class are purchases by government entities, Defendants, any parent subsidiary or affiliate thereof, and Defendants’ officers, directors, employees and immediate families. Also, excluded are purchases of *Satogaeri* Special fares and maerui *Satogaeri* fares.

**Settlement Class III:**

All persons and entities that directly purchased passenger air transportation originating in the United States that included at least one flight segment to Asia or Oceania, from or on any of the Defendants, or any predecessor, subsidiary, or affiliate thereof, at any time between January 1, 2000 and December 1, 2016. Excluded from the class are governmental entities, Defendants, former Defendants in the Action, any parent, subsidiary or affiliate thereof, and Defendants’ officers, directors, employees and immediate families.

The three Settlement Classes are not mutually exclusive. All members of the *Satogaeri* Settlement Class and the Japan Settlement Class are members of Settlement Class III. Travel agents are only included if they bought tickets for their personal use.

Pursuant to the proposed plan of allocation (available at [www.AirlineSettlement.com](http://www.AirlineSettlement.com)), eligible claims will receive a pro rata share of the applicable settlement funds for each class in which the claim(s) qualify.

**Defendants:**

All Nippon Airways Company, Limited ; Air New Zealand Limited; China Airlines, Ltd.; EVA Airways Corporation; Philippine Airlines, Inc.; 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.



- <<SequenceNo>>

**C. Purchase Information**

Enter the total number of tickets purchased from a Defendant where at least one flight segment originated in the U.S. to Asia or Oceania (Australia, New Zealand or the Pacific Islands), and the purchase was made between January 1, 2000 and December 1, 2016.

Column 1	Column 2
Airline that sold you ticket for travel	Number of Tickets that were Purchased for One-Way or Roundtrip Travel Originating in the United States
Air France	
Air New Zealand	
All Nippon Airways	
Cathay Pacific Airways	
China Airlines <sup>1</sup>	
EVA Airways	
Japan Airlines	
Malaysian Airlines	
Philippine Airlines	
Qantas Airways	
Singapore Airlines	
Thai Airways	
Vietnam Airlines	

Provide additional information on any tickets that you purchased from All Nippon Airways and/or Japan Airlines where at least one flight segment meets the criteria of the Japan Settlement Class or *Satogaeri* Settlement Class (defined above):

Column 1	Column 2	Column 3
Airline that sold you ticket for travel	Number of Tickets Identified above that you Purchased between February 1, 2005 and December 31, 2007 and paid a Fuel Surcharge	Number of Tickets Identified above that you Purchased between January 1, 2000 and April 1, 2006 for an eligible <i>Satogaeri</i> Fare
All Nippon Airways		
Japan Airlines		

<sup>1</sup> China Airlines is the airline based in Taiwan. It should not be confused with Air China, based in the People's Republic of China.



- <<SequenceNo>>

**D. Proof Requirements**

All claims are subject to audit and may require proof of purchase in the future.

**E. Sign and Date Your Claim Form**

I (we) declare under penalty of perjury, that the information in this Claim Form is true and correct to the best of my knowledge and that I purchased the number of tickets claimed above from January 1, 2000 to December 1, 2016. I understand that my Claim Form may be subject to audit, verification and Court review.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title (if applicable)

\_\_\_\_\_  
Date

## U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

**If You Bought an Airline Ticket between the U.S.  
and Asia, Australia, New Zealand, or the Pacific Islands,  
You Could Receive Benefits from a Settlement.**

