

NOTICE OF CLASS ACTION SETTLEMENT
Dunkelman, et al. v. The Cincinnati Bengals
Hamilton County Court of Common Pleas
Civil Action No. A-04-03073

A class action against the Cincinnati Bengals on behalf of Club Seat License and Ticket Holders has been settled. You have been identified as someone who is entitled to payment under the terms of the settlement.

Judge Robert P. Ruehlman of the Hamilton County Court of Common Pleas has tentatively approved a proposed settlement in a class action lawsuit filed by purchasers of club seats for Cincinnati Bengals games at Paul Brown Stadium. In April of 2004, the named Class Plaintiffs, former club seat license owners, filed a lawsuit against the Cincinnati Bengals on behalf of a class of similarly situated individuals, after canceling their club seats and then receiving default letters from the Bengals in March and April of 2004 seeking thousands of dollars. The Class Plaintiffs sought a Declaratory Judgment Order stating that under the terms of the contract, (1) they could cancel their club seats at any time by forfeiting their seat license, (2) they were not in default of their club seat license agreements, and (3) they were not required to pay the Bengals for 6, 8, or 10 years worth of club seats. They also sought money damages. The Class Plaintiffs obtained the Declaratory Judgment on behalf of themselves and the class members, as well as an Order dismissing the Bengals' counterclaims for breach of contract. The only remaining issue is whether the Bengals are liable for money damages.

The Hamilton County Court of Appeals has recently determined that class certification would be appropriate. The Class is limited to those individuals or entities who purchased club seat licenses under the original Club Seat License Brochure or Order Form, attempted to cancel their club seats, and then received default letters in March or April of 2004.

Under the proposed Class Action Settlement, Class Members will be entitled to the following benefits:

CLASS ACTION BENEFITS

1. **Payment of \$100.00 to each Class Member to whom a default letter was sent in March and/or April of 2004.**

One hundred twenty-nine (129) persons or entities have been identified as those who (a) purchased club-seat licenses and/or club seat season tickets through the original Club Seat Brochure or the Club Seat Order Form for Bengals football games in Paul Brown Stadium, and (b) who did not wish to continue purchasing tickets, and (c) who received from the Bengals a default letter in March and/or April of 2004. Under the settlement, each of these individuals or entities will receive \$100 in the form of a check issued by the Bengals.

2. **Payment of \$1,150.00 to each Class Member who purchased club seat tickets or paid money to the Bengals after receiving the March and/or April 2004 default letters.**

Of the 129 individuals or entities identified as being sent a default letter in March and/or April of 2004, twenty-two (22) individuals or entities have been identified as having paid money to the Bengals or having purchased club seat tickets after receiving the March and/or April 2004 default letters. In addition to the \$100 payment, the Bengals will also pay \$1,150.00 to each of these 22 individuals or entities who paid money to the Bengals or continued to purchase club seat tickets after receiving the 2004 default letters.

3. Payment of \$2,500.00 to the named Class Representatives.

The Bengals will also pay \$2,500.00 to each of the five named Class Representatives to compensate them for their time and expense in litigating this case and defending the counterclaims against them.

4. Costs and Attorneys' Fees

The Cincinnati Bengals will pay court costs, the costs of Class Notice, and the cost of administration of the Settlement. Over the course of the past 5 years, Class Counsel has obtained favorable rulings on behalf of the named Class Plaintiffs and the Class as a whole, including obtaining a Declaratory Judgment, obtaining dismissal of the Bengals' counterclaims against the Plaintiffs, and has negotiated a settlement resulting in payments to those who received the subject letters. You may view these rulings at www.sconet.state.oh.us/rod/docs/pdf/1/2004/2004-ohio-6425.pdf; www.sconet.state.oh.us/rod/docs/pdf/1/2006/2006-ohio-6825.pdf; and www.hamilton-co.org/appealscourt/docs/decisions/C-070628_09262008.pdf. Class Counsel has devoted over a thousand hours to this litigation, and estimate that their fees and expenses exceed \$350,000.00. However, in furtherance of final approval of the settlement, Class Counsel will request reimbursement of attorneys' fees and costs in an amount not to exceed \$175,000.00. The Bengals will not oppose Class Counsel's petition for costs and attorneys' fees.

NOTICE OF SETTLEMENT APPROVAL HEARING

A Settlement Approval Hearing to determine the fairness of, and to approve, the Class Settlement will be held on July 21, 2009. All terms of the settlement described herein, including all of the benefits to the Class Members arising out of the Settlement, are contingent upon the Court's approval of the Settlement following the July 21, 2009 hearing. This is a mandatory non-opt out class settlement pursuant to Ohio Civ. R. 23(B)(2). To participate in the Settlement, you need not do anything. **However, you have the right to object to the settlement. Any objections to the proposed settlement must be submitted in writing to the Court by July 15, 2009.**

SETTLEMENT APPROVAL HEARING: July 21, 2009 at 2:00 p.m.
Hamilton County Courthouse, Room 300
Judge Robert P. Ruehlman

FOR MORE INFORMATION, PLEASE CONTACT

DOCKET AND FILING: Civil Action No. A-04-03073
Hamilton County Court of Common Pleas
Clerk's Office, Civil Division
1000 Main Street
Cincinnati, OH 45202
Phone: (513) 946-5800

CLASS COUNSEL: Janet G. Abaray, Esq.
Calvin S. Tregre, Jr., Esq.
Burg Simpson Eldredge Hersh & Jardine, PC
312 Walnut Street, Suite 2090
Cincinnati, OH 45202
Phone: (513) 852-5600
Fax: (513) 852-5611