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 14 *ADVANCED MICRO DEVICES, INC.*

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **OAKLAND DIVISION**

18 TONY DICKEY AND PAUL PARMER,
 19 individually and on behalf of all others
 20 similarly situated,

21 *Plaintiffs,*

22 v.

23 ADVANCED MICRO DEVICES, INC., a
 24 Delaware corporation,

Defendant.

Case No. 4:15-cv-04922-HSG

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING CLASS
 MEMBERS WHO PURCHASED FROM
 AMAZON.COM**

Hon. Haywood S. Gilliam, Jr.

1 As discussed in colloquy with the Court during the October 3, 2019 hearing, Amazon,
2 citing customer privacy concerns, has refused to provide relevant customer contact information
3 to the Court-approved settlement administrator in this case, Angeion Group.

4 Rather than burden the Class and the judiciary with a subpoena enforcement fight in
5 another District Court, the Parties and Amazon have jointly agreed, subject to Court approval, to
6 an alternative notice protocol for Class members who purchased their at-issue AMD product via
7 Amazon.com. The parties note that this protocol is intended to be substantively identical to the
8 protocol approved by the Court, and successfully implemented, in *In Re: Lenovo Adware*
9 *Litigation*, No. 4:15-md-02624-HSG, Dkt. 248-2 (N.D. Cal. Feb. 14, 2019).

10 The Parties propose—and represent to the Court that Amazon has agreed to
11 implement—a protocol wherein Amazon will send an email containing the following text to its
12 previously-identified list of customers that are potential Class members:

13 **SUBJECT: Notice Regarding Class Action Settlement**

14 Amazon is emailing you because our records indicate that you may have
15 purchased an Advanced Micro Devices (“AMD”) FX-8120, FX-8150, FX-8320,
16 FX-8350, FX-8370, FX-9370 and/or FX-9590-CPU between 2013 and 2019. If
17 so, you may be eligible to receive money from a class action settlement. If you are
18 a member of the Class and you wish to receive money from this settlement, you
19 must file a valid claim by January 3, 2020.

18 In *Dickey v. Advanced Micro Devices, Inc.*, a federal court in California
19 preliminarily approved the settlement of a class action lawsuit brought against
20 AMD regarding the AMD CPUs identified above. The Court did not decide in
21 favor of Plaintiffs or Defendants, but both sides have agreed to a settlement.

21 Amazon is sending this email on behalf of the parties to the lawsuit, and as
22 required by the Court. But because we are not involved in the lawsuit, we cannot
23 assist you directly. To obtain a copy of the Settlement Agreement, view the full
24 notice approved by the Court, and file a claim, please go
25 to www.amdcpusettlement.com or call the Settlement Administrator at 1-855-
26 414-4964. You must submit a valid claim to receive a cash payment.

25 If you have any questions about the settlement, please contact Plaintiffs’ attorney
26 Todd Logan. Telephone: 415.638.9660; Email: tlogan@edelson.com. Please do
27 not respond to this email directly.

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If any of these emails are undeliverable (*i.e.*, they “bounce back”), Amazon will forward the Class member’s contact information to Angeion, who will enroll the Class member in the standard notice program Angeion is otherwise administering.

The Parties believe that the above-described protocol is both in the best interest of the Class and also preserves the resources of the federal judiciary. Consequently, the Parties respectfully request that the Court enter the [Proposed] Order attached hereto.


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~~PROPOSED~~ ORDER

The Court **ORDERS** the Parties to request that Amazon comply with the protocol described in the Parties' stipulation. The Court furthermore **ORDERS** the Parties to advise the Court if Amazon does not implement the protocol described in the Parties' stipulation

IT IS SO ORDERED.

DATED: 11/6/2019


HON. HAYWOOD S. GILLIAM, JR.
United States District Judge