

# If You Directly Purchased Airfreight Shipping Services Between January 1, 2000 and September 30, 2006, Your Rights may be Affected by a Class Action Lawsuit

## What is this about?

Plaintiffs claim that numerous air cargo carriers conspired to fix prices of Airfreight Shipping Services in violation of U.S. antitrust laws, and that as a result, purchasers paid more for Airfreight Shipping Services than they otherwise would have paid. Defendants deny these claims and have asserted various defenses.

This notice: 1) provides information concerning three new settlements with Asiana Airlines Inc., EVA Airways Corp., and Nippon Cargo Airlines Co. Ltd.; and 2) announces an order certifying a Litigation Class. A trial has been scheduled for April 18, 2016 against the remaining Non-Settling Defendants: Air China Ltd., Air China Cargo Company Ltd., Air India, Air New Zealand Ltd., Atlas Air Worldwide Holdings, Inc., Polar Air Cargo LLC, and Polar Air Cargo Worldwide, Inc. A complete list of Defendants is found on the settlement website: [www.aircargosettlement5.com](http://www.aircargosettlement5.com).

## Who is a class member?

**The Settlement Class** - You are a Settlement Class member in each of the new proposed settlements with Asiana, EVA and Nippon Cargo if you purchased airfreight shipping services directly from any of the Defendants **to** the United States, **from** the United States, or **WITHIN** the United States from January 1, 2000 up to and including September 11, 2006.

**The Litigation Class** - The Court has certified a Litigation Class. You are a member of the Litigation Class if you purchased airfreight shipping services directly from any of the Defendants **to or from** the United States from January 1, 2000 up to and including September 30, 2006.

## What do the Settlements provide?

The settlement with Nippon Cargo provides \$36.35 million, the Asiana settlement provides \$55 million, and the EVA settlement provides \$99 million. These are in addition to prior settlements with other air cargo carriers of approximately \$848 million. The case is continuing against the remaining Non-Settling Defendants.

## What are my options?

At this time, there is no claim form, plan of allocation, or attorneys' fees or reimbursement of expenses to be addressed. There will be a later notice concerning these matters. This notice provides class members a deadline to object and an opportunity to exclude themselves from any of the settlements or the Litigation Class. You must decide at this time if you want to exclude yourself from: 1) any of the settlements described in this notice: Asiana, EVA, and Nippon Cargo; and 2) if you want to exclude yourself from the Litigation Class. Right now you can:

- **Stay in the classes:** This is the only way to get a payment. If you do nothing you will remain in the Litigation Class and be bound by the terms of the settlements.
- **Exclude yourself from one or more of the settlements:** Get no payment. This is the only option that allows you to sue or continue to sue the Settling Defendants concerning the claims in this case. You must exclude yourself by January 22, 2016. You will be eligible to receive payment from any of these settlements from which you do NOT exclude yourself.
- **Exclude yourself from the Litigation Class:** This is the only option that allows you to sue or continue to sue the Non-Settling Defendants concerning the claims in this case. You must exclude yourself by January 22, 2016. You will not be eligible to receive any money from future distributions if the Plaintiffs obtain any money as a result of a trial or from any future settlements with the Non-Settling Defendants.
- **Object:** Write to the Court about why you don't like the Proposed Settlements. The deadline to object is March 4, 2016.

Detailed instructions on how to exclude yourself or object are found on [www.aircargosettlement5.com](http://www.aircargosettlement5.com).

The Court will hold a Fairness Hearing on March 24, 2016 at 10:00 a.m., in Courtroom 6C South at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201. The Court will consider whether the proposed settlements are fair, reasonable, and adequate.

## This is only a summary.

For more information, visit [www.aircargosettlement5.com](http://www.aircargosettlement5.com), email [administrator@aircargosettlement5.com](mailto:administrator@aircargosettlement5.com), or call toll-free at 1-855-382-6460 in the U.S., U.S. territories, and Canada. Other countries can call 1-513-795-0998, toll charges apply. You may write to: Air Cargo Settlement 5, c/o Garden City Group LLC, P.O. Box 10083, Dublin, OH 43017-6683, USA.

**1-855-382-6460**

**[www.AirCargoSettlement5.com](http://www.AirCargoSettlement5.com)**