



United States District Court for the Northern District of California

In re California Gasoline Spot Market Antitrust Litigation

Case No. 3:20-cv-03131-JSC (N.D. Cal.)

Class Action Notice

Authorized by the U.S. District Court

Did you buy gasoline in California between February 18, 2015, and May 31, 2017? At the time, were you a business or did you live outside of California?

There is a \$13,930,000 settlement of a lawsuit that may affect your rights. You may be eligible to receive money. Please read this entire document carefully.

Your options

- 1. Make a claim.**
Be eligible for a payment.
- 2. Do nothing.**
No payment and you will be bound by the Settlement.
- 3. Opt Out.**
No payment and you will not be bound by the Settlement.
- 4. Object.**

Important things to know:

- You are not being sued.
- You can learn more at: www.CalGasLitigation.com.
- Are you an individual who purchased gasoline between February 20, 2015, and November 10, 2015, while residing in California? A settlement in another case may impact your rights. Learn more at: www.CalGasLitigation.com.

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About This Notice

Why did I get this notice?

This notice provides you information about the Settlement of a class action lawsuit, *In re California Gasoline Spot Market Antitrust Litigation*, Case No. 3:20-cv-03131-JSC (N.D. Cal.), that resolves the claims of (a) natural persons who, at the time of purchase, were not residents of the State of California, and (b) all Persons who are not natural persons, such as businesses, wherever located, that: (i) purchased Gasoline from a retailer, (ii) for their own use and not for resale, (iii) within the State of California, (iv) between February 18, 2015, and May 31, 2017. **You received this notice because you may be a member of this group, called the "Settlement Class," and your rights may be impacted.** This notice gives you a summary of the terms of the Settlement Agreement, explains what rights Settlement Class Members have, and helps Settlement Class Members make informed decisions about what actions to take.

What do I do next?

Read this notice to understand the Settlement Agreement and to determine if you are a Settlement Class Member. Then, decide if you want to:

Options	More information about each option
Submit a Claim Form	You must submit a claim to be eligible to receive a payment. You will be bound by the Settlement Agreement.
Do Nothing	Get no payment. Give up rights resolved by the Settlement Agreement. Read below for more details about the types of claims covered by this Settlement.
Opt Out	Get no payment. Allows you to potentially bring another lawsuit against Defendants (defined below) about the same issues. You must notify the Settlement Administrator in writing using the procedures on pages 10-11.
Object	Tell the Court why you don't like the Settlement Agreement. More detail on objecting to this Settlement can be found on pages 11-12.

Read on to understand the specifics of the Settlement Agreement and what each choice would mean for you.

What are the most important dates?

Your deadline to object or opt out: **January 8, 2025.**

Final Settlement approval hearing: **February 20, 2025**

Your deadline to submit a Claim Form: **January 8, 2025.**

What are the most important definitions?

Please review the Settlement Agreement to see a full list of defined terms. Certain defined terms that are used in this notice are listed below.

- **“Defendants”** means Vitol Inc., Brad Lucas, SK Energy Americas, Inc., SK Trading International Co. Ltd., and David Niemann.
- **“Defendant Releasees”** means Defendants and each of their respective past, present, or future direct and indirect parents (including holding companies), subsidiaries, affiliates, associates (all as defined in SEC Rule 12b-2, promulgated pursuant to the Securities Exchange Act of 1934, as amended), divisions, joint ventures, predecessors, successors, and each of their respective past, present, and future officers, directors, managers, members, partners, shareholders, insurers, employees, agents, consultants, attorneys, legal or other representatives, trustees, heirs, executors, administrators, advisors, alter egos, and assigns, and the predecessors, successors, heirs, executors, administrators, and assigns of each of the foregoing.
- **“Gasoline”** includes regular, mid-grade, and premium gasoline but does not include diesel.
- **“Gross Settlement Amount”** means \$13,930,000.00.
- **“Settlement Class”** means the following: (a) natural persons who, at the time of purchase, were not residents of the State of California, and (b) all Persons that are not natural persons, wherever located, that: (i) purchased Gasoline from a retailer, (ii) for their own use and not for resale, (iii) within the State of California, (iv) between February 18, 2015, and May 31, 2017. Please review the Settlement Agreement to see who is excluded from the Settlement Class.
- **“Settlement Class Representatives”** means Fricke-Parks Press, Inc., Bogard Construction, Inc., and Ritual Coffee Roasters, Inc.

