

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE NYC BUS TOUR ANTITRUST  
LITIGATION

Master Case File No.  
13-CV-0711 (ALC)(GWG)  
RELATED TO ALL CASES

**DECLARATION OF DANIEL COGGESHALL IN SUPPORT OF MOTION  
FOR FINAL APPROVAL OF SETTLEMENT WITH DEFENDANTS RE:  
MAILING OF THE NOTICE AND RECEIPT OF REQUESTS  
FOR EXCLUSION AND OBJECTIONS TO DATE**

DANIEL COGGESHALL, states as follows:

1. I am a Senior Project Administrator at Rust Consulting, Inc. (“Rust”). Rust was appointed Claims Administrator pursuant to ¶ 9 of the Order Preliminarily Approving Class Action Settlement dated June 16, 2014 (the “Preliminary Approval Order”) in connection with the settlement (“Settlement”) obtained in the above-titled action (the “Action”). I have the responsibility for overseeing all aspects of the notice and claims administration services performed by Rust with respect to the Settlement.

2. I respectfully submit this declaration in order to provide the Court with information regarding, among other things, the mailing of the Notice and the receipt of Requests for Exclusion and objections to date. I am over 21 years of age and am not a party to this Action. I have personal knowledge of the facts set forth herein and, if called as a witness, could and would testify competently thereto.

3. Rust's services include disseminating the Postcard Notice and/or E-mail Notice to Class Members; fulfilling individual requests; maintaining an interactive website to provide information and Court-approved document to Class Members concerning the proposed settlement; and responding to calls and requests for Notices.

4. Pursuant to ¶ 12 of the Preliminary Approval Order, the Court approved the Notice Program submitted by Kinsella Media, LLC ("KM"). (*See* Wheatman Declaration, Dkt. 105).

### **DISSEMINATION OF NOTICE**

5. On or about June 2, 2014, Rust received from Economists Incorporated, the Plaintiff's expert, electronic data from Defendants' transaction databases containing 399,946 records of potential Class Members who purchased tickets for "hop on, hop off" bus tours from Gray Line or CitySights. The data consisted of both physical addresses and e-mail addresses for potential Class Members.

6. Rust submitted the names and physical addresses to the United States Postal Service ("USPS") National Change of Address Service ("NCOA") to ensure adequate physical address formatting, obtain current physical addresses and qualify for postal discounts. In addition, Rust validated email addresses. This resulted in 399,946 distinct names and physical addresses and/or e-mail addresses ("records").

7. Of the 399,946 distinct records, 8,718 had valid physical addresses, 314,056 had valid e-mail addresses and 77,172 did not have either a valid physical or e-mail address. Rust entered the data referenced above into a segregated database (the "Rust Mailing Database") to be used for mailing the Postcard Notice and E-mail Notice to potential Class Members, resulting in 322,774 records for mailing.

8. On June 26, 2014, pursuant to the Preliminary Approval Order, Rust caused the Postcard Notice, attached hereto as Exhibit A, to be mailed via the United States Postal Service (“USPS”) by first class mail, postage prepaid, to the 8,718 names and addresses in the Rust Mailing Database. Rust also electronically mailed the E-mail Notice, attached hereto as Exhibit B, to 314,056 e-mail addresses in the Rust Mailing Database.

9. Class Counsel worked closely with Kinsella Media and Rust to design Postcard and E-Mail Notices that were pre-populated with an estimated award amount, based on transactional data supplied by Economists Incorporated, as well as a PIN Number which enabled the Class Member to file his or her claim online, eliminating the need for those individual Class Members to search for credit card records or other receipts to support their claim. All Postcard and E-mail Notices mailed pursuant to the Preliminary Approval Order contained the pre-populated information.

10. Of the 314,056 E-mail Notices referred to in ¶ 7 above, 33,320 emails were returned as undeliverable. Rust updated the Rust Mailing Database accordingly; however, no further action could be taken as there were no physical addresses available for the undeliverable e-mail notices.

11. On or about June 28, 2014, Rust received an additional data file from Economists Incorporated, the Plaintiff’s expert, with more information from Defendants’ transaction databases containing an additional 30,068 records of potential Class Members who purchased tickets for “hop on, hop off” bus tours from Gray Line or CitySights. The data consisted of both physical addresses and e-mail addresses for potential Class Members.

12. Rust processed the data as outlined in ¶ 6, above, resulting in 30,068 distinct names and physical addresses and/or e-mail addresses (“records”). Of the 30,068 distinct records,

28,814 had valid physical addresses, 29,795 had valid e-mail addresses and 243 did not have either a valid physical or e-mail address. Rust entered the data into the Rust Mailing Database and on July 16, 2014, Rust mailed 28,814 Postcard Notices and electronically mailed 29,795 E-mail Notices. (*See* Exhibits A and B.)

