

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

Norman Hirsch, et al., v. Jupiter Golf Club LLC, et al., Case No. 13-80456-CIV-KAM

If you purchased a membership from RBF to The Ritz-Carlton Golf Club & Spa, paid a Membership Deposit, were placed on the club resignation list prior to December 4, 2012, have not received a refund of any portion of your deposit, and have not executed the Legacy Addendum, then your rights could be affected by a class action.

*A federal court authorized this notice.
This is not a solicitation from a lawyer.
You are not being sued.*

If you are a Class Member, your legal rights are affected whether you act or don't act.

PLEASE READ THIS NOTICE FORM CAREFULLY

- This notice may affect your legal rights and is given to you because you may be a member of the Class described below, which the Court previously certified in a class action lawsuit. This class action lawsuit is entitled *Hirsch, Dwyer, and Willard v. Jupiter Golf Club, LLC, et al.* Case No. 13-cv-80456 (the “Action”), and is pending in the United States District Court, Southern District of Florida (Hon. Kenneth Marra).
- The Court ordered that you be provided this additional Notice because Plaintiffs have won a judgment against Defendant Jupiter National Golf Club, LLC d/b/a Trump National Golf Club & Spa – Jupiter (“Trump National Jupiter”), following trial brought by named Plaintiffs on behalf of themselves and the Class.
- This additional Notice addresses a Settlement that has been reached by the parties, the calculation of a cash settlement benefit to all Class Members, attorney fees, nontaxable costs, and incentive awards to be paid to Class Counsel and Plaintiffs from the Settlement Fund as part of this settlement, and provides you certain information you may need to consider to exercise your rights.
- Monies recovered from Defendant Trump National as part of this Settlement will be paid to named Plaintiffs and Class Members, minus attorney fees and costs to Class Counsel and incentive awards to each of the named Plaintiffs. **You may object to the Settlement, but must do so via mail postmark dated no later than April 3, 2018.**
- **The Court will hold a Hearing on April 20, 2018**, to decide whether to approve the Settlement. You may appear at the hearing, either yourself or through an attorney **hired by you**, but you do not have to.

Questions? Call 1-800-400-1098 or visit www.MembershipDepositLawsuit.com

BASIC INFORMATION REGARDING POST-JUDGMENT NOTICE

1. Why did I get a Settlement notice?
2. What is the status of the refundable deposit lawsuit against Trump National?
3. What are the benefits of the Settlement and what attorney fees, costs and incentive awards have been proposed?

YOUR RIGHTS AND OPTIONS

4. Can I object to the Settlement?

THE COURT'S FINAL HEARING

5. When and where will the Court decide whether to approve Settlement?
6. As a Class Member, may I speak at the Final Hearing?

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BASIC INFORMATION REGARDING POST-JUDGMENT NOTICE

1. Why did I get a Settlement Notice?

You received this Settlement Notice concerning this class action because of developments that have occurred since the time you received a notice (the “First Notice”) advising you of the certification of this class action and allowing you the opportunity to request to be excluded from the Class. You previously received the First Notice when the Court certified the Class and were given an opportunity to exclude yourself or “opt-out” of the Class. You did **not** opt-out of the Class. Accordingly, your rights are bound by this lawsuit.

You also received a Notice concerning Class Counsel’s request for attorneys’ fees, costs and incentive awards for each Plaintiff. You did not object to this request for attorneys’ fees, costs and incentive awards. Accordingly, the Court granted Class Counsel’s motion and awarded attorneys’ fees of thirty-six percent of the judgment amount, plus costs, plus incentive awards of \$2,000 to each of the three class representative Plaintiffs.

As stated in the First Notice, Class Members include persons who (i) purchased a Full Golf, Fractional Golf or Social or Spa membership to The Ritz-Carlton Golf Club & Spa – Jupiter (the “Club”) from RBF, LLC (“RBF”), (ii) paid a refundable Membership Deposit, (iii) were placed on the club resignation list prior to December 4, 2012, (iv) have not received a refund of any portion of their Membership Deposit, and (v) have not executed the Legacy Addendum. Excluded from the Class is any Defendant, any subsidiary or affiliate of any Defendant, and the individuals named in a Defendant’s official records as a director or officer of any Defendant or his or its subsidiaries or affiliates, or any entity in which any excluded person has a controlling interest, and the legal representatives, heirs, successors and assigns of any excluded person.

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2. What is the status of the refundable deposit lawsuit against Trump National?

On August 15-16, 2016, named Plaintiffs Norman Hirsch, Matthew Dwyer, and Ralph Willard proceeded to trial on their breach of contract claims against Trump National Jupiter, seeking a refund of all refundable deposits paid by them and Class Members to Ritz Carlton. On February 1, 2017, the Court ruled *in favor of* Plaintiffs and Class Members, entering a Judgment against Defendant Trump National Jupiter totaling \$5,774,010.00 for Plaintiffs and Class Members. This judgment represents 100% of the refundable deposits paid by Plaintiffs and Class Members to Ritz Carlton. Per the Judgment, Trump National was ordered to pay this amount.

Defendant appealed the judgment to the U.S. Court of Appeals for the Eleventh Circuit. The parties have fully briefed the appeal which is now pending before the appellate court. Class Counsel believe that there is a significant likelihood that the judgment would be upheld on appeal. However, Class Counsel and Plaintiffs acknowledge that if the judgment is reversed on appeal, then Plaintiffs and Class Members may recover nothing.

