

**SHORT FORM NOTICE AND INDIVIDUAL SUMMARY**

**Customer Name:** \_\_\_\_\_

**Customer Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Claim Number:** \_\_\_\_\_

**Password:** \_\_\_\_\_

**Settlement Amount for this Claim Number: \$** \_\_\_\_\_

**THIS SHORT FORM NOTICE AND INDIVIDUAL SUMMARY PROVIDES LIMITED INFORMATION ABOUT A CLASS ACTION SETTLEMENT THAT MAY AFFECT YOUR LEGAL RIGHTS. FOR A MORE DETAILED NOTICE OF THE PROPOSED SETTLEMENT, VISIT [www.NCTaxSettlement.com](http://www.NCTaxSettlement.com).**

A settlement has been proposed in the above-titled class action arbitration concerning North Carolina sales or use tax paid on purchases of certain computer hardware Optional Maintenance Agreements sold by Dell during the period between April 15, 1999 through December 31, 2008. The proposed settlement is subject to approval by an arbitration tribunal and confirmation by the North Carolina Superior Court of Wake County. ***The Customer identified above is among the 47,588 persons and business entities previously identified as being among the class of affected purchasers who may be eligible to receive a cash payment from the proposed class action settlement.***

**What is the case about?**

The proposed settlement would resolve a lawsuit filed in the Wake County Superior Court (the “Superior Court”), in which the plaintiff, Zack B. Starritt (“Starritt”), alleges that Dell Inc., Dell Marketing L.P., Dell Catalog Sales L.P., BancTec, Inc., and QualxServ, LLC (collectively, “Respondents”) violated the North Carolina Unfair and Deceptive Trade Practices Act, §§ 75-1.1, *et seq.*, in connection with the charge and collection of North Carolina sales or use tax on sales of Optional Maintenance Agreements, for which no such tax has been imposed by law. An “Optional Maintenance Agreement” is defined as any optional computer hardware maintenance agreement providing for repair and/or replacement services, including parts and/or labor, and includes contracts marketed as “CompleteCare” agreements and contracts sold by Dell or one of its affiliates as agent for BancTec, Inc., QualxServ, LLC, Wang Laboratories, Inc., or Getronics, Inc. In turn, Respondents have filed tax refund claims with the North Carolina Department of Revenue (“DOR”) for a refund of monies collected and remitted to DOR as tax on these sales of Optional Maintenance Agreements. *The tax charged for most Optional Maintenance Agreements was between \$2 and \$30; but for customers who purchased multiple Optional Maintenance Agreements, the tax payments would be much more.* The Superior Court ordered Starritt to arbitrate the claims against Respondents before the CPR International Institute for Conflict Prevention & Resolution, formerly known as the CPR Institute for Dispute Resolution (the “CPR Tribunal”) in Raleigh, North Carolina.

**Who is a Class Member in the Settlement?**

The customer identified above is among the persons and business entities previously identified from Dell’s records as (a) having purchased and paid North Carolina tax on the purchase of one or more Optional Maintenance Agreements during the period from April 15, 1999 through December 31, 2008, which tax has not previously been refunded in full by Dell; and (b) whose purchase was governed by a contract containing a clause calling for arbitration administered by the CPR Institute for Dispute Resolution. This description of the Settlement Class is only a summary; the full definition of the Settlement Class is included in the Settlement Agreement and the Detailed Notice, which may be viewed at the settlement website, [www.NCTaxSettlement.com](http://www.NCTaxSettlement.com). ***If this notice was addressed to you, then Dell’s records reflect that you purchased one or more Optional Maintenance Agreements, and you may be eligible for compensation under the Settlement.***

## How can I benefit from the proposed Settlement?

The Settlement provides that, for each individual customer identified by a Dell customer number, a Settlement Amount will be calculated, which amount represents the sum of all tax payments on Optional Maintenance Agreements covered by the settlement for that Dell customer number, as maintained in Dell's records, plus interest. Dell will pay the Settlement Amount to the Settlement Class Member.

## How do I submit a Claim?

**To receive compensation under the Settlement, Settlement Class Members must submit Claims on or before April 2, 2018. Claims may be submitted at the website, [www.NCTaxSettlement.com](http://www.NCTaxSettlement.com).** Settlement Class Members who fail to submit a timely and valid Claim on or before April 2, 2018, shall not be eligible for compensation under the Settlement. Payment of timely and valid Claims is subject to final approval of the proposed settlement by the CPR Tribunal and confirmation of the Tribunal's award by the Superior Court. There may be delays in the process. Please be patient.

## How do I know if it is worth my time to submit a Claim?

To assist you in filing a Claim, this Short Form Notice and Individual Summary is pre-printed with your name, address, the Claim Number that corresponds to your Dell customer number, a password, and the Preliminary Settlement Amount for your assigned Claim Number. If you submit a timely and valid Claim, the settlement compensation you will receive would be the pre-printed Settlement Amount for your assigned Claim Number.

