

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

COLELLA V. UNIVERSITY OF PITTSBURGH, CASE NO.: 2:08-CV-00129

NOTICE OF CERTIFIED CLASS ACTION SETTLEMENT

- You have been identified as a current or former University of Pittsburgh student who purchased sporting event student tickets via the Internet and who may have received an electronic receipt or receipts during the period December 4, 2006 through January 31, 2008. You may, therefore, be eligible to receive a free ticket to either (1) the Pittsburgh v. Rutgers football game on October 25, 2008 **OR** (2) the Pittsburgh v. Louisville football game on November 8, 2008, pursuant to a Settlement the University of Pittsburgh has reached in the class action case noted above. The Settlement also imposes other requirements, which are set forth in the Settlement Agreement.
- The Settlement resolves a lawsuit over whether the University of Pittsburgh violated certain requirements imposed by the Fair and Accurate Credit Transactions Act (“FACTA”). The University of Pittsburgh denies all liability, but has agreed to this proposed Settlement because it avoids costs and risks from continuing the lawsuit. The Settlement may entitle consumers like you to a free ticket to one of the football games described above and releases the University of Pittsburgh from any liability.
- Court-appointed lawyers for the Class will ask the Court for attorneys’ fees and costs, in the amount of \$75,000.00, to be paid separately by the University of Pittsburgh.
- Your legal rights are affected whether you act, or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

SUBMIT A CLAIM FORM	The only way to get a ticket.
EXCLUDE YOURSELF	Get no ticket. This is the only option that allows you to ever be part of any other lawsuit against the University of Pittsburgh, about the legal claims in this Litigation.
OBJECT	Write to the Court about why you don’t like the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	Get no payment. Give up rights.

- These rights and options – and the deadlines to exercise them – are explained in this notice.
- The Court in charge of this Litigation still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after appeals are resolved. Please be patient.

1. What is this lawsuit about?

Michael Colella (“Plaintiff”), on behalf of all Members of the Class, has asserted that the University of Pittsburgh violated certain requirements imposed by the Fair and Accurate Credit Transactions Act (“FACTA”). Specifically, Plaintiff claims that the University of Pittsburgh printed the expiration date of students’ credit or debit cards on receipts issued to them in conjunction with the purchase of sporting event tickets via the Internet, in violation of FACTA, as specifically set forth in the Complaint on file and available at the Court at 700 Grant Street, Suite 3100, Pittsburgh, PA 15219. The University of Pittsburgh denies any liability or wrongdoing.

2. Why is this a class action?

In a class action, one or more people called Class Representatives (in this Litigation, Michael Colella), sue on behalf of people who have similar claims. All these people are a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class. U.S. District Judge Arthur J. Schwab is in charge of this class action.

3. Why is there a settlement?

The Court did not decide in favor of Plaintiff or Defendant. The Plaintiff thinks he could have prevailed at a trial. The Defendant thinks the Plaintiff would not have prevailed at trial because Defendant did nothing wrong and denies liability. But there was no trial. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representative and the attorneys think the settlement is best for all Class Members.

4. How do I know if I am part of the settlement?

Judge Schwab decided that everyone who fits this description is a Class Member:

All current and former University of Pittsburgh students who (i) purchased sporting event student tickets via the Internet between December 4, 2006 and January 31, 2008; and (ii) received an electronic receipt or receipts at the point of sale or transaction which displayed (a) more than the last five digits of the student’s credit card or debit card number and/or (b) the expiration date of the student’s credit or debit card number.

5. I'm still not sure if I am included.

If you are still not sure whether you are included, you can contact Class Counsel for free help at the address, telephone number, or e-mail address provided in question 20. Or you can complete and submit a Settlement Claim Certification Form to see if you qualify.

6. What does the settlement provide?

Class Members who send in a valid Settlement Claim Certification Form will be entitled to receive one of the following Settlement Relief Options: 1) a ticket with a face value of \$10 to the Pittsburgh v. Rutgers football game on October 25, 2008 **OR** 2) a ticket with a face value of \$10 to the Pittsburgh v. Louisville football game on November 8, 2008.

7. How can I get a Ticket?

If you believe you are a member of the Class and desire to participate in this settlement, you should complete and submit a Settlement Claim Certification Form. The Settlement Claim Certification Form may be completed and submitted electronically, with an electronic signature, at <http://pittsburghpanthers.cstv.com/ot/tickets-legal.html>, or may be completed in hard copy and submitted via first class mail to **Panthers Ticket Office, Attn: Settlement Agreement, P.O. Box 7436, Pittsburgh, PA 15213**. The Settlement Claim Certification Form must be submitted electronically or, in the case of a hard copy, postmarked, not later than **July 14, 2008**. Failure to fully follow the procedures or to provide all information requested on the Settlement Claim Certification Form will result in a Class Member receiving no relief under the settlement, but nonetheless being bound by any judgments, orders and releases in this Litigation.

