

Class and Settlement Notice

NOTICE OF CLASS ACTION, PROPOSED CLASS SETTLEMENT AND HEARING

RE: *John Doe, and all others similarly situated v. Barnstormers Basketball, Inc. d/b/a Barnstormers Basketball of Iowa*

United States District Court for the Southern District of Iowa, Davenport Division, Case No. 3:20-cv-5-SHL

If, between 2005 and April 5, 2018, you were affiliated with a Barnstormers Basketball, Inc. team while Greg Stephen was involved with the organization and you fell victim to Greg Stephen's illicit acts of secretly procuring nude images and/or recordings of minors, you may be a class member entitled to relief. Therefore, you may be entitled to receive MONEY. To receive any money in this pending Settlement, you must fill out and mail a Claim Form.

There is a currently pending a class action lawsuit involving such issues in the United States District Court for the Southern District of Iowa. The Court has certified the case as a class action, and there is a proposed Settlement. If the proposed Settlement receives final court approval, CLASS MEMBERS are eligible to receive money.

Your Claim Form must be postmarked or received by the Administrator no later than March 23, 2023.

If you wish to "opt out," or be excluded from the Settlement, your opt-out letter must be postmarked or received by the Administrator by November 7, 2022.

If You Wish to Claim Money, Fill Out and Submit the Claim Form Today. You may obtain a copy of the Claim Form on the website for the Settlement, www.BarnstormerSettlement.com. You may also obtain copies of the Notice and Claim Form by contacting the Claims Administrator, Atticus Administration, LLC, PO Box 64053 St. Paul, MN 55164. Do Not Wait. If you do not submit a claim on time, you will not receive any money, but will still be bound by the Settlement.

NOTICE TO CLASS MEMBERS OF PROPOSED SETTLEMENT AGREEMENT

PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY. A SETTLEMENT HAS BEEN PROPOSED IN THE *DOE* CASE THAT MAY AFFECT THE RIGHTS OF CERTAIN PERSONS WHO WERE AFFILIATED WITH THE BARNSTORMERS BASKETBALL PROGRAM.

Why did you get this notice?

1. You should read this notice because you may be entitled to claim money from a class action settlement. The purpose of this notice is to inform you about a proposed settlement in the *Barnstormers* lawsuit. The settlement may affect the rights of certain people who were affiliated with the Barnstormers Basketball, Inc. program between 2005 and April 5, 2018. The settlement is not final. In order for the settlement to be final, the judge in this case, the Honorable Stephen H. Locher, will hear from class members who wish to be heard and will then decide if the settlement is fair, reasonable, and adequate. If this notice applies to you, you will have an opportunity to file a claim, and indicate in writing if you object to the settlement, before the judge decides whether to approve it. **However, to receive funds from this lawsuit, you must file the accompanying proof of claim within the time explained in this Notice.**
2. The fact that you have been sent a notice does not mean that you qualify as a class member and are entitled to compensation, but only that you may be. The notice is being sent to all those who could be class members, and more detailed information will be reviewed for those who file claims to decide if they are actually class members. **ACCORDINGLY, IF YOU BELIEVE YOU ARE OR MAY BE A CLASS MEMBER, YOU SHOULD FILE A CLAIM FORM, BUT THIS DOES NOT MEAN YOU ARE ENTITLED TO MONEY. EACH CLAIM WILL BE ANALYZED BY AN INDEPENDENT**

REVIEWER, WHO WILL REVIEW ALL THE RELEVANT INFORMATION AND DETERMINE WHETHER THE CLAIMANT QUALIFIES AS A CLASS MEMBER. THIS PROCESS WILL LIKELY TAKE A FEW MONTHS TO COMPLETE. IF YOU FILE A CLAIM, YOU WILL BE SENT A LETTER TELLING YOU WHETHER YOU DO OR DO NOT IN FACT QUALIFY WHEN THE REVIEW IS COMPLETE; IF YOU DO NOT QUALIFY, YOU WILL NOT BE ENTITLED TO MONEY.

3. The rest of this notice explains the *Barnstormers* lawsuit, how to determine whether this lawsuit applies to you, the key terms of the proposed settlement, and how you can file the appropriate papers regarding your participation in the settlement.

Does this notice apply to you?

