

United States District Court For The Eastern District of Pennsylvania
Hart v. Comcast of Alameda, No. 2:08-MD-1992-LDD

**If You Have Or Had High-Speed Internet Services With Comcast
And Used Peer-To-Peer File Sharing, You May Be Eligible To
Receive Credit or a Refund From a Class Action Lawsuit.**

*The Court has authorized this Notice. It is not a solicitation from a lawyer or Comcast.
Please read the Notice carefully.*

There is a proposed Settlement of a lawsuit pending in the United States District Court for the Eastern District of Pennsylvania. The Court has granted preliminary approval of the Settlement and has certified the Settlement Class. Similar lawsuits were filed and have been coordinated and transferred to the United States District Court for the Eastern District of Pennsylvania. These lawsuits arise from claims that Comcast promised and advertised specific download and upload speeds but impaired use of certain Peer-to-Peer file sharing traffic on its High-Speed Internet network.

A Summary of Your Rights and Choices:

*Your Legal Rights Are Affected Even If You Do Not Act.
Read This Notice Carefully.*

You May:		Due Date:
File a Claim	<i>Submit a Claim Form</i> This is the only way for you to receive a credit or refund payment from the Settlement. See Question 6.	<u>August 14, 2010</u>
Exclude Yourself	<i>Get out of the Class</i> You may ask to get out of the Class and keep your right to sue on your own about the claims in the lawsuit. See Question 9.	<u>May 13, 2010</u>
Object to the Settlement	<i>Object to or comment on the Settlement</i> If you do not exclude yourself, you may appear and speak at the Fairness Hearing on your own or through your own lawyer to object or comment on the Settlement. (Class Counsel has been appointed to represent you.) See Question 10.	<u>May 13, 2010</u>
Do Nothing	You remain in the Settlement. You get no money or compensation and give up your right to sue about the claims in the lawsuit.	

**THESE RIGHTS AND OPTIONS
– AND THE DEADLINES TO EXERCISE THEM –
ARE EXPLAINED IN THIS NOTICE.**

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BASIC INFORMATION

1. What is the case about?

The lawsuit claims that Comcast promised and advertised specific speeds and unlimited Internet access but impaired use of some P2P file-sharing traffic on its High-Speed Internet network. Comcast denies these claims, but has revised its management of P2P and is settling to avoid the burden and cost of further litigation.

2. What is Peer-to-Peer (P2P)?

“Peer-to-Peer” file sharing traffic or “P2P” relates to sharing and transferring of content such as high-definition movies and audio files between groups of users over the Internet. P2P protocols are used by some Internet users to facilitate sharing and transferring of such content. P2P protocols are different from most streaming video services like YouTube and Netflix. YouTube and Netflix do not use P2P and are not involved in this case

3. Who is a Settlement Class Member?

You are a Settlement Class Member and your rights are affected **if** you live in the United States or its Territories, have a current or former Comcast High-Speed Internet account, and **either** used or attempted to use Comcast service to use:

- The Ares, BitTorrent, eDonkey, FastTrack or Gnutella P2P protocols at any time from April 1, 2006 to December 31, 2008; **and/or**
- Lotus Notes to send emails any time from March 26, 2007 to October 3, 2007.

BENEFITS OF THE SETTLEMENT – WHAT YOU GET

4. What relief is provided to Settlement Class Members?

Comcast agrees to credit or refund some current or former High-Speed Internet service customers. Comcast agrees to pay up to \$16 million dollars, less Settlement costs, to eligible Class Members. If you submit a valid Claim Form, you will receive a share of this amount, not to exceed \$16.00. The Settlement is not an admission of wrongdoing by any party.

You must submit a valid Claim Form to be eligible for credit or refund. The claim verifies that you are a current or former Comcast High-Speed Internet service account holder who is eligible to make a claim because you **either**:

- Used or attempted to use Comcast service to use the Ares, BitTorrent, eDonkey, FastTrack or Gnutella P2P protocols any time from April 1, 2006 to December 31, 2008 and were unable to share files or have reason to believe that the speed at which files were shared was impaired; **and/or**
- Attempted but were unable to use Comcast service to use Lotus Notes to send emails any time from March 26, 2007 to October 3, 2007.

5. Who is paying the costs associated with the Settlement?

Costs associated with the Notice and administration of this Settlement will be paid from the Settlement fund to be established by Comcast.