Learning About the Lawsuit

What is this lawsuit about?

Defendants traded products on the “spot” market, and these products were used to make Gasoline which was ultimately sold at the pump. In May 2020, a class action lawsuit was filed against Defendants alleging that Defendants manipulated the price of the products traded on the “spot” market, and that this manipulation increased the price of Gasoline at the pump. The Settlement Agreement resolves the claims of the Settlement Class (defined above) involving the allegations in the lawsuit. Defendants deny that they did anything wrong.

Where can I learn more?

You can get a complete copy of the Settlement Agreement and other key documents at: www.CalGasLitigation.com

Who are the Defendants?

The Defendants are Vitol Inc., Brad Lucas, SK Energy Americas, Inc., SK Trading International Co. Ltd., and David Niemann.

Through this Settlement Agreement, Settlement Class Representatives, on behalf of the Settlement Class, release certain claims against the Defendant Releasees (defined above).

What does it mean to “release” a claim?

If a claim is released, it is forever resolved and cannot be the basis for a new lawsuit.

Why is there a settlement in this lawsuit?

On May 30, 2024, the parties agreed to settle, which means they have reached an agreement to resolve the lawsuit. Both sides want to avoid the risk and expense of further litigation.

The Court has not decided this case in favor of either side. This notice is not an opinion by the Court about whether the Plaintiffs or Defendants are right.

What is a class action settlement?

A class action settlement is an agreement between the parties to resolve and end the case. Settlements can provide money to Settlement Class Members.

What happens next in this lawsuit?

The Court will hold a final approval hearing to decide whether to approve the Settlement Agreement. The hearing will be held at:

Where: San Francisco Courthouse, Courtroom 8—19th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102.

When: 10:00 a.m. on February 20, 2025.

The Court has directed that notice of the Settlement Agreement be sent out. Because the Settlement affects the rights of all members of the Settlement Class (defined above), the Court must give final approval to the Settlement Agreement before it can take effect. Payments will only be made if the Court approves the Settlement Agreement.

You don't have to attend the final approval hearing, but you may at your own expense. You may also ask the Court for permission to speak and express your opinion about the Settlement Agreement. If the Court does not approve the Settlement Agreement or the parties decide to end it, it will be void and the lawsuit will continue.

The date of the hearing may change without further notice to members of the Settlement Class. To learn more and get any updates on the hearing date, go to www.CalGasLitigation.com.

Learning About the Settlement

What does the Settlement provide?

The Settlement Agreement makes money available to pay businesses (wherever located) and non-California residents who bought Gasoline in California between February 18, 2015, and May 31, 2017.

Defendants have agreed to pay \$13,930,000 into a settlement fund. This money will be divided among the eligible Settlement Class Members and will also be used to pay for litigation expenses and attorneys' fees approved by the Court, including the cost of administering this Settlement. Members of the Settlement Class will "release" their claims as part of the Settlement, which means they cannot sue Defendant Releasees (defined above) for the same issues in this lawsuit. The full terms of the release are in the Settlement Agreement that can be found on www.CalGasLitigation.com.

If there is money left over after the claims process is completed, it will be donated to a court-approved charitable organization.

How do I know if I am part of this Settlement?

If you bought Gasoline (regular, mid-grade, or premium) in California at retail for your own use and not for resale between February 18, 2015, and May 31, 2017, and at the time of purchase lived outside California or were a business, you may be a member of the Settlement Class and eligible to receive money.

