

Supplemental Notice of Proposed Settlement of Class Action
United States Federal District Court for the Northern District of California
 1301 Clay Street, Oakland, CA 94612

IF YOU ARE IN THE UNITED STATES AND BOUGHT A NEW COPY OF AN ELECTRONIC ARTS' MADDEN NFL, NCAA FOOTBALL, OR ARENA FOOTBALL VIDEOGAME FOR XBOX, XBOX 360, PLAYSTATION 2, PLAYSTATION 3, GAMECUBE, PC, OR WII, WITH A RELEASE DATE OF JANUARY 1, 2005 TO JUNE 21, 2012, YOUR RIGHTS MAY BE AFFECTED.

Para ver este aviso en español, visita www.easportslitigation.com

- **Customers of Electronic Arts Inc. have filed a class action lawsuit alleging that Electronic Arts violated their rights under federal and California law. The Court has not decided whether the Plaintiffs' claims have any merit, and Electronic Arts has denied any liability and all allegations of misconduct. A proposed settlement has been reached, and your legal rights are affected. You have a choice to make now:**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
SUBMIT A CLAIM FORM BY May 15, 2013	<p>Stay in this lawsuit. Submit a Claim Form. Await the outcome. If the Settlement is approved by the Court you may be eligible for a payment of money under the Settlement. Be bound by the result.</p> <p>By submitting a Claim Form you keep the possibility of getting money or benefits that may come from the Settlement. But you give up any rights to sue Electronic Arts separately about the same legal claims in this lawsuit. If you do not file a Claim Form before May 15, 2013, you give up your right to get money from the Settlement if it is approved by the Court. You may file a claim online at www.easportslitigation.com.</p>
SUBMIT AN OBJECTION BY May 15, 2013	<p>Object to the Settlement.</p> <p>Stay in the lawsuit, but submit an objection. By objecting to the Settlement you give up your right to be excluded from the Settlement and your right to file your own action. If you object to the Settlement, you may ask a lawyer to represent you at your own cost.</p>
ASK TO BE EXCLUDED BY May 15, 2013	<p>Get out of this lawsuit. Get no benefits from it. Keep your rights.</p> <p>If you ask to be excluded and money or benefits are later awarded, you won't share in those. But you keep your right to sue Electronic Arts separately about the same legal claims in this lawsuit.</p>

Basic Information

1. What is this supplemental notice about?

This supplemental notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you, that there is a settlement pending in the case, and that the Court has modified the distribution of the

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settlement fund and extended the claims period. You have legal rights and options in this action. This class action lawsuit is known as *Pecover v. Electronic Arts*, No. 08-cv-02820 CW. It is pending in the United States Federal District Court for the Northern District of California, located in Oakland, California.

2. Why is there a supplemental notice?

On April 2, 2013, the Court modified the distribution plan to **increase** the amount of compensation that will be provided to claiming Settlement Class Members and identifiable, non-claiming Settlement Class Members. Specifically, under the new distribution plan: (1) all Settlement Class Members who have submitted claims, and all those for whom the parties have identified names and associated physical addresses, will receive compensation equal to three times the alleged damages; and (2) all seventh generation Settlement Class Members for whom the parties have both a name and associated physical address will receive automatic checks in an amount equal to the average claim paid to seventh generation purchaser claimants, subject to the tripling discussed above.

The Court also modified the *cy pres* provisions to direct any residual settlement funds to the federal government instead of to the non-profit Child's Play.

Further information regarding the original Plan of Allocation and the Court's Order modifying the Plan of Allocation can be found at www.easportslitigation.com.

3. Why was the distribution plan modified?

The Court modified the distribution plan to ensure that Settlement Class Members received as much money as possible from the settlement fund. The amount of money being returned to Settlement Class Members was less than expected because fewer than anticipated Settlement Class Members submitted claims prior to the original close of the claims period (i.e., prior to March 5, 2013), and Electronic Arts had fewer names and physical addresses for non-claiming Settlement Class Members than the parties originally believed. The Court adjusted the distribution plan to provide for additional money to be returned to Settlement Class Members.

4. Has the Court decided whether Electronic Arts did anything wrong?

No. The Court has *not* decided whether Electronic Arts did anything wrong, and the modification to the distribution plan is not an expression of any opinion by the Court about the merits of any of the claims or defenses asserted by any party to this litigation.

Electronic Arts specifically denies any wrongdoing and denies the Plaintiffs' allegations in this lawsuit. Electronic Arts contends that the exclusive licensing agreements at issue are legal and proper, and that it never overcharged consumers for the videogames at issue. Electronic Arts further states that it has entered into the Settlement Agreement solely to eliminate the uncertainties, burden, and expense of further protracted litigation. Additional information regarding Electronic Arts' answer and its position regarding the claims in this lawsuit can be found at www.easportslitigation.com.

