

NOTICE OF CLASS ACTION SETTLEMENT
MOHONK MOUNTAIN HOUSE NOROVIRUS OUTBREAK

Bellotti et al v. Smiley Brothers, Inc., Index No. 14-522
New York State Supreme Court, Ulster County

**If You Experienced Gastrointestinal Illness Within 72 hours
After Visiting the Mohonk Mountain House in New Paltz, NY
Between January 27 and February 28, 2014, You Could
Get a Payment from a Class Action Settlement.**

The Court authorized this Notice. This is not a solicitation from a lawyer.

- A settlement fund of \$875,000 will be used to pay claims for people who suffered illness, after deducting attorney's fees and expenses.
- The settlement resolves a lawsuit against the defendant Mohonk Mountain House.
- The defendant denies any liability for the claims.
- Your legal rights are affected whether you act or don't act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	The only way to get a payment. You must return a Claim Form no later than May 2, 2016 .
EXCLUDE YOURSELF	To be excluded from the Settlement, you must submit a written opt-out request no later than March 2, 2016 .
OBJECT	To object to the settlement, you must file a written objection no later than March 2, 2016 .
GO TO THE HEARING	Ask to speak to the Court about the fairness of the Settlement. The Final Approval Hearing will be held on March 14, 2016 at 11:00 a.m.
DO NOTHING	Get no payment. Give up rights to object or exclude yourself from the Settlement.

- These rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement. Please be patient.

Questions? Contact the MMH Claims Administrator at 1-800-908-4746
or visit www.MMHSettlement.com

1. WHY DID I RECIEVE THIS NOTICE?

You may be entitled to monetary compensation from the Settlement if you experienced a gastrointestinal illness within 72 hours after visiting the Mohonk Mountain House in New Paltz, New York, between January 27, 2014 and February 28, 2014.

2. WHAT IS THE PURPOSE OF THIS NOTICE?

This Notice is provided pursuant to an Order of the New York State Supreme Court dated January 15, 2016 and New York Civil Practice Law and Rules §§ 907 and 908 to inform you of your rights regarding: (a) the proposed Class Settlement of the lawsuit entitled *Bellotti et. al. v. Smiley Brothers, Inc., State of New York Supreme Court, Ulster County (Index 14-0522)* by creation of a settlement fund in the gross amount of \$875,000.00 (the "Settlement Fund"); and (b) a Court Hearing to consider final approval of the Settlement, scheduled for **March 14, 2016 at 11:00 a.m.** at the Ulster County Courthouse, 258 Wall Street, Kingston, NY 12401 ("Final Approval Hearing").

The purpose of the Final Approval Hearing will be to allow the Court to: (1) determine whether the proposed Settlement is fair, reasonable, adequate, and in the best interest of the Class; (2) consider the Class Counsel's application for an award of attorneys' fees and costs, (3) approve the distribution of class member awards and class representative incentive awards (net of attorneys' fee, costs and settlement administration expenses); and (4) authorize the Class Counsel to retain a Settlement Administrator to administer the settlement. The Court may continue or reschedule the hearing without further notice.

3. WHAT IS THIS LAWSUIT ABOUT?

The plaintiffs Louis Bellotti and Anna Marie Bellotti, acting on behalf of themselves and all those similarly situated, commenced this lawsuit against the Defendant in 2014. The claims arise out of a gastrointestinal illness outbreak of norovirus experienced by some people who visited the Mohonk Mountain House in New Paltz, New York, during January and February of 2014. The lawsuit seeks monetary compensation for personal injuries for those who became sick. Illness is characterized by nausea, vomiting, diarrhea and/or abdominal pain. Lethargy, weakness, muscle aches, headaches and fever may also occur. The Defendant denies any liability or damages alleged by Plaintiffs.

4. WHO IS A CLASS MEMBER?

The New York State Supreme Court, Ulster County, has certified this matter as a class action. The definition of the Class is as follows:

All persons who experienced gastrointestinal illness within 72 hours after visiting the Mohonk Mountain House in New Paltz, New York between January 27, 2014 and February 28, 2014.

If you meet the above class definition, then you are automatically a Class Member eligible to participate in the Settlement. The exact number of class members is unknown; however, approximately 200 Class Members responded to surveys conducted by the Ulster County and New York State Departments of Health concerning this incident. The Court has appointed Louis Bellotti and Anna Marie Bellotti as the Class Representatives.

5. WHAT IS THE PROPOSED SETTLEMENT?

Subject to Court approval, the Defendant has agreed to establish a Settlement Fund in the gross amount of \$875,000.00 to resolve this litigation.

All costs, fees, and expenses related to this lawsuit are to be paid out of the Settlement Fund. Class Counsel will apply to the Court for an award of attorneys' fees and expenses advanced in the litigation in the amount of \$290,868.16. The Class Representatives, Louis Bellotti and Anna Marie Bellotti, will apply to the Court for an incentive award in the amount of \$10,000.00 each for their efforts in bringing this lawsuit. Plaintiffs will also request authority to retain a third-party Settlement Administrator. The expenses of the administering the settlement will be paid from the Settlement Fund.