Please note that some customers who made multiple purchases from Dell were identified in Dell's records by more than one Dell customer number. Such customers may have been assigned more than one settlement Claim Number and will have been sent more than one Short Form Notice and Individual Summary. To ensure full compensation, such customers must submit a Claim for each Claim Number assigned to them.

## Who represents Settlement Class Members?

The CPR Tribunal appointed William W. Plyler PLLC, member of Miller Monroe & Plyler PLLC, located at 3321 Trillium Whorl Court, Raleigh, North Carolina 27607; and Ellis & Rapacki LLP, located at 85 Merrimac Street, Suite 500, Boston, Massachusetts 02114, to represent Settlement Class Members as "Class Counsel." You don't have to pay Class Counsel, or anyone else, to receive compensation under the settlement.

## What are my options for participating or not participating in the settlement?

### Option 1:

**You may file a Claim to receive compensation under the settlement NO LATER THAN April 2, 2018**, by visiting the settlement website, [www.NCTaxSettlement.com](http://www.NCTaxSettlement.com), and following the instructions for submitting a Claim. The information at the top of this notice contains much of the information you will need to submit a Claim for compensation for the pre-printed Claim Number. **Upon final approval of the settlement, if your Claim is timely and valid, you will be compensated in the amount of your tax payments on Optional Maintenance Agreements, plus interest, as described above.** You will be considered part of the Settlement Class, you will be bound by the CPR Tribunal's orders and award, and you will lose the right to sue Respondents on your own regarding any of the claims that are now or were alleged in this lawsuit and arbitration, including any claims arising out of the payment of monies as North Carolina tax on purchases of Optional Maintenance Agreements.

## Option 2:

**You may exclude yourself from the Settlement Class** and keep your right to bring a lawsuit or arbitration proceeding against Respondents on your own regarding any claims arising out of the payment of monies as North Carolina tax on purchases of Optional Maintenance Agreements. To do so, mail a letter requesting to be excluded from the Settlement Class (include your name, address, and signature). **Your Request for Exclusion must be postmarked no later than February 5, 2018**, and mailed to this address:

*Dell North Carolina Tax Settlement*  
Settlement Administrator  
P.O. Box 4079  
Portland, OR 97208-4079

If you submit a valid Request for Exclusion, the Tribunal will exclude you from the Settlement Class. **Please note: If you mail a timely and valid Request for Exclusion, you will not be legally bound by anything that happens in this case. That means that you should not submit a Claim, you will not receive any settlement compensation, and you may not object to the settlement.**

## Option 3:

**You may do nothing, in which case you will not receive any settlement compensation, and you will lose the right to bring a lawsuit or arbitration proceeding against Respondents on your own regarding any claims arising out of the payment of monies as North Carolina tax on Optional Maintenance Agreements.** You will be considered part of the Settlement Class, and you will be bound by the CPR Tribunal's orders and award.

## When and where is the Final Hearing?

**The CPR Tribunal will hold a Final Hearing to consider if the proposed Settlement is fair and reasonable, and should be granted final approval, March 6, 2018, at 9:30 a.m. at 3201 Glenwood Avenue, Suite 100, Raleigh, North Carolina 27612.** At that time, Class Counsel will argue in support of the proposed Settlement. Class Counsel also intend to request that the CPR Tribunal approve an award of \$1,850,000 in attorneys' fees and expenses, as compensation for Class Counsel's investigation and prosecution of the lawsuit and arbitration since April 2003, and an award to the Class Representative, Zack B. Starritt, in the amount of \$3,500 for his time and efforts in pursuing the lawsuit and arbitration on behalf of all Settlement Class Members. **Respondents, and not Settlement Class Members, will pay any such awards to Class Counsel and Starritt.**

## May I comment on, or object to, the settlement?

If you do not exclude yourself from the Settlement Class, **you may comment on the proposed Settlement, or object to the proposed Settlement, before the Tribunal makes a final decision.** You may do so by writing to the CPR Tribunal, which will consider your views. To be considered by the Tribunal, your comment or objection must be written and postmarked **no later than February 5, 2018.** For information on how to submit your written objection or comment, please see the detailed Notice of Class Action Settlement, which is posted on the settlement website, [www.NCTaxSettlement.com](http://www.NCTaxSettlement.com). You may enter an appearance through the attorney of your choosing, but you will be responsible for retaining such attorney and for paying any fee charged by such attorney.

## Where can I find additional information about the settlement?

This Short Form Notice and Individual Summary contains only a summary of the proposed Settlement. The detailed Notice of Class Action Settlement, as well as a copy of the full Settlement Agreement, may be viewed on the settlement website, [www.NCTaxSettlement.com](http://www.NCTaxSettlement.com). For further information, you may also contact the Claims Assistance Email Inbox at [info@NCTaxSettlement.com](mailto:info@NCTaxSettlement.com). **PLEASE DO NOT CALL THE CPR TRIBUNAL OR DELL FOR ADDITIONAL INFORMATION.**