



Current or former employees of eBay and Intuit may be eligible to receive benefits from a settlement.

NOTICE OF PROPOSED SETTLEMENT AND FINAL SETTLEMENT APPROVAL HEARING

The State of California v. eBay Inc., Case No. CV12-5874-EJD-PSG
 United States District Court, Northern District of California

THIS NOTICE MAY AFFECT YOUR RIGHTS — PLEASE READ IT CAREFULLY.



Scan this QR Code with your smartphone to go to the case website.

If you lived in California between January 1, 2005 and May 1, 2014 and were employed by eBay or Intuit during that time, you may be eligible for payment from a *parens patriae* settlement negotiated on your behalf by the Attorney General of California.

A federal court authorized this notice. This is not a solicitation from a lawyer.

- A settlement has been reached between eBay Inc. (“eBay”) and the Attorney General of California on behalf of the State of California and as *parens patriae* on behalf of natural persons who are residing in or have resided in California between January 1, 2005 and May 1, 2014 (collectively, the “State”).
- The underlying lawsuit, *The State of California v. eBay Inc.*, Case No. CV12-5874-EJD-PSG, concerns allegations that Defendant eBay participated in certain anticompetitive recruiting and hiring practices.
- Under the Settlement, eBay has agreed to pay the total amount of Three Million Seven Hundred Fifty Thousand Dollars (\$3.75 million) into a Settlement Fund to resolve these allegations, of which \$2.375 million will be paid to natural persons.
- The Settlement Fund will provide Two Million Three Hundred Seventy-Five Thousand Dollars (\$2.375 million) to three groups of people who are residing in or have resided in California since January 1, 2005 and who were employed by eBay or Intuit over the Settlement Period, between January 1, 2005 and May 1, 2014. An additional Three Hundred Thousand Dollars (\$300,000) of the Settlement Fund will be deposited into a state antitrust or consumer protection account for alleged harm to the California economy, including deadweight loss.
- Your legal rights are affected whether you act or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

SUBMIT A CLAIM FORM	The only way to receive benefits.
EXCLUDE YOURSELF	Get no benefit. This is the only option that allows you to ever be part of any other lawsuit against eBay regarding the actions alleged in this settlement.
OBJECT	Write to the Court about why you don’t like the settlement, but remain as part of the California natural persons covered by this <i>parens patriae</i> settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	Get no benefit. Give up rights.

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.

WHAT THIS NOTICE CONTAINS

Basic Information **PAGE 2**

Who Is In the Settlement **PAGE 2**

The Settlement Benefits—What You Get **PAGE 2**

How You Get a Payment **PAGE 3**

Excluding Yourself From the Settlement **PAGE 3**

The Lawyers Representing You **PAGE 3**

Objecting to the Settlement **PAGE 4**

The Court’s Fairness Hearing **PAGE 4**

If You Do Nothing **PAGE 4**

Getting More Information **PAGE 4**

Basic Information

1. Why did I get this notice?

You received this notice either because you requested it, or because you have been identified by eBay or Intuit as a California natural person who may be eligible for benefits from the settlement.

2. What is this lawsuit about?

The State of California alleges that eBay participated in certain recruiting and hiring practices in violation of Section One of the Sherman Act, the Cartwright Act, and California's Unfair Competition Law, and that these alleged violations harmed persons who are residing in or have resided in California since January 1, 2005. eBay's agreement to the terms of this settlement do not constitute any admission that the law has been violated.

3. Why is this a *parens patriae* lawsuit?

In a *parens patriae* lawsuit, the attorney general of a state litigates on behalf of the state's residents for violations of certain laws. The Attorney General is vested with this authority to safeguard the general and economic welfare of the state's residents and to assure that the benefits of these laws are not denied to the general population. In this lawsuit, the Attorney General of California represents all natural persons residing in the State of California. One court resolves the issues for all involved, except for those who exclude themselves from the matter. U.S. District Judge Edward J. Davila is in charge of this *parens patriae* lawsuit.

