

From: [REDACTED]
To: JEEVACATION@GMAIL.COM
Subject: Notice of Settlement
Date: Fri, 09 Sep 2011 02:29:56 +0000

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON
In re [REDACTED] *Consolidated Litigation*, Case No. 09-cv-0045-RAJ

COURT-APPROVED NOTICE OF CLASS ACTION SETTLEMENT

TO: All Persons residing in the United States who were registered with or subscribed to [REDACTED] (“Classmates”) at any time beginning on October 30, 2004 through February 23, 2011 (the “Settlement Class”).

- IF THE COURT GIVES FINAL APPROVAL, THIS SETTLEMENT WILL AWARD YOU AN ESTIMATED \$10 IN CASH, PLUS OTHER BENEFITS.
- TO CLAIM YOUR CASH AWARD, YOU MUST SUBMIT A CLAIM FORM.
- YOU MAY ALSO EXCLUDE YOURSELF FROM THIS LAWSUIT OR OBJECT TO THE SETTLEMENT. YOU MAY ALSO DO NOTHING, IN WHICH CASE YOU WILL STAY IN THE LAWSUIT AND GIVE UP CLAIMS AGAINST CLASSMATES, BUT RECEIVE NO CASH AWARD.
- PARTICIPATING IN THIS SETTLEMENT WILL COST YOU NOTHING.
- AS PART OF THE SETTLEMENT, LAWYERS FOR THE SETTLEMENT CLASS (“Class Counsel”) WILL REQUEST ATTORNEYS’ FEES AND COSTS.
- THIS NOTICE ONLY SUMMARIZES THE SETTLEMENT. COMPLETE INFORMATION ON THE SETTLEMENT IS AVAILABLE AT THE SETTLEMENT WEBSITE ([REDACTED]).
- PLEASE DO NOT CALL THE COURT, CLASSMATES, OR CLASS COUNSEL. PLEASE DO NOT PRESS THE “REPLY” BUTTON TO RESPOND TO THIS EMAIL NOTICE. NO ONE WILL RESPOND TO REPLIES TO THIS EMAIL.

1. WHY DID I GET THIS SETTLEMENT NOTICE?

The court has approved this notice to tell you about a settlement in the class action lawsuit entitled *In re* [REDACTED] *Consolidated Litigation*, United States District Court for the Western District of Washington, Case No. 09-45RAJ. This Settlement replaces the settlement you were notified about in 2010 (the “Prior Settlement”) because the court did not give final approval to the Prior Settlement.

2. WHAT IS THIS LAWSUIT ABOUT?

This lawsuit asserts class action claims against Classmates. Among other things, the lawsuit claims that Classmates sent e-mail to subscribers of [REDACTED] that violated the law and the privacy rights of subscribers. Classmates denies wrongdoing, but it has agreed with class representatives and Class Counsel that a settlement is appropriate. Both sides agree that because of the risks and expenses of continuing this lawsuit, this settlement is fair.

3. WHO DOES THE SETTLEMENT COVER?

As explained above, this Settlement is offered to a Settlement Class that includes:

All Persons residing in the United States who were registered with or subscribed to [REDACTED] at any time beginning on October 30, 2004 through February 23, 2011.

If you have questions about whether you were correctly identified as a Settlement Class member, please contact the Settlement Administrator at the address in Section 5 below.

4. WHAT WILL THE SETTLEMENT GIVE ME?

Each Settlement Class member who submits a valid Claim Form will receive a cash award (payable via PayPal or via physical check). The amount of the cash award cannot be determined in advance, but is estimated to be \$10 for each Settlement Class member.

The cash award will be determined by dividing the \$2.5 million that Classmates has agreed to pay by the number of Settlement Class members who submit valid Claim Forms. For example, if 250,000 class members submit valid Claim Forms, each will receive \$10. As another example, if 500,000 class members submit valid Claim Forms, each will receive \$5. There are as many as 60 million Settlement Class members. Based on the participation rates in the Prior Settlement, it is estimated that each participating Settlement Class member will receive about \$10. *This is only an estimate, no one knows in advance how much this settlement will pay each claimant, and no one will know until the deadline for submitting claims passes.*

In addition to the cash award, the Settlement will require Classmates to change certain business practices for two years. Among other things, Classmates will no longer use the term “guestbook” as a stand-alone term in the subject line of the emails it sends to its subscribers, but will instead call it “Classmates® Guestbook”. The “Classmates® Guestbook” feature will be described in the footer of those emails as follows:

WHAT IS CLASSMATES® GUESTBOOK?: When most Classmates members visit your profile, their names will automatically be listed in your Classmates® Guestbook. Any member can leave their name in any other member’s Classmates® Guestbook simply by visiting that member’s profile, so you might not know everyone who signed yours. For more information, see our Classmates® Guestbook Help Article.

A complete description of the business practices that Classmates has agreed to change is at the Settlement Website ([REDACTED]).

5. HOW DO I GET THE CASH AWARD?

To receive a cash award, you must submit a valid Claim Form no later than November 18, 2011. You may submit a Claim Form online. To access the Claim Form, click this [link](#) or go to [REDACTED] and input this Claim number and this Control number:

Claim #[115795128](#) Control # [0046054450](#)

Please read the Claim Form instructions carefully, fill it out completely, and electronically sign it under penalty of perjury. Once you have filled it out, you may submit it either by email or by First Class U.S. Mail.

Email: [REDACTED]

U.S. Mail: In re [REDACTED] Consolidated Litigation
c/o The Garden City Group, Inc.
[REDACTED] Box 9481
Dublin, OH 43017-4581

You must email your Claim Form by November 18, 2011, or postmark your envelope by the same date. Any information you submit in your Claim Form will be kept completely confidential, and used solely for the purpose of making a cash award to you.