13. Of the 29,795 E-mail Notices referred to in ¶ 12 above, 1,353 emails were returned as undeliverable. In addition, Postcard Notices had also been sent to these potential Class Members. Accordingly, no further action was required.

14. Rust leases and maintains a Post Office Box (P.O. Box 1902, Faribault, MN 55021-1935) for the receipt of all undeliverable mail and written communications necessary to implement the Settlement.

15. As of August 13, 2014, the USPS had returned 1,871 Postcard Notices as undeliverable without forwarding addresses. As of August 13, 2014, Rust was able to locate 425 new addresses, through an information supplier to which Rust subscribes, and Postcard Notices were re-mailed to these potential Class Members at the updated addresses. Additionally, as of August 13, 2014, the USPS had returned 18 Postcard Notices with forwarding addresses and they were re-mailed to the potential Class Members at the updated addresses.

16. In summary, through August 13, 2014, Postcard Notices pre-populated with an estimated award amount have been mailed, pursuant to the Preliminary Approval Order, to 37,532 distinct Class Members of which 36,086 are “deliverable” (that is, the USPS has not returned the Postcard Notices to Rust). Through August 13, 2014, E-mail Notices pre-populated with an estimated award amount were electronically mailed, pursuant to the Preliminary Approval Order, to 343,851 distinct Class Member E-mail addresses of which 309,178 are “deliverable.”

**DISSEMINATION OF REMINDER NOTICE**

17. In consultation with Plaintiffs' Class Counsel, on July 31, 2014, Rust mailed a Reminder Postcard Notice, attached hereto as Exhibit C, via the USPS by first class mail, postage prepaid, to 33,178 names and addresses and electronically mailed a Reminder E-mail Notice, attached hereto as Exhibit D, to 322,896 e-mail addresses in the Rust Mailing Database. The Reminder Postcard and E-mail Notices were sent to Class Members who had not filed a Claim Form or requested exclusion from the Class.

18. Through August 13, 2014, Reminder Postcard Notices have been mailed, to 33,178 distinct addresses, of which 32,642 are "deliverable" (that is, the USPS has not returned the Reminder Postcard Notices to Rust).

19. Of the 322,896 Reminder E-mail Notices referred to in ¶ 17 above, 28,325 emails were returned as undeliverable. Reminder Postcard Notices had also been sent to these potential Class Members who had physical addresses. Accordingly, no further action was required.

**WEBSITE AND CALL CENTER**

20. Working with Plaintiffs' Class Counsel, Rust established and maintains a website, [www.TourBusSettlement.com](http://www.TourBusSettlement.com) (the "Website"), that enables Class Members and other individuals to obtain information about the Settlement and to access important documents related to the Settlement. Specifically, the Website contains a listing of the deadlines for objecting to the Settlement, requesting exclusion from the Class and filing a Claim Form, as well as contact information and the date, time and location of the Court's Settlement Hearing. A screen shot of the Website homepage is attached hereto as Exhibit E.

21. The Website also contains “links” to the Long-Form Notice and Claim Form (attached hereto as Exhibits F and G, respectively), as well as Frequently Asked Questions (FAQs) and important Court documents including, among others, the Motion for Preliminary Approval, Preliminary Approval Order and Settlement Agreement. The “links” permit any person, including potential Class Members with internet access, to view, download, and print a copy of the Long-Form Notice, thereby providing potential Class Members with information about the Settlement at their convenience. It should be noted that the Website also contains the Long-Form Notice, important Court dates and FAQs in both German and Portuguese. In addition, Class Members can file a claim electronically.

22. The Website went “live” on June 25, 2014 and as of August 13, 2014, the Website has been visited at least 203,072 times. Please note that one individual may have visited the site multiple times.

23. Rust also established a case-dedicated e-mail address, [info@tourbussettlement.com](mailto:info@tourbussettlement.com), to allow person to email the Claims Administrator with questions or inquiries. The e-mail address was activated on June 25, 2014 and is listed on the website. As of August 13, 2014 Rust has received and processed 518 e-mail inquiries from potential Class Members.

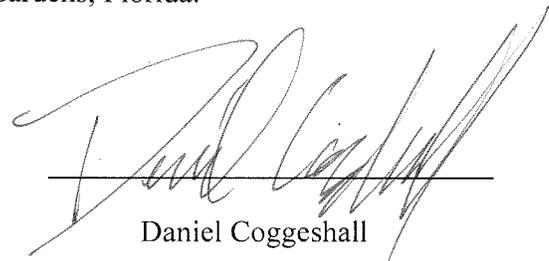
24. Rust maintains a toll-free telephone hotline (866-431-9265). Class Members calling the hotline may either listen to a series of frequently asked questions, be connected to a live operator for assistance during normal business hours or leave a message after business hours. The hotline went “live” on June 25, 2014 and as of August 13, 2014, Rust has received 2,945 calls.

