

UNITED STATES DISTRICT COURT – WESTERN DISTRICT OF MISSOURI

NOTICE OF PENDENCY AND PROPOSED SETTLEMENT OF CLASS ACTION
AND SETTLEMENT HEARING

If you are a person who:

- Purchased or exchanged one or more pre-filled *AmeriGas propane gas cylinders* in the United States;
- From *June 15, 2005 to November 30, 2009*; and
- Not for purposes of resale;
- **You may be eligible to receive up to \$75.00 in cash through a Proposed Class Action Settlement**

You must complete and return the attached Claim Form either by U.S. Mail *postmarked* by October 31, 2010 or by e-mail so that it is *received* by October 31, 2010 in order to be eligible to receive money.

Judge Fenner of the United States District Court for the Western District of Missouri (“the Court”) has authorized this Notice. It is not a solicitation from a lawyer.

You are not being sued.

- There is a Proposed Settlement with AmeriGas Propane, Inc., AmeriGas Partners, L.P., and AmeriGas Propane, L.P. (“AmeriGas”) resulting from a number of class action lawsuits pending in federal court in the Western District of Missouri. The name of the consolidated litigation is IN RE: PRE-FILLED PROPANE TANK MARKETING AND SALES PRACTICES LITIGATION, MDL No. 2086 (“The Lawsuit”).
- The Lawsuit claims that, while AmeriGas marketed and sold “full” propane cylinders to their customers, AmeriGas failed to disclose that it reduced by two pounds or more the amount of propane sold to Plaintiffs and the members of the Class, and misrepresented or failed to disclose that the cylinder was not full and/or the actual amount of propane in each cylinder. AmeriGas has always denied, and continues to deny, all allegations of wrongdoing and liability in The Lawsuit.
- The Proposed Settlement allows eligible customers to submit a claim and receive, if the claim is timely and valid subject to the possibility of pro rata reduction, either:
 - Payment of \$5.00 for each transaction for which you submit valid proofs of purchase, up to a maximum of \$75.00; *or*
 - A one-time payment of \$5.00, which will be payment in full for your purchases for which you do not have valid proofs of purchase.

*YOUR LEGAL RIGHTS ARE AFFECTED EVEN IF YOU DO NOT ACT.
READ THIS NOTICE CAREFULLY.*

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BASIC INFORMATION

1. WHAT IS THE PURPOSE OF THIS NOTICE?

The purpose of this Notice is to inform consumers who may be a potential Class Member, of (a) the existence of The Lawsuit; (b) a proposed class action settlement of The Lawsuit, described below; and (c) your rights with respect to the Proposed Settlement. Those rights include the right to be excluded from the Class and the Settlement. If you are a Class Member and do not request to be excluded in compliance with the procedures and deadline set forth below, you will remain in the Class and be bound by the terms of the Settlement.

2. WHAT IS THE LAWSUIT ABOUT?

The Lawsuit claims that AmeriGas, together with certain competitors, reduced the amount of propane gas in the pre-filled cylinders it sold to its customers without the reduced volume being visible from an examination of the propane container and/or failed to fill propane cylinders to proper levels and misrepresented or failed to disclose the actual net weight and level of propane in the cylinders to its customers. The Lawsuit seeks to recover the money that AmeriGas customers may have been overcharged due to AmeriGas' conduct.

Throughout this Lawsuit, AmeriGas has denied, and continues to deny any wrongdoing or liability on its part.

Settlement Class Counsel have investigated and evaluated the claims asserted in The Lawsuit and have determined that the Proposed Settlement is fair, reasonable, and adequate for the Class as a whole, in light of the benefits of the Settlement and the disadvantages of continuing The Lawsuit. AmeriGas has agreed to pay up to ten million (\$10,000,000) U.S. Dollars to pay valid claims and certain costs, exclusive of attorneys' fees and costs and incentive awards of the Named Representative Plaintiffs. The Proposed Settlement is a compromise of disputed claims and does not mean that AmeriGas has any liability or admitted any wrongdoing alleged in The Lawsuit.

3. WHY IS THIS A CLASS ACTION SETTLEMENT?

Plaintiffs filed their lawsuit as a class action, which is a lawsuit where one or more people called "class representatives" sue on behalf of people who have similar claims. The people together are a "class" or "class members." A court must determine if it will allow a lawsuit to proceed as a class action.

Typically, plaintiffs in class actions file a motion for class certification, after years of litigation, seeking to certify a class of persons that suffered the same injury as them. Here, Plaintiffs have not yet filed that motion. However, as part of the Settlement, the Parties asked the Court to certify a Settlement Class solely for purposes of the Settlement. The Court agreed, and certified a class only for purposes of this Settlement.

