



United States District Court for the Northern District of California
In re Telescopes Antitrust Litigation Indirect Purchaser Actions
Case No. 5:20-cv-03639-EJD

Class Action Notice

Authorized by the U.S. District Court

Did you purchase a telescope from January 1, 2005 to September 6, 2023?

A class action lawsuit and a settlement of part of that lawsuit could affect your rights.

You may be eligible to receive a payment from a \$32 Million settlement.

Your options:

- 1. Make a claim.** *Get a payment.*
- 2. Do nothing.** *You will get no payment and be bound by the settlement and the lawsuit.*
- 3. Opt out of the settlement or the lawsuit.**
- 4. Object to the settlement.**

You are not being sued.

This notice explains the lawsuit, the settlement, and your legal rights and options.

Please read the entire notice carefully.

You need to make a decision about the settlement.

To make the best decisions for yourself, read on.

Important things to know:

- You must file a claim to receive money from the settlement.
- If you do nothing, you will still be bound by the settlement and the lawsuit, and your rights will be affected.
- If you want to opt out or object, you must do so by February 13, 2025.
- You can learn more at: www.telescopessettlement.com.

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Key Information

What is happening in this lawsuit?

A group of people filed a class action lawsuit against Synta Technology Corp. of Taiwan (a.k.a. Synta Technology Corp. and Good Advance Industries Ltd.); Suzhou Synta Optical Technology Co., Ltd.; Nantong Schmidt Opto-Electrical Technology Co. Ltd.; Synta Canada International Enterprises Ltd.; Pacific Telescope Corp.; Olivon Manufacturing Co. Ltd.; SW Technology Corporation; Celestron Acquisition, LLC and Olivon USA, LLC (collectively, “the Synta Defendants”) and related individuals. These plaintiffs claimed that they paid more for telescopes than they would have paid had the Synta Defendants and related individuals not allegedly conspired to unlawfully fix or stabilize prices for Telescopes. In the same complaint, this group of people also filed a class action lawsuit against Ningbo Sunny Electronic Co. Ltd. (“Ningbo Sunny”).

What is a class action lawsuit?

A class action is a lawsuit in which one or more people sue on behalf of a larger group called the Class.

The Synta Defendants and related individuals have agreed to pay \$32 million to settle claims against them. The group of people whom Synta has agreed to pay is called the settlement class, and it includes everyone who indirectly purchased one or more telescopes from January 1, 2005 to September 6, 2023, from a distributor/retailer that was manufactured by a defendant or alleged co-conspirator, while located in Arizona, Arkansas, California, Connecticut, District of Columbia, Florida, Hawaii, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, or Wisconsin (“Indirect Purchaser States”). Typically, the qualifying telescopes related to this lawsuit were branded “Celestron,” “Orion,” “Skywatcher,” “Zhumell” or “Meade.”

If you are in this class and would like to get paid, you must file a claim by returning a Claim Form or make a claim on the settlement website at www.telescopesettlement.com.

What are my options?

Make a Claim to Get Paid from the Settlement	<p>To receive a payment from the settlement, you must make a claim. You can do so on the settlement website, www.telescopeselement.com, or by mailing in a paper Claim Form.</p> <p>Click here to make a claim.</p> <p>The only way to receive a settlement payment is to make a valid claim.</p> <p>If you bought a qualifying telescope, you may have received an email or postcard with a claim code saying you are part of the settlement. You can use your claim code to file a claim for a payment here. If you did not receive an email or postcard, but believe you purchased a qualifying telescope, you can make a claim at www.telescopeselement.com. You can also visit the website if you would like to have a paper Claim Form mailed to you.</p>
Do Nothing	<p>If you do nothing:</p> <ul style="list-style-type: none">• You will <i>not</i> get any money from the settlement;• You will remain in the settlement class and your claims against the Settling Defendants and Co-Conspirators will be bound by the orders of the Court; and• You will <i>not</i> retain your right to bring your own lawsuit against the Synta Defendants for the conduct described above. <p><u>Read below</u> for more details about the types of claims covered by the lawsuit.</p>
Exclude Yourself from the Settlement	<p>You can opt out of the settlement class (also known as excluding yourself) if you want to separately bring the kinds of claims against Defendants and co-conspirators that are the subject of this lawsuit.</p> <p>If you opt out of the settlement class:</p> <ul style="list-style-type: none">• You will <i>not</i> get any settlement payment;• You will retain your right to bring your own lawsuit against defendants and co-conspirators regarding the same conduct. <p>More details on opting out can be found below.</p> <p>If you are considering bringing a separate claim against defendants and co-conspirators, you should consult your own attorney who can advise you regarding any possible claims you may have and the deadlines in this litigation.</p> <p>The deadline to opt out is: February 13, 2025.</p>
Object to the Settlement	<p>If you are a member of the settlement class and do <i>not</i> opt out, you can object to the settlement if you do not like it.</p> <p>More details on objecting to the settlement can be found below.</p> <p>The deadline to object is: February 13, 2025.</p>

What are the most important dates?