**RECEIPT OF REQUESTS FOR EXCLUSION AND OBJECTIONS DATE**

25. Pursuant to ¶ 16 of the Preliminary Approval Order, Requests for Exclusion must be postmarked no later than September 5, 2014. As of August 13, 2014, Rust has received one (1) Request for Exclusion.

26. Pursuant to ¶ 16 of the Preliminary Approval Order, objections to the Settlement are required to be mailed or delivered to the Clerk of the Court and Counsel for Settling Parties no later than September 5, 2014. As of August 13, 2014, Rust has not received any objections to the Settlement.

I declare under penalty of perjury that the foregoing statements are true and correct.  
Executed this 15<sup>th</sup> day of August, 2014 in Palm Beach Gardens, Florida.

  
Daniel Coggeshall

# **EXHIBIT A**

*Court-Ordered Legal Notice*

NYC HOP-ON, HOP-OFF  
BUS TOUR SETTLEMENT  
PO Box 1902  
Faribault, MN 55021-1935

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE  
PAID  
Rust Consulting, Inc.

# Get a Refund on Hop-On, Hop-Off Tickets

Your PIN number is:  
«PIN\_NUMBER»

Calculated Payment = up  
to \$«AMOUNT»



<<NAME1>>  
<<NAME2>>  
<<ADDRESS1>>  
<<ADDRESS2>>  
<<CITY>> <<STATE>> <<ZIP>>  
<<COUNTRY>>

## “Hop-On, Hop-Off” Bus Tour Settlement

### File a Claim Now to Get a Refund of Up to \$<<AMOUNT>>

Records show you may be eligible to receive a payment of up to \$<<AMOUNT>> from the Settlement of a class action lawsuit about the ticket prices of “hop-on, hop-off” bus tours in New York City. **You must submit a Claim Form to be paid.**

**What is this about?** There is a \$19 million Settlement with Twin America, LLC, Coach USA, Inc., International Bus Services, Inc., CitySights LLC, and City Sights Twin, LLC (together called the “Defendants”). The lawsuit claims that Coach and CitySights conspired to form a joint venture, Twin America, against state and federal law. The lawsuit claims that this new company dominated the “hop-on, hop-off” bus tour business in New York City enabling the Defendants to fix ticket prices and reduce competition – resulting in higher ticket prices for customers. The Defendants deny that they did anything wrong.

**What does the Settlement provide?** The Settlement provides payments to eligible Class Members. The cost to administer the Settlement as well as attorney fees and the payments to the Class Representatives will come out of the Settlement Fund. If there is any money left in the Settlement Fund after claims, costs, and taxes have been paid, it will be given to the Department of Justice, Antitrust Division, and/or the New York Attorney General’s Office.

**Who is included?** Generally, the Settlement includes anyone who bought Gray Line or CitySights “hop-on, hop-off” bus tours in New York City from February 1, 2009 until June 16, 2014.

**How can I get a payment?** File a claim online or by mail no later than **January 19, 2015** to get your payment. Please use the PIN number on the front of this Notice when filling out your Claim Form. The Claim Form and instructions on how to submit it are available at [www.TourBusSettlement.com](http://www.TourBusSettlement.com) or by calling 1-866-431-9265.

**What are my rights?** Even if you do nothing you will be bound by the Court’s decisions. If you want to keep your right to sue the Defendants yourself, you must exclude yourself from the Settlement Class by **September 5, 2014**. If you stay in the Settlement Class, you may object to the Settlement by **September 5, 2014**. The Court will hold a hearing on **October 20, 2014** to consider whether to approve the Settlement and a payment of attorneys’ fees up to one-third of the Settlement Fund, plus reimbursement of expenses, and a special service payment of \$20,000 each to two Class Representatives. You or your own lawyer may appear and speak at the hearing at your own expense.

# **EXHIBIT B**

To:  
From: NYC Hop-On, Hop-Off Settlement Administrator  
Subject: Refund - NYC Hop-On, Hop-Off Bus Tour

**If You Bought Gray Line or CitySights “Hop-On, Hop-Off” Bus Tours in New York City,  
You Could Get a Refund of Up to \$<<AMOUNT>> from a Settlement.**

Records show that you bought Gray Line or CitySights “hop-on, hop-off” bus tours in New York City between February 1, 2009 and June 16, 2014 and that you may be eligible for a refund of up to \$<<AMOUNT>> from a Settlement. **You must submit a Claim Form at [www.TourBusSettlement.com](http://www.TourBusSettlement.com) to get your refund.**

**What is this about?** There is a \$19 million Settlement with Twin America, LLC, Coach USA, Inc., International Bus Services, Inc., CitySights LLC, and City Sights Twin, LLC (together called the “Defendants”). The lawsuit claims that Coach and CitySights conspired to form a joint venture, Twin America, against state and federal law. The lawsuit claims that this new company dominated the “hop-on, hop-off” bus tour business in New York City enabling the Defendants to fix ticket prices and reduce competition – resulting in higher ticket prices for customers. The Defendants deny that they did anything wrong.

