

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**If You Purchased a Haier Chest Freezer, You May Benefit From  
a Proposed Class Action Settlement**

**Model Number HNCM070E Freezers Manufactured On Or After JUNE 1, 2009 May Be Affected**

*The Federal Court authorized this Notice. This is not a solicitation from a lawyer.*

**YOU ARE NOT BEING SUED. THIS IS NOT A LAWSUIT AGAINST YOU.**

- **Please read this notice carefully. Your legal rights are affected whether you act or don't act. Read this notice carefully.**
- **Si quiere usted obtener esta noticia en español, o si necesita ayuda en español, por favor llama al 1-866-742-4955.**
- **If English is not your first language, please call 1-215-979-1611 for assistance.**
- A Proposed Settlement has been reached in a consolidated class action lawsuit. The lawsuit claims that Haier America Trading, LLC ("HAT") misrepresented the energy consumption on the EnergyGuide labels on its model HNCM070E chest freezers in violation of the federal energy efficiency standards set under the National Appliance Energy Conservation Act ("NAECA"). HAT denies all these claims. The Court did not rule in favor of Plaintiffs or HAT. Instead, the parties agreed to a Proposed Settlement in order to avoid the expense and risks of continuing the lawsuit.
- You are a Class Member if you purchased a Haier model HNCM070E freezer unit manufactured on or after June 1, 2009.
- If you are eligible, the Proposed Settlement will provide the following benefits (the "Settlement Benefits"): A lump sum cash payment of \$50.00 to \$150.00 to any claimant who submits a valid claim, if it is confirmed that the claimant's unit was manufactured on or after June 1, 2009 or, in the alternative, a lump sum cash payment of \$108.60 - \$325.80, if it is confirmed following an inspection by a HAT-authorized technician that the claimant's unit was affected by a potential defect that may have occurred in approximately 15% of the units manufactured on or after June 1, 2009.

**Please read this Notice carefully and in its entirety. Your rights may be affected by the Settlement  
of this Lawsuit, and you have a choice to make now about how to act:**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM POSTMARKED NO LATER THAN NOVEMBER 26, 2013</b>	This is the only way to receive a cash payment. Whether you are eligible to receive such payment will depend on the date your freezer was manufactured, which can be determined by checking the unit's serial number.
<b>EXCLUDE YOURSELF FROM THE CLASS NO LATER THAN SEPTEMBER 6, 2013</b>	If you opt out of the settlement, you will not be eligible to receive the Settlement Benefits, but you will keep your right to sue on your own regarding any claims that are part of the settlement.
<b>OBJECT OR COMMENT NO LATER THAN SEPTEMBER 6, 2013</b>	You may write to the Court about why you do, or do not, like the Settlement. You must remain in the class to comment in support of or in opposition to the settlement.
<b>APPEAR IN THE LAWSUIT OR ATTEND A HEARING ON OCTOBER 25, 2013</b>	You may ask to speak in Court about the fairness of the settlement. You may enter your appearance in Court through an attorney if you so desire.
<b>DO NOTHING</b>	If you do nothing, you will receive no reimbursement. You also give up your right to sue HAT on your own regarding any claims that are part of the settlement.

- These rights and options, **and the deadlines to exercise them**, are further explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. The Settlement Benefits will be made available if the Court approves the settlement and after any appeals are resolved.
- If you have any questions, then please read on and visit [www.haierfreezersettlement.com](http://www.haierfreezersettlement.com).

For More Information:  
[www.haierfreezersettlement.com](http://www.haierfreezersettlement.com)

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## BASIC INFORMATION

### 1. Why did I get this notice?

You or someone in your family may have purchased a Haier model HNCM070E 7.0 cubic foot chest freezer manufactured on or after June 1, 2009 as described on page 1 of this notice. If you received this Notice in the mail or by e-mail, you have been identified from available records as a purchaser of the above model chest freezer. You also may have received this Notice because you requested more information after reading the Publication Notice.

The Court ordered that you be given this Notice because you have a right to know about a proposed settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the settlement. If the Court approves it, and after objections and appeals are resolved, an administrator appointed by the Court will oversee the Settlement Benefits that the settlement allows. You will be informed of the progress of the settlement.

This Notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. The Court in charge of the case is the United States District Court for the Northern District of California, and the case is known as *In re Haier Freezer Consumer Litigation*, Case No. 5:11-CV-02911-EJD. The people who sued are called Plaintiffs, and the company they sued, HAT, is called the Defendant.

### 2. What is this lawsuit about?

The lawsuit claimed that HAT sold its model HNCM070E 7.0 cubic foot chest freezer in violation of the federal standard for maximum energy consumption and misrepresented the energy consumption of those chest freezers on their ENERGY GUIDE labels.

HAT denies it did anything wrong, and the Court has not made any ruling on the factual allegations of the lawsuit.

### 3. Why is this a class action?

In a class action, one or more people, called Class Representatives (in this case Linda Von Harten and Nancy Wilson) represent the interests of people who have common claims that are more important than the issues that affect only individuals. All of these people are a Class or Class members. One court resolves the issues for all Class members, except for those who exclude themselves from the Class. United States District Judge Edward J. Davila is in charge of this class action.

### 4. Why is there a Proposed Settlement?

The Court has not decided in favor of either side in the case. HAT denies all allegations of wrongdoing or liability against it, and contends that its conduct was lawful. HAT is settling to avoid the expense, inconvenience, and inherent risk of litigation, as well as the related disruption of its business operations. The Class Representatives and their attorneys assert that the settlement is in the best interests of the Class, because it provides an appropriate recovery now while avoiding the risk, expense, and delay of pursuing the case through trial and any appeals.

## WHO IS IN THE PROPOSED SETTLEMENT

To see if you will be entitled to the Settlement Benefits from this settlement, you first have to decide if you are a Class member.

### 5. How do I know if I am part of the Proposed Settlement?

You are a Class Member if you purchased a Haier model HNCM070E 7.0 cubic foot chest freezer that was manufactured on or after June 1, 2009. Excluded from membership in the Class are the following: (a) HAT or its affiliates; (b) retailers, wholesalers, and other middlemen who purchased a freezer for commercial use or resale; (c) persons who timely and validly exclude themselves from the Class; (d) state and federal governmental entities; and (e) the judge to whom this case is assigned and any member of the judge's immediate family.

If you purchased a Haier model HNCM070E 7.0 cubic foot chest freezer before June 1, 2009, you are not eligible for a payment.

## 6. How do I know if my freezer is the model covered by the Proposed Settlement?

If you are not sure if your freezer is the model covered by the proposed settlement, look at the ratings label on the back of the chest freezer for the model number. You can also find the model number in the User's Guide that came with your chest freezer.

## 7. How do I know if my unit is covered by the Proposed Settlement?

If your chest freezer is a model HNCM070E and was purchased on or after June 1, 2009, then your freezer may be covered by the proposed settlement. The serial number of your unit will indicate if the unit was manufactured on or after June 1, 2009. The serial number is printed on the ratings label on the back of the chest freezer. On the claim form, you will be required to identify the serial number. The claims administrator will determine whether your freezer was in fact manufactured on or after June 1, 2009 and thus eligible to receive settlement benefits.

If you have any trouble finding the model number or serial number, you can visit the Proposed Settlement website at [www.haierfreezersettlement.com](http://www.haierfreezersettlement.com) for further instructions.

# THE PROPOSED SETTLEMENT BENEFITS

## 8. What does the Proposed Settlement provide?

HAT will permit Class members to choose one of the following Settlement Benefits:

- Option 1: HAT will provide a lump sum cash payment in the amount of \$50.00 - \$150.00 to any member of the Class (defined in the answer to question 5 above) who submits a valid claim without requiring proof that the Class member's freezer is one of the approximately 15% of units affected by a potential defect; or, in the alternative,
- Option 2: HAT will provide a lump sum cash payment in the amount of \$108.60 - \$325.80 to any member of the Class (defined in the answer to question 5 above) who submits a valid claim, followed by confirmation that the freezer is one of the approximately 15% of units affected by a potential defect. Such confirmation will require the Class member to permit a HAT-authorized technician (at HAT's expense) to access to the premises where the unit is used on two occasions to install and remove an energy reading meter on the unit. If the unit is determined to be an affected unit based on the meter reading, the Class member will receive the cash payment. If it is determined that the unit is not an affected unit, the consumer will receive no cash payment.