YOUR LEGAL RIGHTS

6. How do I file a claim?

You must properly submit a Claim Form online by going to www.P2PCongestionSettlement.com. If you cannot submit a claim online, you can download a Claim Form from the website and print it, or contact the Claims Administrator, using the toll-free number, and request a copy. You must mail the completed paper Claim Form to the Claims Administrator.

An online Claim Form must be submitted or a paper Claim Form must be postmarked no later than **August 14, 2010**. This claim deadline may change and will be posted on this Website after final approval of this Settlement. If you fail to submit a claim electronically or postmark a paper Claim Form by this date, your claim will be rejected.

Step 1 – Complete a Claim Form.

You must complete all information requested in the Claim Form and verify that you are a current or former Comcast High-Speed Internet service account holder who is eligible to make a claim. Claim Forms that are incomplete or not signed will be rejected.

Step 2 – Submit Online or Mail Paper Claim Form to Claims Administrator.

Submit the completed online Claim Form following submission instructions or mail the completed Claim Form to the Claims Administrator.

7. What happens after a claim is filed?

The Claims Administrator will review all Claims to determine if you are a Settlement Class Member and if your claim is valid. If your claim is approved, within one hundred and twenty (120) days from the date that the final approval of this Settlement is no longer subject to appeal, former subscribers will receive a check via first-class mail and current subscribers will receive an account credit for the proper amount. You will then be bound by all orders and judgments of the Court and you give up any right to sue Comcast or its subsidiaries over issues involved in this case.

8. What happens if a claim is rejected?

If your claim is rejected by the Claims Administrator, you will be notified of the reasons why and will be given the opportunity to challenge this decision. This process is explained in the Settlement Agreement. The Claims Administrator may consider several factors in its review of your claim, which are fully set out in the Settlement Agreement.

9. How do I exclude myself from the Settlement Class?

If you do not wish to be a Settlement Class Member, you may exclude yourself by writing to the Claims Administrator. You must provide your full name and address, state that you want to opt out of the Settlement, and deliver your request by mail, hand, or overnight delivery service to the P2P Congestion Settlement Claims Administrator, c/o Rust Consulting, P.O. Box 9454, Minneapolis, MN 55440-9454. Your request ***must*** be postmarked no later than **May 13, 2010**.

10. How do I object to the Settlement?

The Court will hold a fairness hearing to determine if the proposed Settlement is fair, reasonable and adequate and to consider a motion for attorneys' fees and expenses on **June 15, 2010 at 10:00 a.m.**, in Courtroom 6A, United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, Pennsylvania 19106. If you remain a member of the Settlement Class, you or your counsel has the right to appear before the Court and object to the Settlement.

To object to the Settlement, you ***must*** (1) provide your full name and address; (2) include all arguments, citations, and evidence supporting your objection; and (3) specify who, if anyone, will attend the hearing to make your objection. You ***must*** file your Request for Objection with the Clerk of Court by **May 13, 2010** at the following address:

Clerk of Court
United States District Court
Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA 19106

You **must** also deliver your objection by mail, hand, or overnight delivery service by May 13, 2010 to the Claims Administrator and to counsel for the parties at the following addresses:

P2P Congestion Settlement Claims Administrator
c/o Rust Consulting
P.O. Box 9454
Minneapolis, MN 55440-9454

Mark N. Todzo
Lexington Law Group LLP
1627 Irving Street
San Francisco, CA 94122

Seamus C. Duffy
Drinker Biddle and Reath LLP
One Logan Square, 18th & Cherry Sts.
Philadelphia, PA 19103-6996

If you fail to submit a timely or complete Request for Objection, you are considered to have waived all objections to the Settlement, will not be permitted to object to the Settlement at the Fairness Hearing or otherwise, and will be foreclosed from challenging the Settlement or seeking appellate review of the Final Approval by appeal or otherwise. Only Class Members can object to the Settlement.

11. What is the difference between objecting to the Settlement and excluding myself?

You object to the Settlement when you wish to remain a Class Member and be subject to the Settlement, but disagree with some aspect of the Settlement. An objection allows your views to be heard in Court.

In contrast, exclusion means that you are no longer a Class Member and ultimately do not want to be subject to terms and conditions of the Settlement. Once excluded, you lose any right to object to any aspect of the Settlement because the case no longer affects you.

