

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**Phil Shin, on behalf of himself and all others
similarly situated,**

Case No. 5:18-cv-05626-NC

v.

Plantronics, Inc.

CLAIM FORM FOR \$25 AND \$50 PAYMENTS UNDER CLASS ACTION SETTLEMENT

INSTRUCTIONS

This class action lawsuit alleges that Plantronics falsely advertised and warranted BackBeat FIT wireless sport headphones (the “Headphones”) as sweatproof, waterproof, and able to provide up to eight hours of listening time on a single charge. Named Plaintiff claims that, as a result of these alleged defects, the Headphones are worth less than what consumers paid. Plantronics denies these allegations and denies any wrongdoing.

The parties have entered into a settlement which provides a cash payment of \$25 or \$50 (as described below) if you submit a Valid Claim. Use this Claim Form to submit a claim. Pictures of the Headphones covered by the settlement are below:



You are a Settlement Class Member if you:

- Live within the United States and its territories and purchased at retail Plantronics BackBeat FIT wireless headphones, version Genesis or 16M, between April 1, 2014, and October 31, 2019.

To be eligible for the \$25 or \$50 payment you must submit a Valid Claim no later than December 31, 2019.

A Valid Claim for the \$25 payment must be supported by documentation such as a receipt showing the purchase date, price, and type of Headphones purchased. If you do not have this documentation, you should still submit your claim because your claim may still be valid if the Settlement Administrator obtains adequate proof of purchase information directly from Plantronics or from the retailer where you purchased the Headphones (e.g., Best Buy, Amazon, Costco, AT&T).

A Valid Claim for the \$50 payment must meet the same requirements as the \$25 payment and also include proof that that you made a contemporaneous prior written complaint that the Headphones failed due to a battery issue or due to moisture, water, or sweat.

Please return your completed Claim Form and any supporting documentation you may have, postmarked no later than December 31, 2019, to:

Headphone Settlement
Settlement Administrator
c/o A.B. Data, Ltd.
PO Box 173083
Milwaukee, WI 53217

I. CLAIMANT IDENTIFICATION

NOTICE ID NUMBER _____
(FROM THE EMAIL OR MAILED NOTICE SENT TO YOU)

NAME

STREET ADDRESS APT

CITY STATE ZIP

MOBILE PHONE NUMBER (OPTIONAL) EMAIL ADDRESS (OPTIONAL)

II. HEADPHONE PURCHASE INFORMATION

WHEN DID YOU PURCHASE THE HEADPHONES? _____
(APPROXIMATE DATE IS OK)

FROM WHICH RETAILER DID YOU PURCHASE THE HEADPHONES?

HOW MUCH DID YOU PAY FOR THE HEADPHONES? _____
(APPROXIMATE PRICE IS OK)

IF YOU MADE A CONTEMPORANEOUS WRITTEN CLAIM OR COMPLAINT THAT THE HEADPHONES WERE DEFECTIVE OR DID NOT FUNCTION PROPERLY DUE TO AN ISSUE WITH THE BATTERY, BATTERY PERFORMANCE, OR THE ABILITY TO RETAIN A CHARGE, OR DUE TO AN ISSUE WITH THE HEADPHONES' RESISTANCE TO WATER, MOISTURE, OR SWEAT, PLEASE ATTACH A COPY OF YOUR COMPLAINT. THIS IS ONLY REQUIRED TO RECEIVE THE \$50 PAYMENT. THIS IS NOT REQUIRED TO RECEIVE THE \$25 PAYMENT.

REQUIRED SUPPORTING DOCUMENTATION

A Valid Claim for either the \$25 or \$50 payment must be supported by documentation such as a receipt demonstrating the purchase date, price, and type of Headphones you purchased. If you do not have this documentation, you should still submit your claim because your claim may still be valid if the Settlement Administrator obtains adequate proof of purchase information directly from Plantronics or from the retailer where you purchased the Headphones (e.g., Best Buy, Amazon, Costco, AT&T). Proof of purchase information can be satisfied by submitting a receipt, credit card statement, or other actual documentation showing the purchase date, type of Headphones, and purchase price.

A Valid Claim for the \$50 payment also must include proof of a prior contemporaneous written claim or complaint that the Headphones failed due to a battery issue or because of moisture, water, or sweat exposure. This can be satisfied by submitting a copy of the claim or complaint (e.g., correspondence to Plantronics, a review on Amazon.com, correspondence to the retailer, etc.). It can also be satisfied if the Settlement Administrator directly obtains a contemporaneous written claim or complaint from Plantronics or the third-party retailer (e.g., Best Buy, Amazon, Costco, AT&T) on your behalf. The documentation must be clear that the claim or complaint related to a failure or malfunction of the Headphones consistent with the allegations in the Complaint. For example, a general negative review on Amazon or plantronics.com would not suffice, but a negative review that specifically references a battery charging issue consistent with the allegations in the Complaint would suffice.

The Settlement Administrator will review all claims, as necessary, to determine whether the information obtained from Plantronics and third-party retailers satisfies the proof of purchase requirement. The Settlement Administrator will also review information and records obtained from Plantronics and third-party retailers to determine if the Class Member made a written claim or complaint to qualify for the \$50 payment.

A claimant cannot recover a \$50 payment or more than one \$25 payment based on replacement Headphones already received in response to a prior warranty claim or complaint. A claimant can recover one \$25 payment based on replacement Headphones already received in response to a prior warranty claim or complaint. If the proof of purchase shows that the claimant purchased the Headphones for less than \$50.00, the claimant's recovery is limited to the price paid for the Headphones. For example, if the proof of purchase shows that the claimant purchased their Headphones for \$40.00, their recovery is limited to \$40.00. There is a limit of two (2) claims per claimant. Please submit a separate Claim Form for each pair of Headphones if you are submitting two (2) claims.

CERTIFICATION UNDER PENALTY OF PERJURY

By signing this claim, I certify, under penalty of perjury, that: (1) the information included is accurate and complete to the best of my knowledge, information, and belief; (2) my Headphones malfunctioned or failed to work properly due to an issue with the battery, battery performance, or the ability to retain a charge, or due to an issue with the Headphones' resistance to water, moisture, or sweat; and (3) I did not already receive a refund for all or any portion of the Headphones' purchase price. If I am seeking the \$50 payment or if I am seeking more than one \$25 payment, I also certify, under penalty of perjury, that I did not previously receive a replacement set of Headphones from any source.

SIGNATURE

DATE