

NOTICE OF PENDENCY OF CLASS ACTION

PLEASE READ THIS NOTICE CAREFULLY.

THIS IS A COURT AUTHORIZED NOTICE AND NOT A SOLICITATION FROM A LAWYER.

IF YOU PURCHASED AN ARRIS SURFBOARD SB6190 CABLE MODEM IN CALIFORNIA, THE CLASS ACTION DISCUSSED BELOW MAY AFFECT YOUR LEGAL RIGHTS.

- J Plaintiffs Greg Knowles and Brian Alexander (“Plaintiffs”) are the named California Plaintiffs in an action (the “Action”) against ARRIS International plc (“ARRIS” or the “Defendant”) in the United States District Court for the Northern District of California (the “Court”).
- J Plaintiffs allege in the Action that in contrast to ARRIS’s representations about the modem’s speed and reliability, the ARRIS SURFboard SB6190 cable modem (the “SB6190 Modem”) contains a defective Intel Puma 6 chip that causes severe network latency. ARRIS denies that the SB6190 Modem contains a defective chip and further denies that ARRIS made any false representations about the SB6190 Modem. The Court has not decided who is right.
- J In a court order dated August 10, 2018 (the “Order”), the Court ruled that the Action may proceed as a class action on behalf of all persons who purchased a Modem in California on or after October 1, 2015 (the “Class”).
- J In the Order, the Court appointed the following attorneys to act as “Class Counsel” on behalf of the Class: Willem Jonckheer, Dustin Schubert, and Noah Schubert of Schubert Jonckheer & Kolbe LLP.
- J If you are a member of the Class, you have two options:
 1. Do nothing and allow your claim to be pursued by Plaintiffs and the Class Counsel; or
 2. Exclude yourself from the Class by **April 14, 2019** if you do not want to participate in the Action or wish to file your own individual claim in another forum (such as a different court).

PLEASE CONTINUE TO READ THIS NOTICE CAREFULLY AS IT PROVIDES FURTHER BACKGROUND ON THIS ACTION, THE OPTIONS AVAILABLE TO YOU, AND THE CONSEQUENCES OF THE OPTION YOU PURSUE.

1. WHY DID I GET THIS NOTICE?

This Notice is to inform you that the U.S. District Court for the Northern District of California has certified a class action lawsuit that may affect you. The Court directed that this Notice be sent to you because you have certain rights and options available to you as a Class Member. This Notice describes the lawsuit, your legal rights, and the relevant deadlines to exercise your legal rights.

2. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?

In a class action, one or more people called “Class Representatives” sue for all people who have similar claims. The people included in the lawsuit are called a “Class” or “Class Members.” One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

The Plaintiffs who sued ARRIS and have been appointed by the Court to represent California members of the class as Class Representatives are Greg Knowles and Brian Alexander. You are a Class Member in the lawsuit. You have legal rights and also options you may exercise that are described in this Notice below.

Questions? Call 1-888-918-4552 or go to www.ARRISCableModemLitigation.com

3. WHAT IS THIS LAWSUIT ABOUT?

This Action was commenced against ARRIS on March 31, 2017. The title of the Action is *In re ARRIS Cable Modem Consumer Litigation*, Case No. 5:17-cv-01834-LHK. U.S. District Judge Lucy H. Koh is overseeing this Action.

PLAINTIFFS' ALLEGATIONS: In their Second Consolidated Amended Complaint (the "Complaint"), Plaintiffs allege that ARRIS failed to disclose that the SB6190 Modem contains a defect that causes severe network latency. Specifically, Plaintiffs contend that in contrast to ARRIS's representations about the SB6190 Modem's speed and reliability, the SB6190 Modem contains a defective Intel Puma 6 chip that causes severe network latency. Plaintiffs seek damages for the reduced value of their SB6190 Modems due to the alleged latency defects. The lawsuit does not seek to recover damages for personal injuries, emotional distress, pain and suffering, or any other damages that may be unique to you.

ARRIS'S DENIAL: ARRIS denies Plaintiffs' allegations and the claims made in the Complaint. ARRIS denies that the SB6190 contains a defective chip, denies that the SB6190 causes severe network latency, denies that ARRIS made any false or misleading representations or omissions regarding the SB6190's speed and reliability and denies that Plaintiffs or the Class are entitled to damages or any other relief in this Action.