**Who is included?** You are included if you bought Gray Line or CitySights “hop-on, hop-off” bus tours in New York City from February 1, 2009 until June 16, 2014.

**How can I get a payment?** You must submit a Claim Form to get benefits. The Claim Form is available at [www.TourBusSettlement.com](http://www.TourBusSettlement.com) or by calling 1-866-431-9265. You can submit a Claim Form online or by mail. The deadline to submit a Claim Form is **January 19, 2015**. Please use the PIN Number below when filling out your Claim Form.

Your PIN Number is: <<PIN\_NUMBER>>      Calculated Payment = up to \$<<AMOUNT>>

**What are my rights?** Even if you do nothing you will be bound by the Court’s decisions. If you want to keep your right to sue the Defendants yourself, you must exclude yourself from the Settlement Class by **September 5, 2014**. If you stay in the Settlement Class, you may object to the Settlement by **September 5, 2014**.

The Court will hold a hearing on October 20, 2014 to consider whether to approve the Settlement and a payment of attorneys’ fees up to one-third of the Settlement Fund, plus reimbursement of expenses, and a special service payment of \$20,000 each to two Class Representatives. You or your own lawyer may appear and speak at the hearing at your own expense.

**For more information or a Claim Form: 1-866-431-9265      [www.TourBusSettlement.com](http://www.TourBusSettlement.com)**

# **EXHIBIT C**

*Court-Ordered Legal Notice*

NYC HOP-ON, HOP-OFF  
BUS TOUR SETTLEMENT  
PO Box 1902  
Faribault, MN 55021-1935

PRESORTED  
FIRST-CLASS MAIL  
U.S. POSTAGE  
PAID  
Rust Consulting, Inc.

## Reminder: Get a Refund on Hop-On, Hop-Off Tickets

Your PIN number is:

<<PIN\_NUMBER>>

Calculated Payment = up  
to \$<<AMOUNT>>



<<SEQ>>

<<NAME1>>

<<NAME2>>

<<ADDRESS1>>

<<ADDRESS2>>

<<CITY>> <<STATE>> <<ZIP>>

<<COUNTRY>>

## Reminder: “Hop-On, Hop-Off” Bus Tour Settlement

### File a Claim Now to Get a Refund of Up to \$<<AMOUNT>>

Records show you may be eligible to receive a payment of up to \$<<AMOUNT>> from the Settlement of a class action lawsuit about the ticket prices of “hop-on, hop-off” bus tours in New York City. **You must submit a Claim Form to be paid.**

**What is this about?** There is a \$19 million Settlement with Twin America, LLC, Coach USA, Inc., International Bus Services, Inc., CitySights LLC, and City Sights Twin, LLC (together called the “Defendants”). The lawsuit claims that Coach and CitySights conspired to form a joint venture, Twin America, against state and federal law. The lawsuit claims that this new company dominated the “hop-on, hop-off” bus tour business in New York City enabling the Defendants to fix ticket prices and reduce competition – resulting in higher ticket prices for customers. The Defendants deny that they did anything wrong.

**What does the Settlement provide?** The Settlement provides payments to eligible Class Members. The cost to administer the Settlement as well as attorney fees and the payments to the Class Representatives will come out of the Settlement Fund. If there is any money left in the Settlement Fund after claims, costs, and taxes have been paid, it will be given to the Department of Justice, Antitrust Division, and/or the New York Attorney General’s Office.

**Who is included?** Generally, the Settlement includes anyone who bought Gray Line or CitySights “hop-on, hop-off” bus tours in New York City from February 1, 2009 until June 16, 2014.

**How can I get a payment?** File a claim online or by mail no later than **January 19, 2015** to get your payment. Please use the PIN number on the front of this Notice when filling out your Claim Form. The Claim Form and instructions on how to submit it are available at [www.TourBusSettlement.com](http://www.TourBusSettlement.com) or by calling 1-866-431-9265.

**What are my rights?** Even if you do nothing you will be bound by the Court’s decisions. If you want to keep your right to sue the Defendants yourself, you must exclude yourself from the Settlement Class by **September 5, 2014**. If you stay in the Settlement Class, you may object to the Settlement by **September 5, 2014**. The Court will hold a hearing on **October 20, 2014** to consider whether to approve the Settlement and a payment of attorneys’ fees up to one-third of the Settlement Fund, plus reimbursement of expenses, and a special service payment of \$20,000 each to two Class Representatives. You or your own lawyer may appear and speak at the hearing at your own expense.

