

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

STERNHEIM FAMILY TRUST, On Behalf of Itself and All
Others Similarly Situated,
Plaintiff,

No. 17CV06744

vs.

CASCADE BANCORP, TERRY E. ZINK, RYAN R.
PATRICK, PATRICIA L. MOSS, JEROL E. ANDRES,
CHRIS C. CASCIATO, MICHAEL J. CONNOLLY,
ANNETTE ELG, J. LAMONT KEEN, DENNIS JOHNSON,
JAMES B. LOCKHART III, THOMAS M. WELLS, and
FIRST INTERSTATE BANCSYSTEM, INC.,

**NOTICE OF PENDENCY OF
CLASS ACTION, CLASS
ACTION DETERMINATION,
SETTLEMENT OF CLASS
ACTION, SETTLEMENT
HEARING, AND RIGHT TO
APPEAR**

Defendants.

TO: ANY AND ALL RECORD AND BENEFICIAL OWNERS OF CASCADE BANCORP ("CASCADE") COMMON STOCK AT ANY TIME DURING THE PERIOD BEGINNING ON NOVEMBER 17, 2016, AND ENDING ON AND INCLUDING MAY 30, 2017, THE DATE OF CONSUMMATION OF THE CASCADE/FIRST INTERSTATE BANCSYSTEM, INC. MERGER (THE "CLASS PERIOD"), INCLUDING ANY AND ALL OF THEIR RESPECTIVE SUCCESSORS IN INTEREST, PREDECESSORS, SUCCESSORS-IN-INTEREST, REPRESENTATIVES, TRUSTEES, EXECUTORS, ADMINISTRATORS, HEIRS, ASSIGNS, OR TRANSFEREES, IMMEDIATE AND REMOTE, AND ANY PERSON OR ENTITY ACTING FOR OR ON BEHALF OF, OR CLAIMING UNDER, ANY OF THEM, AND EACH OF THEM (COLLECTIVELY THE "CLASS," TO BE COMPOSED OF "CLASS MEMBERS"). EXCLUDED FROM THE CLASS ARE DEFENDANTS (AS DEFINED BELOW), MEMBERS OF THE IMMEDIATE FAMILY OF ANY DEFENDANT, ANY ENTITY IN WHICH A DEFENDANT HAS OR HAD A CONTROLLING INTEREST, AND THE LEGAL REPRESENTATIVES, HEIRS, SUCCESSORS, OR ASSIGNS OF ANY SUCH EXCLUDED PERSON.

PLEASE READ THIS ENTIRE NOTICE OF PENDENCY OF CLASS ACTION, CLASS ACTION DETERMINATION, PROPOSED SETTLEMENT OF CLASS ACTION, SETTLEMENT HEARING AND RIGHT TO APPEAR (THIS "NOTICE") CAREFULLY AND IN ITS ENTIRETY. THIS NOTICE IS ABOUT A PROPOSED SETTLEMENT OF A LAWSUIT AND CONTAINS IMPORTANT INFORMATION. YOUR RIGHTS WILL BE AFFECTED BY THE LEGAL PROCEEDINGS IN THIS STATE ACTION (AS DEFINED BELOW).

IF YOU WERE NOT THE BENEFICIAL HOLDER OF CASCADE STOCK, BUT HELD SUCH STOCK FOR A BENEFICIAL HOLDER, READ THE SECTION BELOW ENTITLED "NOTICE TO PERSONS OR ENTITIES THAT HELD OWNERSHIP ON BEHALF OF OTHERS."

THIS NOTICE IS NOT A LAWSUIT AGAINST YOU. YOU ARE NOT BEING SUED. YOU HAVE RECEIVED THIS NOTICE BECAUSE YOU MAY BE A MEMBER OF THE CLASS DESCRIBED IN THIS NOTICE

I. Purpose of this Notice

The purpose of this Notice is to inform you of a proposed settlement (the "Settlement") of the class action lawsuit captioned *Sternheim Family Trust v. Cascade Bancorp, et al.*, C.A. No. 17-CVS-06744 (the "State Action"), pending before the Circuit Court for Deschutes County, Oregon (the "Circuit Court"). A related putative class action, captioned *Parshall v. Cascade Bancorp, et al.*, was pending before the United States District Court for the District of Oregon (the "Federal Action" and, together with the State Action, the "Actions").

