

CIRCUIT COURT OF THE SECOND CIRCUIT: Civil No. 07-1-0438 (3)

NOTICE OF PROPOSED PARTIAL SETTLEMENT OF CLASS ACTION LAWSUIT

DO NOT BE ALARMED. YOU ARE NOT BEING SUED.

If you are a Hawaii resident who purchased ticket(s) to attend the Aerosmith Concert which was to be held at the Maui Arts & Cultural Center on September 26, 2007, **this Notice may affect your rights. Please read it carefully.**

The Circuit Court of the Second Circuit, State of Hawaii ("the Court") has authorized this Notice. It is not a solicitation from a lawyer. This Notice advises you of the status of the lawsuit, and includes a statement of your rights with respect to the proposed partial settlement of the claims against Defendant Maui Arts and Cultural Center ("MACC") and the MACC's dismissal from this lawsuit.

What is This Lawsuit About?

The Court has approved this case as a Class Action. The Honorable Judge Joseph E. Cardoza of the Second Circuit Court, State of Hawaii, is overseeing this Class Action. **Please do not contact the Court about this lawsuit. The Court cannot assist you or answer any questions. If you have questions or need additional assistance, please contact Class counsel, using the contact information at the end of this notice.**

Detailed information concerning the facts leading up to this lawsuit was previously sent to you and also is available at www.perkinlaw.com. To provide a brief recap, in the summer of 2007, Aerosmith announced and marketed tickets for a public concert on September 26, 2007 to be held at the Maui War Memorial ("Maui Concert"). Aerosmith was already scheduled to perform a private show on Oahu for Toyota car dealers for September 29th for \$1.25 million dollars. On September 10th, Aerosmith cancelled their larger Chicago show scheduled for that evening claiming "an illness in the band". On September 14th, Aerosmith announced that their Chicago concert would be rescheduled to September 24th, just 48 hours before the Maui Concert. Plaintiffs contend that the Aerosmith Defendants knew they could not make any money on the Maui concert due to transportation costs when they rescheduled the Chicago concert. Plaintiffs further contend that Aerosmith proceeded with the rescheduling as they had show cancellation coverage which they intended to cash in on when they ultimately cancelled the Maui Concert. On September 20, 2007, days before the concert, Aerosmith issued a statement that the Maui Concert had been cancelled because "it is not logistically possible for the band's equipment to make it to Hawaii in time for the scheduled Maui show". Plaintiffs contend that financial, not logistical concerns were the cause of Aerosmith's cancellation. Thereafter, Aerosmith nonetheless came to Hawaii and performed its private show for the Toyota car dealers as scheduled on September 29th. Plaintiffs contend that Aerosmith's actions violate a number of Hawaii laws, including those protecting consumer's rights. The Aerosmith Defendants generally deny Plaintiffs' claims.

What Is The Status Of This Lawsuit?

The Court granted Plaintiff's Motion for Class Certification on September 17, 2008. Thereafter, class counsel began discovery, which is the gathering of documents and information necessary to adequately prepare the case for trial. During the course of this process, discovery revealed that MACC was: not involved in the decision to cancel the Maui Concert, affirmatively tried to avoid said cancellation, and also offered to assist in rescheduling the Maui Concert. Despite MACC's efforts, the Aerosmith Defendants cancelled and refused to reschedule the concert.

MACC has cooperated with Class Counsel in all matters to date and has agreed to do so on a continued basis up to and including at the trial of this matter. The trial will proceed as scheduled against the Aerosmith Defendants on May 11, 2009.

The Court has granted preliminary approval to the partial settlement with the MACC. The Court will decide whether to grant final approval to the settlement with Defendant MACC after reviewing any objections at a hearing to be held on May 1, 2009 at 8:30 a.m. If you wish to object to this partial settlement and dismissal of MACC, you must send a letter stating your objection. The objection must include your full name and address, the name and number of this lawsuit as stated at the top of the first page of this Notice, and your signature. In order to be considered, the letter must be postmarked by April 21, 2009 and addressed to: Perkin & Faria, LLLC, 841 Bishop St., Suite. 2000, Honolulu, HI 96813.

Who is Included in the Class?

This Class Action includes all Hawaii residents who purchased ticket(s) to attend the Aerosmith Concert which was to be held at the Maui Arts & Cultural Center on September 26, 2007, who have not "opted-out" or asked to be excluded. That means if you purchased a ticket, either directly or indirectly, you are a class member, even if the ticket was bought from someone other than the Defendants, like a friend or family member. You do not need to do anything further to remain in the Class. Please advise class counsel of any changes in your address so that we can keep you informed as to the status of this case. Class counsel will advise you as necessary as the case progresses. You will be represented by named Plaintiffs Lisa Sanchez, Jerry Saviano, Kathleen Soule and Vanviphaholman, and their attorneys for purposes of the Class Action.

How Can I Get Additional Information from Class Counsel?

The Court has approved as Class counsel the law firms of Perkin & Faria and Bickerton Lee Dang & Sullivan. These lawyers are experienced in handling these types of cases. The Class representatives and Class counsel will act on your behalf in this lawsuit. This Notice contains only a brief summary of the proposed settlement with MACC. You may obtain copies of the settlement agreement, key pleadings, and other information on the internet at www.perkinlaw.com or by contacting Plaintiffs' attorneys at the addresses listed below. You may also contact your attorneys directly for more information.

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Please do not call the Court or the Court Clerk's Office to inquire about this case or the settlement. They will be unable to help you.

**IMPORTANT LEGAL NOTICE CONCERNING
AEROSMITH CONCERT TICKET PURCHASE**

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