# **EXHIBIT D**

To:  
From: NYC Hop-On, Hop-Off Settlement Administrator  
Subject: Refund Reminder - NYC Hop-On, Hop-Off Bus Tour

**Reminder: If You Bought Gray Line or CitySights “Hop-On, Hop-Off” Bus Tours in New York City, You Could Get a Refund of Up to \$<<AMOUNT>> from a Settlement.**

Records show that you bought Gray Line or CitySights “hop-on, hop-off” bus tours in New York City between February 1, 2009 and June 16, 2014 and that you may be eligible for a refund of up to \$<<AMOUNT>> from a Settlement. **You must submit a Claim Form at [www.TourBusSettlement.com](http://www.TourBusSettlement.com) to get your refund.**

**What is this about?** There is a \$19 million Settlement with Twin America, LLC, Coach USA, Inc., International Bus Services, Inc., CitySights LLC, and City Sights Twin, LLC (together called the “Defendants”). The lawsuit claims that Coach and CitySights conspired to form a joint venture, Twin America, against state and federal law. The lawsuit claims that this new company dominated the “hop-on, hop-off” bus tour business in New York City enabling the Defendants to fix ticket prices and reduce competition – resulting in higher ticket prices for customers. The Defendants deny that they did anything wrong.

**Who is included?** You are included if you bought Gray Line or CitySights “hop-on, hop-off” bus tours in New York City from February 1, 2009 until June 16, 2014.

**How can I get a payment?** You must submit a Claim Form to get benefits. The Claim Form is available at [www.TourBusSettlement.com](http://www.TourBusSettlement.com) or by calling 1-866-431-9265. You can submit a Claim Form online or by mail. The deadline to submit a Claim Form is **January 19, 2015**. Please use the PIN Number below when filling out your Claim Form.

Your PIN Number is: <<PIN\_NUMBER>>      Calculated Payment = up to \$<<AMOUNT>>

**What are my rights?** Even if you do nothing you will be bound by the Court’s decisions. If you want to keep your right to sue the Defendants yourself, you must exclude yourself from the Settlement Class by **September 5, 2014**. If you stay in the Settlement Class, you may object to the Settlement by **September 5, 2014**.

The Court will hold a hearing on October 20, 2014 to consider whether to approve the Settlement and a payment of attorneys’ fees up to one-third of the Settlement Fund, plus reimbursement of expenses, and a special service payment of \$20,000 each to two Class Representatives. You or your own lawyer may appear and speak at the hearing at your own expense.

**For more information or a Claim Form: 1-866-431-9265      [www.TourBusSettlement.com](http://www.TourBusSettlement.com)**

# **EXHIBIT E**

NYC Hop-On, Hop-Off

AAA

Bus Tour Settlement

Last Updated: 7/3/2014

- [HOME](#)
- [NOTICE](#)
- [SUBMIT YOUR ONLINE CLAIM](#)
- [PRINT A CLAIM FORM](#)
- [IMPORTANT DATES](#)
- [FREQUENTLY ASKED QUESTIONS](#)
- [COURT DOCUMENTS](#)
- [CONTACT INFORMATION](#)

**DOWNLOAD ADOBE READER**  
 Adobe Reader is free and is required to view and print documents on this site.

## Consumers of Gray Line or CitySights “Hop-On, Hop-Off” Bus Tours in NYC Could Get a Refund From a Settlement.

This is the official website for the settlement in In re NYC Bus Tour Antitrust Litigation, which has been preliminarily approved by the United States District Court for the Southern District of New York.

Consumers can get money if they bought Gray Line or CitySights “hop-on, hop-off” bus tours in New York City from February 1, 2009 until June 16, 2014.

File a simple claim form now  
 to request a payment.



What is this  
 Settlement all about?



 Wenn Sie mehr über Ihr Recht auf Erhalt einer Zahlung oder dazu erfahren möchten, wie Sie dem Vergleich widersprechen oder sich selbst davon ausschließen können, lesen Sie die detaillierte Bekanntmachung.

 Para saber mais a respeito dos seus direitos de receber pagamento ou para saber como contestar ou excluir-se do Acordo, leia a Notificação Detalhada.

**DISCLAIMER**

This site is not operated by Twin America, LLC, Coach USA, Inc., International Bus Services, Inc., CitySights LLC, or City Sights Twin, LLC.

This Settlement is supervised by the Court and is administered by a claims administration firm that handles all aspects of claims processing.