The amount of each cash payment will depend on the number and amount of authorized claims submitted. HAT will contribute up to \$2,950,000 to satisfy the cash payment of all authorized claims (at \$50.00 or \$108.60).

HAT shall contribute a minimum of \$1,000,000 for the payment of authorized claims. Such claims will be paid on a pro rata basis until the fund is exhausted or the maximum cash payment per freezer (\$150.00 or \$325.80) is reached for all such claims. Any funds remaining in the minimum fund after payment of the maximum cash payments will be distributed equally to the following non-profit organizations: 1) the Alliance to Save Energy; 2) research and education projects of the American Council for an Energy Efficient Economy; and 3) Consumers Union of United States, Inc.

In addition, HAT will pay for Notice to the Class and administrative costs of the settlement. Subject to Court approval, HAT will also pay an incentive award not to exceed \$6,000 to each of two Class Representatives in the case.

If you are a member of the Class (defined in the answer to question 5 above), and you remain a member of the Class, to receive reimbursement, you must submit the claim form, including a declaration under penalty of perjury. Claim forms must be submitted **no later than November 26, 2013**

# HOW YOU GET A PAYMENT - SUBMITTING A CLAIM FORM

## 9. How can I get a payment from this settlement?

Class members who wish to receive a payment must submit claims.

To submit a claim, you must complete a Claim Form. A Claim Form is attached to this Notice. You can also get a Claim Form on the Internet at [www.haierfreezersettlement.com](http://www.haierfreezersettlement.com). Read the instructions carefully, fill out the form, include all the documents the form asks for, sign it, and mail it to the following address:

Haier Chest Freezer Settlement Administrator  
P.O. Box 59479  
Philadelphia, PA 19102-9479

It must be postmarked **no later than November 26, 2013**. You may also complete and submit a Claim Form at [www.haierfreezersettlement.com](http://www.haierfreezersettlement.com) **no later than November 26, 2013**.

If you received this Notice in the mail or by e-mail, a Claim Form is enclosed.

### **10. What do I do if I didn't get a Claim Form in the mail or by e-mail?**

If you didn't receive a Claim Form in the mail or by e-mail, you can obtain the Claim Form in one of three ways:

- (1) **By Phone:** Call toll-free, 1-866-742-4955.
- (2) **By Mail:** Write to: Haier Chest Freezer Settlement Administrator, P.O. Box 59479, Philadelphia, PA 19102-9479. Be sure to include your name and mailing address.
- (3) **Online:** You can download the Claim Form at [www.haierfreezersettlement.com](http://www.haierfreezersettlement.com). You can also submit a claim form through the same website.

## **YOUR RIGHTS AND CHOICES - EXCLUDING YOURSELF FROM THE PROPOSED SETTLEMENT**

If you don't want to receive the Settlement Benefits from this settlement, but you want to keep the right to sue HAT, on your own, about the subject matter of this lawsuit, then you must take steps to get out of the settlement. This is called excluding yourself—or is sometimes referred to as opting out of the Class.

### **11. How do I exclude myself from the settlement?**

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from *In re Haier Freezer Consumer Litigation*. Be sure to include your name, address, telephone number, and your signature, to Haier Chest Freezer Settlement Administrator, c/o RG/2 Claims Administration LLC, PO Box 59479, Philadelphia, PA 19102-9479. Your letter must be postmarked **no later than September 6, 2013**.

You can't exclude yourself on the phone or by e-mail. If you exclude yourself, you will not get any Settlement Benefits, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) HAT in the future.

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

No. If you do not properly and timely submit a request for exclusion, you waive your right to opt out and will be deemed to be a member of the Class. Unless you exclude yourself, you give up the right to sue HAT for the claims that this settlement resolves, and you will be bound by the terms of this settlement. If you have a pending lawsuit against HAT, other than this class action, speak to your lawyer in that lawsuit immediately. You must exclude yourself from *this* Class to continue your own lawsuit. Remember, any exclusion request must be signed, mailed, and postmarked **no later than September 6, 2013**.

