

## **OFFICIAL COURT NOTICE**

**IF YOU PURCHASED A TICKET TO A MOTION PICTURE ADVERTISED USING THE NAME “DAVID MANNING,” READ THIS NOTICE CAREFULLY – YOUR RIGHTS MAY BE AFFECTED BY SETTLEMENT OF THIS CLASS ACTION LAWSUIT ENTITLED “REZEC, ET AL. v. SONY PICTURES ENTERTAINMENT, INC.,” CAPTIONED AS CASE NO. BC 251923 IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES (“THE LAWSUIT”). UNLESS YOU OPT OUT OF THE CLASS, YOU WILL BE BOUND BY THE TERMS OF THE SETTLEMENT EVEN IF YOU DO NOT SUBMIT A CLAIM FORM OR COLLECT ANY FUNDS. AN AUTHORIZED CLAIM FORM CAN BE OBTAINED ONLY FROM GILARDI & CO., LLC’S WEBSITE AT [www.gilardi.com/rezec](http://www.gilardi.com/rezec). YOU MUST DOWNLOAD AND USE A PREPRINTED BAR CODED CLAIM FORM TO BE ELIGIBLE FOR PAYMENT.**

### **WHO IS INCLUDED**

You are a “Class Member” if, between August 3, 2000 and October 31, 2001, you purchased one or more tickets to the theatrical exhibition of *Hollow Man*, *Vertical Limit*, *A Knight’s Tale*, *The Animal*, or *The Patriot* in the United States.

### **THE LAWSUIT**

The class action lawsuit alleges that Sony Pictures Entertainment Inc. (“Sony Pictures”) advertised *Hollow Man*, *Vertical Limit*, *A Knight’s Tale*, and *The Animal* using quotations attributed to “David Manning” or “Dave Manning” and incorrectly indicated that Mr. Manning was affiliated with *The Ridgely Press*; and that Sony Pictures advertised *The Patriot* using endorsements of persons who were its employees without disclosing that they were its employees. The lawsuit alleges that such advertisements violated sections 17200 and 17500 of the California Business and Professions Code and the Consumers Legal Remedies Act. Sony Pictures has denied liability, but has agreed to settle this action to avoid the cost and uncertainty of litigation. Class Counsel have informed the Court that they have thoroughly investigated and analyzed the facts and the law and considered the substantial and certain benefits provided by the settlement and the risks and delays of class action litigation. Class Counsel have informed the Court that, in light of this investigation, analysis and consideration, they and the named class members have reached a settlement with Sony Pictures that they believe is fair, reasonable, and adequate, is in the best interests of the class, and fairly resolves the claims alleged. On April 15, 2005, the Court will hold a Final Approval Hearing to determine whether to grant final approval of the terms and conditions of this settlement.

### **WHAT THE SETTLEMENT PROVIDES**

The Court has preliminarily approved the proposed settlement of this class action. To be paid, you must submit the authorized Claim Form downloaded from Gilardi & Co., LLC’s website located at [www.gilardi.com/rezec](http://www.gilardi.com/rezec) signed under penalty of perjury under the laws of the State of California and of the United States stating that, between August 3, 2000 and October 31, 2001, you purchased one or more tickets to a United States theatrical exhibition for yourself, an adult companion, and up to two minor children to attend the same exhibition. If claims for fewer than 100,000 tickets are made, the difference between \$500,000 and the amount paid to Settlement Class Members will be contributed to a charity to be approved by the Court at the time of the final approval. In the event the total number of payable claims exceeds an amount such that the majority of claimants will receive less than one dollar (\$1.00) per claim after deducting cost of administration, then as a result of the *de minimis* nature of distribution in comparison with the total cost of distribution (\$1.50 per claim), the entire \$750,000 shall be distributed as a *cy pres* payment to a charity to be approved by the Court at the time of the final approval and no payments in any amounts will be made to Settlement Class Members.

To make a claim, you must sign a statement under penalty of perjury under the laws of California and of the United States that, between August 3, 2000 and October 31, 2001, you purchased a ticket to and attended a United States theatrical exhibition of *Hollow Man*, *Vertical Limit*, *A Knight’s Tale*, *The Animal* and/or *The Patriot*. You may also make a claim for up to one ticket you purchased for an adult companion to accompany you to attend the same motion picture(s) and up to two tickets you purchased for minor children to accompany you to attend the same motion picture(s) by stating under penalty of perjury under the laws of California and of

the United States that you purchased such additional tickets for these persons to accompany you to the motion picture exhibition(s).

If the Court grants final approval of the proposed settlement and you have timely submitted an acceptable Claim Form downloaded from the website at [www.gilardi.com/rezec](http://www.gilardi.com/rezec), you may receive payment of up to five dollars (\$5.00) for each ticket purchased depending on the number of tickets for which acceptable claims have been filed by Class Members. Class Members will be paid a maximum per-ticket claim amount of five dollars (\$5.00) out of a total Claims Fund of \$750,000 such that all claim amounts will be proportionately reduced, after deduction of administrative costs, if Class Members submit claims for more than 150,000 tickets. In the event the total number of payable claims exceeds an amount such that the majority of claimants will receive less than one dollar (\$1.00) per claim after deducting cost of administration, then as a result of the *de minimis* nature of distribution in comparison with the total cost of distribution (\$1.50 per claim), the entire \$750,000 shall be distributed as a *cy pres* payment to a charity to be approved by the Court at the time of the final approval and no payments in any amounts will be made to Settlement Class Members.