View the [Privacy Policy](#)

# **EXHIBIT F**

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

**If You Bought Gray Line or CitySights “Hop-On, Hop-Off” Bus Tours in New York City,  
You May be Eligible for a Payment from a Class Action Settlement.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- A Settlement has been reached with Twin America, LLC, Coach USA, Inc., International Bus Services, Inc., CitySights LLC, and City Sights Twin, LLC in a class action lawsuit about fixing ticket prices for “hop-on, hop-off” bus tours.
- Generally, the Settlement includes anyone who bought tickets for “hop-on, hop-off” bus tours in New York City from Gray Line or CitySights from February 1, 2009 until June 16, 2014 (*see* Question 6).
- The \$19 million Settlement will pay up to \$20 per ticket to customers who file valid claims (*see* Question 12).

**Your legal rights are affected even if you do nothing. Please read this notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
<b>SUBMIT A CLAIM</b>	The only way to get a payment.
<b>ASK TO BE EXCLUDED</b>	Get no benefits from the Settlement. This is the only option that allows you to participate in any other lawsuit against the Defendants about the claims in this case.
<b>OBJECT</b>	Write to the Court if you don’t like the Settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	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. Payments will only be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

**What This Notice Contains**

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- 1. Why is there a notice?
- 2. What is this lawsuit about?
- 3. What is a “hop-on, hop-off” bus tour?
- 4. Why is this a class action?
- 5. Why is there a Settlement?

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- 6. Who is included in the Settlement?
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- 13. How do I get out of the Settlement?
- 14. If I do not exclude myself, can I sue the Defendants for the same thing later?
- 15. If I exclude myself, can I still get a payment from this Settlement?

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- 16. Do I have a lawyer in the case?
- 17. How will the lawyers be paid?

**OBJECTING TO THE SETTLEMENT** ..... 5

- 18. How do I tell the Court if I do not like the Settlement?
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**THE FAIRNESS HEARING** ..... 6

- 20. When and where will the Court decide whether to approve the Settlement?
- 21. Do I have to attend the hearing?
- 22. May I speak at the hearing?

**GETTING MORE INFORMATION** ..... 6

- 23. How do I get more information?

**BASIC INFORMATION****1. Why is there a notice?**

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.

Judge Andrew L. Carter, Jr. of the United States District Court for the Southern District of New York is overseeing this case. This litigation is known as *In re NYC Bus Tour Antitrust Litigation*, No. 13-CV-0711. The people who sued are called the “Plaintiffs.” Coach USA, Inc. and International Bus Services, Inc. (collectively “Coach”), CitySights LLC and City Sights Twin, LLC (collectively, “CitySights”), and Twin America, LLC (“Twin America”) are the “Defendants.”

**2. What is this lawsuit about?**

The lawsuit claims that Coach and CitySights conspired to form a joint venture, Twin America, against state and federal law. The lawsuit claims that this new company dominated the “hop-on, hop-off” bus tour business in New York City enabling the Defendants to fix ticket prices and reduce competition – resulting in higher ticket prices for customers.

The Defendants deny these claims and maintain they did nothing wrong.

**3. What is a “hop-on, hop-off” bus tour?**

Hop-on, hop-off bus tours visit a city’s leading tourist attractions allowing customers to see places that interest them. As the bus travels a fixed route, a professional tour guide provides information about the attractions and the city. Customers may “hop-off” the bus at any of the stops to see particular attractions and then “hop-on” another bus to continue on the tour route using the same ticket. Tickets may be valid for one day or for multiple days.

**4. Why is this a class action?**

In a class action, one or more people called “class representatives” sue on behalf of themselves and other people with similar claims. All of these people together are the “class” or “class members.” In this case, the Class Representatives are Natasha Bhandari and Tracey L. Nobel. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

**5. Why is there a Settlement?**

The Court has not decided in favor of the Plaintiffs or the Defendants. Instead, both sides have agreed to a Settlement. By agreeing to settle, both sides avoid the cost and risk of a trial, and the people affected will get a chance to receive compensation. The Class Representatives and their attorneys think the Settlement is best for all Class Members. The Settlement does not mean that the Defendants did anything wrong.

**WHO IS PART OF THE SETTLEMENT?**

You need to decide whether you are included in the Settlement.

**6. Who is included in the Settlement?**

The Class includes all persons who, or entities that, purchased Defendants’ “hop-on, hop-off” bus tours in New York City from February 1, 2009 until June 16, 2014. Excluded from the Class are Defendants, their present and former parent companies, subsidiaries, affiliates, and employees.

**7. What if I am not sure whether I am included in the Settlement?**

If you are not sure whether you are included in the Settlement, you may call 1-866-431-9265 with questions or visit [www.TourBusSettlement.com](http://www.TourBusSettlement.com). You may also write with questions to NYC Hop-On, Hop-Off Bus Tour Settlement, P.O. Box 1902, Faribault, MN 55021-1935.