If you misplace the Claim Form or you cannot access it, please contact the Settlement Administrator at the address above immediately.

If you submit a valid Claim Form by November 18, 2011, you will receive your payment about 90 days after the court grants final approval of the Settlement, assuming that no one appeals. The Claim Form allows you to choose between payment via PayPal and payment via physical check.

6. WHAT IF I SUBMITTED A CLAIM FORM IN THE PRIOR SETTLEMENT?

If you submitted a claim (either for a coupon or for a cash payment) in response to the Prior Settlement, *you do not need to submit a new Claim Form*. Unless you notify the Settlement Administrator that you now wish to exclude yourself from this lawsuit, you will receive a cash award if the court gives final approval to the Settlement. To check whether you submitted a valid claim in response to the Prior Settlement, click [REDACTED]

7. WHAT AM I GIVING UP IF I STAY IN THE SETTLEMENT CLASS?

If you remain in the Settlement Class (by submitting a Claim Form or by doing nothing), you will give up the right to sue Classmates in any lawsuit about the legal issues in this case or to participate in such a lawsuit.

8. WHAT HAPPENS IF I DO NOTHING?

If you do nothing, you will remain a Settlement Class member. You will not receive a cash award, but you will give up certain claims against Classmates, as described above.

9. HOW DO I EXCLUDE MYSELF FROM THIS LAWSUIT AND THE SETTLEMENT CLASS?

If you do not want to receive a cash award and want to maintain the right to pursue your own lawsuit against Classmates, then you must exclude yourself. To exclude yourself, you must submit a Request for Exclusion. That request must include your full legal name, mailing address, e-mail address, your signature (or an electronic signature consisting of “/s” plus your typed name), and the following statement, “I want to opt out of the *In re* [REDACTED] *Consolidated Litigation.*” You may submit your request by email or by First Class U.S. Mail.

Email:

[REDACTED]

U.S. Mail:

In re [REDACTED] Consolidated Litigation
c/o The Garden City Group, Inc.
[REDACTED] Box 9481
Dublin, OH 43017-4581

You must email your Request for Exclusion by November 18, 2011, or postmark your envelope by the same date. Any information you submit in your Request for Exclusion will be kept completely confidential, and used solely for the purpose of excluding you from this lawsuit.

10. DO I HAVE A LAWYER IN THIS CASE?

The court has authorized these lawyers to represent Settlement Class members:

KELLER ROHRBACK [REDACTED]
Mark A. Griffin
Amy Williams-Derry
1201 Third Avenue, Suite 3200
Seattle, Washington 98101

KABATECK BROWN KELLNER [REDACTED]
Richard L. Kellner
644 South Figueroa Street
Los Angeles, California 90017

These lawyers are called “Class Counsel.” Their representation will cost you nothing. If you want to be represented by your own lawyer, you may hire one at your own expense.

11. HOW WILL CLASS COUNSEL BE PAID?

No later than August 5, 2011, Class Counsel will ask the court for attorneys’ fees and costs. Classmates has agreed not to oppose Class Counsel’s request for attorneys’ fees of \$1,050,000.00, plus costs. Costs may include participation awards of up to \$2,500 each for Anthony Michaels and David Catapano, the two Lead Plaintiffs in this lawsuit.

If the court grants Class Counsel’s request, Classmates will pay Class Counsel’s attorneys’ fees and costs. This will cost you nothing, and Classmates’ payment will not reduce the \$2.5 million it will pay in cash awards to Settlement Class members.

A copy of Class Counsel’s Motion for Award of Attorneys’ Fees and Costs, including an accounting of Class Counsel’s costs and time spent on this lawsuit, will be available after August 5, 2011 at the Settlement Website ([REDACTED]).

12. CAN I TELL THE COURT THAT I DON’T LIKE THE SETTLEMENT?

You can object to the Settlement no later than November 18, 2011. The court will consider your objection. You can object and make a claim for a cash award, but you may not object if you exclude yourself from the Settlement Class.

To object, you must prepare an objection that includes your name, mailing address, telephone number, and your signature (or an electronic signature consisting of “/s” plus your typed name). Your objection must include the statement “I object to the settlement in the [REDACTED] class action, Case No. 09-45RAJ.” Your objection can explain why you object, or it can state that you will appear at the Final Approval Hearing to explain your objection, or both. You may submit your objection by email or by First Class U.S. Mail:

Email: [REDACTED]

U.S. Mail: If you object by mail, you must send a copy of your objection to each of the following addresses.

THE COURT

U.S. District Court
Classmates Litigation 09-45RAJ
700 Stewart Street, Suite 13128
Seattle, WA 98101

CLASS COUNSEL

KELLER ROHRBACK [REDACTED]
Mark. A. Griffin
1201 Third Avenue, Suite 3200
Seattle, WA 98101

DEFENSE COUNSEL

DLA PIPER LLP (US)
Stellman Keehnel
701 Fifth Avenue, Ste 7000
Seattle, WA 98104

13. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO GIVE FINAL APPROVAL TO THE SETTLEMENT?

The court will hold a Final Approval Hearing to decide whether to approve the Settlement and Class Counsel’s request for attorneys’ fees and costs. You may attend the hearing, and you may ask to speak, but there is no requirement that you attend or speak. The court will read any objections from Settlement Class members before the hearing.

The Final Approval Hearing will be on December 15, 2011, at 1:30 [REDACTED], at the United States District Court, Western District of Washington, before the Honorable Richard A. Jones, Courtroom 13106, 700 Stewart Street, Seattle, Washington 98101.

The United States District Court for the Western District of Washington has ordered this email notice be sent. If you wish to UNSUBSCRIBE from future email messages from the Settlement Administrator with regard to this Settlement, please reply to [REDACTED] from the email address to which this notice was sent.