4. Why is there a settlement?

The Court did not decide in favor of the State or Defendant. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The State, represented by the Attorney General for the State of California, and the Defendant think the settlement is best for everyone who was injured.

Who is in the Settlement

5. How do I know if I am part of the settlement?

If you are a natural person who resides or has resided in California between January 1, 2005 and May 1, 2014, your rights are affected by this settlement; if you worked for eBay or Intuit during that period, you may be eligible for monetary benefits.

6. If I was employed by eBay or Intuit during the relevant period, but did not apply for a new position, am I included?

Yes. Whether you have applied for a new position may impact your level of benefit.

The Settlement Benefits—What You Get

7. What benefits are available?

The parties have agreed to three recovery groups, called Claimant Pools.

Claimant Pool I: If you were employed by Intuit and were considered for, but not offered, a position at eBay during the Settlement Period, and have been identified as a member of Claimant Pool I, you will receive between \$5,000 and \$10,000, a prorated distribution from a pool of \$200,000. There are approximately 40 persons in Claimant Pool I.

Claimant Pool II: If you were employed by Intuit and applied for, but was not offered, a position at eBay during the Settlement Period, and are not a member of Claimant Pool I, you will receive between \$1,000 and \$1,500, a prorated distribution from a pool of \$950,000. There are approximately 950 persons in Claimant Pool II.

Claimant Pool III: If you were employed by eBay or Intuit during the Settlement period and are not a member of Claimant Pool I or Claimant Pool II, and your employment can be reasonably confirmed, you will receive between \$100 and \$150, a prorated distribution from a pool of \$1,225,000.

Restitution for Harm to the California Economy: This settlement agreement provides for three hundred thousand dollars (\$300,000) for harm to the California economy, including deadweight loss, resulting from the conduct alleged in the Complaint. This sum shall be recovered from the Settlement Fund for deposit into a state antitrust or consumer protection account.

8. What happens to any unclaimed funds?

Any amount remaining in the Settlement Fund after valid claims are redeemed and civil penalties, attorneys fees and costs, and settlement administration costs are paid will be distributed by the State for *cy pres* purposes to one or more charitable organizations, pursuant to California Business and Professions Code Section 16760(e)(1), whose purpose relates to employment in the technology industry in California. As a condition to receiving any payment under this section, each *cy pres* recipient must agree to devote the funds to promote public awareness and education, and/or to support research, development, and initiatives, related to employment in the high-tech industry.

How You Get a Payment—Submitting a Claim Form

9. How can I get a payment?

To qualify for payment, you must submit a claim. You can submit a claim online or download a claim form at www.AGTechEmploymentSettlement.com. You may also request a claim form by contacting the Settlement Administrator at: 1-877-

295-8830 or *eBay Parens Patriae Settlement*, c/o Gilardi & Co. LLC, P.O. Box 8060, San Rafael, CA 94912-8060. Read the instructions carefully, fill out the form, sign, and mail the claim in its entirety postmarked no later than **February 25, 2015**, or submit electronically no later than **February 25, 2015**.

10. When would I get my payment?

The Court will hold a hearing on June 26, 2015 to decide whether to approve the settlement. If Judge Davila approves the settlement there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year.

11. What am I giving up to get a payment or stay in the settlement?

Unless you exclude yourself, you are remaining in the settlement. All of the Court's orders will apply to you and bind you to the Court's decision.

Excluding Yourself From the Settlement

12. How do I get out of the settlement?

To exclude yourself from the settlement, you must respond with the exclusion form available on the settlement website or by letter saying that you want to be excluded from *The State of California v. eBay Inc.* Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than February 25, 2015 to:

eBay Parens Patriae Exclusions
 c/o Gilardi & Co. LLC
 P.O. Box 8090
 San Rafael, CA 94912-8090
www.AGTEchEmploymentSettlement.com

You cannot exclude yourself on the phone or by e-mail. If you ask to be excluded, you will not get any settlement benefit, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit.