### **13. If I exclude myself, can I get the Settlement Benefits from this settlement?**

No. If you exclude yourself, do not send in a claim form to ask for any money. But, you may sue, continue to sue, or be part of a different lawsuit against HAT.

For More Information:  
[www.haierfreezersettlement.com](http://www.haierfreezersettlement.com)

## YOUR RIGHTS AND CHOICES - OBJECTING TO THE PROPOSED SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

### 14. How do I tell the Court that I don't like the Proposed Settlement?

If you're a Class member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object, you must send a letter that contains all of the following:

- Your name and current address, and your lawyer's name and address if you are objecting through counsel;
- The name of the lawsuit, *In re Haier Freezer Consumer Litigation*, Case No. 5:11-CV-02911-EJD;
- A statement of your objections and the reasons for each objection you make;
- A list of the documents you are giving the Court to support your objections, if any;
- A list of any legal authorities you want the Court to consider;
- The names and addresses of any witnesses you want to call to testify, and a summary of the witnesses' expected testimony;
- Documentary proof that you are a Class Member (for example, a receipt that shows the purchase of an eligible model);
- If you (or your lawyer) want to appear and speak at the Fairness Hearing, a statement that you wish to appear and speak; *and*
- Your signature (or your lawyer's signature).

Your objection must be signed, mailed, and postmarked **no later than September 6, 2013** to the Court at:

Clerk of Court  
United States District Court  
Northern District of California  
280 South First Street, Room 2112  
San Jose, CA 95113

Copies of your objection **must also** be signed, mailed, and postmarked **no later than September 6, 2013** to the following three addresses:

**Counsel for the Class:**

Anthony Vozzolo  
Faruqi & Faruqi, LLP  
369 Lexington Ave., 10<sup>th</sup> Floor  
New York, NY 10017

**Counsel for the Class:**

Scott A. Bursor  
Bursor & Fisher, P.A.  
888 Seventh Avenue  
New York, NY 10019

**Counsel for HAT:**

Karen F. Lederer  
Troutman Sanders LLP  
405 Lexington Avenue  
New York, NY 10174

If you object through a lawyer, you will have to pay for the lawyer yourself.

### 15. What's the difference between objecting and excluding?

Objecting is simply telling the Court you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

## YOUR RIGHTS AND CHOICES – APPEARING IN THE LAWSUIT

### 16. Can I appear or speak in this lawsuit and Proposed Settlement?

As long as you do not exclude yourself, you can (but do not have to) participate and speak for yourself in this lawsuit and Proposed Settlement. This is called making an appearance. You can also have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

### 17. How can I appear in this lawsuit?

If you want yourself or your own lawyer (instead of Class Counsel) to participate or speak for you in this lawsuit, you must give the Court a paper that is titled a "Notice of Appearance." The Notice of Appearance must contain the title of the lawsuit, a statement that

For More Information:  
[www.haierfreezersettlement.com](http://www.haierfreezersettlement.com)

you wish to appear at the Fairness Hearing, and the signature of you or your lawyer.

Your Notice of Appearance can also state that you or your lawyer would like to speak at the Court's Fairness Hearing on the Proposed Settlement. If you submit an objection (see question 14 above) and would like to speak about the objection at the Court's Fairness Hearing, both your Notice of Appearance and your objection should include that information.

Your Notice of Appearance must be signed, mailed and postmarked **no later than September 6, 2013** to the Court at:

Clerk of Court  
U.S. District Court  
Northern District of California  
280 South First Street, Room 2112  
San Jose, CA 95113

Copies of your Notice of Appearance must also be signed, mailed and postmarked **no later than September 6, 2013** to the same three addresses appearing on page 6 of this Notice, in question 14.

## IF YOU DO NOTHING

### 18. What happens if I do nothing at all?

If you do nothing, you will get no Settlement Benefits from this settlement. But, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against HAT about the subject matter of this lawsuit, ever again.

## THE LAWYERS REPRESENTING YOU

### 19. Do I have a lawyer in this case?

The Court has appointed Faruqi & Faruqi, LLP and Bursor & Fisher, P.A. as legal counsel for the Class. Together, the law firms are called Class Counsel.