4. This notice applies to you if you were affiliated with the Barnstormers Basketball, Inc. programs, at any time from 2005 through April 5, 2018 (“the Class Period”), and you fell victim to Greg Stephen’s illicit acts of secretly procuring nude images and/or recordings of minors.

What is this lawsuit about?

5. The *Barnstormers* lawsuit was brought in 2018 by a former Barnstormers Basketball participant who was victimized by Greg Stephen’s illicit acts of secretly procuring nude images and/or recordings of minors. The person who initially brought the lawsuit, called the “named plaintiff,” is John Doe. He filed the lawsuit on his own behalf and on behalf of all other persons like him (“plaintiffs”).
6. The plaintiffs sued Barnstormers Basketball, Inc., a nonprofit youth basketball organization, whose agent, Greg Scott Stephen, pled guilty to illicit acts of secretly procuring nude images and/or recordings of minors, including some Barnstormers participants. Barnstormers Basketball, Inc. is the “Defendant” here, the party being sued. There are three other defendants in this case, including Stephen, the Amateur Athletic Union of the United States, Inc. (“AAU”), and adidas America, Inc.
7. The plaintiffs and the defendant have written down their agreement in a document called a “Settlement Agreement.” The Settlement Agreement involves the plaintiffs, Barnstormers Basketball, Inc., and Amateur Athletic Union (“AAU”). It does not involve Stephen or adidas America. You may obtain a copy of the Settlement Agreement on the website for the Settlement, www.BarnstormerSettlement.com. Although, on September 29, 2022, the judge preliminarily approved the agreement, the settlement is NOT FINAL. The settlement will be final only after the judge approves it after holding a public hearing called a “fairness hearing.” Before the judge decides to approve the settlement, you can tell the judge if you do not like any part of it by filing in writing what is called an “objection,” and you can ask the judge to let you speak at the fairness hearing (although whether he will do so is strictly up to him).

What are the key terms of the Settlement Agreement?

8. The Settlement Agreement provides for monetary compensation for each plaintiff. In exchange, the settlement class members are releasing all claims related to the claims made in this lawsuit and that were or could have been alleged in the lawsuit against Barnstormers Basketball, Inc. and the Amateur Athletic Union (“AAU”) for the class period.
9. Without admitting any wrongdoing and to avoid litigating these claims, the Defendant has agreed to pay One Million and Nine Hundred Thousand Dollars and Zero Cents (\$1,900,000.00) (“the Total Settlement Amount”), which is divided as follows:
 - a. One Million Thirty-Two Thousand Five Hundred Dollars and Zero Cents (\$1,032,500.00) to be paid to the settlement class members (“Distribution Fund”);
 - b. Seven Hundred Sixty Thousand Dollars and Zero Cents (\$760,000.00) for Plaintiffs’ counsel for attorneys’ fees and Seventy-Five Thousand Dollars and Zero Cents (\$75,000.00) for costs incurred by Plaintiffs’ counsel;
 - c. Seven Thousand Five Hundred Dollars and Zero Cents (\$7,500.00) for a service award to the

class representative as an award for its service to the Class as Plaintiff and Class Representative;
and

- d. Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00) for costs of administering the class settlement.

Class Counsel's attorneys' fees, costs, and claims administration expenses remain subject to Court approval. The Court will decide whether to approve these terms at the "Fairness Hearing."

10. The Distribution Fund will be distributed to Settlement Class Members who submit timely, valid Proof of Claim and Release Forms. The payments to Settlement Class Members who submit timely, valid Proof of Claim and Release Forms shall be determined and paid according to the following formula:
 - a. Each Settlement Class Member who was subjected to Greg Stephen's illicit acts of secretly procuring nude images and/or recordings or minors during the Class Period will receive an equal pro-rata share of the Distribution Fund.
 - b. The Distribution Fund shall be distributed according to the number of valid and timely Proof of Claim Forms received. The total amounts to be paid Settlement Class Members (not including the class representative) will be adjusted on a pro-rated basis, meaning an equal share of the total Distribution Fund will be paid to each individual Settlement Class Member who submits a valid and timely Proof of Claims Form. Upon information and belief, there are approximately 98 prospective Settlement Class Members. If 98 Settlement Class Members file valid and timely Proof of Claim Forms, each Settlement Class Member will receive \$10,535.71. *It is important for you to understand this is simply an estimate. The amount each Settlement Class Member receives could be higher or lower depending on how many valid and timely Proof of Claim Forms are received.*
 - c. Whether a claim is valid or not will be determined by review of your claim form and supporting documents by a claims Administrator. The proper and complete execution of your claim form is very important to that process because it will assist the Administrator in administering, calculating, and distributing settlement funds to authorized claimants. Without an accurate and complete claim form with and necessary supporting documents, your claim cannot be evaluated, and therefore cannot be paid. **Because your claim form is so critical to determining the validity of your claim, please be sure to complete it correctly, as your claim may not be able to be successfully processed if it is not accurate.**
 - d. The settlement checks will be void if not cashed within one hundred and eighty (180) calendar days.