The Court has determined that, for purposes of settlement only, the State Action shall be conditionally maintained as a class action on behalf of the Class. This Notice describes the rights you have under the Settlement and what steps you may, but are not required to, take in relation to the Settlement. If the Court approves the Settlement, the parties will ask the Court at the Settlement Hearing (as defined below) to enter a Final Order and General Judgment (as described below) dismissing the State Action with prejudice. If you are a Class member, you will be bound by any judgment in the State Action, whether or not you actually receive this Notice. You may not opt out of the Class.

The Court, located at 1100 NW Bond Street, Bend, Oregon, will hold a settlement hearing on June 21, 2018, at 2:30 p.m. (Pacific Time), before Judge Beth M. Bagley, Courtroom B (the "Settlement Hearing"). The purpose of the Settlement Hearing is to:

- a. determine whether the preliminary certification and appointments in the Court's Preliminary Approval Order (as defined below) should be made final;
- b. determine Plaintiff's (as described below) counsel's application for attorneys' fees, costs and expenses;
- c. determine whether the Settlement should be approved as fair, reasonable and adequate;
- d. determine whether an Final Order and General Judgment (as described below) should be entered in the Action, dismissing the Action with prejudice;
- e. hear and determine any objections to the Settlement or to Plaintiff's Counsel's (as defined below) application for attorneys' fees, costs and expenses; and
- f. rule on such other matters as the Court may deem appropriate.

THE FOLLOWING RECITATION DOES NOT CONSTITUTE FINDINGS OF THE COURT. IT IS BASED ON SUMMARY STATEMENTS BY THE PARTIES AND SHOULD NOT BE UNDERSTOOD AS AN EXPRESSION OF ANY OPINION OF THE COURT AS TO THE MERITS OF ANY CLAIMS OR DEFENSES BY ANY OF THE PARTIES.

II. Background of the Actions

On November 17, 2016, Cascade, an Oregon corporation, and First Interstate Bancsystem, Inc. ("First Interstate") jointly announced that they entered into a definitive merger agreement (the "Merger Agreement"), whereby First Interstate would acquire all outstanding shares of Cascade stock, and Cascade shareholders would receive 0.14864 shares of First Interstate Class A common stock and \$1.91 in cash for each Cascade common share they owned (the "Transaction").

The Transaction was valued at approximately \$589 million, or approximately \$7.60 per share of Cascade common stock, as of immediately prior to the signing of the Merger Agreement.

On January 26, 2017, Cascade and First Interstate filed a preliminary Joint Proxy Statement/Prospectus on Form S-4 with the Securities and Exchange Commission ("SEC") concerning the Transaction (as thereafter amended, the "Preliminary Proxy").

On February 16, 2017, plaintiff Sternheim Family Trust ("Sternheim") commenced the State Action on behalf of similarly situated Cascade shareholders by filing a putative class action complaint against Defendants challenging the Transaction and alleging, *inter alia*, that Cascade's Board of Directors (the "Board") breached its fiduciary duties by approving the Merger Agreement and agreeing to the Transaction.

On March 10, 2017, Sternheim served the Defendants in the State Action with a copy of Plaintiff's First Request for Production of Documents (the "Document Requests").

On March 13, 2017, plaintiff Paul Parshall ("Parshall" and, together with Sternheim, "Plaintiffs") commenced the Federal Action on behalf of similarly situated Cascade shareholders by filing a putative class action complaint against Defendants challenging the Transaction and alleging, *inter alia*, that Defendants omitted material information from the Preliminary Proxy in violation of the Securities Exchange Act of 1934, as amended, and the rules and regulations promulgated thereunder.

Following the filing of the Actions, Plaintiffs and Defendants met and conferred numerous times concerning, among other things, Defendants' response to Sternheim's Document Requests, and ultimately negotiated an informal exchange of discovery to be produced on an expedited, confidential basis in lieu of engaging in motion practice concerning expedited discovery.

On April 13, 2017, Cascade filed a definitive Joint Proxy Statement/Prospectus with the SEC concerning the Transaction (the "Definitive Proxy"), which, among other things, set a special meeting of Cascade's shareholders for May 24, 2017, at which meeting Cascade's shareholders were to vote on a proposal to approve the Merger Agreement and certain related matters (the "Shareholder Vote").

