

NOTICE OF CLASS ACTION
SETTLEMENT

*This is a Court-authorized legal notice. This is not a solicitation from a lawyer.
This notice affects your rights. Please read carefully.*

**If you purchased a Mobile Fidelity Sound Lab “Original Master Recording” or
“Ultradisc One-Step” vinyl record (the “MoFi Records”), you could get a
payment from a class action settlement.**

A settlement has been proposed in a class action lawsuit, *Stephen J. Tuttle, et al., v. Audiophile Music Direct, Inc., et al.*, Case No. 2:22-cv-01081-JLR (the “Case”), involving the marketing and selling of certain of the MoFi Records between March 19, 2007 and July 27, 2022 containing a direct stream digital (“DSD”) step in the mastering chain (the “Settlement”).

WHAT IS THIS LAWSUIT ABOUT?

This case arises from allegations that Defendants Audiophile Music Direct, Inc. (“Music Direct”) and Mobile Fidelity Sound Lab, Inc. (“MoFi”) falsely marketed and promoted certain MoFi Records as produced with “analog-only” methods, without the use of any intervening digital step, when in fact they were allegedly produced using an undisclosed DSD transfer step in the mastering chain. The Plaintiffs allege that by misrepresenting the source and provenance of the MoFi Records, Defendants acted unfairly and deceptively, and breached their contractual obligations to the original retail purchasers. Music Direct and MoFi vigorously deny all allegations of wrongdoing and liability.

The United States District Court for the Western District of Washington authorized this notice. Before any compensation is paid, the Court must decide whether to approve the Settlement.

AM I A CLASS MEMBER?

If you meet this definition, you are a Class Member:

All original retail consumers in the United States who, from March 19, 2007, through July 27, 2022 purchased, either directly from a Defendant or other retail merchants, new and unused Mobile Fidelity Sound Lab, Inc. (“MoFi”) vinyl recordings which were marketed by Defendants using the series labeling descriptors “Original Master Recording” and/or “Ultradisc One-Step,” that were sourced from original analog master tapes and which utilized a direct stream digital transfer step in the mastering chain, and provided that said purchasers still own said recordings (the “Applicable Records”). Excluded from the Class are persons who obtained subject Applicable Records from other sources.

WHAT DOES THE SETTLEMENT PROVIDE?

If you qualify as a Class Member, you must submit a Claim Form and select one of three forms of relief for each Applicable Record: (i) return the Applicable Record in its original cover or box, in complete and undamaged condition except for normal wear and tear and receive a “Return Refund” of the purchase price plus tax and shipping; (ii) keep your Applicable Records and receive either a 5% refund payment of the purchase price; or (iii) a Music Direct coupon for 10% of the purchase price. All three options will be based on the purchase price, not to exceed 110% of the manufacturer’s suggested retail price at the time of purchase. You may elect to receive payment by check or by electronic transfer, such as PayPal or Venmo.

The Defendants have also agreed to bear the costs of Settlement Administration, Class Representatives’ incentive awards and Class Counsels’ attorneys’ fees and costs.

HOW DO I POTENTIALLY RECEIVE A PAYMENT?

To submit your Claim Form and Proof of Purchase and Ownership (“Proof”), you should visit the Settlement Website at: www.audiophilesettlement.com. There, you will also find copies of relevant pleadings, a more detailed Settlement Notice, and you may contact the Settlement Administrator with questions. You may also contact the Settlement Administrator directly at: 833-630-6697, or the Class Counsel at: 206-621-6566 or email MoFi_Settlement@badgleynullins.com. You must submit your Claim Form and Proof no later than September 21, 2023. If you elect to keep your Applicable Records, you will receive your Settlement Payment after validation of your claim and after the Settlement has received final approval by the Court. If you choose to return Applicable Records, a prepaid shipping label will be sent to you for the return of your Applicable Records after the Settlement has received final approval by the Court. You must return your Applicable Records within ninety (90) days of receiving the return label. The Settlement Administrator will then issue your payment for return of the Applicable Records.

WHAT ARE MY OTHER OPTIONS?

If you don’t want to be legally bound by the Settlement, you must exclude yourself and “opt out” by August 22, 2023 or you won’t be able to sue, or continue to sue Defendants about the legal claims in this Case. If you opt out, you can’t get a Settlement Payment from this Settlement. If you stay in the Case, you may object to this Settlement by filing an objection with the Court by August 22, 2023.

All objections should state the reason for your complaint about the Settlement, all proof or evidence and whether you intend to appear at the final approval hearing. The more detailed Notice on the Settlement Website explains how to exclude yourself or object and contains important information regarding the rights, obligations, requirements, and deadlines for Class Members to participate in, exclude themselves from, or object to the Settlement.

The Court will hold a hearing in this Case on October 30, 2023 at 9am PST, to consider whether to approve the Settlement, including attorney's fees and costs, and incentive awards for Class Representatives. The Court may change the date for the final approval hearing. If the Court changes the hearing date, notice of such change shall be posted on the Settlement Website.

For more information, call toll-free at 833-630-6697, visit the Settlement Website at www.audiophilesettlement.com, or write the Settlement Administrator at Tuttle v. Audiophile Music Direct, c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150-5324.

If you wish to communicate with Class Counsel, you may e-mail Badgley Mullins Turner, PLLC at MoFi_Settlement@badgleyturner.com or call 206-621-6566.

IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE VISIT THE SETTLEMENT WEBSITE AT WWW.AUDIOPHILESETTLEMENT.COM