

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA**

**SMITH-HARRISON V. GLOBAL FITNESS HOLDINGS, LLC
d/b/a URBAN ACTIVE ET AL., CASE NO.: 10-CV-1105**

NOTICE OF CERTIFIED CLASS ACTION SETTLEMENT

- All persons who received electronically printed receipts from any Urban Active fitness club (collectively, "URBAN ACTIVE") at the point of sale or transaction, in a transaction occurring between October 21, 2008 and August 25, 2010 may be eligible to receive a Settlement Voucher.
- The settlement resolves a lawsuit over whether URBAN ACTIVE violated certain requirements imposed by the Fair and Accurate Credit Transactions Act ("FACTA"). It avoids costs and risks to you from continuing the lawsuit; entitles consumers like you to Settlement Vouchers; and releases URBAN ACTIVE from any liability.
- 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 Settlement Voucher.
EXCLUDE YOURSELF	Get no Settlement Voucher. This is the only option that allows you to ever be part of any other lawsuit against URBAN ACTIVE about the legal claims in this case.
OBJECT	Write to the Court about why you don't like the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	Get no payment. Give up rights.

- 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. Vouchers will be distributed if the Court approves the settlement and after any appeals are resolved. Please be patient.

1. What is this lawsuit about?

Teisha Smith-Harrison (“Plaintiff”), on behalf of all members of the class, has asserted that URBAN ACTIVE violated certain requirements imposed by the Fair and Accurate Credit Transactions Act (“FACTA”). Specifically, Plaintiff claims that URBAN ACTIVE printed ten digits of its customers’ credit or debit card numbers on receipts presented to them at URBAN ACTIVE fitness clubs, in violation of FACTA, as specifically set forth in the Complaint on file and available at the Court at 700 Grant Street, Suite 3100, Pittsburgh, PA 15219. URBAN ACTIVE denies any liability or wrongdoing. **NEITHER PLAINTIFF NOR ANY CLASS MEMBER HAS SUSTAINED ANY ACTUAL MONETARY INJURY AS A RESULT OF THE ISSUES IN DISPUTE IN THIS LITIGATION.** HOWEVER, FACTA REQUIRES THAT NO MORE THAN THE LAST FIVE DIGITS OF A CARD NUMBER BE PRINTED ON A CREDIT/DEBIT CARD RECEIPT PRESENTED TO A CUSTOMER AT THE POINT OF SALE.

2. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case Teisha Smith-Harrison) sue on behalf of people who have similar claims. All these people are a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class. U.S. Magistrate Judge Cathy Bissoon is in charge of this class action.

3. Why is there a settlement?

The Court did not decide in favor of Plaintiff or Defendant. The Plaintiff thinks she could have prevailed at a trial. The Defendant thinks the Plaintiff would not have prevailed at trial. But there was no trial. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representative and the attorneys think the settlement is best for all Class Members.

4. How do I know if I am part of the settlement?

Judge Bissoon decided that everyone who fits this description is a Class Member:

All persons who received electronically printed receipts at any Urban Active Fitness Club between October 21, 2008 and August 15, 2010 wherein the receipt displayed (1) more than the last five digits of the person’s credit card or debit card number, and/or (2) the expiration date of the person’s credit card or debit card number.

5. I’m still not sure if I am included.

If you are still not sure whether you are included, you can ask for free help. You can call 1-800-467-5241. Or you can fill out and return the claim form to see if you qualify.

6. What does the settlement provide?

Class members who send in a valid claim form will be entitled to receive a Settlement Voucher good for two weeks of free usage at any Urban Active Fitness Club. The Settlement also imposes certain other requirements and restrictions, which are set forth in detail in the Settlement Agreement.

7. How can I get a Settlement Voucher?

If you believe you are a member of the class and desire to participate in this settlement, you should completely fill out the “Proof of Claim” form that accompanies this Notice and return it to the following address: Urban Active Settlement, PO Box 367, Sewickley, PA 15143. The “Proof of Claim” must be postmarked by October 20, 2011. Failure to fully follow the procedures will result in a class member receiving no relief under the settlement, but nonetheless being bound by any judgments, orders and releases in this case.

8. When would I get my Settlement Voucher?

The Court will hold a hearing on September 7, 2011, to decide whether to approve the settlement. If Judge Bissoon approves the settlement, after that, there may be appeals. It’s always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

9. What am I giving up to get a Settlement Voucher or stay in the Class?

Unless you exclude yourself, you are staying in the class, and that means that you can’t sue, continue to sue, or be part of any other lawsuit against URBAN ACTIVE and any related entities about the legal issues in *this case*. It also means that all of the Court’s orders will apply to you and legally bind you.

