

INSTRUCTIONS AND CLAIM FORM  
INSTRUCTIONS FOR MAKING A CLAIM

**YOU MUST READ THESE INSTRUCTIONS CAREFULLY. IF YOU DO NOT FOLLOW THESE INSTRUCTIONS, YOU MAY LOSE CERTAIN BENEFITS TO WHICH YOU MIGHT OTHERWISE BE ENTITLED.**

To receive any settlement benefits, you must fill out and return the attached Claim Form and Release (“Claim Form”). The Claim Form must be postmarked on or before September 8, 2008 and received no later than 21 days thereafter. If you fail to return a valid Claim Form by the deadline, your claim will be rejected and you will lose all rights to the settlement benefits. Unless you request exclusion from the class as explained in the Class Notice, a copy of which is located on this Settlement Website, you will be bound by the Settlement Agreement and Release and the Final Judgment even if you do not return the Claim Form. If you have any questions while completing the Claim Form, please call STEC at the following toll free number: (800) 841-4462.

**I. INSTRUCTIONS FOR MAKING A CLAIM**

**Who Is Eligible:** You may be eligible to receive a 6% cash refund of the actual retail purchase price (excluding taxes and shipping, and including any discounts at the point of sale) if: (1) you purchased a Covered SimpleTech Hard Disk Drive Product (“HDD”) at any time from October 6, 2002 through February 9, 2007, (2) you resided in the United States at the time of the purchase, (3) you purchased the Covered SimpleTech HDD at a location within the United States, (4) you purchased the Covered SimpleTech HDD new (*i.e.*, not second hand) from an entity that regularly sells/sold such devices or items, and (5) you did not purchase the Covered SimpleTech HDD for resale to others.

You may be eligible for the 6% cash refund if you have an original purchase receipt for the Covered SimpleTech HDD. Alternatively, if you do not have the original purchase receipt, you will need to submit a sworn statement providing (1) the Covered SimpleTech HDD purchased, (2) the capacity of the product purchased, (3) actual retail purchase price paid, (4) the merchant from whom the product was purchased, (5) the date of purchase of the Covered SimpleTech HDD, plus (6) either the actual original UPC Code cut-out from the retail box or Part Number. If you do not have the actual original

UPC Code cut-out and only have the Part Number, you will be limited to one refund (one refund per household). There is no such limitation if you have the actual original UPC Code cut-out.

**What Is a Covered SimpleTech HDD Product:** A Covered SimpleTech HDD is any one of the following SimpleTech hard disk drives: **Internal Notebook (Laptop) Drive, SimpleDrive External, SimpleDrive External Pininfarina, SimpleDrive Mini, SimpleDrive Portable, SimpleDrive Portable Pininfarina, and SimpleShare.** However, a SimpleTech hard disk drive product that contained a storage capacity disclaimer on the product packaging regarding the number of bytes in a gigabyte (GB) and variability of available storage capacity depending on the operating environment is not a Covered SimpleTech Hard Disk Drive. Certain SimpleTech HDDs are not Covered Products. See Section II below.

**What You Need To Do If You Have The Original Purchase Receipt For The Product:** If you have the original purchase receipt, you will need to submit it with the Claim Form, and provide the UPC Code which appears on the product packaging or the Part Number which appears on the HDD's ID Label. (This Website contains instructions for locating the UPC Code on the product packaging and the Part Number on the HDD's ID Label; please see the subheading "Locating a UPC Code and Part Number.") The original purchase receipt will need to show the purchase of a SimpleTech Hard Disk Drive.

**What You Need To Do If You Do Not Have The Original Purchase Receipt For The Product:** If you do not have the original purchase receipt for the Covered SimpleTech HDD, you must provide under penalty of perjury on the Claim Form, (1) the Covered SimpleTech HDD purchased, (2) the capacity of the product purchased, (3) actual retail purchase price paid, (4) the merchant from whom the product was purchased, (5) the date of purchase of the Covered SimpleTech HDD, plus (6) either the actual original UPC Code cut-out from the retail box or Part Number. (This Website contains

instructions for locating the UPC Code on the product packaging and the Part Number on the HDD's ID Label; please see the subheading "Locating a UPC Code and Part Number.") If you do not have the actual original UPC Code and only have the Part Number, you will be limited to one refund (one refund per household). There is no such limitation if you have the actual original UPC Code cut-out.

**Where You Need To Submit Claim Form:** You must mail the completed Claim Form, along with any required documentation directly to the Claims Administrator: Dept. 107950, STEC Hard Drive Class Action Settlement, P.O. Box 52900, Phoenix, AZ 85072-2900. Please keep copies for your records.