12. What claims are being released?

You will be considered part of the Settlement Class unless you exclude yourself. By staying in the Settlement Class, all Court orders apply to you, and you give Comcast and all of its affiliated companies and their predecessors and successors (the “Released Parties”), a “release” for claims arising out of or relating to Comcast’s management of P2P or Lotus Notes on its High-Speed Internet network or Comcast’s disclosures related to those practices up until the date of final approval of the Settlement Agreement, including but not limited to all claims that were brought or could have been brought in this Action or the Related Actions. A release means you cannot sue or be part of any other lawsuit against the Released Parties about the claims or issues in this lawsuit ever again. The full release is available in the Settlement Agreement.

THE LAWYERS REPRESENTING YOU

13. Who represents me?

The Court appointed attorneys (“Class Counsel”) to represent the Settlement Class. You will not be charged for these attorneys. You may hire an attorney at your own expense. Class Counsel are:

Mark N. Todzo
Eric S. Somers
LEXINGTON LAW GROUP LLP
1627 Irving Street
San Francisco, CA 94122
Telephone: 415-759-4111
Facsimile: 415-759-4112

David R. Scott
Christopher M. Burke
SCOTT + SCOTT LLP
600 B Street, Suite 1500
San Diego, CA 92101
Telephone: 619-233-4565
Facsimile: 619-233-0508

14. What is the attorneys’ fee award to Class Counsel?

Class Counsel will request an award of attorneys’ fees and expenses from the Court up to \$3,000,000. Comcast will pay all attorneys’ fees and expenses. This will not reduce the benefit available to Settlement Class Members.

15. What is the award to the Class representative?

The Court appointed Jon Hart as Class representative. Mr. Hart will receive a \$2,500 award for his service as Class representative. If approved by the Court, Comcast will pay for his services. This will not reduce the benefit available to Settlement Class Members.

16. What is Class Counsel's opinion of the Settlement?

The Court approved and appointed Class Counsel who have investigated the Settlement Class claims and defenses that may be asserted against those claims. Class Counsel have also reviewed Comcast's changes to both its P2P management and its disclosures about its P2P management. Class Counsel and Comcast's Counsel completed two one-day mediation sessions before Professor Eric Green of Resolutions LLC, who in his capacity as neutral mediator expressed his views about the case and the Settlement. Based on their investigation and this process, Class Counsel believes that the Settlement is fair, reasonable and adequate and in the best interests of the Settlement Class. Class Counsel recognizes the expense and length of continued proceedings necessary to continue to prosecute this case through verdict, judgment and appeals. They have also taken into account the uncertainty and the risk of the outcome of continued litigation, especially in complex actions such as these as well as the difficulties and delays inherent in such actions.

THE COURT'S FAIRNESS HEARING

17. When will the court determine the fairness of the Settlement?

The Court will hold a fairness hearing to determine if the proposed Settlement is fair, reasonable and adequate, and to consider Class Counsel's motion for an award of attorneys' fees and expenses. The Court will hear any objections or arguments at that time. The hearing will be held on **June 15, 2010 at 10:00 a.m.**, in Courtroom 6A, United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, PA. The Court will consider any timely objections filed at that time. If the hearing is relocated or rescheduled, the new location or date will be posted on this website without further Notice to the Settlement Class. If the Settlement is not approved, the case will proceed as if no Settlement had been attempted. There can be no assurance that if the Settlement is not approved, the Settlement Class will recover more than is provided in the Settlement or, indeed, anything.

18. Must I attend the Fairness Hearing?

No. Attendance is not required. If you or your personal attorney want to attend the Fairness Hearing, you are more than welcome at your expense. As long as an objection was postmarked before the deadline, the Court will consider it.

GETTING MORE INFORMATION

19. Where do I obtain more information?

If you have further questions about the Settlement or this Notice, you may:

- Call the toll free number: 1-877-567-2754;
- Visit the Settlement website at www.P2PCongestionSettlement.com; or
- Write to the Settlement Claims Administrator:

P2P Congestion Management Claims Administrator
c/o Rust Consulting
P.O. Box 9454
Minneapolis, MN 55440-9454

20. May I contact Comcast directly?

No. Please do not contact the Court Clerk or Comcast attorneys. They are not in a position to give you any advice about this Settlement. Customers are always able to call customer service to discuss billing concerns.