4. HOW DO I KNOW IF I AM INCLUDED IN THE PROPOSED SETTLEMENT?

You are a member of the Settlement Class if this definition describes you and you do not request exclusion from the class:

All persons who purchased or exchanged one or more of AmeriGas's propane gas cylinders, not for resale, in the United States between June 15, 2005 and November 30, 2009.

If you are a member of the Settlement Class, you may be entitled to recover money. If you are unsure whether you are entitled to any money out of this Settlement, you may submit a Claim Form and provide the Claims Administrator with all relevant information and supporting documentation, including, by way of example only, a copy of a receipt for your cylinder exchange, so that the Claims Administrator can determine if you are entitled to any money.

You do not need to do anything to become part of the Settlement Class, **but you must complete the attached Claim Form in order to be eligible to receive any money under the Proposed Settlement. If you *do not* want to be part of the Settlement Class, you must request exclusion from the Settlement.**

BENEFITS OF THE PROPOSED SETTLEMENT – WHAT YOU MAY GET

5. WHAT DOES THE PROPOSED SETTLEMENT PROVIDE?

The Proposed Settlement has three parts: (1) cash payments to consumers who file valid and timely claims; (2) injunctive relief that requires AmeriGas to make certain disclosures for three years regarding the actual net weight of the propane

contained in its cylinders; and (3) depending on the aggregate value of the valid claims received from Class Members, a charitable contribution to up to ten energy assistance programs for low income citizens known as LIHEAPs (Low Income Home Energy Assistance Programs) as approved by the Court.

The Claims Administrator will be responsible for collecting, reviewing, and determining the validity of each claim and how much each person will receive, if anything, for their claim. AmeriGas has retained the right to audit those claims.

6. HOW MUCH MAY I BE ELIGIBLE TO RECEIVE?

The following chart provides an overview of how much you may be eligible to receive.

Claim Option	Do you have Proof(s) of Purchase or Exchange, such as receipts, for each transaction?	Amount to be paid for each transaction	Maximum Amount for which you are eligible
A	Yes	\$5.00, or your pro rata share of the Settlement Proceeds	Payment for up to fifteen (15) transactions, or \$75
B	No	\$5.00, or your pro rata share of the Settlement Proceeds	\$5.00

If you already submitted a valid claim in connection with AmeriGas’s Initial \$2.50 Rebate Program, you can receive the difference between the amount paid pursuant to the Initial Rebate Program and the amount available to you under the Settlement. AmeriGas recognizes that it implemented the Initial \$2.50 Rebate Program following, and in at least partial response to, the filing of the Representative Actions.

7. WHAT TYPES OF DOCUMENTATION SHOULD I SUBMIT FOR PROOF OF MY PURCHASES?

Valid Proof of Purchase means verifiable contemporaneous documentation reflecting your purchase or exchange of a pre-filled AmeriGas propane cylinder during the time period June 15, 2005 to November 30, 2009. Examples may include but are not limited to: store receipts, credit card receipts, white proof(s) of purchase from propane cylinder, store records, or any other verifiable and contemporaneous record of purchase.

8. HOW DO I FILE A CLAIM?

Attached to this Notice is a Claim Form. If you want to be eligible to recover money under the Proposed Settlement, you **MUST FILL OUT the Claim Form** and submit it to the Claims Administrator by e-mail at propanesettlement@gardencitygroup.com so that it is **received by October 31, 2010**, or by U.S. Mail **postmarked by October 31, 2010**, and addressed to:

**AmeriGas Class Action Settlement
c/o The Garden City Group, Inc.
P.O. Box 9483
Dublin, OH 43017-4583**

SUMMARY OF THE EQUITABLE AND CHARITABLE ASPECTS OF THE SETTLEMENT

9. WHAT IS EQUITABLE RELIEF AND WHAT WILL AMERIGAS HAVE TO DO?

Equitable relief is relief ordered by the Court that requires AmeriGas to engage in certain courses of conduct in the future. It does not involve the payment of money.

Here, AmeriGas has agreed to, among other things, make certain additional disclosures and not make certain untrue statements in order to ensure that consumers receive clear and conspicuous disclosures regarding the actual net weight of propane in AmeriGas’s cylinders at the point of sale and in its marketing.

AmeriGas must adhere to these requirements for three years following Final Approval of the Proposed Settlement.

