

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF TULARE**

**THIS IS AN OFFICIAL COURT NOTICE OF A PROPOSED
CLASS ACTION SETTLEMENT**

To: All persons who sent in a Claim form for a payment from the Settlement in the class action lawsuit of *Aaron Alafa v. Custom Built Personal Training, Inc.*, Case No. VCU245496 (the “Action”).

Pursuant to an Amendment To Settlement Agreement And Release Of Claims (the “Amendment”), Class Representative Aaron Alafa, on your behalf and on behalf of the other participating Class Members, and Defendant Custom Built Personal Training, Inc., have asked the Court to substantially reduce Defendant’s payment obligations under the Settlement because Defendant is no longer able to afford its payment obligations under the Settlement (of which you received Notice previously) and the Court’s order giving final approval to the Settlement. Under the Amendment, the Defendant’s Settlement payment obligations will change as follows:

Payment Obligation	Final Approval Order	Amendment	Percentage Reduced to
Settlement shares to participating class members	\$ 253,333.33	\$ 131,340.00	52%
Class Counsel fees	\$ 283,333.33	\$ 115,539.11	41%
Civil penalties to the State of California	\$ 7,500.00	\$ 3,750.00	50%
Class Counsel Litigation Expenses	\$ 15,000.00	\$ 15,000.00	0%
Claims Administration	\$ 12,500.00	\$ 14,438.00	-15%
Class Representative Enhancement Award	\$ 25,000.00	\$ 25,000.00	0%
Defendant's Total Payment Obligation	\$ 596,666.67	\$ 304,977.11	51%

The Claims Administrator sent you a postcard that states the amount your individual Settlement payment will be reduced to under the Amendment.

If the Court grants final approval to the Amendment, you will receive the reduced Settlement payment stated in your postcard within about 36 months of the Court’s approval order.

You do not need to take any action to receive your reduced share of the Settlement. However, please make sure you keep Class Counsel and the Claims Administrator informed of any changes in your address and contact information.

If you do **NOT** wish to be bound by the Amendment, which includes the Settlement’s provisions for release of claims you may have against Defendant, you must submit a valid and timely request for exclusion. That is, you must state that you want to be excluded. If you do submit a valid and timely request for exclusion, you will have no rights under the Amendment, will not receive any money, and will not be bound by the Amendment or the Final Judgment on the Amendment which the Court enters to implement the Amendment. To be valid, your request for exclusion must be signed by you. In addition, to be valid, your request for exclusion must be mailed on time to the Claims Administrator at **CBPT Settlement Administrator, c/o Simpluris, Inc., PO Box 26170, Santa Ana, CA 92799**. However, you may only object or opt out based upon the change in the Settlement Amount. You may not opt out of the original Settlement if you did not timely do so before.

A final hearing to determine if the Amendment is “fair, adequate and reasonable” will be held on **January 5, 2017**, at **8:30 a.m.**, before the Honorable Judge **David Matthias** in Department **2** of the Tulare County Superior Court, located at 221 South Mooney Boulevard, Visalia, California 93291 (the “Final Hearing”). The Court will also be asked to approve Class Counsel's request for attorneys' fees, reimbursement of costs, and Plaintiff's incentive award. The Final Hearing will conclude the cases by dismissal and permit the distribution of money as set-out above. **If you have no objection to the settlement, there is no need to appear at the final hearing.**

Subject to the conditions set forth below, any Class Member may object to the proposed Amendment and may appear to be heard at the Final Hearing. Objections and/or notices of intent to appear to object must: (a) be in writing, (b) clearly identify the case name and number *Aaron Alafa v. Custom Built Personal Training, Inc.*, Case No. VCU245496 and (c) state the specific reason for each objection and any legal support. Objections and/or notices of intent to appear to object must be filed with: Clerk of Court, Superior Court of California, County of Tulare, located at 221 South Mooney Boulevard, Visalia, California 93291. The Court must receive any written objections and/or notices of intent to appear no later than **December 19, 2016**, along with proof of service by mail of copies to the following counsel:

Class Counsel:

Louis Benowitz
LAW OFFICES OF LOUIS BENOWITZ
9454 Wilshire Boulevard, Penthouse
Beverly Hills, CA 90212
Tel: (310) 844-5141
Fax: (310) 492-4056
louis@benowitzlaw.com

David Spivak
THE SPIVAK LAW FIRM
9454 Wilshire Boulevard
Suite 303
Beverly Hills, CA 90212
Tel: (877) 203-9010
Fax: (310) 499-4739
david@spivaklaw.com

Counsel for PLAINTIFF

Defendant's Counsel:

Matthew A Boyd, Esq.
HAWKINS PARNELL THACKSTON & YOUNG LLP
4000 SunTrust Plaza
303 Peachtree Street NE
Atlanta, Georgia 30308-3243
Tel: (404) 614-7400
Fax: (404) 614-7500

Mirna J. Scheffy, Esq.
HAWKINS PARNELL THACKSTON & YOUNG LLP
345 California Street, Suite 2850
San Francisco, CA 94104
Tel: (415) 766-3200
Fax: (415) 766-3250

Counsel for CUSTOM BUILT PERSONAL TRAINING, INC.

Unless otherwise ordered by the Court, any participating Class Member who does not make his or her objection or opposition is deemed to have waived all objections and opposition to the fairness, reasonableness and adequacy of the proposed Amendment, the distribution of reduced payments to and among Class Members, the fee and expense application, and the incentive payment application, and will have no other chance to object, oppose or appeal any of these items. The Court may suspend or reschedule the Final Hearing without further notice to the Class. If you have any further questions, please feel free to contact Class Counsel, above. This Class Notice contains only a summary of the Action and terms of the proposed Amendment.

For more detail, the pleadings and other records in the Action and the full Amendment to the Settlement Agreement are available for inspection by you or your representative in person at the Clerk of Court, Superior Court of California, County of Tulare, 221 South Mooney Boulevard, California 93291, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

PLEASE DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

DATED: **November 2, 2016** Order of: The Honorable **David Mathias**