Why Is This A Class Action?

11. In a class action, one or more persons, called the Class Representative(s), sue on behalf of a group of people who have similar claims – the Class Members. One court then resolves the issues for all Class Members, except for those who exclude themselves from the class.

Are There Lawyers Representing You?

12. The Court has approved lawyers (called "Class Counsel") to collectively represent you. You will not be asked to pay your own personal money for the services of these attorneys and their associates and staff in litigating this case and negotiating this Settlement. Instead, the lawyers have sought payment from the defendants, subject to final approval of the Court, as is described further below. Only Class Counsel may act on behalf of the class. However, that does not prevent you from hiring your own lawyer to advise you personally about your rights, options or obligations as a Class Member in this lawsuit. If you want to be represented by your own lawyer, you may hire one at your own expense.

What Do I Need To Do To Collect Money?

13. To get money from the Settlement, you *must* complete the enclosed Proof of Claim Form, sign it, and mail it to the Claims Administrator on or before March 23, 2023. By accepting the terms of this settlement, you will be waiving your right to assert a claim against Barnstormers Basketball, Inc. and the Amateur Athletic Union (“AAU”) as it applies to the illicit acts of Greg Stephen secretly procuring nude images and/or recordings of minors during the Class Period.
14. The name and address of the Claims Administrator is:

Atticus Administration, LLC
PO Box 64053
St. Paul, MN 55164

15. The Class Administrator maintains a website titled **www.BarnstormerSettlement.com**. You can go to it and obtain the Claim Form. You can also obtain other information about the case on the website.

What Happens If I Do Nothing?

16. If you do nothing, you will not receive any money. You will still be deemed part of the Class Action, and you will be releasing all claims you may have related to the allegations in the case. **Thus, it is very important that you act promptly to complete your claim form on time or you will not receive money but will still have no right to sue Barnstormers Basketball, Inc. or the Amateur Athletic Union (“AAU”) or on these same issues.**

What Must I Do To Object To the Settlement?

17. Any Settlement Class Member may object to all or part of the Settlement, or to any settlement term. Settlement Class Members must object in writing. **You must submit any objection(s) by November 23, 2022, for them to be considered by the Court.** *Note that the date to file an Objection is different from and earlier than, the date to file a claim.* To submit your objection(s), you must do the following things:
- You must write a letter to the Court stating: (a) your full name, address, and telephone number; (b) the reason why you think you are a member of the settlement class; and (c) the basis of your objection;
 - On the first page of your letter write in large or underlined letters: “3:20-cv-5-SHL: Objections to Settlement Agreement in *Doe v. Barnstormers Basketball, Inc.*”;
 - Mail your letter to the Clerk of Court for the United States District Court for the Southern District of Iowa, 123 East Walnut Street, Des Moines, Iowa 50309, **or** file your letter in person at any location of the United States District Court for the Southern District of Iowa; **AND**
 - Mail or email copies of your letter to the attorneys for the plaintiffs and defendant at the following addresses:

Guy R. Cook
Benjamin T. Erickson
500 E. Court Ave, Ste. 200
Des Moines, IA 50309
Email: gcook@grefesidney.com
ATTORNEYS FOR
CLASS MEMBERS

AND

Martha L. Shaff
Brandon W. Lobberecht
1900 East 54th Street
Davenport, IA 52807-2708
Email: martha.shaff@bettylawfirm.com
ATTORNEYS FOR DEFENDANT
BARNSTORMERS BASKETBALL,
INC.