Note: you are **not** a member of the Settlement Class if:

- You purchased only other types of fuel, including diesel, propane, or natural gas;
- You re-sold the Gasoline you purchased;
- You are an individual who resided in California when you purchased Gasoline in California. Note: if you are an individual who purchased gasoline in California between February 20, 2015, and November 10, 2015, while residing in the State, a settlement in another case may impact your rights. You can learn more at: www.CalGasLitigation.com.
- You are a Defendant, one of their employees, officers, directors, legal representatives, heirs, successors and wholly or partly owned subsidiaries or affiliated companies;
- You are a judicial officer assigned to this case or a member of their immediate family, or associated court staff; or
- You timely and properly opt out of the Settlement Class.

What if I'm still not sure if I'm included in the Settlement Class?

If you are not sure whether you are included in the Settlement Class, you may contact the Settlement Administrator by calling 1-877-634-7163 or emailing classmemberinfo@CalGasLitigation.com. Please do not contact Defendants or the Court.

Deciding What to Do

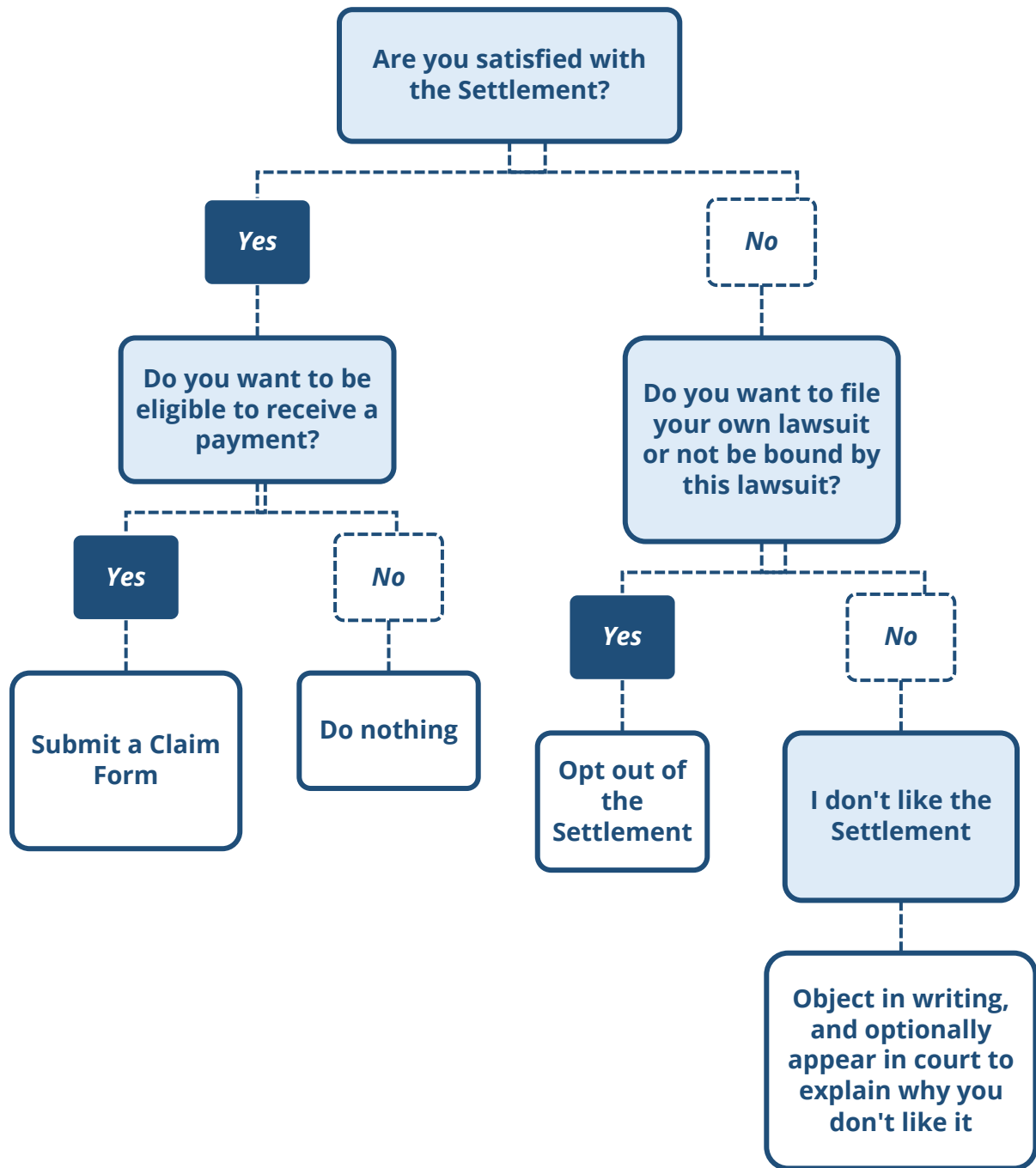
How do I weigh my options?