8. What am I giving up to get a ticket, or stay in the Class?

Unless you exclude yourself, you are staying in the Class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against the University of Pittsburgh about the legal issues in *this Litigation*. It also means that all of the Court's orders will apply to you and legally bind you.

9. Can I exclude myself from the Class?

If you do not wish to participate in this settlement, you must submit by first class mail a written request to opt-out to the post office box provided below. Your request to opt-out must be postmarked not later than **July 14, 2008**. Your request to opt-out must be signed by the Class Member opting-out and must contain the following information: (1) the name of this Litigation, *Colella v. University of Pittsburgh*; (2) the Class Member's full name, address, e-mail address, and telephone number; and (3) that the Class Member wishes to be excluded from membership in the Class. The post office box address is:

Carlson Lynch Ltd.
36 N. Jefferson Street
P.O. Box 7635
New Castle, PA 16107

If you ask to be excluded, you will not get a ticket, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) the University of Pittsburgh in the future.

10. If I don't exclude myself, can I sue the University of Pittsburgh for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the University of Pittsburgh for the claims that this settlement resolves. If you have a pending lawsuit, involving the same claims that this settlement resolves, speak to your lawyer in that case immediately. You must exclude yourself from *this* Class to continue your own lawsuit. If you have a pending lawsuit on matters not addressed in this settlement, you may continue that lawsuit against the University of Pittsburgh.

11. If I exclude myself, can I get a ticket from this Settlement?

No. If you exclude yourself, do not send in a claim form to ask for a ticket.

12. Do I have a lawyer in this Litigation?

The Court asked the law firm of Carlson Lynch LTD to represent you and other Class Members. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

13. How will these lawyers be paid?

Class Counsel will ask the Court to approve payment of attorneys' fees, costs and expenses in the aggregate amount of \$75,000.00. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. In addition, Class Counsel will ask for payment of \$2,500.00 to Michael Colella for his services as Class Representative. The University of Pittsburgh will separately pay the fees, expenses, and payments that the Court awards. The University of Pittsburgh has agreed not to oppose these fees and expenses. The University of Pittsburgh will also pay the costs to administer the settlement.

14. How can I object to the Settlement?

If you are a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file a written statement of objection with the Clerk of the Court and deliver a copy to Class Counsel and defense counsel, by first class mail postmarked not later than **July 14, 2008**. The written statement of objection must set forth (i) the name of this Litigation,

Colella v. University of Pittsburgh; (ii) the Class Member's full name, address, e-mail address, and telephone number; and (iii) the specific reasons for the objection, and any evidence or legal authority the Class Member believes supports the objection.

The addresses of Class Counsel and the University of Pittsburgh's counsel are:

Gary F. Lynch, Esq.
Carlson Lynch Ltd.
36 N. Jefferson Street
P.O. Box 7635
New Castle, PA 16107

Michael J. Manzo, Esq.
Charles B. Gibbons, Esq.
Buchanan Ingersoll & Rooney
20th Floor, One Oxford Centre
Pittsburgh, PA 15219

Objectors who fail to properly or timely file their objections with the Court, or to serve them as provided above, shall not be heard during the Fairness Hearing, nor shall their objections be considered by the Court.

15. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the Litigation no longer affects you.

16. When and where will the Court decide whether to approve the Settlement?

The District Court will hold a hearing to decide whether to approve the settlement. The Fairness Hearing will be held on **July 23, 2008, 8:00 A.M.**, at the Court, 700 Grant Street, Courtroom #7C, Pittsburgh, PA 15219. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections or requests to be heard, the Court may consider them at the hearing. The Court may also decide the amount of attorneys' fees and costs to be paid to Class Counsel.

17. Do I have to come to the Hearing?

No. Class Counsel will answer questions Judge Schwab may have. But, you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

18. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must file a Notice of Intention to Appear with the Clerk of Court and serve it upon Class Counsel and the University of Pittsburgh's counsel of record in the Litigation. Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than **July 14, 2008**, and be sent to the Clerk of the Court, Class Counsel, and the University of Pittsburgh's counsel at the addresses in question 14. You cannot speak at the hearing if you excluded yourself.

19. What happens if I do nothing at all?

If you do nothing, you will not get a ticket from this settlement. But, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the University of Pittsburgh about the legal issues in *this Litigation*, ever again.

20. How do I get more information?

The foregoing is only a summary of the circumstances surrounding the Litigation, the claims asserted, the Class, the settlement, and related matters. You may seek the advice and guidance of your own private attorney, at your own expense, if you desire. For more detailed information, you may review the pleadings, records, and other papers on file in this litigation, which may be inspected during regular business hours at the Clerk of the Court, 700 Grant Street, Suite 3100, Pittsburgh, PA, 15219. If you wish to communicate with Class Counsel identified above, you may do so by writing to Gary F. Lynch, Carlson Lynch Ltd., 36 N. Jefferson Street, P.O. Box 7635, New Castle, PA, 16107. Alternatively, you may call the offices of the firm at its toll free number, 1-800-467-5241, or email Class Counsel at glynch@carlsonlynch.com.