

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON
Hanson v. MGM Resorts International, et al., Case No. 2:16-cv-01661-RAJ

OUR RECORDS INDICATE YOU WERE CHARGED AN INACTIVITY FEE ON YOUR MGM GIFT CARD AND ARE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.

A court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit claiming that Defendants MGM Resorts International (“MGM”) and Costco Wholesale Corporation (“Costco”) charged customers monthly inactivity fees in violation of the federal Electronic Funds Transfer Act and other state laws.
- You are included if you are a United States resident who, from October 24, 2010 to July 31, 2018, purchased an MGM gift card and were assessed an inactivity fee that was deducted from the balance of funds remaining on the gift card.
- Persons included in the Settlement will be eligible to receive a *pro rata* (meaning equal) share of the Settlement Fund, calculated after payment of notice and administrative expenses, attorneys’ fees, and an incentive award.
- Read this notice carefully. Your legal rights are affected whether you act or don’t act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	This is the only way to receive a payment.
EXCLUDE YOURSELF	You will receive no benefits, but you will retain any rights you currently have to sue MGM and Costco about the claims in this case.
OBJECT	Write to the Court explaining why you don’t like the Settlement.
GO TO THE HEARING	Ask to speak in Court about your opinion of the Settlement.
DO NOTHING	You won’t get a share of the Settlement benefits and will give up your rights to sue MGM and Costco about the claims in this case.

Your rights and options—**and the deadlines to exercise them**—are explained in this Notice.

BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The Honorable Richard A. Jones of the U.S. District Court for the Western District of Washington, is overseeing this case. The case is called *Hanson v. MGM Resorts International, et al.*, Case No. 2:16-cv-01661-RAJ. The person who has filed suit, David Hanson, is called the Plaintiff. The Defendants are MGM Resorts International (“MGM”) and Costco Wholesale Corporation (“Costco”).

2. What is a class action?

In a class action, one or more people called class representatives (in this case, David Hanson) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the class.

3. What is this lawsuit about?

This lawsuit claims that MGM and Costco violated the federal Electronic Funds Transfer Act and other state laws by charging consumers unlawful inactivity fees on their MGM gift cards. MGM and Costco deny that they violated any law. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiff or the Defendants should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and class members will get compensation sooner rather than, if at all, after the completion of a trial.

WHO’S INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

The Court decided that everyone who fits the following description are members of the **Settlement Class**:

All individuals in the United States who, from October 24, 2010 to July 31, 2018, purchased an MGM Gift Card and were assessed an inactivity fee that was deducted from the balance of funds remaining on the Gift Card.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Defendants have created a Settlement Fund totaling \$150,000. Class Member payments, as well as the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees and an award to the Class Representative will also come out of this fund (*see* Question 13).

A detailed description of the Settlement benefits can be found in the Settlement Agreement in the Documents page of the settlement website, www.giftcardclassaction.com

7. How much will my payment be?

If you are member of the Settlement Class you may submit a Claim Form to receive a portion of the Settlement Fund. Each Class Member who files a valid claim will receive a proportionate share of the Settlement Fund after payment of notice and administrative expenses, attorneys' fees, and an incentive award. The amount of this payment will depend on how many of the Class Members file valid claims.

8. When will I get my payment?

The hearing to consider the fairness of the Settlement (*i.e.* the Final Approval Hearing, *see* Question 19) is scheduled for November 9, 2018. If the Court approves the Settlement at the Final Approval Hearing and no appeals are filed, the Court will enter a Final Judgment approving the class settlement of the case. Eligible Class Members whose claims were approved by the Settlement Administrator will receive their payment within 60 days of the entry of Final Judgment in the form of a check. All checks will expire and become void 90 days after they are issued.

HOW TO GET BENEFITS

9. How do I get a payment?

If you are a Class Member and you want to get a payment, you must complete and submit a Claim Form by **October 29, 2018**. Claim Forms can be found and submitted online or you may have received a Claim Form in the mail as a postcard attached to a summary of this notice. To submit a Claim Form online or to request a paper copy, go to www.giftcardclassaction.com or call toll free, 1-800-335-2852.

We encourage you to submit your claim online. Not only is it easier and more secure, but it is completely free and takes only minutes!

REMAINING IN THE SETTLEMENT

10. What am I giving up if I stay in the Class?

If the Settlement becomes final, you will give up your right to sue MGM and Costco for the claims being resolved by this Settlement related to the inactivity fees. The specific claims you are giving up against MGM and Costco are described in the Settlement Agreement. You will be “releasing” MGM and Costco as described in Section 3 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the “Documents” link on the Settlement Website.