During early April 2017, the parties negotiated the terms of a Stipulated Protective Order governing the exchange of confidential information, which was filed with the Court on or about April 18, 2017.

On or about April 14, 2017, following the parties' negotiations concerning the scope of expedited discovery, Defendants' counsel commenced a rolling production of internal, non-public documents to Plaintiffs' counsel in the Actions, including, among other things, minutes of meetings of the Board concerning the Transaction and written presentations made to the Board by its financial advisors, Macquarie Capital (USA), Inc. ("Macquarie") and Piper Jaffray & Co. ("Piper Jaffray").

Following the review and analysis of Cascade's internal documents and further analysis of the Definitive Proxy in conjunction with Plaintiffs' retained financial expert, Plaintiffs identified certain additional information that they believe had been improperly omitted from the Definitive Proxy, and that in their view required disclosure prior to the Shareholder Vote to permit Cascade shareholders to make a fully informed decision as to whether to vote in favor of the Transaction.

On May 1, 2017, Plaintiffs, by and through their counsel, made a written settlement demand on Defendants (the "Demand"), which, among other things, demanded that Defendants cure the disclosure deficiencies alleged by Plaintiffs in conjunction with their financial expert by issuing supplemental disclosures to shareholders, and informed Defendants of their intention to seek to enjoin the Transaction until such alleged disclosure deficiencies were cured.

Counsel for Plaintiffs and counsel for Defendants engaged in extensive arm's-length negotiations in an attempt to resolve the Actions and reached an agreement in principle providing for a resolution of the Actions between and among Plaintiffs, on behalf of themselves and the putative Class (as defined below), and Defendants, on the terms and subject to the conditions set forth in a memorandum of understanding (the "MOU") dated May 17, 2017 (the "Settlement").

Pursuant to the MOU, Plaintiffs' counsel conducted certain additional discovery, including taking the deposition of (1) the Board's lead financial advisor from Piper Jaffray, Kalan MacGinley, on September 14, 2017; (2) an independent member of the Board, defendant Ryan R. Patrick, on November 16, 2017; and (3) the Company's President and Chief Executive Officer, defendant Terry E. Zink, on November 17, 2017, to confirm the fairness and reasonableness of the Settlement.

On May 24, 2017, Cascade's stockholders approved the Transaction at the Shareholder Vote, and the Transaction closed on May 30, 2017.

Pursuant to the MOU, Parshall filed a Notice of Voluntary Dismissal in the Federal Action on September 8, 2017.

Pursuant to the MOU, Plaintiffs' counsel conducted certain additional discovery, including taking the deposition of the Board's lead financial advisor from Piper Jaffray, Kalan MacGinley, on September 14, 2017, to confirm the fairness and reasonableness of the Settlement.

On March 2, 2018, the parties to the Actions executed the Stipulation and Agreement of Compromise, Settlement and Release (the "Stipulation"), which is the definitive settlement document, replacing the MOU and reflecting the terms of the Settlement, as described herein.

On March 7, 2018, the Court entered an order: (i) preliminarily certifying the Class, (ii) preliminarily appointing Sternheim as Class representative, (iii) preliminarily appointing WeissLaw LLP as Lead Counsel for the Class ("Lead Counsel") and Markowitz Herbold, PC as Class Liaison Counsel (together, "Plaintiff's Counsel"), (iv) setting a schedule for the Court's final review of the Settlement, and (v) establishing customary notice and objection procedures for members of the Class, as described herein.

III. Reasons for the Settlement

Defendants state that they have denied, and continue to deny, that any of them have committed or have threatened to commit any violations of law or breaches of any duty to Plaintiffs, the Class or anyone else, and that Defendants entered into the Settlement solely because it will eliminate the uncertainty, distraction, burden, and expense of further litigation and because it avoided any possible delays to the completion of the Transaction that might have arisen from further litigation.

Plaintiffs and their counsel believe that the claims asserted in the Actions have legal merit, and that the claims were brought in good faith, but that they are entering into the Settlement because they believe the Settlement provides substantial benefits to Cascade's shareholders and its shareholders, and is fair, reasonable and adequate. Plaintiffs' entry into the Settlement is not an admission as to the lack of any merit of any of the claims asserted in the Actions. Plaintiffs have concluded that the Settlement is fair and adequate, and that it is reasonable to pursue the Settlement based upon the terms and procedures outlined in the Stipulation.