You have four options. You can stay in the Settlement and submit a claim, you can opt out of the Settlement, you can object to the Settlement, or you can do nothing. Objecting to the Settlement does not preclude you from submitting a claim, but opting out does. This chart shows the effects of each option:

	Submit a Claim	Opt Out	Object	Do Nothing
Can I potentially receive settlement money if I . . .	YES	NO	MAYBE ¹	NO
Am I bound by the terms of this Settlement if I . . .	YES	NO	YES	YES
Can I pursue my own case if I . . .	NO	YES	NO	NO

¹ If you object to the Settlement, and your objection is granted, the Court will deny final approval of the Settlement and you will not receive money from the Settlement. If the Settlement is approved despite your objection, you will receive money from the Settlement if you submit a valid claim.

Choose the best path for you:



Submitting a Claim

How do I get a payment if I am a Settlement Class Member?

If you want to be eligible to receive money, you must submit a completed Claim Form to the Settlement Administrator. To complete a Claim Form, you must provide identification and proof of purchase.

You can submit a [Claim Form](#) online, or either download a Claim Form at www.CalGasLitigation.com or request a paper copy from the Settlement Administrator and mail the completed form to the Settlement Administrator (contact details and address below).*

Claims submitted by third-party filers will not be accepted.

The deadline to make a claim for a Settlement payment is January 8, 2025.

*Individuals who submit a Claim Form online will not be able to elect to receive a payment by check. Both individuals and businesses who submit a paper Claim Form will receive any payment by check.

How much will my payment be?

Each member of the Settlement Class who submits a valid Claim Form on time will get a cash award unless the award would amount to less than \$3.00.

The amount of your cash award depends, in part, on how much Gasoline you purchased and where, whether you are a business or a non-California resident, and how many others qualify for a cash recovery (i.e., the “Claims Rate”). If you purchased less than \$140.85 worth of Gasoline in Southern California or \$281.69 worth of Gasoline in Northern California between February 18, 2015 and May 31, 2017, your estimated damages (referred to as single damages in the Plan of Allocation) are less than \$3.00—the minimum payment threshold—and you are therefore highly unlikely to receive any cash award. Even if you purchased Gasoline in greater amounts, you are not guaranteed to receive a cash award, as payments may be less than estimated damages.

According to rough estimates, the *average* eligible **business** seeking recovery from the Settlement may receive a cash award within the following ranges, assuming the Claims Rates below:

Claims Rate	5%	10%
Payment	\$1,161.09	\$580.54

According to rough estimates, the *average* eligible **non-California resident** seeking recovery from the Settlement may receive a cash award within the following ranges, assuming the Claims Rates below:

Claims Rate	1%	2%	3%
Payment	\$11.53	\$5.76	\$3.84

For more information concerning how payments will be determined, please review the Plan of Allocation available at www.CalGasLitigation.com.

What do I give up by making a Settlement claim?

If the Settlement becomes final, you will be releasing the Defendant Releasees (defined above) from the claims identified in the Settlement Agreement. This means you will not be able to start another lawsuit, continue another lawsuit, or be part of any other lawsuit against the Defendant Releasees about the same issues in this lawsuit.

For more information, please review the Settlement Agreement available at www.CalGasLitigation.com. Section 6 (pages 9-11) of the Settlement Agreement describes the released claims.