The Settlement Agreement describes the released claims, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 12 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

11. What happens if I do nothing at all?

If you do nothing, you won’t get any benefits from this Settlement. But, unless you exclude yourself, you won’t be able to start a lawsuit or be part of any other lawsuit against MGM or Costco for the claims being resolved by this Settlement.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in the case?

The Court has appointed Rafey S. Balabanian and Eve-Lynn Rapp of Edelson PC to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

13. How will the lawyers be paid?

MGM and Costco have agreed to pay Class Counsel attorneys’ fees and costs in an amount to be determined by the Court. The fee petition will seek no more than one-third (33 1/3%) of the Settlement Fund, plus reimbursement of their costs and expenses; the Court may award less than this amount. Under the Settlement Agreement, any amount awarded to Class Counsel will be paid out of the Settlement Fund.

Class Counsel will file with the Court and post on www.giftcardclassaction.com its request for attorneys’ fees by **October 1, 2018**.

Subject to approval by the Court, MGM and Costco have agreed to pay the Class Representative a reasonable incentive award of \$5,000 for his involvement in bringing and settling the case. The Plaintiff’s incentive award will also be paid from the Settlement Fund.

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the settlement in *Hanson v. MGM Resorts International, et al.*, Case No. 2:16-cv-01661-RAJ. Your letter or request for exclusion must also include your name, your address, a statement that you are a member of the Settlement Class and were charged an inactivity fee on your MGM Gift Card, your signature, the name and number of this case, and a statement that you wish to be excluded. You must mail or deliver your exclusion request so that it is postmarked no later than **October 15, 2018** to:

MGM Inactivity Fee Settlement
c/o Settlement Administrator
P.O. Box 58608
Philadelphia, PA 19102-8608

15. If I don't exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue MGM and Costco for the claims being resolved by this Settlement.

16. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, do not submit a Claim Form to ask for benefits.

OBJECTING TO THE SETTLEMENT

17. How do I object to the Settlement?

If you're 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 with the Court a letter or brief stating that you object to the Settlement in *Hanson v. MGM Resorts International, et al.*, Case No. 2:16-cv-01661-RAJ and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. If you have a lawyer, they must file an appearance and submit your objection through the court's e-filing system. Your letter or brief must also include your name, your address, the basis upon which you claim to be a Class Member (including a statement that you were charged an inactivity fee on your MGM Gift Card), the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. You must also mail or deliver a copy of your letter or brief to Class Counsel and Defendants' Counsel listed below.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 21), you must say

so in your letter or brief. File the objection with the Court and mail a copy to these three different places postmarked no later than **October 15, 2018**.

Court	Class Counsel	Defendants' Counsel
The Hon. Richard A. Jones United States Courthouse 700 Stewart Street Suite 13128 Seattle, WA 98101-9906	Rafey S. Balabanian Eve-Lynn Rapp Edelson PC 123 Townsend Street, Ste. 100 San Francisco, CA 94107	Aravind Swaminathan Orrick, Herrington & Sutcliffe LLP 701 5th Avenue, Ste. 5600 Seattle, WA 98104-7097

18. What's the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class 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 case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold the Final Approval Hearing at 1:30 p.m. on **November 9, 2018** in Courtroom 13106 at the United States District Court, 700 Stewart Street, Seattle, Washington. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel's request for attorneys' fees and expenses; and to consider the request for an incentive award to the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check www.giftcardclassaction.com or call 1-800-335-2852. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

20. Do I have to come to the hearing?

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

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the final hearing to determine the Settlement's fairness. To do so, you must include in your letter or brief objecting to the Settlement, a statement giving your "Notice of Intent to Appear in United States District Court, 700 Stewart Street, Seattle, Washington." It must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **October 15, 2018**, and be sent to the three addresses listed in Question 17.

GETTING MORE INFORMATION

22. Where do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement and www.giftcardclassaction.com. You can get a copy of the Settlement Agreement at www.giftcardclassaction.com. You may also write with questions to MGM Inactivity Fee Settlement, c/o Settlement Administrator, P.O. Box 58608, Philadelphia, PA 19102-8608. You can call the Settlement Administrator at 1-800-335-2852 or Class Counsel at 1-866-354-3015, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website.

PLEASE DO NOT WRITE OR CALL THE COURT OR THE DEFENDANTS WITH QUESTIONS ABOUT THE SETTLEMENT. IF YOU HAVE QUESTIONS, PLEASE CALL OR WRITE TO THE SETTLEMENT ADMINISTRATOR OR CLASS COUNSEL USING THE CONTACT INFORMATION PROVIDED