IV. Summary of the Settlement Terms

In consideration for the full and final settlement and release of all Settled Claims (as defined below) by Plaintiffs and the Class (as defined below), and the dismissal with prejudice of the Actions, Cascade agreed to make the Supplemental Disclosures filed with the SEC on May 17, 2017, a copy of which is attached to the Stipulation as Exhibit A. A copy of the Stipulation and other Settlement-related documents can be found on the website of WeissLaw LLP (<http://www.weisslawllp.com/cascade-bancorp-settlement-documents/>), or can be obtained by writing to Richard A. Acocelli, Esq. at the address provided below. Plaintiffs and their counsel were provided with and reviewed the Supplemental Disclosures, and provided comments thereupon. Without admitting any wrongdoing or that any of the Supplemental Disclosures were required to be made, Defendants acknowledge that the pendency of, and the efforts to settle, the Actions were the sole cause of Cascade's decision to file the Supplemental Disclosures.

The Settlement does not affect the form or amount of consideration received by Cascade shareholders and Class members in the Transaction.

Cascade (or its successor(s)-in-interest, or their respective insurers) will pay all costs and expenses incurred in providing this Notice.

V. The Settlement Hearing

The Settlement Hearing shall be held on June 21, 2018 at 2:30 p.m. (Pacific Time), before Judge Beth M. Bagley, Courtroom B at 1100 NW Bond Street, Bend, Oregon to:

- a. determine whether the preliminary certification and appointments in the Preliminary Approval Order should be made final;
- b. determine Plaintiff's Counsel's application for attorneys' fees, costs and expenses;
- c. determine whether the Settlement should be approved as fair, reasonable and adequate;
- d. determine whether an Final Order and General Judgment (as described below) should be entered in the Action, dismissing the Action with prejudice;
- e. hear and determine any objections to the Settlement or to Plaintiff's Counsel's application for attorneys' fees, costs and expenses; and
- f. rule on such other matters as the Court may deem appropriate.

The Court reserves the right to adjourn the Settlement Hearing or any adjournment thereof, including the consideration of the application for attorneys' fees, costs and expenses, without further notice of any kind other than oral announcement at the Settlement Hearing or any adjournment thereof. Please check the Court's website at <http://www.courts.oregon.gov/courts/deschutes/go/Pages/calendars.aspx>, or at <https://publicaccess.courts.oregon.gov/PublicAccess/default.aspx> for any changes to the date, time and location of the Settlement Hearing. The Court reserves the right to approve the Settlement at or after the Settlement Hearing with such modification(s) as may be consented to by the parties to the Stipulation and without further notice to the Class.

VI. Your Right to Appear and Object

Any member of the Class who objects to the Settlement, the Final Order and General Judgment to be entered in the State Action, and/or Plaintiff's Counsel's application for attorneys' fees, costs and expenses, or who otherwise wishes to be heard, may appear in person or by such member's attorney at the Settlement Hearing and present evidence or argument that may be proper and relevant; provided, however, that, except for good cause shown, no person shall be heard and no papers, briefs, pleadings or other documents submitted by any person shall be considered by the Court unless within thirty (30) calendar days of the Settlement Hearing such person files with the Court and serves upon counsel listed below: (a) a written notice of intention to appear; (b) a statement of such person's objections to any matters before the Court; (c) the grounds for such objections and the reasons that such person desires to appear and be heard; and (d) documentation evidencing membership in the Class as well as all documents or writings such person desires the Court to consider. Such filings shall be served upon the following counsel:

Richard A. Acocelli
WEISSLAW LLP
1500 Broadway, 16th Floor
New York, New York 10036
Preliminarily Appointed Lead Counsel for the Class

Edward J. Fuhr
HUNTON & WILLIAMS LLP
951 East Byrd Street
Riverfront Plaza, East Tower
Richmond, Virginia 23219
Attorneys for Cascade Bancorp and the Cascade Directors

Kenneth J. Nachbar
MORRIS, NICHOLS, ARSHT & TUNNELL
1201 North Market Street, 16th Floor
P.O. Box 1347
Wilmington, Delaware 19899
Attorneys for First Interstate Bancsystem, Inc.