10. WHO WILL GET THE CHARITABLE CONTRIBUTION IF IT IS MADE?

If the Proposed Settlement is approved and there is money left in the Settlement Fund after all valid Claims are paid, a charitable contribution will be made to up to ten energy assistance program for low income citizens known as LIHEAPs (Low Income Home Energy Assistance Programs) as approved by the Court.

YOUR OPTIONS AS A CLASS MEMBER

11. WHAT ARE MY OPTIONS AS A CLASS MEMBER?

You have three options as a Class Member: (1) you may remain a Class Member; (2) you may file comments in support of or in opposition to the Proposed Settlement; or (3) you may request exclusion from the monetary part of the Settlement (which is known as “Opting-Out”).

12. HOW DO I REMAIN A CLASS MEMBER, AND WHAT DOES THAT MEAN?

To remain a Class Member and become a member of the Settlement Class, you need not do anything. *You must, however, submit a written Claim Form by the due date in order to be eligible to seek money from the Settlement.* Claim Forms are also available on line at www.propanesettlement.com or by calling toll-free at 1-866-682-1763.

Being a Settlement Class Member means that if the Settlement is approved by the Court and the judgment becomes final, you will be entitled to the benefits of the Settlement and, if you submit a Claim Form and the Claims Administrator determines that your Claim Form is valid and timely, you may receive money. In exchange for those benefits, you and your heirs, executors, administrators, representatives, agents, partners, successors, and assigns will be bound by any release, judgment or other disposition of this Litigation.

13. CAN I TELL THE COURT WHAT I THINK ABOUT THE PROPOSED SETTLEMENT, AND IF SO, HOW DO I TELL THE COURT?

If you do not exclude yourself from the Class, yes, as a Class Member, you have the right to comment in support of or in opposition to the Proposed Settlement, the proposed award of attorneys’ fees and expenses, or the proposed payment of incentive awards to the Named Representative Plaintiffs, described in Paragraph Nos. 16 and 17 below. For more details on your rights if you file a comment in support of or in opposition to the Proposed Settlement, see directly below.

To file a comment in support of or in opposition to the Proposed Settlement, you must submit a written statement setting forth: (1) your name, address, and telephone number; (2) the reference “*In Re: Pre-Filled Propane Tank Marketing and Sales Practices Litigation*, MDL No. 2086”; (3) the dates and locations at which you purchased or exchanged AmeriGas Propane tanks (together with any proofs of purchase); (4) your objections, comments and any supporting arguments; and (5) your signature, to:

Clerk of the Court
United States District Court for the
Western District of Missouri
Charles Evans Whittaker Courthouse
400 East 9th Street
Kansas City, Missouri 64106

You must also mail copies of your entire written submission to attorneys for the Settlement Class and Defense Counsel at the following addresses:

<p>Settlement Class Counsel:</p> <p>Elizabeth A. Fegan HAGENS BERMAN SOBOL SHAPIRO LLP 1144 W. Lake St., Suite 400 Oak Park , IL 60301</p>	<p>Defense Counsel:</p> <p>Jay N. Varon FOLEY & LARDNER LLP 3000 K Street, N.W. Suite 600 Washington, DC 20007</p>
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To be considered by the Court, your objections or supporting comments must be sent to the Clerk of the Court, Attorneys for the Settlement Class and Defense Counsel such that they *are received* no later than **September 15, 2010**. The Court will consider all comments from Settlement Class Members. If you intend to appear at the Fairness Hearing through counsel, your comment must also state the identity of all attorneys representing you who will appear at the Fairness Hearing. To appeal from any provision of the order approving the Settlement as fair, reasonable and adequate, the award of incentive awards to the Named Representative Plaintiffs, or to the award of reasonable attorneys fees and expenses paid by Defendant and awarded to Settlement Class Counsel, you must appear in person, or through your counsel, or seek leave of Court excusing such appearance prior to the Fairness Hearing, or as otherwise may be permitted by the Court at the Fairness Hearing.

If you do not submit a written comment or objection on the Proposed Settlement or the application of Settlement Class Counsel for incentive awards for the Named Representative Plaintiffs, attorneys' fees and expenses in accordance with the deadline and procedure set forth above, you will waive your right to be heard at the Fairness Hearing and to appeal from any order or judgment of the Court concerning the matter.

See Paragraph Nos. 20 and 21 below for information on attending the Fairness Hearing to voice your objection to of comment on the Proposed Settlement.