The remaining balance of the Settlement Fund will be equally distributed to the participating Class Members who file a Claim Form (i.e., on a pro-rata basis). The actual payment to each class member will depend on the number of persons who participate in the settlement.

Class Counsel have filed the motion papers in support of the settlement with the Supreme Court Clerk in Ulster County, New York, located at 258 Wall Street, Kingston, NY 12401. Any disputes arising under or relating to the settlement will be resolved by the Court.

6. HOW DO I PARTICIAPTE IN THE SETTLEMENT?

To participate in the Settlement, a Class Member must submit a Claim Form postmarked no later than **May 2, 2016**. A Claim Form is included with this Notice. Please refer to the Claim Form for instructions on how to complete and submit the same.

Any Class Member who fails to submit a valid and timely Claim Form will not receive any money from the Settlement, but will be bound by the Court's judgment and will be deemed to have released any rights to sue the Defendant (unless the Class Member files a timely request to be excluded from the Settlement as discussed below).

7. WHEN IS THE FINAL APPROVAL HEARING?

The Court preliminarily approved the proposed Settlement on January 15, 2016. The Court found the proposed settlement to be within the range of reasonableness. On **March 14, 2016 at 11:00 a.m.**, Judge Richard Mott will hold a hearing at the Ulster County Courthouse, 258 Wall Street, Kingston, NY 12401, to determine whether the proposed settlement should be granted final approval. The date of this hearing may change. Please visit **www.MMHSettlement.com** for updated information.

8. HOW ARE MY LEGAL RIGHTS AFFECTED?

If the Court grants final approval, all Class Members will be bound by the resulting judgment and Court orders, and the Defendant shall be released and forever discharged by all Class Members, their heirs, executors, administrators and assigns, from all manner of claims, demands, controversies, actions, suits, causes of action whether class, individual or otherwise of every kind and nature, including costs, expenses, penalties and attorneys' fees, whether known or unknown, suspected or unsuspected, anticipated or unanticipated, direct or indirect, fixed or contingent, asserted or unasserted, in law or equity, that any Class Member who has not timely excluded himself or herself from this action, ever had or now has occasioned by or arising out of the facts set forth in the claims related to the

outbreak of *Norovirus* at the Mohonk Mountain House in New Paltz, New York between January 27, 2014 and February 28, 2014.

9. HOW DO I OPT OUT OR OBJECT?

If you want to be excluded from this settlement, you *must* do so in writing by (a) providing your full name and address, (b) stating that you want to be excluded from the Mohonk Mountain House class action settlement, and (c) signing and dating your request. To be effective, your Exclusion Request must be postmarked by **March 2, 2016**, and mailed to:

MMH Exclusions
c/o The Notice Company
P.O. Box 455
Hingham, MA 02043

If you want to object to this settlement, you *must* do so in writing by (a) providing your name and address, (b) stating the arguments, citations, and evidence supporting your objection, and (c) specifying who, if anyone, will attend the hearing to speak for your objection. You do not need to attend the hearing in order to submit an Objection. To be effective, your Objection must be postmarked by **March 2, 2016**, and mailed to:

MMH Objections
c/o The Notice Company
P.O. Box 455
Hingham, MA 02043

You must also file a notice of your Objection with the Court Clerk, Ulster County Supreme Court, 258 Wall Street, Kingston, NY 12401. Such notice must include in a prominent location, the name of the case, the Index Number, and the Judge's name as specified above in response to Question 7.

Except as provided herein, no person shall be entitled to contest the terms and conditions of the settlement, and Class Members who fail to object as provided herein shall be determined to have waived and shall be precluded from forever raising any such objections. If you do not wish to object, it is not necessary to appear at the hearing.

10. WHO REPRESENTS THE CLASS?

The Class Counsel are: Donald W. Boyajian, Esq. and James R. Peluso, Esq., Dreyer Boyajian LLP, 75 Columbia Street, Albany, New York 12210. You will not pay their attorney's fees and costs. Instead, if the Court awards the Class Counsel attorney's fees, those fees will be paid out of the Settlement Fund. (If you want to enter an appearance with your own counsel, you may do so, but at your own expense.) The counsel for the Defendant is: Mark F. Werle, Esq., Ryan Smith & Carbine, P.C., 511 Glen Street, Glens Falls, New York 12801.

11. WHAT IF I HAVE QUESTIONS?

If you want more information you may write to the MMH Claims Administrator c/o The Notice Company, P.O. Box 455, Hingham, MA 02043 call 1-800-908-4746 or visit **www.MMHSettlement.com**.

PLEASE DO NOT TELEPHONE THE COURT FOR INFORMATION.