**IF YOU PURCHASED MORE THAN ONE COVERED SIMPLETECH HDD, YOU MUST COMPLETE AND SUBMIT A SEPARATE CLAIM FORM FOR EACH COVERED SIMPLETECH HDD PRODUCT PURCHASED.**

**II. DO NOT SUBMIT A CLAIM FORM IF YOU PURCHASED A SIMPLETECH HDD EXCLUDED FROM THE SETTLEMENT**

STEC will not provide a refund if you purchased a SimpleTech HDD which bears either a Part Number or UPC Code as identified below. The Part Number and corresponding UPC Code both refer to the same hard disk drive, except that the Part Number is located on the HDD's ID Label and the UPC Code is on the retail box. Do not fill out a Claim Form if a SimpleTech HDD bears either a UPC Code or Part Number identified as follows:

<b>Part Number</b>	<b>UPC</b>
STI-USB235/250	705487111927
STI-NAS/160	705487122527
STI-NAS/250	705487122534
STI-NAS/250A	705487124477
STI-NAS/160U	705487124514
STI-NAS/160E	705487124521

STI-NAS/160A	705487124538
STI-NAS/250E	705487124545
STI-NAS/250U	705487124552
BB-NAS/160	705487126594
BB-NAS/250	705487126600
STI-NAS/400	705487126976
SAM-NAS/160	705487127232
CC-NAS/250	705487127997
CC-NAS/160	705487128000
COMP-NAS/160	705487130683
COMP-NAS/250	705487130690
AF-NAS/160	705487131086
STI-NAS/400A	705487131871
STI-NAS/400E	705487131888
STI-NAS/400U	705487131895
STI-NASB/1TB	705487135947
COST-NAS/400	705487137163
SBC-NAS/250	705487137927
COST-NAS/160	705487138641
STI-USB235/160C	705487144802
STI-USB235/250C	705487144888
SAM-NAS/250	705487149289
GTW-NAS/160	705487155037
GTW-NAS/250	705487155044
GTW-NAS/400	705487155051
GTW-USB235/250	705487155105
SP-U25/120	705487159592

SP-U25/120G	705487160642
SP-U25/160	705487165340
STI-USB235/750	705487166286
STI-U2F36/750	705487166293
SP-U25/120B	705487166392
STI-USB235/750E	705487166866
STI-U2F36/750E	705487166873

**III. INCOMPLETE, FRAUDULENT OR DEFECTIVE CLAIM FORMS**

Remember, to be valid, a Claim Form must be completely and accurately filled out and must include ALL requested information and supporting materials. You may not submit a Claim Form for the same product more than once. Incomplete, fraudulent or otherwise defective Claim Forms will be rejected.

**IV. RECEIVING THE 6% REFUND**

Once the settlement becomes final in the courts, the validity of all claims will be determined. If your claim is deemed valid, a refund check will be sent via U.S. Mail to the address you provide on the Claim Form within 30 days after the claim is validated. If your claim is deemed invalid, you will be notified by e-mail or U.S. Mail and will be afforded one opportunity to correct any deficiencies. If any dispute remains, STEC will notify Class Counsel regarding the rejection of the claim, and the Parties will attempt to resolve any and all disputes in good faith. If the claim is accepted as a result of the appeal process, you will be provided with a refund check via U.S. Mail.

**REMINDERS**

**DEADLINE:** For your claim to be valid, you must fill out and submit this Claim Form, along with all required documentation, during the Claims Redemption Period. The Claim Form must be postmarked on or before September 8, 2008 and must be received by the

Claims Administrator no later than 21 days thereafter.

**DO NOT SUBMIT THIS CLAIM FORM TO THE COURT:** Send the original of the signed Claim Form and the required documentation to the Claims Administrator. Please keep copies for your records.

## CLAIM FORM

You must fill out and submit the Claim Form and mail to the address below, postmarked not later than September 8, 2008.

### A. PERSONAL INFORMATION

Claimant's Name \_\_\_\_\_  
(As you would like the name to appear on the check, if eligible for payment)

Company \_\_\_\_\_

Address \_\_\_\_\_

City, State Zip Code \_\_\_\_\_

(This address will be used for all communications relevant to this Claim (including check disbursement, if eligible. If this information changes, you MUST notify the Claims Administrator in writing at the address below.)

Daytime Phone: (\_\_\_\_\_) \_\_\_\_\_

E-mail Address: \_\_\_\_\_

(E-mail is not required, but if you provide it you authorize the Claims Administrator to use it in providing you with information relevant to this Claim.)

**FAILURE TO SUBMIT A VALID ADDRESS WILL RESULT IN A LOSS OF BENEFITS.**

### B. DESCRIPTION OF THE COVERED SIMPLETECH HDD PRODUCT:

1. You are eligible to submit this Claim Form if you purchased any of the following Covered SimpleTech HDD Products and the product did not contain a storage capacity disclaimer on the product packaging: **Internal Notebook (Laptop) Drive, SimpleDrive External, SimpleDrive External Pininfarina, SimpleDrive Mini, SimpleDrive Portable, SimpleDrive Portable Pininfarina, and SimpleShare.**

2. **Please review the following statements and check the appropriate box below.**

- I purchased the Covered SimpleTech HDD between October 6, 2002 and February 9, 2007;

- My purchase of the Covered SimpleTech HDD was not for resale;
- I purchased the Covered SimpleTech HDD at a location within the U.S.;
- I purchased the Covered SimpleTech HDD new (*i.e.*, not second hand).

- All of the above statements are accurate.
- Not all of the above statements are accurate.