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

- Please read this Notice carefully, as it impacts your rights and provides you with information regarding a \$58 million Settlement with All Nippon Airways Company, Limited (“ANA”).
- There are three Classes included in this Settlement. Generally, a person or entity may be included if they:
  - Bought a ticket for air travel from ANA or Japan Airlines International Company, Ltd. (“JAL”) between February 1, 2005 and December 31, 2007 that included a fuel surcharge, OR
  - Purchased a ticket from ANA or JAL between January 1, 2000 and April 1, 2006 for a *Satogaeri* (i.e., “homecoming”) fare; and the ticket included at least one flight segment originating in the U.S. to Japan, OR
  - Bought a ticket for air travel from one of 13 airlines (including ANA and the airlines listed in the next bullet point) between January 1, 2000 and December 1, 2016 and the ticket included at least one flight segment originating in the U.S. to Asia or Oceania.
- This is the final Court-approved Notice in this case. Two earlier settlement rounds involving the price of transpacific airline tickets were reached with: Air New Zealand Limited; China Airlines, Ltd.; EVA Airways Corporation; Philippine Airlines, Inc.; Cathay Pacific Airways Limited; JAL; Malaysian Airline System Berhad; Qantas Airways Limited; Singapore Airlines Limited; Societe Air France; Thai Airways International Public Co., Ltd.; and Vietnam Airlines Company Limited (collectively, “Defendants”).
- ANA has agreed to settle the case. This Notice provides details of the proposed Settlement with ANA and your rights in this lawsuit.
- For additional information, important documents, and case updates, visit the website [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM</b>	This is the only way to receive a payment. The earliest deadline to submit a Claim Form is <b>February 15, 2020</b> , but you will have until 120 days after the Settlement becomes final and effective to file your claim.
<b>EXCLUDE YOURSELF</b>	If you ask to be excluded from the Settlement, you won’t be eligible to share in the benefits. But you keep any rights to sue ANA on your own about the same legal claims in this lawsuit. You must exclude yourself by <b>September 13, 2019</b> .
<b>OBJECT TO THE SETTLEMENT</b>	Write to the Court explaining why you have an objection to the Settlement. You must object to the Settlement by <b>September 13, 2019</b> .
<b>GO TO THE HEARING</b>	Ask to speak in Court about the Settlement.
<b>DO NOTHING</b>	You will not receive a cash recovery from the Settlement, and you will give up any rights you currently have to separately sue ANA for the conduct that is the subject of the lawsuit.

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 a Settlement with All Nippon Airways Company, Limited (“ANA”) that may affect your rights before the Court decides whether to approve the Settlement. If you are included in any of the Settlement Class(es), you have legal rights and options that you may exercise.

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 who sued are called Plaintiffs, and the companies they sued are called the Defendants (*see* Question 2).

**2. What is the lawsuit about?**

The original lawsuit claimed that thirteen Defendants 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 Defendants in that lawsuit are: ANA; Air New Zealand Limited; China Airlines, Ltd.; EVA Airways Corporation; Philippine Airlines, Inc.; Cathay Pacific Airways Limited; Japan Airlines International Company, Ltd. (“JAL”); 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 lawsuit also claims that ANA and JAL agreed to fix the prices of airline tickets and/or fuel surcharges for travel between the United States and Japan. The lawsuit claims that ANA and JAL agreed to institute and raise fuel surcharges on airline tickets between February 1, 2005 and December 31, 2007, and to fix the prices of airline tickets on certain fares called *Satogaeri* or “homecoming” fares, which are discount fares marketed to Japanese people living in the U.S. for travel to Japan between January 1, 2000 and April 1, 2006. As a result, ticket purchasers may have paid more than was necessary.

ANA 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. This guilty plea does not apply to the fuel surcharge claims alleged in this case.

Please note that settlements involving transpacific air travel were previously reached in 2015 with eight of the Defendants (including JAL) and in 2018 with four of the Defendants. These earlier settlements total \$89,402,000.

**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 Agreement.

## WHO IS INCLUDED

**4. How do I know if I am included in the Classes?**

There are three separate Classes included in the Settlement: the Japan Class (Settlement Class I), the *Satogaeri* Class (Settlement Class II), and Settlement Class III.

The **Japan Settlement Class** includes: All persons and entities that directly purchased tickets for passenger air transportation from JAL or ANA, or any predecessor, subsidiary, or affiliate thereof, that originated in the United States and included at least one flight segment from the United States to Japan between the period beginning February 1, 2005 and ending December 31, 2007. Excluded from the Japan Class are any tickets that did not include a fuel surcharge. Excluded from the Japan Class are any antitrust immunized fares agreed upon at International Air Transport Association ‘Tariff Coordinating Conferences.’ Excluded from the Japan Class are tickets exclusively acquired through award or reward travel or any tickets acquired for infant travel with a 90% discount. Also, excluded from the Japan Class are purchases by government entities, Defendants, any parent subsidiary or affiliate thereof, and Defendants’ or any other commercial airline’s officers, directors, employees, agents, and immediate families.

