

Awad v. AMC Entertainment Holdings, Inc.,
[Index No. 607322/2024]

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NASSAU

If You Paid A Convenience Fee To Purchase A Movie Ticket Or Other Goods And Services At AMC’s Theatres Located In New York State From AMC’s Website, Mobile Application, Or Any Other Online Platform Owned Or Operated On Behalf Of AMC, You May Be Entitled to Compensation From a Class Action Settlement.

A court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit claiming that Defendant, AMC Entertainment Holdings, Inc. (“Defendant”, “AMC”), failed to properly disclose a convenience fee for tickets to its movie theaters in New York state, in alleged violation of New York Arts and Cultural Affairs Law (“ACAL”) § 25.07(4). AMC denies that it violated any law but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- You are included if you paid a convenience fee to purchase a movie ticket and/or other goods and services at any of AMC’s theatres located in New York state from AMC’s website, mobile application, or any other online platform owned or operated on behalf of AMC from August 29, 2022, to and through January 16, 2024.
- Read this notice carefully. Your legal rights are affected whether you act, or do not act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

DO NOTHING	You will automatically receive a link from AMC that allows you to register to enroll in a free one-year membership to an elevated tier of AMC’s customer loyalty program called AMC Stubs Premiere™, which usually costs \$15+tax and provides for one year: (i) unlimited waived convenience fees with every online movie ticket purchase; (ii) priority lanes for concessions and box office; (iii) a free large popcorn and fountain drink during the Settlement Class Member’s birthday month; (iv) discounted theatre tickets every Tuesday; (v) unlimited free large popcorn refills; (vi) free Wi-Fi; (vii) unlimited free size upgrades on popcorn and fountain drinks; (viii) 100 points per \$1.00 spent with a \$5.00 reward for every 5,000 points accumulated and no expiration for points accumulated to be used towards the purchase of movie tickets and/or eligible food and beverage items; and (ix) other benefits, a full list of which can be found at www.AMCTicketFeeSettlement.com . You will also give up your right to sue AMC about the claims in the case. If the Settlement is approved, you will receive an email from AMC with a link and instructions on how to claim your AMC Stubs Premiere™ membership.
FILE A CLAIM FOR A CASH PAYMENT BY NOVEMBER 8, 2024	This is the only way to receive a \$7.00 cash payment. You may file a claim online by visiting www.AMCTicketFeeSettlement.com . You will also give up your rights to sue AMC about the claims in the case.
EXCLUDE YOURSELF BY NOVEMBER 8, 2024	You will receive no benefits, but you will retain any rights you currently have to sue AMC about the claims in this case.
OBJECT BY NOVEMBER 8, 2024	Write to the Court explaining why you do not like the Settlement.
GO TO THE HEARING ON NOVEMBER 21, 2024	Ask to speak in Court about your opinion of the Settlement.

These rights and options—and the deadlines to exercise them—are explained in this Notice.

QUESTIONS? CALL (877) 916-1370 TOLL FREE, OR VISIT WWW.AMCTICKETFEESSETTLEMENT.COM.

BASIC INFORMATION

1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The case is called *Awad v. AMC Entertainment Holdings, Inc.*, Index No. 607322/2024, pending in the Supreme Court of the State of New York, County of Nassau. The people who sued are called the Plaintiffs. The Defendant is AMC Entertainment Holdings, Inc.

2. What is a class action?

In a class action, one or more people called class representatives (in this case, Clair Awad and Vivian Picciotti) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the Class.

3. What is this lawsuit about?

This lawsuit claims that AMC failed to timely disclose a convenience fee for online tickets to its movie theaters in New York state, in alleged violation of ACAL § 25.07(4). AMC denies it violated any law. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiff or AMC should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

WHO’S INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

The Court decided that everyone who fits the following description is a member of the Settlement Class:

All individuals in the United States who paid a convenience fee to purchase a movie ticket and/or any other goods or services at any of AMC’s theatres located in New York state from AMC’s website, mobile application, or any other online platform owned or operated on behalf of AMC from August 29, 2022, to and through January 16, 2024.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Compensatory Relief. Settlement Class Members may either (1) do nothing and receive a link that allows them to register to enroll in a **free** one-year membership to an elevated tier of AMC’s customer loyalty program called AMC Stubs Premiere™, which usually costs \$15+tax and provides for one year: (i) unlimited waived convenience fees with every online movie ticket purchase; (ii) priority lanes for concessions and box office; (iii) a free large popcorn and fountain drink during the Settlement Class Member’s birthday month; (iv) discounted theatre tickets every Tuesday; (v) unlimited free large popcorn refills; (vi) free Wi-Fi; (vii) unlimited free size upgrades on popcorn and fountain drinks; (viii) 100 points per \$1.00 spent with a \$5.00 reward for every 5,000 points accumulated and no expiration for points accumulated to be used towards the purchase of movie tickets and/or eligible food and beverage items; and (ix) other benefits, a full list of which can be found at www.AMCTicketFeeSettlement.com; or (2) submit a valid Claim Form to receive a cash payment of \$7.00.

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If you already have an AMC Stubs Premiere™ membership, you will receive 12 additional months added to your account for free. If you are enrolled in a higher AMC Stubs loyalty program, you will receive a free year of Premiere™ membership to commence when your current membership level expires. Alternatively, for current Premiere™ or higher members who wish to file a claim, you can elect to receive a \$7.00 cash payment.

AMC has also agreed to pay all approved claims to the Settlement Class, together with notice and administrative expenses, approved attorneys' fees and costs to Class Counsel, and service awards to the Class Representatives.

Prospective Relief. Additionally, as part of the Settlement, AMC acknowledges that it has changed the purchase flow for tickets to New York theaters on its website and agrees to continue to comply with the ACAL § 25.07(4) going forward.

A detailed description of the settlement benefits can be found in the Settlement Agreement, a copy of which is accessible on the Settlement Website, www.AMCTicketFeeSettlement.com.

7. How much will my cash payment be?

You **must** submit a Claim Form (see instructions below) to receive a cash payment. **If you submit a valid Claim Form, you will receive a \$7.00 cash payment.**

You must provide proof of your Settlement Class membership when filing a claim by providing the Unique ID on the notice you received by e-mail. If for some reason you did not receive this information, but believe you are a Settlement Class Member, please visit www.AMCTicketFeeSettlement.com to verify your identity and receive further information on how to file a claim.

8. When will I get compensation?

The hearing to consider the fairness of the settlement is scheduled for November 21, 2024. If the Court approves the settlement, you will receive an email with instructions for how to claim your enrollment in a free one-year membership to AMC Stubs Premiere™, or your \$7.00 cash payment if you submitted a valid claim, 60 days after the Settlement has been finally approved and/or after any appeals process is complete. If you elected a cash payment, your payment will be made in the form you elected (PayPal, Venmo, Zelle, or check), and all checks will expire and become void 180 days after they are issued.

HOW TO GET BENEFITS

9. How do I get compensation?

Settlement Class Members may either (1) do nothing and receive a link that allows them to enroll in a **free** one-year membership to an elevated tier of AMC's customer loyalty program called AMC Stubs Premiere™, which usually costs \$15+tax and provides for one year: (i) unlimited waived convenience fees with every online movie ticket purchase; (ii) priority lanes for concessions and box office; (iii) a free large popcorn and fountain drink during the Settlement Class Member's birthday month; (iv) discounted theatre tickets every Tuesday; (v) unlimited free large popcorn refills; (vi) free Wi-Fi; (vii) unlimited free size upgrades on popcorn and fountain drinks; (viii) 100 points per \$1.00 spent with a \$5.00 reward for every 5,000 points accumulated and no expiration for points accumulated to be used towards the purchase of movie tickets and/or eligible food and beverage items; and (ix) other benefits, a full list of which can be found at www.AMCTicketFeeSettlement.com; or (2) submit a valid Claim Form to receive a cash payment of \$7.00.

REMAINING IN THE SETTLEMENT

10. What am I giving up if I stay in the Class?

If the Settlement becomes final, you will give up your right to sue AMC and other Released Parties for the claims being resolved by this Settlement. The specific claims you are giving up against AMC are described in the Settlement Agreement. You will be "releasing" AMC and certain of its affiliates, employees, and representatives as described in Section 1.26 of the Settlement Agreement. Unless you exclude yourself (*see* Question 13), you are "releasing" the claims, regardless of whether you claim your settlement benefit or not. The Settlement Agreement is available through the "court documents" link on the website.