Unless the Court otherwise directs, no person shall be entitled to object to the approval of the Settlement, any judgment entered thereon, the adequacy of the representation of the Class by Plaintiff and Lead Counsel, any award of attorneys' fees, costs and expenses, or otherwise be heard, except by serving and filing a written objection and supporting papers and documents as described above. Any person who fails to object in the manner described above shall be deemed to have waived the right to object (including any right of appeal) and shall be forever barred from raising such objection in this or any other action or proceeding.

Any Class member who does not object to the Settlement, the class action determination, or the attorneys' fees, costs and expenses application need not do anything at this time.

VII. The Final Order and General Judgment

If the Court determines that the Settlement, as provided for in the Stipulation, is fair, reasonable and adequate, the parties to the Action will ask the Court to enter a Final Order and General Judgment, which will, among other things:

- i. approve the Settlement as fair, reasonable and adequate, and direct consummation of the Settlement in accordance with its terms and conditions;
- ii. certify the Class as a non-opt-out class pursuant to Rule 32 of the Oregon Rules of Civil Procedure and designate: (a) Sternheim as Class representative, and (b) WeissLaw LLP as Lead Counsel for the Class;
- iii. determine that the requirements of due process, Oregon Rule 32 F, and applicable law have been satisfied in connection with this Notice;
- iv. dismiss the State Action with prejudice on the merits, and grant the releases more fully described below in accordance with the terms and conditions of the Stipulation;
- v. permanently bar and enjoin Plaintiffs and all members of the Class from instituting, commencing, or prosecuting any of the Settled Claims (as defined below) against any of the Released Parties (as defined below); and
- vi. award attorneys' fees, costs and expenses to Plaintiff's Counsel in the Actions.

VIII. Releases

The Stipulation provides that the Final Order and General Judgment shall, among other things, provide:

- a. for the complete discharge, dismissal with prejudice on the merits, release and settlement, to the fullest extent permitted by law, of all known and unknown claims of every nature and description whatsoever, against Defendants and their respective predecessors, successors-in-interest, parents, subsidiaries, affiliates, associates, partners, representatives, agents, insurers, trustees, executors, administrators, heirs, spouses, marital communities, assigns, or transferees, and any person or entity acting for or on behalf of any of them, and each of them, and each of their predecessors, successors-in-interest, parents, subsidiaries, affiliates, associates, partners, representatives, agents, insurers, trustees, executors, administrators, heirs, spouses, marital communities, assigns, or transferees, and any person or entity acting for or on behalf of any of them, and each of

them, including, without limitation, any financial advisors, investment bankers, counsel, accountants, auditors, insurers, reinsurers, attorneys, or consultants, and any past, present or future officers, directors, and employees of any of them, including without limitation Macquarie, Piper Jaffray, Cascade, Bank of the Cascades, First Interstate, First Interstate Bank, Barclays Capital, Inc., and each of their respective parents, subsidiaries, affiliates, associates, officers, directors, employees and agents (collectively, the "Released Parties"), that have been or could have been asserted in any court, tribunal, or proceeding (including but not limited to any claims arising under federal, state, or common law, including the federal securities laws and any state disclosure law), by or on behalf of the Plaintiffs or any member of the Class in his, her, or its capacity as a Cascade shareholder (the "Releasing Persons"), related to any disclosures (or lack thereof) to Cascade's shareholders concerning the Transaction and to any fiduciary duty or aiding and abetting claims concerning the Transaction, including the decision to enter into the Transaction, in any forum, including individual, direct, class, derivative, representative, legal, equitable, or any other type or in any other capacity, whether state or federal, common law or statutory, including, without limitation, claims under the federal securities laws (the "Settled Claims"); *provided, however*, for the avoidance of doubt, the Settled Claims shall not include (i) the right to enforce the Settlement; and/or (ii) any claims under the federal securities laws that do not arise out of, or relate to, the Transaction, the Merger Agreement, the transactions contemplated thereby, any statements regarding the Transaction, the consideration agreed to in the Transaction, the Definitive Proxy, or any other disclosures made in connection therewith (including the adequacy and completeness of such disclosures) or the Supplemental Disclosures;