Given the sensitive subject matter, objections automatically will be treated as having been filed under seal; however, the Court encourages an objecting party to include the words “CONFIDENTIAL – FILED UNDER SEAL” or similar language on the objection when it is submitted to the Court and the attorneys.

If you need help writing your objections, you may ask someone to object on your behalf. The representative must state in the objection that he or she is your representative and explain the nature of the representation and the name of the class member.

18. DO NOT CALL THE COURT. THE COURT WILL NOT ACCEPT PHONE CALLS ABOUT THIS. YOU MUST SUBMIT YOUR OBJECTIONS TO THE COURT AND THE ATTORNEYS FOR THE PLAINTIFFS AND DEFENDANT IN WRITING.

What Is the Release of Claims?

19. If you are a class member and have not excluded yourself from the class as described above, you are waiving all your rights to all claims against Barnstormers Basketball, Inc. or the Amateur Athletic Union (“AAU”) during the class period related to the illicit acts of Greg Stephen secretly procuring nude images and/or recordings of minors, including even those you are not aware of at present or do not suspect, in exchange for a monetary payment. By participating, you will not be giving up any other claim(s) that you may have against Barnstormers Basketball, Inc. or the Amateur Athletic Union (“AAU”) not covered by this Settlement.

Background of Settlement.

20. Plaintiffs’ lawyers believe that this Agreement is fair, reasonable, adequate, and is in the best interest of the class because it provides compensation for past injuries, while acknowledging that Barnstormers Basketball, Inc. has substantially eliminated the problems the lawsuit was intended to address. Although Defendant denies that it has committed any wrongdoing, it believes that further litigation would be protracted, expensive, and contrary to its best interests. Thus, the Parties entered into settlement negotiations which resulted in the settlement. The Honorable Stephen H. Locher has determined on a preliminary basis that the settlement is fair, reasonable, and adequate and in the best interests of the Class.
21. The judge will retain jurisdiction over the case to decide any disputes about compliance with the Settlement Agreement.
22. You may obtain a copy of the entire Settlement Agreement on the class action website at **www.BarnstormerSettlement.com**.
23. The lawyers for the plaintiffs are Guy R. Cook and Benjamin T. Erickson. Class members do not pay any fees to these lawyers. The fees are approved by the Court. The contact information for Plaintiffs’ counsel is contained in paragraph 17 (referring to Attorneys for Class Members)

When and where will the judge decide whether to approve the Settlement Agreement?

24. A final fairness hearing will be held on December 5, 2022, at 2:00 p.m. Central Time before the Honorable Judge Stephen H. Locher of the U. S. District Court for the Southern District of Iowa, at the U. S. District Courthouse. The courthouse is located at 131 East 4th Street, Davenport, IA 52801. Courthouse personnel can help you find the courtroom where the hearing will occur.
25. At the final fairness hearing, the judge will consider whether the settlement is fair, reasonable, and adequate. The judge will consider any objections that were made according to the procedures described above. Plaintiffs’ and defendant’s lawyers will be available to answer any questions that the judge may have.
26. You may speak at the hearing only if you sent your objections to the Court and the attorneys for the plaintiffs and defendant in writing, and if the judge determines he will allow those who object to speak. If he does, he may decide to allow some and not others to do so.

27. If the judge decides to approve the settlement, his decision is final and the Lawsuit will end. The class members will no longer be able to sue Barnstormers Basketball, Inc. or the Amateur Athletic Union (“AAU”) for the same things they sued about in the *Barnstormers* lawsuit.
28. If the judge does not approve the settlement, the Lawsuit will continue.

When Will I Receive Money From the Settlement?

29. No money will be paid until after the Settlement is approved and all possibilities of appeal are completed. After that, it will likely take three to four months, and quite possibly more, to process all the claims, calculate the amount due to each Class Member and receive the money to send to the Class Members. If you file a claim and do not receive money within six (6) months of submitting your claim form, check the website for this case about when mailings are expected, or contact the Class Administrator by either calling 800-364-4018 or writing to the Class Administrator, whose contact information is contained in paragraph 14. Remember that some people who file claims will not be receiving money at all because they do not qualify as class members, and those individuals will be notified that they do not qualify as class member