QUESTIONS? CALL (877) 916-1370 TOLL FREE, OR VISIT WWW.AMCTICKETFEESETTLEMENT.COM.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 11 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

The Court has appointed Philip L. Fraietta and Stefan Bogdanovich of Bursor & Fisher, P.A. to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

12. How will the lawyers be paid?

Class Counsel’s attorneys’ fees, costs, and expenses will be paid separately by AMC and awarded by the Court. Class Counsel is entitled to seek no more than \$2,000,000.00, but the Court may award less than this amount.

As approved by the Court, the Class Representatives will separately be paid a service award by AMC for helping to bring and settle the case. The Class Representatives may seek up to \$5,000.00 each as a service award, but the Court may award less than this amount.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must submit a request for exclusion by 11:59 p.m. EST on November 8, 2024. Requests for exclusion may be submitted either on the Settlement Website at www.AMCTicketFeeSettlement.com or by mailing stating that you want to be excluded from the *Awad v. AMC Entertainment Holdings, Inc.*, Index No. 607322/2024 settlement. Your letter or request for exclusion must also include your name, your address, a statement that you purchased electronic tickets to AMC New York-based movie theaters from AMC’s website, mobile application, or other owned or operated online platform, from August 29, 2022 through and including January 16, 2024; and paid a convenience fee in connection with such purchase, your signature, and the name and number of this case. If you choose to submit a request for exclusion by mail, you must mail or deliver your exclusion request, postmarked no later than November 8, 2024, to the following address:

AMC Ticket Fee Settlement
P.O. Box 2693
Portland, OR 97208-2693

14. If I don’t exclude myself, can I sue AMC for the same thing later?

No. Unless you exclude yourself, you give up any right to sue AMC for the claims being resolved by this Settlement.

15. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you will not receive any payment from the Settlement Fund.

OBJECTING TO THE SETTLEMENT

16. How do I object to the Settlement?

If you are a Class Member, you can object to the Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the Settlement in *Awad v. AMC Entertainment Holdings, Inc.*, Index No. 607322/2024 and identify all your reasons for your objections (including citations and supporting evidence) and

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attach any materials you rely on for your objections. Your letter or brief must also include your name, your address, the basis upon which you claim to be a Class Member, the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. You must also mail or deliver a copy of your letter or brief to Class Counsel and AMC’s Counsel listed below.

Class Counsel will file with the Court and post on this website its request for attorneys’ fees by October 25, 2024.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 20), you must say so in your letter or brief. File the objection with the Court (or mail the objection to the Court) and mail a copy of the objection to Class Counsel and Defendant’s Counsel, at the addresses below, postmarked no later than **November 8, 2024**.

Court	Class Counsel	Defendant’s Counsel
The Honorable Lisa A Cairo Supreme Court of the State of New York, County of Nassau 100 Supreme Court Drive Mineola, New York 11501	Philip L. Fraietta Bursor & Fisher P.A. 1330 Avenue of the Americas 32 nd Floor New York, NY 10019	Andrew L. Morrison Manatt, Phelps & Phillips, LLP 7 Times Square New York, NY 10036

17. What’s the difference between objecting and excluding myself from the Settlement?

Objecting simply means telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class is telling the Court that you don’t want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

THE COURT’S FINAL APPROVAL HEARING

18. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at 10 a.m. on November 21, 2024 in Part 25 at the Supreme Court of the State of New York, County of Nassau, 100 Supreme Court Drive, Mineola, New York 11501. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider the Class Counsel’s request for attorneys’ fees and expenses; and to consider the request for service awards to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check for updates by visiting the Settlement Website at www.AMCTicketFeeSettlement.com or calling (877) 916-1370. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of the Final Approval Hearing.

19. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have, but you are welcome to come at your own expense. If you send an objection or comment, you do not have to come to Court to talk about it. As long as you file and mail your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it is not required.

20. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your letter or brief objecting to the settlement a statement saying that it is your “Notice of Intent to Appear in *Awad v. AMC Entertainment Holdings, Inc.*, Index No. 607322/2024.” It must include your name, address, telephone number, and signature as well as the name and address of your lawyer if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court, postmarked no later than November 8, 2024, and be sent to the addresses listed in Question 16.

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GETTING MORE INFORMATION

21. Where do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.AMCTicketFeeSettlement.com. You may also write with questions to AMC Ticket Fee Settlement, P.O. Box 2693, Portland, OR 97208-2693. You can call the Settlement Administrator at (877) 916-1370 or Class Counsel at (646) 837-7150 if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website.

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