The deadline to make a claim for a settlement payment is **May 20, 2025**.

The deadline to opt out of the settlement class is **February 13, 2025**.

The deadline to object to the settlement is **February 13, 2025**.

Learning About The Lawsuit

What is this lawsuit about?

Plaintiffs claim that defendants unlawfully (1) conspired to fix or stabilize prices, rig bids, and allocate the market for consumer telescopes, and (2) attempted and conspired to monopolize the market for consumer telescopes in the United States.

A copy of the complaint is available at www.telescopeselement.com.

Defendants deny any and all allegations of wrongdoing, fault, liability, or damage of any kind.

The Court has not decided whether any defendant violated any laws. This notice is not an opinion by the Court about whether the plaintiffs or defendants are right.

Where can I learn more?

You can get a complete copy of the plaintiffs' complaint, the settlement agreement, and various Court orders by visiting:

www.telescopeselement.com

Why is there a settlement?

The Court did not decide in favor of the plaintiffs or the defendants. Instead, the plaintiffs negotiated a settlement with the Settling Defendants that allows them to avoid the risks and costs of lengthy and uncertain litigation and the uncertainty of a trial and appeals. It also allows settlement class members to be compensated without further delay. The plaintiffs and their attorneys believe the settlement is in the best interests for all settlement class members.

Who are the Settling Defendants and Co-Conspirators?

The entities and people plaintiffs sued and with whom they settled are called the "Settling Defendants and Co-Conspirators" and include Synta Technology Corp. of Taiwan; Suzhou Synta Optical Technology Co. Ltd.; Nantong Schmidt Opto-Electrical Technology Co. Ltd.; Synta Canada International Enterprises Ltd.; Pacific Telescope Corp.; Olivon Manufacturing Co. Ltd.; SW Technology Corporation; Celestron Acquisition, LLC; Olivon, USA LLC; Dar Tson ("David") Shen; Joseph Lupica; Dave Anderson; Jean Shen; Sylvia Shen; Jack Chen; Laurence Huen; and Corey Lee. The additional entities and people Plaintiffs sued are called the "Other Defendants" and include Ningbo Sunny Electronic Co. Ltd. Plaintiffs also named the following as "Other Co-Conspirators": Sunny Optical Technology Co., Ltd.; Meade Instruments Corp.; Sunny Optics Inc.; Wenjun "Peter" Ni; and Wenjian Wang.

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.

A claim may be made regardless of whether you indirectly purchased a telescope manufactured by a Settling Defendant/Co-Conspirator or a non-settling Other Defendant/Other Co-Conspirators.

If you do not opt out of the settlement class, your claims against the Settling Defendants will be released and you will not be able to sue them for these claims. More information about the released claims is [below](#).

Important Facts About How The Settlement Might Affect You

How do I know if I am a member of the settlement class?

You are a settlement class member if, between January 1, 2005 and September 6, 2023, you purchased one or more telescopes from a retailer or distributor (or from an entity other than a defendant) that any defendant or alleged co-conspirator manufactured while residing in one of the Indirect Purchaser States. This is known under the antitrust and consumer protection laws as an “indirect purchase.” Commonly, such qualifying telescopes include Celestron, Orion, Skywatcher, Zhumell and Meade branded telescopes. If you are unsure whether your telescope qualifies, please visit www.telescopesettlement.com.

“Telescopes” refers to optical instruments that magnify and enhance the view of faraway objects, as further described in paragraphs 96 through 99 of the Indirect Purchaser Plaintiffs’ Fourth Amended Consolidated Complaint (linked [here](#)), and does not include other optical instruments not marketed as telescopes, such as binoculars, siting scopes, microscopes, etc.

Note: You are not a member of the settlement class if you are the defendants; their parent companies, subsidiaries and affiliates; any co-conspirators; defendants’ attorneys in this action; federal government entities and instrumentalities, states and their subdivisions; all judges assigned to this action; all jurors in this action; and all persons or entities who directly purchased telescopes exclusively from defendants.