THE COURT'S ORDER: The Court approved Plaintiffs' motion to certify the case as a class action on behalf of consumers who purchased the SB6190 Modem in California. Specifically, the Court certified the following class and subclass:

- J) **Class:** All persons who purchased an ARRIS SURFboard SB6190 cable modem in California on or after October 1, 2015.
- J) **Subclass:** All persons who purchased an ARRIS SURFboard SB6190 cable modem in California for personal, family, or household purposes on or after October 1, 2015.

These class claims are brought under the California's Unfair Competition Law and the False Advertising Law. The subclass claims are brought under the Song-Beverly Consumer Warranty Act, and the Consumer Legal Remedies Act. In certifying the lawsuit as a class action, the Court made no decision as to the merits of the Plaintiffs' legal claims or ARRIS's defenses.

No money or benefits are available now, and there is no guarantee that Class Members will receive any money or benefits; that will be decided later in the lawsuit. If the Court's order certifying the Class is not later revoked or decertified by the Court, all orders of the Court, whether good or bad for Plaintiffs, will be binding on any Class Member who does not opt out or exclude themselves.

4. WHAT ARE YOUR OPTIONS?

As a result of the Order, you have two options if you purchased an ARRIS SB6190 cable modem on or after October 1, 2015 in California:

- A. **DO NOTHING:** You can do nothing and be represented by Plaintiffs and Class Counsel. In other words, you do not have to contact Class Counsel or the Court to identify yourself or take any other step to participate in the Action. *See* 5.A. for further information about the consequences of doing nothing.
- B. **REQUEST EXCLUSION (OPT-OUT) FROM THE CLASS BY APRIL 14, 2019:** You can request exclusion from the Class if you do not want to participate in the Action or wish to file your own claim. In the law, this is known as "opting out." If you wish to exclude yourself from the Class because you do not want to participate in the Action or because you wish to pursue your

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own claim, you MUST do so by **April 14, 2019**. See 5.B.c. for further instructions on how to opt-out.

5. WHAT ARE THE CONSEQUENCES OF THE OPTION YOU PURSUE?

A. **WHAT HAPPENS IF YOU DO NOTHING?**

a. **PLAINTIFFS AND CLASS COUNSEL WILL REPRESENT YOUR INTERESTS:** If you do nothing, your interests will be represented by Plaintiffs and Class Counsel. You will be bound by all orders, judgments, and decisions of the Court. If the Class is awarded benefits, you will be notified about how to apply for your share. Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue ARRIS—as part of any other lawsuit—for the same legal claims that are raised in this lawsuit.

b. **COSTS AND ATTORNEYS' FEES:** If Plaintiffs get money or benefits for the Class, then Class Counsel may ask the Court to pay them for their reasonable attorney's fees, costs, and expenses. If the Court grants Class Counsel's request, the fees, costs, and expenses would be either deducted from any money obtained for the Class or paid separately by Defendant ARRIS.

c. **YOU MAY APPEAR IN THE ACTION:** As a member of the Class, you may be required to provide information or otherwise participate in the lawsuit. You may also appear in the Action either on your own or through your own counsel (counsel is required for business customers). If you retain a lawyer to enter an appearance, you will be responsible for your counsel's costs and attorneys' fees.

B. **WHAT HAPPENS IF YOU REQUEST EXCLUSION?**

a. **YOU WILL NOT BE BOUND BY A JUDGMENT:** If you exclude yourself from the Class, you will NOT be bound by any judgment rendered in the Action, favorable or unfavorable. You will retain your right to sue ARRIS separately in another lawsuit and bring the same legal claims that are in this Action. You may also decide to bring your own claim based on any other theory in another forum (such as another Court).

b. **YOU WILL NOT SHARE IN ANY RECOVERY:** If you exclude yourself from the Class, you will **NOT** share in any recovery or benefits obtained by Plaintiffs and Class Counsel, by settlement or trial, in the Action.

c. **HOW TO OPT-OUT:** If you wish to exclude yourself from the Class, you may submit your request online at www.ARRISCableModemLitigation.com by **April 14, 2019**.