Opting Out

What if I don't want to be part of this Settlement?

You can opt out. If you do, you will not receive a payment and cannot object to the Settlement Agreement. However, you will not be bound or affected by anything that happens in this Settlement, and may be able to file your own case.

How do I opt out?

To opt out of the Settlement, you must submit the [Opt-Out](#) form online, or either download an Opt-Out form at www.CalGasLitigation.com or request a paper copy from the Settlement Administrator and mail the completed form to the Settlement Administrator at:

*California Gasoline Spot Market
Antitrust Settlement Administrator
Exclusions
P.O. Box 301176
Los Angeles, CA 90030-1176
1-877-634-7163*

Opt-Out forms must be submitted online or postmarked by January 8, 2025, and must indicate your desire to be excluded from the Settlement Class.

You **must** include your full name, address, and telephone number, and if you are submitting on behalf of a business, additionally the name, address, and telephone number of the business. The form **must** also include your signature and if you are represented by counsel, your counsel's signature. And you **must** do so individually and separately; **no consolidated or group opt outs will be accepted.**

Objecting

What if I disagree with the Settlement?

If you disagree with any part of the Settlement Agreement (including the lawyers' fees and expenses discussed below) but don't want to opt out, you may object. You must give reasons why you think the Court should not approve the Settlement and state whether your objection applies to just you, a part of the Settlement Class, or the entire Settlement Class. The Court will consider your views. The Court can only approve or deny the Settlement—it cannot change the terms of the Settlement Agreement. You may, but don't need to, hire your own lawyer to help you.

If the Court denies approval of the Settlement Agreement, none of the money in the Settlement will be paid to Settlement Class Members and the lawsuit will continue against Defendants. If the Court approves the Settlement despite your objection, you will still be bound by the Settlement.

To object, you **must** send a letter to the Court (and may, additionally, *also* send it to the Settlement Administrator) that:

- (1) is postmarked by January 8, 2025;
- (2) includes the case name and number (*In re California Gasoline Spot Market Antitrust Litigation*, Case No. 3:20-cv-03131-JSC (N.D. Cal.));
- (3) includes your full name, address, and telephone number, and, if you have one, email address;
- (4) attaches proof of at least one eligible Gasoline purchase in California between February 18, 2015 and May 31, 2017, to show you are a member of the Settlement Class;
- (5) clearly states the reasons for your objection, including any legal support;
- (6) includes copies of any papers, briefs, or other documents your objection is based on;
- (7) includes the name, address, email address, and telephone number of every attorney representing you;
- (8) says whether either you or your lawyer(s) intend to appear at the final approval hearing and if so, includes a list of all persons, if any, who will be called to testify in support of your objection;

(9) includes your signature, and if you are represented by counsel, your counsel's signature.

You **must** submit your objection to the Court (and may, additionally, *also* submit it to the Settlement Administrator) by January 8, 2025:

<i>California Gasoline Spot Market Antitrust Settlement Administrator</i> P.O. Box 301176 Los Angeles, CA 90030-1176 1-877-634-7163	Office of the Clerk of Court U.S. District Court for the Northern District of California 450 Golden Gate Avenue San Francisco, CA 94012
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Doing Nothing

What are the consequences of doing nothing?

If you do nothing, you will not get any money, but you will still be bound by the Settlement Agreement and its "release" provisions. That means you won't be able to start, continue, or be part of any other lawsuit against Defendant Releasees (defined above) about the same issues in this lawsuit. Please see the Settlement Agreement, which can be found at www.CalGasLitigation.com for a full description of the claims and persons who will be released if this Settlement is approved.

The Lawyers Representing You

Do I have a lawyer in this lawsuit?

In a class action, the court appoints class representatives and lawyers to work on the case and represent the interests of all the Settlement Class Members. For this Settlement, the lawyers below are seeking to be appointed Settlement Class Counsel to represent the Settlement Class.