Who manufactured the Telescopes included in the settlement?

Telescopes were manufactured by defendants or alleged co-conspirators. These include any Telescope manufactured by:

- Celestron Acquisition, LLC;
- Meade Instruments Corp.;
- Nantong Schmidt Opto-Electrical Technology Co. Ltd.;
- Ningbo Sunny Electronic Co. Ltd.;
- Olivon Manufacturing Co. Ltd.;
- Olivon, USA LLC;
- Pacific Telescope Corp.;
- Suzhou Synta Optical Technology Co. Ltd.;
- Sunny Optical Technology Co., Ltd.;
- Sunny Optics Inc.;
- SW Technology Corporation;
- Synta Canada International Enterprises Ltd.; or
- Synta Technology Corp. of Taiwan.

Typically, the qualifying telescopes related to this lawsuit were branded:

- Celestron;
- Orion;
- Skywatcher;
- Zhumell; or
- Meade

To receive a payment, you must make a claim.

What if I'm still not sure if I'm included in the settlement class?

IF YOU ARE STILL NOT SURE WHETHER YOU ARE INCLUDED, YOU CAN SEND AN EMAIL TO ADMIN@TELESCOPESETTLEMENT.COM, CALL 1-833-419-3506 OR VISIT WWW.TELESCOPESETTLEMENT.COM FOR MORE INFORMATION.

What are the consequences of doing nothing?

If you do nothing, you will *not* receive a cash payment from this settlement. If the Court approves the settlement, you will be bound by the settlement agreement. This means you will not be able to commence a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Settling Defendants and Co-Conspirators or any other person released by the settlement agreement about the issues resolved by this settlement and released by the settlement agreement.

What if I don't want to be part of the settlement class?

You can opt out of the settlement class, but if you do so you will *not* be eligible to receive payment from the settlement or be allowed to object to the settlement. You will retain your right to sue defendants and co-conspirators.

Information about how to opt out of the settlement class is below.

How do I submit an objection to the settlement?

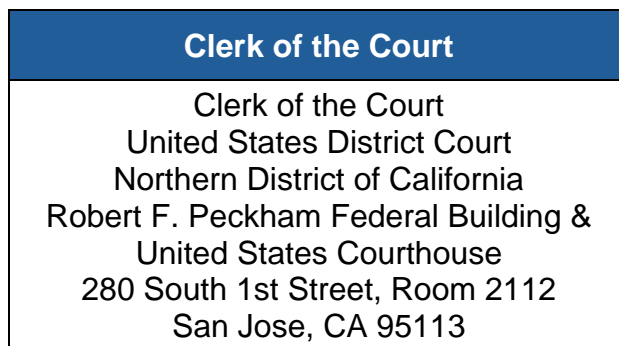
You can ask the Court to deny approval of the settlement by filing an objection. You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out, and the lawsuit will continue.

Any objection to the proposed settlement must be in writing. If you file a timely written objection, you may, but are not required to, appear at the fairness hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*In Re Telescopes Antitrust Litig. Indirect Purchaser Actions*, No. 5:20-cv-03639-EJD), (b) be submitted to the Court either by filing them electronically or in person at any location of the United States District Court for the Northern District of California or by mailing them to the Clerk at the address below, and (c) be filed or postmarked on or before February 13, 2025.

Your objection must also include:

- 1) your full name, current address, email address, and telephone number;
- 2) proof of membership in a settlement class;
- 3) the reasons why you object to the settlement, including any documents supporting your objection;
- 4) if you have retained an attorney,
 - a. the full name, current address, telephone number, and email address of your attorney;
 - b. the state bar(s) to which your attorney is admitted; and
 - c. a list of all other class actions you or your attorney has been involved in making objections over the last 10 years (whether or not you or your attorney appeared in the matter);
- 5) a statement indicating whether you or your attorney intend to appear at the fairness hearing; and
- 6) your signature or the signature of your attorney.

Your objection must be mailed to the Clerk of the Court and be postmarked by February 13, 2025.



The fairness hearing is currently scheduled at the date, time, and location below.

9:00 a.m. on April 3, 2025

**United States District Court of the Northern District of California
Robert F. Peckham Federal Building & United States Courthouse
Courtroom 4, 280 South 1st Street
San Jose, California 95113**

Please continue to monitor the settlement website, www.telescopeselement.com, as the Court may change the location, date, and/or time. Notice of such changes may be given only on the website.

DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS. ONLY OBJECTIONS SHOULD BE FILED WITH THE COURT.

Opting Out / Excluding Yourself

What are the consequences of excluding myself?

You have the right to opt out of the settlement class—also known as “excluding yourself” from the settlement class. If you opt out of the settlement class, you may start, or continue, your own lawsuit against any of the defendants or co-conspirators. If you intend to do so, you should talk to your own lawyer soon, because you may have missed any applicable deadlines. You will be responsible for the cost of any services provided by your own lawyer.

If I opt out of the settlement class, can I still get a cash payment?

No. If you opt out of the settlement class, do *not* send in a Claim Form to ask for a cash payment because you will no longer be eligible.

How do I opt out?

To opt out or exclude yourself from the settlement class, you must send a letter to the Settlement Administrator by mail, postmarked no later than February 13, 2025. Your letter must include:

- 1) your full name, current address, email address, and telephone number;
- 2) a clear statement saying you elect to be excluded from the settlement in *In Re Telescopes Antitrust Litig. Indirect Purchaser Actions*, No. 5:20-cv-03639-EJD (N.D. Cal.); and
- 3) your signature.

Mail your exclusion request, postmarked no later than February 13, 2025, to:

Telescopes Antitrust Litigation Settlement Administrator
P.O. Box 301172
Los Angeles, CA 90030-1172

The Lawyers Representing You

Do I have a lawyer in this case?

Yes. The Court appointed Cotchett, Pitre & McCarthy, LLP; Lief Cabraser Heimann & Bernstein, LLP; and Susman Godfrey L.L.P. to represent you and other settlement class members. These lawyers are called Interim Co-Lead Counsel for the Indirect Purchaser Plaintiffs. These lawyers and their firms are experienced in handling similar cases. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

How will Interim Co-Lead Counsel be paid?

If the settlement is approved and becomes final, Interim Co-Lead Counsel will ask the Court to award attorneys' fees not to exceed a third of the Settlement Fund (\$32 million) along with proportional interest that accumulates on the Settlement Fund and will seek reimbursement of litigation expenses not to exceed \$1.5 million, as well as service awards of \$3,000 to each of the named class representatives. If approved, these amounts will be deducted from the settlement fund before making payments to settlement class members who submit valid Claim Forms.

Key Resources

How do I get more information?

This notice summarizes the proposed settlement. For the precise terms of the settlement, please see the settlement agreement available at www.telescopeselement.com, by contacting Interim Co-Lead Counsel at tboardman@susmangodfrey.com, by accessing the Court docket in this case, for a fee, through the Court's PACER system at <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, Robert F. Peckham Federal Building & United States Courthouse, 280 South 1st Street, Room 2112, San Jose, CA 95113, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

You may also email admin@telescopeselement.com or call 1-833-419-3506.

DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.

You can also contact Interim Co-Lead Counsel at the addresses listed below:

Case Website	www.telescopeselement.com				
Settlement Administrator	<i>Telescopes Antitrust Litigation</i> Settlement Administrator, P.O. Box 301172, Los Angeles, CA 90030-1172.				
Co-Lead Counsel	<table><tr><td>Adam J. Zapala COTCHETT, PITRE & McCARTHY, LLP 840 Malcolm Road Burlingame, CA 94010 Telephone: (650) 697-6000</td><td>Kalpana Srinivasan SUSMAN GODFREY L.L.P. 1900 Avenue of the Stars, Ste. 1400 Los Angeles, CA 90067 Telephone: (310) 789-3100</td></tr><tr><td>Lin Y. Chan LIEFF CABRASER HEIMANN & BERNSTEIN LLP 275 Battery Street, 29th Floor San Francisco, CA 94111 Telephone: (415) 956-1000</td><td></td></tr></table>	Adam J. Zapala COTCHETT, PITRE & McCARTHY, LLP 840 Malcolm Road Burlingame, CA 94010 Telephone: (650) 697-6000	Kalpana Srinivasan SUSMAN GODFREY L.L.P. 1900 Avenue of the Stars, Ste. 1400 Los Angeles, CA 90067 Telephone: (310) 789-3100	Lin Y. Chan LIEFF CABRASER HEIMANN & BERNSTEIN LLP 275 Battery Street, 29th Floor San Francisco, CA 94111 Telephone: (415) 956-1000	
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