## THE SETTLEMENT BENEFITS

### 8. What does the Settlement provide?

The Settlement will create a \$19 million Settlement Fund to pay eligible Class Members who submit valid claims. The cost to administer the Settlement as well as attorney fees and the payments to the Class Representatives will come out of this fund (*see* Question 17). If there is any money left in the Settlement Fund after claims, costs, and taxes have been paid, it will be given to the Department of Justice, Antitrust Division, and/or the New York Attorney General's Office.

More details are in a document called the Settlement Agreement, which is available at [www.TourBusSettlement.com](http://www.TourBusSettlement.com).

### 9. How much will my payment be?

You can get up to \$20 per ticket if you submit a valid Claim Form. The amount of your payment will depend on the number of claims filed. Payment amounts may be adjusted to ensure that all eligible Class Members receive a payment, as follows: If the total value of all approved claims is greater than the amount of money available to pay claims (after costs and fees have been deducted), eligible Class Members' payments will be reduced proportionally.

The actual amount available for each eligible Class Member will not be determined until after January 19, 2015 and all Claims Forms have been received, and may not be determined until after the Settlement is final.

### 10. When will I receive my payment?

Class Members who are entitled to payments will receive their payments after the Court grants final approval to the Settlement and after any appeals are resolved (*see* "The Fairness Hearing" below). If there are appeals, resolving them can take time. Please be patient.

### 11. What am I giving up to stay in the Settlement Class?

Unless you exclude yourself from the Settlement, you can't sue the Defendants or be part of any other lawsuit against Coach, CitySights, or Twin America about the issues in this case. Unless you exclude yourself, all of the decisions by the Court will bind you. If the Settlement becomes final, you will give up your right to sue the Defendants for the claims being resolved by this Settlement. You will be "releasing" the Defendants and all related people as described in Sections 13 and 14 of the Settlement Agreement.

The Settlement Agreement is available at [www.TourBusSettlement.com](http://www.TourBusSettlement.com) and describes the claims that you give up if you remain in the Settlement. If you have any questions you can talk to the law firms listed in Question 16 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

## HOW TO RECEIVE A PAYMENT

### 12. How can I receive a payment?

To ask for a payment, simply complete and submit a Claim Form. Claim Forms are available at [www.TourBusSettlement.com](http://www.TourBusSettlement.com) or by calling 1-866-431-9265. Please read the instructions carefully, fill out the Claim Form and mail it postmarked no later than **January 19, 2015** to:

NYC Hop-On, Hop-Off Bus Tour Settlement  
P.O. Box 1902  
Faribault, MN 55021-1935

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from this Settlement, and you want to keep the right to sue the Defendants about the issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself—or it is sometimes referred to as "opting out" of the Class.

**13. How do I get out of the Settlement?**

To exclude yourself, send a letter that says you want to be excluded from the Settlement in *In re NYC Bus Tour Antitrust Litigation*, No. 13-CV-0711. Include your name (or the name of the company or group that bought the tickets), address, and signature. You must mail your Exclusion Request postmarked by **September 5, 2014**, to:

NYC Hop-On, Hop-Off Bus Tour Settlement  
P.O. Box 1902  
Faribault, MN 55021-1935

**14. If I do not exclude myself, can I sue the Defendants for the same thing later?**

No. Unless you exclude yourself, you give up the right to sue Coach, CitySights, and Twin America for the claims that this Settlement resolves.

**15. If I exclude myself, can I still get a payment from this Settlement?**

No. You will not get a payment if you exclude yourself from the Settlement.

**THE LAWYERS REPRESENTING YOU**

**16. Do I have a lawyer in the case?**

Yes. The Court appointed the following as “Class Counsel”:

William Christopher Carmody Arun Subramanian Mark Howard Hatch-Miller SUSMAN GODFREY LLP 560 Lexington Avenue, 15th Floor New York, NY 10022 212-336-8330	Drew D. Hansen SUSMAN GODFREY LLP 1201 Third Avenue, Suite 3800 Seattle, WA 98101 206-373-7384
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You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

**17. How will the lawyers be paid?**

Class Counsel will ask the Court for attorneys’ fees up to one-third of the Settlement Fund, plus reimbursement of expenses. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. The Court will decide the amount of fees to award. Class Counsel will also request that special service payments of up to \$20,000 each be paid from the Settlement Fund to the Class Representatives for their service as representatives on behalf of the whole Class.

**OBJECTING TO THE SETTLEMENT**

**18. How do I tell the Court if I do not like the Settlement?**

You can object to the Settlement if you don’t like some part of it. The Court will consider your views. To do so, you must send in a written objection in this case, *In re NYC Bus Tour Antitrust Litigation*, No. 13-CV-0711. Be sure to include:

- Your full name, address, telephone number, your signature;
- The specific reasons why you object to the settlement;
- Whether you plan on appearing at the Fairness Hearing; and
- Any legal support or evidence that supports your objection that you wish to bring to the Court’s attention.