The **Satogaeri Settlement Class** includes: All persons and entities that directly purchased *Satogaeri* fares from JAL or ANA or any predecessor, subsidiary, or affiliate thereof, that originated in the United States and included at least one flight segment to Japan and does not include travel to countries other than the United States and Japan between the period beginning January 1, 2000 and ending April 1, 2006. Excluded from the *Satogaeri* Class are purchases by government entities, Defendants, any parent subsidiary or affiliate thereof, and Defendants' officers, directors, employees, and immediate families. Also, excluded are purchases of *Satogaeri* Special fares and maerui *satogaeri* fares.

The **Settlement Class III** includes: All persons and entities that directly purchased passenger air transportation originating in the United States that included at least one flight segment to Asia or Oceania, from or on any of the Defendants, or any predecessor, subsidiary, or affiliate thereof, at any time between January 1, 2000 and December 1, 2016. Excluded from the class are governmental entities, Defendants, former Defendants in the Action, any parent, subsidiary, or affiliate thereof, and Defendants' officers, directors, employees, and immediate families.

The three Settlement Classes are not mutually exclusive. All members of the *Satogaeri* Settlement Class and the Japan Settlement Class are members of Settlement Class III.

#### 5. Are travel agents included in the Classes?

No. Travel agents are not included in the Classes simply by virtue of being travel agents. Travel agents are only included in the Classes if they personally purchased tickets included in the three Classes described in Question 4 for their personal use. The Court has expressed a desire that travel agents take whatever reasonable steps necessary to inform their customers about the Settlement.

### THE SETTLEMENT'S BENEFITS

#### 6. What does the Settlement provide?

The Court has already approved twelve settlements totaling \$89,402,000.

This ANA Settlement will provide \$58,000,000. A portion of the Settlement will be used to pay the costs of class notice and administration and attorneys' fees and costs. It is possible that any money left after paying Class Members that is economically infeasible to distribute will be donated to charities approved by the Court. More details are in the Settlement Agreement, available at [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

The amount of money that will be available for distribution to each Class is as follows: (1) \$39,440,752.50 will be allocated for distribution to the Japan Settlement Class, (2) \$11,059,247.50 will be allocated for distribution to the *Satogaeri* Settlement Class, and (3) \$7,500,000.00 will be available for distribution to Settlement Class III. Specific details on the distribution are available at the website.

#### 7. 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 of prior settlements in this matter, which had classes similar to Settlement Class III, could be in the range of \$5 per eligible ticket claimed. Because there is no prior claims history for the *Satogaeri* and Japan Classes, a per ticket estimate is not possible for those classes. The claims administrator received a large number of claims just before a claims deadline concerning the previous 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 may increase. These Settlement Classes are not releasing claims for Asia/Oceania originating travel as part of the Settlement Agreement.

## HOW TO GET BENEFITS

### 8. How do I get benefits?

You must complete and submit a Claim Form online or mail a paper Claim Form in order to share in the Settlement. Even if you filed a claim in the previous settlements, you will need to provide a supplemental Claim Form (available on the website) to allow the claims administrator to determine your eligibility to participate in the *Satogaeri* Class and the Japan Class. Additionally, there is a longer class period concerning Settlement Class III than there was for some of the earlier settlement classes. You will need to supplement your earlier Claim Form with information concerning flights that were not previously disclosed on your prior Claim Form if you want them to be considered for money from the Settlement Class III fund. The earliest deadline to submit a Claim Form is **February 15, 2020**, but you will have until 120 days after the Settlements become final and effective to file your claim. For additional information regarding completing a Claim Form, visit [www.AirlineSettlement.com](http://www.AirlineSettlement.com) or call 1-800-439-1781.

### 9. When will I get benefits?

Settlement Class Members who are entitled to payments will receive their payments after the Court grants final approval to the Settlement and after any appeals are resolved (*see* “The Fairness Hearing” below). If there are appeals, resolving them can take time. Please be patient.

## REMAIN IN THE CLASSES

### 10. What am I giving up if I stay in the Classes?

If you do nothing, you will automatically remain in the Classes. You will be legally bound by all Court orders, which means you won't be able to separately sue, or continue to sue, ANA about the legal claims in this case. If you exclude yourself, you won't get any money from future distributions to the Classes.

In return for paying the Settlement amount, ANA will be released for certain claims relating to the facts underlying the lawsuit. The Settlement Agreement describes the release, so read it carefully. If you have any questions, you can talk to Class Counsel listed in Question 16 for free or you can talk to your own lawyer if you have questions about what this means. The Settlement Agreement and the specific release are available at [www.AirlineSettlement.com](http://www.AirlineSettlement.com).