5. I already filed a claim. Do I need to file a new one?

No. If you already filed a claim, you may not file a new claim. You will automatically receive the increased payment amounts provided for by the modified distribution plan.

6. Will these changes decrease the amount of money that I will receive?

No. These modifications to the settlement distribution will increase the amount of money received by individuals who have already filed a claim.

7. I have not filed a claim. Is there still time to do so?

Yes. The Court has extended the claims period to May 15, 2013.

The Proposed Settlement

8. What are the terms of the Settlement?

Other than the modifications to the Plan of Allocation discussed in this Supplemental Notice (see “How much will my payment be under the modified distribution plan?”), the terms of the Settlement have not changed. The Settlement provides that Electronic Arts will pay \$27 million into a fund that will include money for Settlement Class Members to be provided for timely and valid claims, after deducting payment for the costs of administering the Settlement, including the costs of notice, attorneys’ fees, costs of the litigation and any payments allowed by the Court to the named Plaintiffs, known as the “class representatives.” This money is referred to here as the “Common Fund.”

Additionally, the Settlement provides that Electronic Arts will not enter into an exclusive trademark license with the AFL for five years from the date of approval of the Settlement; and that Electronic Arts will not renew its current collegiate football trademark license with the Collegiate Licensing Company (“CLC”) on an exclusive basis for five years after it expires in 2014; and that Electronic Arts will not seek any new exclusive trademark license for the purpose of making football videogames with the CLC, the NCAA, or any NCAA member institution covered by the current exclusive license for five years after the expiration of the current CLC agreement. You can read more about the Settlement at www.easportslitigation.com.

The Settlement will release claims that consumers may have against Electronic Arts relating to the exclusive agreements, and any resulting overcharge for football videogames, for the period of time from January 1, 2005 to June 21, 2012, unless an individual has excluded himself or herself from the Settlement. Specifically, the Settlement will release and forever discharge the claims that were pled or could have been pled in the *Pecover v. Electronic Arts* case. You can read more about the scope of the release and the released claims at www.easportslitigation.com.

9. How much will my payment be under the modified distribution plan?

If approved by the Court, payments will be made to Settlement Class Members who submit timely and valid claims out of the net proceeds of the Settlement (the amount available after deducting payment of the costs of administering the Settlement, including the costs of notice, attorneys’ fees, costs of the litigation, and any payments allowed by the Court to the named Plaintiffs) based on the type and number of videogames purchased by a Settlement Class Member.

Class members who submit valid claims for the purchase of *Madden NFL*, *NCAA Football*, or *Arena Football* videogames for the Xbox, PlayStation 2, PC, or GameCube platforms (“Sixth Generation Purchasers”) will be paid \$20.37 per new game purchased, up to a total of eight units (\$162.96). Class members who submit valid claims for the purchase of *Madden NFL*, *NCAA Football*, or *Arena Football* videogames for the Xbox 360, PlayStation 3, or Wii platforms (“Seventh Generation Purchasers”) will be paid \$5.85 per new game purchased, up to a total of eight units (\$46.80). The different amounts reflect the differences in the estimated overcharge for the various platforms, as determined by the economics experts hired by Plaintiffs to evaluate their claims. These amounts also already reflect the tripling of alleged damages discussed above.

If after receiving all valid claims, the claims administrator determines that the net settlement amount is sufficient to pay out all the valid claims submitted, then each valid claim will be paid out at the values listed above. If, however, the claims administrator determines that the net settlement amount is not enough to pay out all the valid claims submitted, then the claim amounts will be reduced on a pro rata basis.

If, after paying out valid claims made by Settlement Class Members, monies remain available, payment in the form of a check will automatically be sent to Settlement Class Members who (i) have purchased sixth generation games and/or seventh generation games, (ii) provided Electronic Arts with a name and physical

mailing address, and (iii) did not submit a Claim. The payment to this group of Settlement Class Members will be in an amount that equals the average claim paid to a sixth generation purchaser and/or a seventh generation purchaser who submitted a claim, subject to the tripling discussed above, and without the necessity of submitting a Claims Form.

10. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether to approve the Settlement. There is no guarantee that money or benefits ever will be obtained; however, if you want to participate in the Settlement you should file a claim online or submit the Claim Form, available at www.easportslitigation.com.

Who Is in the Settlement Class

You need to decide whether you are affected by this lawsuit.

