

1 **UNITED STATES DISTRICT COURT**
2 **SOUTHERN DISTRICT OF CALIFORNIA**

3 IN RE MAXWELL TECHNOLOGIES) Lead Case No. 13-CV-966-BEN (RBB)
4 INC., DERIVATIVE LITIGATION,)
5 This Document Relates To:) (Derivative Action)
6 ALL ACTIONS.) Hon. Roger T. Benitez
7)
8)

9 **SUMMARY NOTICE OF PENDENCY AND PROPOSED**
10 **SETTLEMENT OF SHAREHOLDER DERIVATIVE ACTIONS**

11
12 **TO: ALL STOCKHOLDERS OF MAXWELL TECHNOLOGIES, INC.**
13 **(“Maxwell”) AS OF DECEMBER 10, 2014:**

14 YOU ARE HEREBY NOTIFIED, pursuant to the Preliminary Approval Order
15 of the United States District Court for the Southern District of California (the
16 “Court”), that a hearing will be held on March 16, 2015, at 10:30 a.m., before the
17 Honorable Roger T. Benitez, United States District Court Judge for the Southern
18 District of California, located at Edward J. Schwartz United States Courthouse,
19 Courtroom 5A, Suite 5135, 221 West Broadway, San Diego, CA 92101, (or at such a
20 date and time as the Court may direct without further notice) (the “Settlement
21 Hearing”) to determine: (1) whether the proposed settlement of the claims in the
22 Actions should be approved by the Court as fair, reasonable, and adequate; (2)
23 whether, thereafter, the Actions should be dismissed with prejudice as set forth in the
24 Stipulation of Settlement; and (3) whether the Court should approve Plaintiffs’
25 Counsel’s request for a Fee and Expense Award and a Service Award to each of the
26 Plaintiffs. Except as otherwise expressly provided below or as the context otherwise
27 requires, all capitalized terms contained herein shall have the same meanings and/or

1 definitions as set forth in the Stipulation of Settlement dated December 10, 2014 (the
2 “Stipulation”).

3 If you are a current stockholder of Maxwell as of December 10, 2014, and
4 continue to own Maxwell stock through the date of the Settlement Hearing, your
5 rights may be affected by the Settlement of the Actions. You may obtain and/or
6 review copies of the Stipulation, the full Notice, and all related documents during
7 regular business hours at the offices of the Clerk of the Court, at Edward J. Schwartz
8 United States Courthouse, Courtroom 5A, Suite 5135, 221 West Broadway, San
9 Diego, CA 92101, on Maxwell’s corporate website at [http://investors.maxwell.com/
10 phoenix.zhtml?c=94560&p=irol-IRHome](http://investors.maxwell.com/phoenix.zhtml?c=94560&p=irol-IRHome), or on Plaintiffs’ Counsel’s websites:
11 www.johnsonandweaver.com, www.bottinilaw.com, and www.hfesq.com. These
12 documents describe the information that must be provided and the necessary steps
13 current holders of Maxwell common stock must take in order to make an objection to
14 the Settlement and/or to appear at the Settlement Hearing.

15 Plaintiffs intend to seek an award of attorneys’ fees and costs from the Court in
16 an amount not to exceed \$1.5 million, and Maxwell and the Individual Defendants
17 reserve the right to oppose the amount of the fees and costs sought.

18 Any Maxwell shareholder may appear and show cause why the Settlement of
19 the Actions embodied in the Stipulation should not be approved as fair, reasonable,
20 and adequate, or why the Judgment should or should not be entered, or why the Fee
21 and Expense Amount or Service Awards should not be awarded. To object, the
22 shareholder must: (a) file a written objection, stating the case name and number, *In*
23 *re Maxwell Technologies, Inc. Derivative Litigation*, Case No. 13-CV-966, and
24 stating all reasons for the objection; (b) give proof of current ownership of Maxwell
25 stock as well as documentary evidence of when such stock was acquired; (c) clearly
26 identify any and all evidence in support of such objections; and (d) identify any case,
27 by name, court, and docket number, in which the objector or his, her, or its attorney,

1 if any, has objected to a settlement in any shareholder class action or derivative action
2 the last three years. Any written objections shall be filed with Clerk of the Court at
3 least fourteen (14) days prior to the Settlement Hearing, at the below address:

4
5 **CLERK OF THE COURT**

6 Edward J. Schwartz United States Courthouse
7 Courtroom 5A, Suite 5135
8 221 West Broadway
9 San Diego, CA 92101

9 and copies of such objections shall be served at the same time upon the following
10 counsel by first-class mail:

11 **Counsel for Plaintiffs:**

12 Frank J. Johnson
13 JOHNSON & WEAVER, LLP
14 110 West A Street, Suite 750
15 San Diego, California 92101
16 Telephone: (619) 230-0063
17 Facsimile: (619) 255-1856

18 Francis A. Bottini, Jr.
19 BOTTINI & BOTTINI, INC.
20 7817 Ivanhoe Ave., Suite 102
21 La Jolla, California 92037
22 Telephone: (858) 914-2001
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11 **Counsel for Defendants:**

12 Jerome F. Birn, Jr.
13 WILSON, SONSINI, GOODRICH & ROSATI
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15 Palo Alto, California 94304
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17 Facsimile: (650) 493-6811

18 *Counsel for Nominal Defendant Maxwell Technologies, Inc., Jose L. Cortes, Roger Howsmon, Burkhard Goeschel, Jean Lavigne, Mark Rossi, Robert Guyett, Yon Yoon Jorden, David J. Schramm, Kevin S. Royal, and George Kreigler III*

21 Shirli Fabbri Weiss
22 DLA PIPER LLP (US)
23 401 B Street, Suite 1700
24 San Diego, California 92101-4297
25 Telephone: (619) 699-2700
26 Facsimile: (619) 699-2701

27 *Counsel for Defendant Van Andrews*

1 Any Maxwell shareholder wishing to be heard at the Settlement Hearing is
2 required to include a notice of intention to appear at the Settlement Hearing together
3 with his, her, or its written objection.

4 Any Maxwell shareholder who does not make his, her, or its objection in the
5 manner provided herein shall be deemed to have waived such objection and shall
6 forever be foreclosed from making any objections to the Settlement or to the fairness
7 and reasonableness of the Fee and Expense Award or Service Awards.

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**PLEASE DO NOT CALL OR WRITE THE COURT OR THE CLERK'S
OFFICE FOR INFORMATION.**