



**RETURN SERVICE REQUESTED**

**Re: Notice of Final Judgment and Claim Instruction for the *Flo & Eddie v. Sirius XM* Class Action Settlement**

Dear Potential Settlement Class Member:

This Notice of Final Judgment and Claim Instruction letter is being sent to you by GCG as the Court-appointed Claims Administrator for the *Flo & Eddie v. Sirius XM* Class Action Settlement. The purpose of this letter is to inform you that an Order and Final Judgment has been entered which fully and finally approved the Stipulated Class Action Settlement (“Settlement”) entered into between Plaintiff Flo & Eddie, Inc. (“Flo & Eddie”) and Defendant Sirius XM Radio Inc. (“Sirius XM”), and that the Claiming Period begins on June 30, 2017, and will end on December 31, 2017. See below for instructions on how to qualify for a payment from the Settlement before the December 31, 2017 deadline.

**What is this Case About?**

On August 1, 2013, Plaintiff Flo & Eddie filed a lawsuit against Defendant Sirius XM, alleging on behalf of itself and a putative class of owners of pre-1972 sound recordings that Sirius XM, without a license or authorization, was performing, distributing, and reproducing those pre-1972 recordings as part of its satellite and internet radio services (the “Lawsuit”). Sirius XM denies any wrongdoing and contends that no state law, including California, New York, and Florida law, provides owners of pre-1972 sound recordings a right to control performances of those recordings.

In the Lawsuit, Flo & Eddie alleged that Sirius XM has violated California Civil Code Section 980(a)(2) and is liable for conversion, misappropriation, and unfair competition. Flo & Eddie sought damages, restitution, and injunctive relief on behalf of itself and the putative class. On September 22, 2014, the Court found Sirius XM liable to Flo & Eddie for the unauthorized public performance of Pre-1972 Sound Recordings in California.

On November 13, 2016, the parties entered into a settlement to resolve the Lawsuit, and any and all actual and potential claims by members of the Settlement Class. On January 27, 2017 the Court issued an Order Granting Preliminary Approval of Class Action Settlement. On May 8, 2017, the Court approved the Settlement when it issued an Order Granting Plaintiffs’ Motions for Final Approval of Class Action Settlement and for Attorneys’ Fees, Costs, and Incentive Awards. On May 16, 2017 the Court entered an Order and Final Judgment which includes, and is binding on, all Settlement Class Members. Settlement Class Members are barred during the applicable term from pursuing their own lawsuits based on Sirius XM’s performance, distribution, reproduction, or other exploitation of their Pre-1972 Sound Recordings in the United States. The claim period begins on June 30, 2017, and will end on December 31, 2017.

**What are the Settlement Benefits?**

Members of the Settlement Class are eligible to receive a share of a \$25 million Settlement Fund and a royalty rate of up to 3.5% on future performances for a period of 10 years. If Sirius XM loses certain appeals, Sirius XM will pay more money into the Settlement Fund (up to \$10 million more to be distributed to Settlement Class Members); if Sirius XM wins those appeals, the royalty rate on future performances will be reduced, possibly to zero. At a minimum, the \$25 million payment for past performances will still be paid.

Questions? Visit [www.pre1972soundrecordings.com](http://www.pre1972soundrecordings.com)  
1 (855) 720-2382

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## **Am I a Member of the Settlement Class?**

You qualify as a member of the Settlement Class if you own a pre-1972 recording(s) that was performed, distributed, reproduced, or otherwise exploited by Sirius XM in the United States without a license or authorization to do so during the period from August 1, 2009 through November 14, 2016. The deadline for exclusion and objection to the Settlement has passed.

### **How do I Qualify for a Payment from the Settlement once the Claiming Period begins on June 30, 2017?**

A Settlement Class Member must timely and validly submit a completed Claim Form and Tax and Payment Information Form on or before December 31, 2017, by following the steps below:

1. **Online:** Visit the Class Website at [www.pre1972soundrecordings.com](http://www.pre1972soundrecordings.com) and click on a link to the Royalty Claims Website to complete the online claim filing process and to submit Tax and Payment Information. Settlement Class Members are strongly encouraged to use the online claim filing process.
2. **By mail:** You may also complete your submission by mailing back the Claim Form and Tax and Payment Information Form enclosed. You may also download PDF versions of the forms from the Class Website and mail it to the Claims Administrator at the address at the top of this letter.
3. Part of the claim filing process will require the Settlement Class Member to do the following:
  - a. Identify each Pre-1972 Sound Recording owned by provided the (i) title, (ii) artist, and (iii) album and/or label; and
  - b. Represent and warrant that the Settlement Class Member owns all right, title, and interest in such recording(s).
  - c. Submit the Tax and Payment Information Form stating how you would like to receive payment and providing the TIN or SSN of the payee specified.

All members of the Settlement Class who establish their entitlement to participate in the Settlement will be entitled to a pro rata share of the Settlement Fund based on the number of historical plays of the Settlement Class Members' Pre-1972 Sound Recordings.

Settlement Class Members will have until December 31, 2017 to make a claim. The fastest and easiest way to do so will be to browse the Pre-1972 Sound Recordings and claim ownership of recordings from a database of recordings available on the Royalty Claims Website (<https://www.musicreports.com/pre72>), which can be accessed through the Class Website. In that manner, Settlement Class Members can complete the claiming process online, and expedite the review and processing of claims.

Again, Settlement Class Members are strongly encouraged to use the online claim filing process.

### **What if I do Nothing?**

By doing nothing, you will not participate in distribution of the Settlement Fund. You will still be barred from pursuing your own lawsuit during the applicable term based on Sirius XM's performance, distribution, reproduction, or other exploitation of your Pre-1972 Sound Recordings in the United States. The Order and Final Judgment entered by the Court includes and is binding on all Settlement Class Members, whether you make a claim for distribution or not.

### **Additional Information**

A complete description of the Settlement and all of the Settlement documentation, including all Court documents and a downloadable Claim Form and Tax and Payment Information Form are available from the Class Website at [www.pre1972soundrecordings.com](http://www.pre1972soundrecordings.com). Please visit this website for a link to the Royalty Claims Website. Settlement Class Members will have until December 31, 2017 to make a claim.

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