You may also send a letter to the Class Administrator at CLASS ACTION OPT OUT, ATTN: ARRIS Cable Modem Litigation, PO Box 58220, 1500 John F Kennedy Blvd, Suite C31, Philadelphia, PA 19102 with your full name and signature, or send an email to the Class Administrator at Administrator@ARRISCableModemLitigation.com. Your request must clearly state that you wish to exclude yourself from the "ARRIS SB6190 Cable Modem Class Action" and must be sent by **April 14, 2019** (postmarked no later than this date if by letter).

6. WHAT ABOUT MODEMS PURCHASED IN OTHER STATES?

For now, the Court has only certified the claims on behalf of California purchasers. Only these claims will move forward to trial on September 9, 2019.

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At a later date, the Court may decide whether to treat claims from other states as part of a class action. If you purchased an ARRIS SB6190 Modem in another state, you do not need to do anything at this time.

7. WHO ARE THE ATTORNEYS FOR THE CLASS?

You do not need to hire your own lawyer. The Court has appointed attorneys Willem Jonckheer, Dustin Schubert, and Noah Schubert of Schubert Jonckheer & Kolbe LLP to serve as Class Counsel for the Class. The contact information for Class Counsel is as follows:

Willem F. Jonckheer
wjonckheer@sjk.law

Dustin L. Schubert
dschubert@sjk.law

Noah M. Schubert
nschubert@sjk.law

SCHUBERT JONCKHEER & KOLBE LLP

Three Embarcadero Center, Suite 1650

San Francisco, CA 94111

Tel: (415) 788-4220

Fax: (415) 788-0161

If you have any questions regarding your rights as a Class member or the consequences of the option you wish to pursue, you may contact Class Counsel without charge.

Alternatively, you are free to represent yourself or retain your own attorney to represent you in the Action at your own expense. To do this, you must file a Notice of Appearance with the Clerk of the District Court, located at United States District Court for the Northern District of California, 450 Golden Gate Avenue, San Francisco, CA 94102-3489.

8. HOW WILL CLASS COUNSEL BE PAID?

Class Counsel have not been paid and/or reimbursed so far for any of their time and expenses pursuing this lawsuit. If Class Counsel obtain money and/or other benefits for the Class, they will ask the Court for an award of fees and expenses, subject to Court approval. If the Court grants the request, the fees and expenses will be either deducted from any money obtained for the Class and/or they will be paid separately by ARRIS.

You will *not* otherwise be responsible for *any* fees, costs or expenses of Class Counsel relating to the prosecution of this lawsuit.

9. HOW AND WHEN WILL THE COURT DECIDE WHO IS RIGHT?

Unless the case is resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial is currently scheduled to commence on September 9, 2019 at the United States District Court, Northern District of California, San Jose Division, 280 South First Street, San Jose, California 95113. The trial may be moved to a different date or time without notice, so it is a good idea to check the Court's public website, <https://cand.uscourts.gov/home>. During the trial, a jury and/or the judge will hear all of the evidence and reach a decision about whether the Plaintiffs or ARRIS are right about the claims in the lawsuit. Plaintiffs will have to prove their claims. There is no guarantee that Plaintiffs will win any money or benefits for the Class.

10. DO I HAVE TO COME TO THE TRIAL?

You will not need to attend the trial unless you choose to do so, or you are asked to attend by the Court. Class Counsel will present the case for Plaintiffs, and the lawyers for Defendant ARRIS will present their defenses. You and/or your own lawyer are welcome to come at your own expense. Please check the Court's website, <https://cand.uscourts.gov/home>, to stay informed of the trial schedule.

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11. WILL I GET MONEY AFTER THE TRIAL?

If Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to verify that you are a member of the Class and obtain your share. Thus, if your email address changes, it is important to notify Class Counsel so that you will receive future notices to the Class. Important information about the Action may also be posted on the Court's public website, <https://cand.uscourts.gov/home>, as it becomes available. You may access the website, whether you stay in the lawsuit or exclude yourself, to obtain current information about this case.

12. HOW DO I GET MORE INFORMATION?

There is a dedicated website regarding the Action with important documents and rulings you may wish to review. The website address is www.ARRISCableModemLitigation.com where you will find the Complaint, the Court's Order certifying the Class, as well as an Exclusion Request form. You may also call 1-888-918-4552 or email Administrator@ARRISCableModemLitigation.com.

**PLEASE DO NOT CONTACT THE COURT
EXCEPT AS STATED IN THIS NOTICE.**

Dated: February 8, 2019

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