14. CAN I REQUEST EXCLUSION (“OPT-OUT”) OF THE SETTLEMENT AND, IF SO, HOW DO I OPT-OUT?

If you want to pursue your own case against AmeriGas for damages based on the conduct Plaintiffs have alleged in The Lawsuit or do not want to participate in this case for any reason, you have the right to request exclusion from the Class. If you request exclusion from the Class, you will not receive any money from the Settlement and may pursue your own claims for money damages. You may **not** opt-out of the equitable relief provisions of the Settlement. **If you wish to be excluded from the money damages part of the Settlement Class for any reason**, you must mail or deliver a letter or postcard to the Claims Administrator that (i) lists your name, address, and telephone number; (ii) states that you wish to be excluded from the class and settlement in the lawsuit *In re Pre-Filled Propane Tank Marketing and Sales Practices Litigation, MDL No. 2086*; and (iii) is signed by you. You must submit your Request for Exclusion letter or postcard to the Claims Administrator, by **September 1, 2010**, addressed to:

**AmeriGas Class Action Settlement
 c/o The Garden City Group, Inc.
 P.O. Box 9483
 Dublin, OH 43017-4583**

THE LAWYERS REPRESENTING YOU

15. DO I HAVE A LAWYER REPRESENTING MY INTERESTS IN THIS CASE?

Yes. The Court has appointed the following law firms to represent you and other Settlement Class Members:

Elizabeth A. Fegan HAGENS BERMAN SOBOL SHAPIRO LLP 1144 W. Lake St., Suite 400 Oak Park , IL 60301	Laurence D. King KAPLAN FOX & KILSHEIMER LLP 350 Sansome Street, Suite 400 San Francisco, CA 94104
Eric H. Gibbs GIRARD GIBBS LLP 601 California Street, Suite 1400 San Francisco, CA 94108	Norman E. Siegel STUEVE SIEGEL HANSON LLP 460 Nichols Road, Suite 200 Kansas City, MO 64112

QUESTIONS? CALL TOLL-FREE 1 (866) 682-1763

These lawyers are called Settlement Class Counsel. You will not be charged personally for these lawyers, but they will ask the Court to award them a fee that AmeriGas has agreed to pay. More information is provided in Paragraph No. 16 below. However, these lawyers are not submitting your individual Claim Forms for you; you must take steps to submit your own Claim Form as described above in Paragraph No. 12, and you may retain your own attorney to do so if you wish.

16. HOW IS SETTLEMENT CLASS COUNSEL BEING PAID?

Since they filed this case, Settlement Class Counsel have not received any payment for their services in prosecuting The Lawsuit, nor have they been reimbursed for any out-of-pocket expenses. If the Court approves the Proposed Settlement, Class Counsel will ask the Court to award them attorneys' fees and expenses in the amount of \$2,200,000. Any award of attorneys' fees will be paid separately from and will not reduce the benefits provided to Settlement Class Members under the Settlement. AmeriGas has agreed not to oppose an award that does not exceed \$2,200,000.

As a Class Member, you do not have to pay Settlement Class Counsel for the work that they performed on behalf of the Class.

17. ARE THE NAMED REPRESENTATIVE PLAINTIFFS RECEIVING ANYTHING FOR THE TIME AND EFFORT THEY CONTRIBUTED TO THE LAWSUIT?

As part of the Settlement, and subject to the Court's final approval of the Settlement, the Parties have agreed that AmeriGas will pay incentive awards to Named Class representatives in any Representative or Related Action that agree to the Settlement for the time and effort they contributed to the prosecution of The Lawsuit in the amount of \$250.00 each.

18. WHAT ELSE DOES AMERIGAS HAVE TO PAY?

AmeriGas has agreed to pay all costs of providing this notice to the Settlement Class, as well as the costs of administering the Settlement.

19. SHOULD I GET MY OWN LAWYER?

You do not need to get your own lawyer, but you do have the right to consult and/or retain an attorney of your choice, at your own expense, to advise you regarding the Settlement and your rights in connection with the Settlement.

THE COURT'S FINAL APPROVAL HEARING AND THE FUTURE OF THE LAWSUIT

20. WHEN AND WHERE WILL THE COURT DECIDE ON WHETHER TO GRANT FINAL APPROVAL OF THE PROPOSED SETTLEMENT?

The Court will hold a Fairness Hearing on **October 1, 2010**, at 9 a.m., before the Honorable Gary Fenner, United States District Court Judge, at the United States District Court for the Western District of Missouri, Charles Evans Whittaker Courthouse, 400 East 9th Street, Kansas City, Missouri 64106, to determine: (1) whether the Proposed Settlement of The Lawsuit on the terms set forth in the Consent Decree is fair, reasonable, and adequate for the Settlement Class as a whole and should be granted final approval; (2) whether the certification of the Settlement Class for settlement purposes only should be made final; (3) whether the Court should enter the proposed judgment dismissing The Lawsuit with prejudice; (4) whether the Court should grant the application of Settlement Class Counsel for attorneys' fees and reimbursement of expenses and, if so, in what amount; and (5) whether the Court should grant the request for incentive awards to the Representative Plaintiffs and, if so, in what amount.