Mail your objection to these addresses postmarked no later than **September 5, 2014**:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court Thurgood Marshall United States Courthouse 40 Foley Square New York, NY 10007	William Christopher Carmody Arun Subramanian Mark Howard Hatch-Miller SUSMAN GODFREY LLP 560 Lexington Avenue, 15th Floor New York, NY 10022  Drew D. Hansen SUSMAN GODFREY LLP 1201 Third Avenue, Suite 3800 Seattle, WA 99101	<i>Counsel for Coach USA, Inc. and International Bus Services, Inc.</i> Thomas O. Barrett Andrew D. Lazerow Alan M. Wiseman Ashley E. Bass COVINGTON & BURLING LLP 1201 Pennsylvania Avenue, NW Washington, DC 20004  <i>Counsel for Twin America, LLC, CitySights, LLC, and City Sights Twin, LLC:</i> Michael P. Cohen PAUL HASTINGS 875 15th Street, NW Washington, DC 20005

### 19. What is the difference between objecting and asking to be excluded?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you don't exclude yourself from 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.

### THE FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses. You may attend and you may ask to speak, but you do not have to.

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

The Court will hold a Fairness Hearing at 10:00 a.m. on October 20, 2014, before the Honorable Andrew L. Carter Jr. in the United States District Court for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square New York, NY 10007. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.TourBusSettlement.com](http://www.TourBusSettlement.com) or call 1-866-431-9265. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them and will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

### 21. Do I have to attend the hearing?

No. Class Counsel will answer questions the Court may have. But, you or your own lawyer is welcome to attend at your expense. If you send an objection, you do not 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 have your own lawyer attend, but it is not necessary.

### 22. May I speak at the hearing?

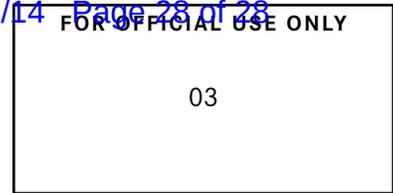
You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter stating that it is your "Notice of Intention to Appear in *In re NYC Bus Tour Antitrust Litigation*, No. 13-CV-0711." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than September 5, 2014, and must be sent to the addresses listed in Question 18.

### GETTING MORE INFORMATION

### 23. How do I get more information?

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [www.TourBusSettlement.com](http://www.TourBusSettlement.com). You also may write with questions to NYC Hop-On, Hop-Off Bus Tour Settlement, P.O. Box 1902, Faribault, MN 55021-1935 or call the toll-free number, 1-866-431-9265. You can also get a Claim Form at the website, or by calling the toll free number, 1-866-431-9265

# **EXHIBIT G**



# CLAIM FORM

NYC Hop-On Hop-Off Bus Tour Settlement  
United States District Court for the Southern District of New York  
Case File No. 13-CV-0711 (ALC)(GWG)

In order to qualify for a payment, you must have bought a Gray Line or CitySights "hop-on, hop-off" bus tour in New York City from February 1, 2009 until June 16, 2014.

**Must be postmarked no later than January 19, 2015**

To receive a payment, you must accurately complete this Claim Form with your name, address, email, the number of tickets purchased and signature and submit it by January 19, 2015. If your claim form is not complete, your claim will be denied. You will not be given an opportunity to cure or fix any deficiencies in this Claim Form.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

The expected payment amount is up to \$20 per Class Member ticket (if approved by the court). The amount of your payment will depend on the total number of claims filed by Class Members. Payment amounts may be adjusted to ensure that all eligible Class Members receive a payment. If the total value of all approved claims is greater than the amount of money available to pay claims (after costs and fees have been deducted), eligible Class Members' payments will be reduced proportionally.

You must provide the total number of tickets you purchased for either Gray Line or CitySights "hop-on, hop-off" bus tours in New York City between February 1, 2009 and June 16, 2014. Do not submit a claim for each bus tour company, combine the total number of tickets purchased. Any duplicative claims will be denied.

1. Please provide the **total number of tickets you purchased**: \_\_\_\_\_. (Do not provide the dollar amount of the tickets you purchased.)
2. If you claimed 3 OR MORE above, you are required to submit proof of purchase with this claim. Proof of purchase includes but is not limited to: receipt, credit card or debit card statement, or check image.
3. If you claimed LESS THAN 3 above, no proof of purchase is required at this time. *Please note the Administrator may require proof of purchase at a later date.*

I certify under penalty of perjury under the laws of the State of New York that the foregoing information is true and correct. I understand that the submission of false information may subject me to criminal prosecution. I submit to the jurisdiction of the Southern District of New York.

Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Mail to: NYC Hop-On Hop-Off Bus Tour Settlement, P.O. Box 1902, Faribault, MN 55021-1935  
www.TourBusSettlement.com 1-866-431-9265