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

If you do not exclude yourself now, you may give up the right to sue eBay later for any claims this settlement resolves. If you have a pending lawsuit or are considering one, speak to your lawyer immediately.

14. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, you are choosing not to be a part of this lawsuit and will not receive benefits from this settlement. However, you may sue, continue to sue, or be part of a different lawsuit against eBay.

The Lawyers Representing You

15. Who are the lawyers in this case?

Plaintiffs are represented by Kamala D. Harris, Attorney General of California. The Attorney General has brought this action on behalf of the State of California and as *parens patriae* on behalf of natural persons who are residing in or have resided in California since January 1, 2005 (collectively, the "State").

For purposes of this Settlement Agreement, any notice or other communication must be given to the persons at the addresses set forth below:

<i>For the State</i>
Nicole S. Gordon Deputy Attorney General Antitrust Section, Public Rights Division Office of the Attorney General of California 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102

You will not be charged for this lawyer. If you want to be represented by your own lawyer, you may hire one at your own expense. Addresses for Defendant eBay's Counsel and the Court are as follows:

<i>For eBay</i>	<i>Clerk of the Court</i>
Thomas P. Brown Paul Hastings LLP 55 Second Street Twenty-Fourth Floor San Francisco, CA 94105	Office of the Clerk United States District Court 450 Golden Gate Avenue San Francisco, CA 94102-3489

16. How will the lawyers be paid?

The State will be paid \$675,000 in attorneys' fees and costs to be recovered from the Settlement Fund.

Objecting to the Settlement

17. How do I tell the Court that I do not like the settlement?

If you are affected by the settlement, you can object to the settlement if you do not 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 saying you object to the proposed settlement in *The State of California v. eBay Inc.* Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. Mail the objection, postmarked no later than February 25, 2015, to the State, Defendant's Counsel, and the Clerk of the Court at the addresses listed in Section 15 and to the Claims Administrator at:

eBay Parens Patriae Objections
c/o Gilardi & Co. LLC
P.O. Box 8090
San Rafael, CA 94912-8090

18. What is the difference between objecting and excluding?

Objecting is telling the Court that you do not like something about the settlement. You can object only if you stay in the settlement. By excluding yourself, you are telling the Court that you do not want to be a part of the settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

The Court's Fairness Hearing

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

The Court will hold a Fairness Hearing at 9:00 a.m., on June 26, 2015 at the United States District Court for the Northern District of California, Courtroom 4, 5th Floor, 280 South 1st Street, San Jose, CA 95113. 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 at the hearing. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

20. Do I have to come to the hearing?

No. But, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary to do so.

21. 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 stating in large bold letters at the top of the page that it is your "Notice of Intent to Appear in *The State of California v. eBay Inc.*" Be sure to include your name, address, telephone number, and your signature. Your Notice of Intent to Appear must be postmarked no later than February 25, 2015, and be sent to the Clerk of the Court, the Attorney General of California, and Defense Counsel, at the three addresses in Section 15. You cannot speak at the hearing if you excluded yourself.

If You Do Nothing

22. What happens if I do nothing at all?

If you do nothing, you will receive no benefit from the settlement. Unless you exclude yourself, you may not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against eBay about the legal issues in this case ever again.

Getting More Information

23. Are there more details about the settlement?

This notice summarizes the proposed settlement. The Settlement Agreement and all court documents related to this matter are available on the settlement website at www.AGTEchEmploymentSettlement.com. Please do not contact the Court with questions regarding this matter.

24. How do I get more information?

You can call 1-877-295-8830 toll free, write to *eBay Parens Patriae Settlement*, c/o Gilardi & Co. LLC, P.O. Box 8060, San Rafael, CA 94912-8060, or visit the website at www.AGTEchEmploymentSettlement.com where you will find answers to common questions about the settlement, a claim form, plus other information to help you determine your eligibility and options.