10. Can I exclude myself from the Class?

If you do not wish to participate in this settlement, you must notify Class Counsel in writing of your intention to be excluded. Your election to opt-out must contain the following information and must be signed by the class member opting-out: (1) the name of class member, (2) the current address of class member, and (3) the date signed. You must mail your exclusion request postmarked no later than August 6, 2011, to:

Urban Active Exclusions
P.O. Box 367
Sewickley, PA 15143

If you ask to be excluded, you will not get a Settlement Voucher, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) URBAN ACTIVE and any related entities in the future.

11. If I don't exclude myself, can I sue URBAN ACTIVE for the same thing later?

No. Unless you exclude yourself, you give up any right to sue URBAN ACTIVE and any related entities for the claims that this settlement resolves. If you have a pending lawsuit, involving the same claims that this settlement resolves, speak to your lawyer in that case immediately. You must exclude yourself from *this* Class to continue your own lawsuit. If you have a pending lawsuit on matters not addressed in this settlement, you may continue that lawsuit against URBAN ACTIVE and any related entities.

12. If I exclude myself, can I get a Settlement Voucher from this Settlement?

No. If you exclude yourself, do not send in a claim form to ask for a Settlement Voucher.

13. Do I have a lawyer in this case?

The Court asked the law firm of Carlson Lynch LTD to represent you and other Class Members. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will these lawyers be paid?

Class counsel will ask the Court to approve payment of attorneys' fees and expenses of \$125,000.00. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. In addition, class counsel will ask for payment of \$2,000.00 to Teisha Smith-Harrison for her services as Class Representative. URBAN ACTIVE will separately pay the fees, expenses, and payments that the Court awards up to those amounts. URBAN ACTIVE has agreed not to oppose these fees and expenses. URBAN ACTIVE will also pay the costs to administer the settlement.

15. How can I object to the Settlement?

If you are a Class Member, you can object to the settlement if you don't 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 send a letter that you object to *Smith-Harrison v. Global Fitness Holdings, LLC d/b/a Urban Active, et al.*, Case No. 10-CV-1105. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. You must file the objection with the Clerk of the Court and serve notice of the objection to plaintiffs' class counsel and defense counsel at the following addresses postmarked no later than August 6, 2011:

R. Bruce Carlson, Esq.
Carlson Lynch Ltd.
PO Box 367
Sewickley, PA 15143

Brian H. Simmons, Esq.
Buchanan Ingersoll & Rooney
20th Floor, One Oxford Centre
Pittsburgh, PA 15219

Objectors who fail to properly or timely file their objections with the Court, or to serve them as provided above, shall not be heard during the Fairness Hearing, nor shall their objections be considered by the Court.

16. What’s the difference between objecting and excluding?

Objecting is simply telling the Court that you don’t like something about the settlement. You can object only if you stay in the Class. Excluding yourself 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.

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

The District Court will hold a hearing to decide whether to approve the settlement. The Fairness Hearing will be held on September 7, 2011, at 10:00 a.m. at the Court, 700 Grant Street, Pittsburgh, PA 15219. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections or requests to be heard, the Court may consider them at the hearing. The Court may also decide the amount of attorneys’ fees and costs to be paid to plaintiffs’ class counsel.

18. Do I have to come to the Hearing?

No. Class Counsel will answer questions Judge Bissoon may have. But, you are welcome to come at your own expense. If you send an objection, you don’t have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it’s not necessary.

19. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *Smith-Harrison v. Global Fitness Holdings, LLC d/b/a Urban Active et al.*, Case No. 10-CV-1105.” Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than September 7, 2011, and be sent to the Clerk of the Court, Class Counsel, and Defense Counsel at the addresses in question 15. You cannot speak at the hearing if you excluded yourself.

20. What happens if I do nothing at all?

If you do nothing, you will not get a Settlement Voucher from this settlement. But, unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against URBAN ACTIVE and any related entities about the legal issues in this case, ever again.

21. How do I get more information?

The foregoing is only a summary of the circumstances surrounding the litigation, the claims asserted, the class, the settlement, and related matters. You may seek the advice and guidance of your own private attorney, at your own expense, if you desire. For more detailed information, you may review the pleadings, records, and other papers on file in this litigation, which may be inspected during regular business hours at the Court, 700 Grant Street, Pittsburgh, PA, 15219. If you wish to communicate with class counsel identified above, you may do so by writing to R. Bruce Carlson, Carlson Lynch Ltd., PO Box 367, Sewickley, PA 15143. Alternatively, you may call the offices of the firm at its toll free number [1-800-467-5241].