Dena C. Sharp Girard Sharp LLP 601 California Street, Suite 1400 San Francisco, CA 94108 Telephone: (415) 981-4800	Christopher L. Lebsack Hausfeld LLP 600 Montgomery Street, Suite 3200 San Francisco, CA 94111 Telephone: (415) 633-1908
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Proposed Settlement Class Counsel will represent you as a member of the Settlement Class. Proposed Settlement Class Counsel **does not** represent you individually. If you want to be represented by your own lawyer, you may hire one at your own expense.

Proposed Settlement Class Counsel are experienced in handling similar cases against other companies.

Do I have to pay the lawyers in this lawsuit?

Lawyers' fees and expenses will be paid from the Settlement Fund. **You will not have to pay proposed Settlement Class Counsel directly.**

To date, proposed Settlement Class Counsel have not been paid any money for their work or their expenses to litigate the case. To pay for their expenses and some of their time and risk in bringing this case without any guarantee of payment unless they were successful, proposed Settlement Class Counsel will request, as part of the final approval of this Settlement, that the Court approve a reimbursement of no more than \$7,000,000 in litigation expenses incurred, as well as a payment of attorneys' fees of up to 30% of the net settlement fund. The net settlement fund represents the Gross Settlement Amount plus any interest accrued, minus the awarded litigation expenses, the awarded service awards (described below), and the costs of distributing this notice and administering the Settlement (which are capped at \$1,000,000).

Settlement Class Counsel also plans to request a payment of up to \$3,000,000 in attorneys' fees from a settlement in a case pending in state court that is based on the same facts and covers individuals residing in California. Settlement Class Counsel's litigation efforts to date have been on behalf of both Settlement Class Members as well as the California residents covered by the settlement in this related state case. Settlement Class Counsel's additional request for attorneys' fees will *not* result in duplicative payments of fees, as Settlement Class Counsel's attorney time spent on the two cases well exceeds the maximum total amount of the two anticipated requests for fees. More information about this related settlement can be found at www.CalGasLitigation.com.

Lawyers' fees and expenses will only be awarded if approved by the Court as a fair and reasonable amount. You have the right to object to the lawyers' fees and expenses even if you think the Settlement is fair, using the procedures described above.

Proposed Settlement Class Counsel will also ask the Court to approve a payment of \$5,000 to the three Settlement Class Representatives for the time and effort they contributed to the case (i.e., service awards). If approved by the Court, this will be paid from the Gross Settlement Amount.

Should I get my own lawyer?

You are not required to hire your own lawyer to make a Settlement claim. Proposed Settlement Class Counsel work on your behalf if you are a member of the Settlement Class, but **do not** represent you individually. You may retain your own lawyer at your own expense. Your own lawyer may appear on your behalf in this lawsuit.

Key Resources

How do I get more information?

This notice is a summary of the Settlement. The complete Settlement Agreement with all its terms can be found on www.CalGasLitigation.com. To get a copy of the Settlement Agreement or get answers to your questions:

- contact proposed Settlement Class Counsel (information below)
- contact the Settlement Administrator at 1-877-634-7163 or classmemberinfo@CalGasLitigation.com
- visit the case website at www.CalGasLitigation.com
- access the Court Electronic Records (PACER) system online or by visiting the Clerk's office of the Court (address below)

Resource	Contact Information	
Case website	www.CalGasLitigation.com	
Settlement Administrator	<i>California Gasoline Spot Market Antitrust</i> Settlement Administrator P.O. Box 301176 Los Angeles, CA 90030-1176 1-877-634-7163 classmemberinfo@CalGasLitigation.com	
Proposed Settlement Class Counsel	Dena C. Sharp Girard Sharp LLP 601 California Street, Suite 1400 San Francisco, CA 94108 Telephone: (415) 981-4800	Christopher L. Lebsack Hausfeld LLP 600 Montgomery Street, Suite 3200 San Francisco, CA 94111 Telephone: (415) 633-1908
Court (DO NOT CONTACT)	United States District Court Northern District of California San Francisco Courthouse 450 Golden Gate Avenue San Francisco, CA 94102	