- b. for the complete discharge, dismissal with prejudice on the merits, release and settlement, to the fullest extent permitted by law, of all known or unknown claims of every nature and description whatsoever against Plaintiffs, the Class Members, and Plaintiffs' counsel from any and all claims, allegations, liabilities or sanctions arising out of the institution, investigation, prosecution, settlement and/or resolution of the Actions; *provided, however*, that Defendants and Released Parties shall retain the right to enforce in this Court the terms of this Stipulation or the Settlement;
- c. the release contemplated by this Stipulation shall extend to claims that the Releasing Persons do not know or suspect to exist at the time of the release, which if known, might have affected the Releasing Persons' decision to enter into the release;
- d. that (i) the Releasing Persons shall be deemed to relinquish, to the extent applicable, and to the full extent permitted by law, the provisions, rights, and benefits of Section 1542 of the California Civil Code, which provides:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

and (ii) the Releasing Persons shall be deemed to waive any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States, or principle of common law, which is similar, comparable, or equivalent to California Civil Code § 1542, as set forth above. Plaintiffs acknowledge, and the Class Members shall be deemed by operation of the entry of a Final Order and Judgment approving the Settlement to have acknowledged, that the foregoing waiver was separately bargained for, is an integral element of the Settlement, and was relied upon by each and all of the Defendants in entering into the Settlement.

The approval of the Settlement by the Circuit Court shall be considered final ("Final Circuit Court Approval") for purposes of the Stipulation when the Circuit Court has entered the Final Order and General Judgment approving the Settlement, dismissing the State Action with prejudice and with each party to bear its own costs (except as provided for in the Stipulation), and providing for the releases substantially in the form set forth above, and that such Final Order and General Judgment is final and no longer subject to further appeal or review, whether by affirmance on or exhaustion of any possible appeal or review, lapse of time, or otherwise; *provided, however*, and notwithstanding any provision to the contrary in the Stipulation, Final Circuit Court Approval shall not include (and the Settlement is expressly not conditioned on) Court approval of attorneys' fees, costs and expenses, and the reimbursement of such fees, costs and expenses as provided in the Stipulation, and any appeal related thereto.

IX. Application for Attorneys' Fees, Costs and Expenses

Defendants acknowledge that Plaintiffs' counsel are entitled to an award of reasonable attorneys' fees and reimbursement of litigation expenses for the benefit that Plaintiffs contend that the proposed Settlement confers upon the Class. Plaintiffs and their counsel will petition the Court to approve an award of attorneys' fees, costs and expenses ("Fee Application") in an amount of \$325,000, which shall be wholly inclusive of all fees, expenses, cost disbursements, and expert and consulting fees in the Actions (the "Agreed Amount"). Defendants have agreed not to oppose Plaintiffs' Fee Application up to the Agreed Amount, and have agreed to pay Plaintiffs' counsel's attorneys' fees and litigation expenses awarded by the Court up to the Agreed Amount. Defendants reserve the right to object to and oppose any application for award of attorneys' fees and reimbursement of litigation expenses made in excess of the Agreed Amount.

Cascade (or its successor(s)-in-interest), on behalf of itself and for the benefit of the other Defendants, agrees to pay (or cause their respective insurers to pay) whatever amount of attorneys' fees, costs and expenses that the Court approves.

X. Notice to Persons or Entities That Held Ownership on Behalf of Others

Brokerage firms, banks and/or other persons or entities who held shares of the common stock of Cascade during the Class Period for the benefit of others are requested to promptly send this Notice to all of their respective beneficial owners. If additional copies of this Notice are needed for forwarding to such beneficial owners, any requests for such copies or provision of a list of names and mailing addresses to beneficial owners may be made to:

Cascade Bancorp Securities Litigation
c/o GCG
P.O. Box 10561
Dublin, Ohio 43017-7261

XI. Scope of this Notice and Additional Information

The foregoing description of the Settlement Hearing, the Actions, the terms of the proposed Settlement and other matters described herein do not purport to be comprehensive. Accordingly, members of the Class are referred to the documents filed with the Court in the State Action.

PLEASE DO NOT WRITE OR CALL THE COURT. Questions or comments about the Settlement may be directed to the attention of preliminarily appointed Lead Counsel for the Class as follows:

Richard A. Acocelli
WEISSLAU LLP
1500 Broadway, 16th Floor
New York, New York 10036