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

From the inception of the litigation in June 2011 to the present, Class Counsel has not received any payment for their services in prosecuting the case or obtaining settlement, nor have they been reimbursed for any out-of-pocket expenses they have incurred. When they ask the Court to approve the settlement, Class Counsel will also make a motion to the Court for an award of attorneys' fees and reimbursement of expenses, in a total amount not to exceed \$922,000. If the Court grants Class Counsel's request for attorneys' fees and expenses, HAT will pay those fees and expenses in addition to (and not out of) the settlement relief that is available to Class members. No matter what the Court decides with regard to the requested attorneys' fees, Class members will never have to pay anything toward the fees or expenses of Class Counsel. Class Counsel will seek final approval of the settlement on behalf of all Class members. You may hire your own lawyer to represent you in this case if you wish, but it will be at your own expense.

## THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to attend or speak.

### 21. When and where will the Court decide whether to approve the settlement?

The Court will hold a Fairness Hearing at 9:00 AM on October 25, 2013, at the United States District Court for the Northern District of California (San Jose Division) located at 280 South 1<sup>st</sup> Street, San Jose, California 95113, in Courtroom 4. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Davila will listen to people who have asked to speak beforehand (see Question 17) at the hearing. The Court may also discuss Class Counsel's request for an award of attorneys' fees and reimbursement of costs. After the hearing, the Court will decide whether to approve the settlement and whether to grant Class Counsel's request for attorneys' fees and expenses. We do not know how long these decisions will take.

## **22. Do I have to come to the hearing?**

No. Class Counsel is working on your behalf and will answer any questions Judge Davila may have, but, you are welcome to attend the hearing at your own expense. If you send an objection, 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 pay your own lawyer to attend, but it's not necessary.

## **23. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *In re Haier Freezer Consumer Litigation*, Case No. 5:11-CV-02911-EJD." Be sure to include your first and last name, a valid mailing address, a functioning telephone number, and signature. Your Notice of Intention to Appear must be postmarked **no later than September 6, 2013**, and be sent to Clerk of the Court, Class Counsel, and Defense Counsel, at the three addresses in question 14. You cannot speak at the hearing if you excluded yourself.

# **FINAL SETTLEMENT APPROVAL**

## **24. What is the effect of final settlement approval?**

If the Court grants final approval of the settlement, all members of the Class will release and forever discharge any and all claims or causes of action that have been, might have been, are now, or could have been brought relating to the transactions, actions, conduct and events that are the subject of this action or settlement, arising from or related to the energy efficiency of the freezers or otherwise alleged in the action, whether in law or equity, whether seeking damages or any other relief (including attorneys' fees), of any kind or character, known or unknown, that are now recognized by law or that may be created or recognized in the future by statute, regulation, judicial decision, or in any other manner, based upon any federal or state statutory or common law, including, without limitation, claims sounding in tort, contract, and the consumer protection laws of the United States or of any state or other jurisdiction within the United States, as well as under the unfair or deceptive trade practices, trade regulation, consumer fraud, misrepresentation, and false advertising law of the United States or any state or other jurisdiction within the United States, including, but not limited to, any claims relating to the alleged diminished value of or need to replace a freezer (the "Released Claims"). Excluded from the Released Claims are any and all claims for personal injury, wrongful death, and/or emotional distress.

If the settlement is not approved, the case will proceed as if no settlement had been attempted. There can be no assurance that if the settlement is not approved and litigation resumes, the Class will recover more than is provided for under the settlement, or will recover anything.

# **GETTING MORE INFORMATION**

## **25. Are there more details about the settlement?**

This Notice is only intended to provide a summary of the proposed settlement. You may obtain the complete text of the settlement at [www.haierfreezersettlement.com](http://www.haierfreezersettlement.com), by writing to the Settlement Administrator (at the address listed above), or from the court file, which is available for your inspection during regular business hours at the Office of the Clerk of the United States District Court for the Northern District of California, San Jose Courthouse, 280 South First Street, San Jose California, under the Civil Action Number 5:11-CV-02911-EJD.

**PLEASE DO NOT CALL OR DIRECT ANY INQUIRIES TO THE COURT.**