## EXCLUDE YOURSELF FROM THE CLASSES

### 11. How do I get out of the Class(es)?

If you decide not to participate in the Settlement, you must exclude yourself from these Class(es). If you exclude yourself, you will not receive any benefits from this Settlement. You will not be bound by any Court orders, and you keep your right to sue ANA on your own regarding the issues in this case.

To exclude yourself from the Class(es), 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 the Japan Class, the *Satogaeri* Class, **and/or** Settlement Class III, and indicate you are excluding yourself from the ANA Settlement (*e.g.*, “I/we hereby request that I/we be excluded from the Japan Settlement Class/the *Satogaeri* Class/ Settlement Class III in the *In re Transpacific Passenger Air Transportation Antitrust Litigation.*”); and
- Your signature.

Your Request for Exclusion must be postmarked no later than **September 13, 2019**, to:

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

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

No. Unless you exclude yourself, you will remain in the Settlement and give up any right to separately sue ANA.

**13. If I exclude myself, can I still get benefits?**

No. If you exclude yourself from the Class(es), you will not be eligible for payments from the Settlement.

**OBJECT TO OR COMMENT ON THE SETTLEMENT**

**14. How do I object to or comment on the Settlement?**

If you have objections to any aspect of the Settlement, 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 at least one Settlement Class;
- Notice of whether you intend to appear at the Fairness Hearing;
- The name, address, and telephone number of any lawyer assisting you;
- Specific details surrounding your objection; and
- Your signature.

You can ask the Court to deny approval 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 payments will be sent out, and the lawsuit will continue. If that is what you want to happen, you must object.

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.

Any comment or objection must be postmarked no later than **September 13, 2019** and mailed to the Court's address below:

Clerk's Office  
United States District Court for the  
District of Northern California  
450 Golden Gate Avenue  
San Francisco, CA 94102

You can also file your objection in person at any location of the United States District Court for the Northern District of California.

**15. What is the difference between excluding myself from the Class(es) and objecting to the Settlement?**

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

**THE LAWYERS REPRESENTING YOU**

**16. 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 600 Montgomery Street Suite 3200 San Francisco, CA 94111
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If you have any questions about the Settlement, you can talk to Class Counsel, or you can retain your own lawyer at your own expense.

### 17. How will the lawyers be paid?

You do not need to separately pay Class Counsel. Class Counsel will request a fee award in connection with the final approval of the Settlement. With respect to the Settlement Agreement described in this Notice, Class Counsel's fee request will not exceed one-third of the Settlement amount. Class Counsel will also seek reimbursement of reasonable litigation expenses. Class Counsel will seek no more than \$1.7 million in unreimbursed litigation expenses, but that amount may increase if additional expenses are incurred between now and the finalizing of this Settlement and distribution of the settlement funds. The final amounts in attorneys' fees and costs sought from the Settlement Fund will be outlined in Plaintiffs' Motion for Attorneys' Fees and Reimbursement of Reasonable Litigation expenses, which will be filed with the Court and posted on the Settlement website no later than 35 days prior to the objection deadline.

## THE FAIRNESS HEARING

### 18. When and where will the Fairness Hearing take place?

The Court will hold a Fairness Hearing on **October 18, 2019 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. Please check [www.AirlineSettlement.com](http://www.AirlineSettlement.com) or call 1-800-439-1781 to be kept up-to-date on the date, time, and location of the Fairness Hearing. At the Fairness Hearing, the Court will consider whether the Settlement is 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 the Settlement. We do not know how long these decisions will take.

### 19. 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.

### 20. May I speak at the hearing?

If you send an objection or comment on the Settlement as described in Question 14, you will have the right to speak at the Fairness Hearing.

## GET MORE INFORMATION

### 21. Where can I get more information?

This Notice summarizes the Settlement. You can get more information about the Settlement, and for the precise terms and conditions of the Settlement, please see the Settlement Agreement, 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 more information about the Settlement by contacting Class Counsel:

Cotchett, Pitre & McCarthy LLP San Francisco Airport Office Center 840 Malcolm Road, Suite 200 Burlingame, CA 94010	Hausfeld, LLP 600 Montgomery Street Suite 3200 San Francisco, CA 94111
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You can also get copies of the official Court file 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, 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 THIS SETTLEMENT OR THE CLAIM PROCESS.**