Class Counsel will apply for an award of attorneys' fees and costs not to exceed \$500,000. Class Counsel intends to pay incentive fees of \$1,000 for each named plaintiff out of these attorneys' fees. The award of attorneys' fees, including incentive fees, will be paid separately from and in addition to any relief provided to Class Members. The Preliminary Approval Order will also be posted at [www.gilardi.com/rezec](http://www.gilardi.com/rezec).

### YOUR RIGHTS

IF YOU ARE A SETTLEMENT CLASS MEMBER, YOU ARE ENTITLED TO OPT OUT OF THE PROPOSED SETTLEMENT OR TO OBJECT TO ITS FAIRNESS, REASONABLENESS, AND ADEQUACY.

- **YOU HAVE THE RIGHT TO BE EXCLUDED (OPT OUT) FROM THE PROPOSED SETTLEMENT.** If the proposed settlement is approved and you are a Class Member who does not properly and timely exclude yourself (Opt Out) from the class, all claims that you may have now or in the future against Sony Pictures or any third-party exhibitor, distributor, or advertiser of *Hollow Man*, *Vertical Limit*, *A Knight's Tale*, *The Animal*, and/or *The Patriot* that relate to (1) the lawsuit or claims asserted in the lawsuit, (2) advertisements referring to Dave Manning or David Manning, or (3) communications, representations, statements or omissions regarding *Hollow Man*, *Vertical Limit*, *A Knight's Tale*, *The Animal* and/or *The Patriot* or advertisements for these motion pictures will be **WAIVED AND RELEASED**, and you will be prohibited from bringing any such claims in the future as provided in the Settlement Agreement. To opt out, you must personally sign an **Exclusion Request**, attached to this Notice, and return it to Rezec Claims Administrator, c/o Gilardi & Co, LLC at P.O. Box 8060, San Rafael, CA 94912-8060. **Your Exclusion Request must be POSTMARKED no later than midnight of March 15, 2005, or it will not be accepted. If you do not request to be excluded you will automatically become a member of the settlement class.** Class Members who Opt Out of the class will not be eligible to receive payments pursuant to the settlement or to object to the terms of the settlement. As a Settlement Class Member who has not opted out, you are subject to the terms of the release regardless of whether or not you submitted a Claim Form.
- **YOU HAVE A RIGHT TO OBJECT TO THE PROPOSED SETTLEMENT.** If you do not Opt Out, you may object to the proposed settlement and/or award of attorneys' fees. To do so, you or your attorney must submit a written objection, which includes your name, address, and telephone number; the name, address, and telephone number of your attorney, if any; and a statement explaining all objections you are making to the settlement, including factual and legal support for those objections. **Any written objection must be POSTMARKED no later than midnight of March 15, 2005, or it will not be considered by the Court.** You or your attorney may appear at the Final Approval Hearing to argue your objection, but you are not required to do so. If you or your attorney intends to appear at the Final Approval Hearing, you must so state in your written objection. Since the Court's calendar is subject to change, please confirm the hearing date and time in advance at <http://www.lasuperiorcourt.org/civilcalendar> if you intend to appear at the Final Approval Hearing. You must mail your objection and intention to appear at the Final Approval Hearing, if

applicable, by March 15, 2005 to the Court, Class Counsel, and Defendant's Counsel at the following addresses:

CLASS COUNSEL: Norman Blumenthal, Blumenthal & Markham, 2255 Calle Clara, La Jolla, CA 92037.

DEFENDANT'S COUNSEL: Robert M. Schwartz, O'Melveny & Myers LLP, 1999 Avenue of the Stars, Los Angeles, CA 90067.

THE COURT: Clerk of the Court, Los Angeles Superior Court, Department 323, 600 South Commonwealth Avenue, Los Angeles, CA 90005. Please state: "Rezec v. Sony Pictures, Case No. BC 251923."

### **IMPORTANT DATES AND DEADLINES**

Postmark Deadline for Exclusion (Opt Out) from Class: March 15, 2005.

Postmark Deadline for Objections to Settlement: March 15, 2005.

Final Approval Hearing Date and Time: April 15, 2005 at 9:45 a.m.

Final Approval Hearing Location: Courtroom of the Honorable Charles W. McCoy, Judge of the Superior Court of California, County of Los Angeles, Central Civil West Courthouse, Department 323, 600 South Commonwealth Avenue, Los Angeles, CA 90005.

### **THIS NOTICE IS ONLY A SUMMARY – FURTHER INFORMATION AVAILABLE**

If you think you may be a Class Member and would like more information about the lawsuit and terms of settlement, you may inspect the pleadings, records, and other papers on file in the lawsuit, including the Court's Preliminary Approval Order and the proposed Agreement of Settlement, Compromise, and General Release, on weekdays during regular business hours at the Clerk's Office, Superior Court of California, County of Los Angeles, Central Civil West Courthouse, Department 323, 600 South Commonwealth Avenue, Los Angeles, CA 90005.

**PLEASE DO NOT CALL THE COURT**