11. Am I part of this Settlement Class?

You are a member of the Settlement Class if:

You are in the United States and bought a new copy of an Electronic Arts' *Madden NFL*, *NCAA Football*, or *Arena Football* videogame for Xbox, Xbox 360, PlayStation 2, PlayStation 3, GameCube, PC, or Wii, with a release date of January 1, 2005 to June 21, 2012.

You are excluded from the Settlement Class if (1) you purchased the game(s) directly from Electronic Arts; (2) you purchased only used copies of the games; or (3) you are an employee, officer, director, or legal representative of Electronic Arts or a wholly or a partly owned subsidiary or affiliated company.

You are also excluded from the Settlement Class if you previously submitted a timely request for exclusion on or prior to December 10, 2012.

12. What happens if I do nothing at all?

You must file a claim online or submit a Claim Form, available at www.easportslitigation.com by May 15, 2013 if you want to keep the possibility of getting money from this lawsuit.

If you already filed a claim, you may not file a new claim. You will automatically receive the increased amounts provided for by the modified distribution plan.

Keep in mind that if (a) you do nothing or (b) you submit a Claim Form, you will not be able to sue, or continue to sue, Electronic Arts – as part of any other lawsuit – under state or federal law about any issues relating to the exclusive agreements described above, and any resulting overcharge for football videogames, for the period of time from January 1, 2005 to June 21, 2012.

Claim Forms may be submitted electronically through the website at www.easportslitigation.com or by first class mail to:

Electronic Arts Settlement
c/o Gilardi & Co. LLC
P.O. Box 808054
Petaluma CA 94975-8054

In your letter, be sure to reference the name of this lawsuit, *Pecover v. Electronic Arts*, and remember to sign the letter.

13. What happens if I do not exclude myself from the Settlement Class?

Any Settlement Class Member who does not properly and timely request exclusion from the Settlement Class shall, upon final approval of the Settlement, be bound by all the terms and provisions of the Settlement, including, but not limited to, the releases, waivers, and covenants described in the Settlement; their claims

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against Electronic Arts shall forever be released and dismissed, whether or not such person or entity objected to such Settlement, and whether or not such person or entity made a claim upon any fund from such Settlement.

14. How do I ask the Court to exclude me from the Settlement Class?

To ask to be excluded, you must send a letter, postmarked by May 15, 2013, to the Class Counsel appointed by the Court:

Shana E. Scarlett
Hagens Berman Sobol Shapiro LLP
715 Hearst Ave., Suite 202
Berkeley, CA 94710

In your letter, be sure to reference the name of this lawsuit, *Pecover v. Electronic Arts*, and remember to sign the letter.

If you previously asked to be excluded, you do not need to file a new request to be excluded.

15. How do I object to the Settlement?

If you are a Settlement Class Member, you can tell the Court that you don't agree with the Settlement or some part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. If you do not file an objection to the Settlement, you waive your right to object to and/or appeal the Settlement.

To object, you must send a letter saying that you object to the Settlement in *Pecover v. Electronic Arts*. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the Settlement. Mail the objection to these two different places postmarked no later than **May 15, 2013**:

Court	Class Counsel
United States District Court, 1301 Clay Street, Oakland, CA 94612	Shana E. Scarlett Hagens Berman Sobol Shapiro LLP 715 Hearst Ave., Suite 202 Berkeley, CA 94710

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

You have the right to consult and/or retain an attorney of your choice at your own expense to advise you regarding the Settlement and your rights in connection with the Settlement. You also have the right, either personally or through an attorney retained and paid by you, to seek to intervene in the case.

Getting More Information

16. Are more details available?

THIS SUPPLEMENTAL NOTICE CONTAINS ONLY A SUMMARY OF THE MODIFIED PLAN OF DISTRIBUTION AND NOTICE OF THE EXTENSION OF THE CLAIMS PERIOD.

Additional information about this lawsuit and the proposed Settlement are on file with the District Court. Additionally, you can also view the Court's Order Regarding Plaintiffs' Proposed Modified Distribution of the Settlement Fund, the original notice to the Settlement Class, the First Amended Complaint, the order certifying the class, the Court's Preliminary Approval Order, the Stipulation and Agreement of Class Action Settlement and Release, the Plaintiffs' motions and associated papers in support of the final approval of the Settlement, and other case-related documents at www.easportslitigation.com.

You may also contact the Settlement Administrator by sending an email to info@easportslitigation.com, or by writing to EA Sports Litigation Settlement, c/o Gilardi & Co. LLC, PO Box 808054, Petaluma, CA 94975-8054. Please do not contact the Court. Please also do not contact Electronic Arts or the lawyers for Electronic Arts.

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