21. DO I HAVE TO ATTEND THE FINAL APPROVAL HEARING, AND IF SO, MAY I SPEAK?

You do not have to attend the Fairness Hearing, unless you filed an objection or comment to the Proposed Settlement. If you decide to attend, you must do so at your own expense.

If you filed an objection to or comments on the Proposed Settlement (see Paragraph No. 13 above), you must appear at the Fairness Hearing either in person or through your own counsel. Failure to attend shall be deemed a waiver of any comments and/or objections. You may ask to be heard by the Court on your objection or comments. The Court will not permit you to be heard unless you first submit your objections or comments in writing in compliance with Paragraph No. 13 above and include in your comments a statement that you intend to appear and wish to be heard at the Fairness Hearing.

If you want your own lawyer to speak on your behalf at the Fairness Hearing, you must give the Court a paper that is called a "Notice of Appearance." The Notice of Appearance should use the following Civil Action Number: MDL 2086, and should include the name of the lawsuit, and state that you wish to enter an appearance at the Fairness Hearing. It also must include your name, address, telephone number and signature. Your "Notice of Appearance" **must** be mailed to the Clerk of the Court at the address below such that it is *actually received* no later than **September 15, 2010**:

Clerk of the Court
United States District Court for the
Western District of Missouri
Charles Evans Whittaker Courthouse
400 East 9th Street
Kansas City, Missouri 64106

Class Members who have timely requested exclusion ("opted out") from the Class may not participate at the Fairness Hearing.

22. IF THE COURT APPROVES THE SETTLEMENT, WILL THAT END THE LAWSUIT AS TO AMERIGAS?

Yes. If the Court approves the Proposed Settlement, it will enter a judgment that will dismiss with prejudice the claims of Settlement Class Members against AmeriGas, except those Class Members who request to be excluded from the Settlement. However, it will not end the lawsuit with respect to the other defendants named in The Lawsuit.

23. WHAT HAPPENS IF THE COURT DECIDES NOT TO GRANT FINAL APPROVAL OF THE PROPOSED SETTLEMENT?

If the Settlement is not granted final approval, or if the Settlement is granted final approval but the judgment does not become final, the certification of the Settlement Class will be vacated and The Lawsuit will proceed as though no Proposed Settlement had been reached.

24. WHERE DO I OBTAIN MORE INFORMATION / WHO CAN ANSWER MY QUESTION(S)?

Any questions you may have about the matters described in this Notice should be directed in writing to any of the Settlement Class Counsel listed in Paragraph No. 15 above or to the Settlement Administrator, The Garden City Group, Inc., at propanesettlement@gardencitygroup.com, or at 1-866-682-1763 or at the following address:

AmeriGas Class Action Settlement c/o The Garden City Group, Inc. P.O. Box 9483 Dublin, OH 43017-4583

You may also send questions by e-mail to Settlement Class Counsel at amerigassettlement@hbsslaw.com. Further, the documents referenced in this Notice are available at www.propanesettlement.com.

Copies of the Settlement Agreement and the pleadings and other documents filed in The Lawsuit are on file at the United States District Court for the Western District of Missouri, and may be examined and copied during regular office hours at the Office of the Clerk of the Court.

Do not direct any questions to the Court.

25. WHAT ARE THE DEADLINES I NEED TO KNOW ABOUT?

If you wish to **submit a claim**, your claim must be submitted via e-mail so that it is *received by* **October 31, 2010** or via U.S. mail *postmarked by* **October 31, 2010**.

If you wish to be **excluded from the Class**, you must mail your Request for Exclusion, postmarked no later than **September 1, 2010**, to the Claims Administrator at the address listed in Paragraph No. 14 above.

If you wish to submit **comments in support of or in opposition to the Proposed Settlement**, you must submit them in writing to the Clerk of the Court at the address listed above in Paragraph No. 13, with copies to both Settlement Class Counsel and Defense Counsel at the addresses listed in Paragraph No. 13 above, such that they are received no later than **September 15, 2010**.

QUESTIONS? CALL TOLL-FREE 1 (866) 682-1763