Plaintiffs have reached a Settlement with Defendant. Plaintiffs, through Class Counsel, seek approval of the Settlement. Class Counsel, attorneys Bradley J. Edwards and Seth Lehrman of the law firm Edwards Pottinger LLC and Mark S. Fistos of the law firm Zebersky Payne LLP, seek court approval of the Settlement that will provide a cash settlement benefit to Class Members of approximately seventy percent (71%) of their respective refund, after the deduction of attorneys' fees, costs and plaintiff incentive awards. In other words, a class member who had paid a refundable deposit of \$40,000.00 will receive a cash settlement benefit of approximately \$28,400.00 from this settlement. The Settlement Agreement is available on the website www.MembershipDepositLawsuit.com.

Because the Settlement affects your rights, the Court is providing you with an opportunity to file an objection.

3. What benefits does the Settlement provide?

The Settlement requires Defendant to pay \$5,446,278.72 into a Settlement Fund. The parties propose that the Settlement Fund pay attorney fees, costs and incentive awards totaling \$1,999,539.95. The proposed award of attorneys' fees, costs and incentive awards is entirely consistent with the award of attorneys' fees, costs and incentive awards which the Court previously approved. The Net Settlement Fund, after deduction of fees, costs and incentive awards is \$3,446,738.77 and represents 71% of the principal amount of the judgment. In other words, Class Members will receive a cash settlement benefit equal to 71% of their respective refund amount.

The approval of this Settlement will allow Class Members to receive a significant cash benefit following more than four years of litigation, trial and appeal.

Therefore, Class Counsel are requesting that this Court approve the Settlement and permit the distribution of the Net Settlement Fund to Class Members.

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YOUR RIGHTS AND OPTIONS

4. Can I object to the Settlement?

Yes. You can object to the Settlement. To object to the Settlement, you (or your attorney acting on your behalf) must submit a valid objection.

To be valid, your objection must include (a) the case name and number; (b) a statement that you are a Class Member; (c) your name, address, telephone number, and, if you are represented by counsel, your attorney's contact information; (d) the basis for your objection; and (e) a statement of whether you intend to appear at the Hearing, either with or without counsel.

Your objection must be mailed to the Clerk of Court at the address identified below, **postmarked no later than April 3, 2018.**

CLERK OF THE COURT	CLASS COUNSEL	COUNSEL FOR TRUMP NATIONAL JUPITER
Clerk of the United States District Court for the Southern District of Florida Paul G. Rogers Federal Building and U.S. Courthouse, 701 Clematis Street Room 202, West Palm Beach, FL 33401 (561) 803-3400	Bradley J. Edwards Seth M. Lehrman EDWARDS POTTINGER LLC 425 N. Andrews Ave., Suite 2 Fort Lauderdale, Florida 33301	Herman J. Russomanno Robert J. Borrello Herman J. Russomanno III RUSSOMANNO & BORRELLO, P.A. Museum Tower, Penthouse 2800 150 West Flagler Street Miami, Florida 33130

THE COURT'S FINAL HEARING

5. When and where will the Court decide whether to approve requests for attorney fees, costs, and incentive awards?

The Court will hold a Hearing at 9:00 a.m. on April 20, 2018, in Courtroom 4, at U.S. Courthouse located at 701 Clematis Street, West Palm Beach, FL 33401. At this Hearing, the Court will decide the request for attorney fees, costs, and incentive awards made by named Plaintiffs and Class Counsel. If there are valid and timely objections, the Court will consider them. Due to unforeseen circumstances or scheduling issues, the Hearing may be moved to a different time and/or date without any further notice being sent to Class Members. However, any changes to the time or date of the Hearing will be posted on the website www.MembershipDepositLawsuit.com

6. As a Class Member, may I speak at the Final Hearing?

If you are a Class Member, you may ask the Court for permission for you or your attorney to speak at the Hearing. To do so, you must file an objection to the Settlement following the requirements outlined in Answer 4, and must also file with the Clerk of the Court and serve on all counsel for the

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parties (at the addresses in Answer 4) a Notice of Intention to Appear at the Hearing. The Notice of Intention to Appear at the Hearing must be filed with the Clerk of Court and mailed on all counsel no later than April 13, 2018.

If you do not file a Notice of Intention to Appear in accordance with the deadlines and other specifications set forth in this Second Notice, you will not be entitled to appear at the Hearing to raise any objections.

GETTING MORE INFORMATION

7. How do I get more information?

You may obtain further information by:

- Reviewing legal documents that have been filed with the Court in this lawsuit at the offices of Class Counsel, Bradley J. Edwards and Seth M. Lehrman, Edwards Pottinger LLC, 425 N. Andrews Ave., Suite 2, Fort Lauderdale, Florida 33301.
- Contacting Class Counsel by sending correspondence to Class Counsel at the address stated above, by calling the toll-free number (800) 400-1098, or by visiting www.MembershipDepositLawsuit.com. Copies of the second amended complaint, the request for attorney's fees, costs, and incentive awards, the Court's judgment, and its associated findings of fact and conclusions of law are posted on this website.

PLEASE DO NOT CALL THE JUDGE OR THE COURT CLERK TO ASK QUESTIONS ABOUT THIS LAWSUIT OR NOTICE.

THE COURT WILL NOT RESPOND TO LETTERS OR TELEPHONE CALLS. IF YOU WISH TO ADDRESS THE COURT, YOU MUST FILE AN APPROPRIATE DOCUMENT, PLEADING, OR MOTION WITH THE CLERK OF THE COURT IN ACCORDANCE WITH THE COURT'S USUAL PROCEDURES AND AS STATED IN THIS NOTICE.

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