**If you checked the box above indicating that not all of the above statements are accurate, you are not eligible to make a claim and you should not submit this Claim Form.**

**C. SUBMITTING PROOF OF PURCHASE**

**Option 1:** If you have the original purchase receipt of your Covered SimpleTech HDD, you must affix (staple or clip) it to the back of the completed Claim Form. The original purchase receipt will need to show the purchase of a SimpleTech Hard Disk Drive. You must also provide below the UPC Code on the product packaging or Part Number which appears on the HDD's ID Label. Please see "Locating a UPC Code and Part Number" on this Website for a description of where the UPC Code and Part Number is located. The Claim Form and original purchase receipt must be postmarked on or before September 8, 2008.

UPC Code on Product Packaging or Part Number on the HDD's ID Label:

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**OR,**

**Option 2:** If you do not have the original purchase receipt of your Covered SimpleTech HDD, you must, provide the actual original UPC Code cut-out on the product packaging (staple or clip) to the back of the completed Claim Form or the Part Number which appears on the HDD's ID Label, and other purchase details in the sworn statement below. Please see "Locating a UPC Code and Part Number" on this Website for a description of where the UPC Code and Part Number is located. If you do not have the actual original UPC Code and only have the Part Number, you will be limited to one refund (one refund per household). The Claim Form must be postmarked on or before September 8, 2008.

Part Number on the HDD's ID Label:

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*I swear under penalty of perjury under the laws of the state that I reside in, State of California and the United States, that I purchased the following Covered SimpleTech HDD \_\_\_\_\_ (e.g., Internal Notebook Drive, SimpleDrive External, etc.,*

as listed above), with the attached UPC Code cut-out or Part Number above, storage capacity (e.g., 40 GB, 80 GB, etc.) \_\_\_\_\_, from \_\_\_\_\_ (retailer or on-line retailer's name) in the amount of \$\_\_\_\_\_. (excluding taxes and shipping and including any discounts at the point of sale) on or about (month) \_\_\_\_\_, (year)\_\_\_\_\_.

**Dated:** \_\_\_\_\_

**Signature of Claimant**

Print this Claim Form, fully complete the information requested on the Claim Form and **sign the Release (set forth in Section D below)**, attach the original purchase receipt to the Claim Form, if applicable, and mail the Claim Form and supporting documentation directly to the Claims Administrator at the following address:

Dept. 107950  
STEC Hard Drive Class Action Settlement  
P.O. Box 52900  
Phoenix, AZ 85072-2900

The Claim Form must be postmarked on or before September 8, 2008 and received no later than 21 days thereafter.

**D. RELEASE**

By signing and dating this form below, I confirm that, if the settlement is approved, I, on my own behalf and on behalf of my heirs, executors, administrators, representatives, agents, partners, successors and assigns, hereby fully and irrevocably release and forever discharge STEC, Inc. and, whether or not specifically named herein, each of its predecessors, successors, parents, subsidiaries and affiliates, and each of their past and present officers, directors, employees, agents, attorneys, accountants, advisors, shareholders, representatives, partners, heirs and assigns, and entities at all levels of distribution, including retailers, on-line retailers, distributors, wholesalers, and resellers, that currently sell, or could have sold in the past, a Covered SimpleTech HDD ("Released Persons") from any and all liabilities, claims, cross-claims, causes of action, rights, actions, suits, debts, liens, contracts, agreements, damages, restitution, disgorgement, costs, attorneys' fees, losses, expenses, obligations or demands, of any kind whatsoever, whether in arbitration, administrative, or judicial proceedings, whether as individual claims or as claims asserted on a class basis or on behalf of the general public, whether known or unknown, suspected or unsuspected, threatened, asserted or unasserted, actual or contingent, liquidated or unliquidated, whether under federal statutory law, federal common law or federal regulation, or the statutory or common laws or regulations of any and all states or subdivisions, that were or could have been alleged or asserted against any of the Released Persons in the Action, that arise out of or relate to the claims set forth in the Complaint filed in the Action, including without limitation, all claims relating to storage capacity of the Covered SimpleTech HDDs ("Released Claims"). Notwithstanding the foregoing, Released Claims shall not include claims for personal

injury and claims involving product defects unrelated to data storage capacity.

I have not requested exclusion from the Settlement Class. I attest under penalty of perjury that all information provided by me in this Claim Form (and attachment(s) if applicable) is true and accurate; I have read and understand the contents of the Notice of Pendency and Proposed Settlement of Class Action, the Instructions, Claim Form and Release; I agree to be bound by the terms of the Release set forth in Section D above; and I am voluntarily submitting to the jurisdiction of the California Superior Court for the County of Los Angeles for purposes of the settlement of this Action.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Dated

**IF YOU PURCHASED MORE THAN ONE COVERED SIMPLETECH HDD PRODUCT, YOU MUST COMPLETE AND SUBMIT A SEPARATE CLAIM FORM FOR EACH COVERED SIMPLETECH HDD PRODUCT PURCHASED.**

If you have any questions about completing the Claim Form, please call STEC at the following toll free number: (800) 841-4462.