

SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF NASSAU
Summerville v. Gotham Comedy Foundation, Inc., Index No. 611544/2025

If You Paid A Service Charge To Purchase An Electronic Ticket To the Gotham Comedy Club Located In New York City From The Gotham Comedy Club Website, You May Be Entitled to a Payment From a Class Action Settlement.

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

- A Settlement has been reached in a class action lawsuit claiming that Gotham Comedy Foundation, Inc. d/b/a Gotham Comedy Club, Deluxe Comedy, LLC, and CMR Comedy LLC d/b/a Gotham Comedy Club (“Defendant”) failed to properly disclose service charges for tickets to their Gotham Comedy Club in New York City, in alleged violation of New York Arts and Cultural Affairs Law (“ACAL”) § 25.07(4). Defendant denies that they violated any law but have agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- If you paid a service charge to purchase an electronic ticket at Defendant’s comedy club located in New York City from Defendant’s website from August 29, 2022, to and through May 17, 2024 you may be able to participate. The Gotham Comedy Club charged a \$4.50 service fee per ticket for all tickets purchased on-line from the comedy club’s website.
- Read this notice carefully. Your legal rights are affected whether you act, or do not act.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
DO NOTHING	You will give up your rights to sue the Defendant about the claims in the case and you will receive no payment.
FILE A CLAIM FOR A PAYMENT BY DECEMBER 30, 2025.	This is the only way to receive a payment of some or all the amount of the service charge(s) you paid. You may file a claim on the Settlement Website. You will also give up your rights to sue the Defendant about the claims in the case.
EXCLUDE YOURSELF BY DECEMBER 15, 2025.	You will receive no benefits under this agreement, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
OBJECT BY DECEMBER 15, 2025.	Write to the Court explaining why you do not like the Settlement.
GO TO THE HEARING ON FEBRUARY 5, 2025.	Ask to speak in Court about your opinion of the Settlement.

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

BASIC INFORMATION

1. WHY WAS THIS NOTICE ISSUED?

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The case is called Summerville v. Gotham Comedy Foundation, Inc., Index No. 611544/2025 pending in the Supreme Court of the State of New York, County of Nassau. The person who sued is called the Plaintiff. The Defendant is Gotham Comedy Foundation, Inc. and, in addition, Deluxe Comedy, LLC, and CMR Comedy LLC d/b/a Gotham Comedy Club are released parties in this case.

2. What is a class action?

In a class action, one or more people called class representatives (in this case, Noah Summerville) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the Class.

3. What is this lawsuit about?

This lawsuit claims that Defendant failed to timely disclose a service charge for online tickets to its comedy club in New York City, in alleged violation of ACAL § 25.07(4). The Defendant denies they violated any law. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiff or the Defendant should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

WHO’S INCLUDED IN THE SETTLEMENT?

5. How do I know if I am in the Settlement Class?

The Court decided that everyone who fits the following description is a member of the **Settlement Class**:

All individuals in the United States who purchased an electronic ticket to the Gotham Comedy Club through its website from August 29, 2022, to and through May 17, 2024.

THE SETTLEMENT BENEFITS

6. What does the Settlement provide?

Compensatory Relief. Settlement Class Members may either (1) do nothing and receive no payment under this agreement; or (2) submit a valid Claim Form to receive a cash payment equal to the amount of service charges paid.

Defendant has also agreed to pay all approved claims to the Settlement Class, together with notice and administrative expenses, approved attorneys' fees and costs to Class Counsel, and a service award to the Class Representative.

Prospective Relief. Additionally, as part of the Settlement, Defendant acknowledges that it has changed the purchase flow for tickets to its New York comedy club on its website and agrees to continue to comply with the ACAL § 25.07(4) going forward.

A detailed description of the settlement benefits can be found in the Settlement Agreement, a copy of which is accessible on the Settlement Website.

7. How much will my payment be?

You **must** submit a Claim Form (see instructions below) to receive a cash payment. **If you submit a valid Claim Form, you may receive a payment up to the maximum of the amount of service charges you paid.**

Gotham charged a \$4.50 service fee per ticket for all tickets purchased on-line from the Gotham Comedy Club's website. For example, if you purchased two tickets to the Gotham Comedy Club through the comedy club's website, you would be eligible to receive up to a maximum of \$9.00 under the terms of this Settlement.

You must provide proof of your Settlement Class membership when filing a claim by providing the unique Notice ID and PIN on the notice you received by e-mail. If for some reason you did not receive this information, but believe you are a Settlement Class Member, please call 1-833-417-4919 to verify your identity and receive further information on how to file a claim.

8. When will I get my payment?

The hearing to consider the fairness of the settlement is scheduled for February 5, 2026. If the Court approves the settlement, you will receive your payment if you submitted a valid claim, 60 days after the Settlement has been finally approved and/or after any appeals process is complete. If you elected a cash payment, your payment will be made in the form you elected (PayPal, Venmo, Zelle, or check), and all checks will expire and become void 180 days after they are issued.

HOW TO GET BENEFITS

9. How do I get a payment?

Settlement Class Members may either (1) do nothing and will thus receive no money under this Settlement; or (2) submit a valid Claim Form to receive a payment equal to the amount of processing fees paid.

REMAINING IN THE SETTLEMENT

10. What am I giving up if I stay in the Class?

If the Settlement becomes final, you will give up your right to sue the Defendant and other Released Parties for the claims being resolved by this Settlement. The specific claims you are giving up against the Defendant are described in the Settlement Agreement. You will be “releasing” the Defendant and certain of its affiliates, employees and representatives as described in Section 1.25 of the Settlement Agreement. Unless you exclude yourself (*see* Question 13), you are “releasing” the claims, regardless of whether you claim your settlement benefit or not. The Settlement Agreement is available through the “court documents” link on the website.

The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 11 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

THE LAWYERS REPRESENTING YOU

11. Do I have a lawyer in the case?

The Court has appointed Philip L. Fraietta and Stefan Bogdanovich of Bursor & Fisher, P.A. to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

12. How will the lawyers be paid?

Class Counsel’s attorneys’ fees, costs, and expenses will be paid separately by Defendant and awarded by the Court. Class Counsel is entitled to seek no more than \$219,375.00, but the Court may award less than this amount.

As approved by the Court, the Class Representative will separately be paid a service award by Defendant for helping to bring and settle the case. The Class Representative may seek up to \$5,000 as a service award, but the Court may award less than this amount.

EXCLUDING YOURSELF FROM THE SETTLEMENT

13. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must submit a request for exclusion by 11:59 p.m. EST on **December 15, 2025**. Requests for exclusion may be submitted either on the Settlement Website or by mailing or otherwise delivering a letter (or request for exclusion) stating that you want to be excluded from the *Summerville v. Gotham Comedy Foundation, Inc.*, Index No. 611544/2025 settlement. Your letter or request for exclusion must also include your name, your address, a statement that you purchased electronic tickets to the Gotham Comedy Club from August 29, 2022 through and including May 17, 2024; and paid a service charge in connection with such purchase, your signature, the name and number of this case, and a statement that you wish to be excluded. If you choose to submit a request for exclusion by mail, you must mail or deliver your exclusion request, postmarked no later than **December 15, 2025**, to the following address:

Gotham Comedy Club Ticket Fee Settlement
P.O. Box 25226
Santa Ana, CA, 92799-98340

14. If I don't exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims being resolved by this Settlement.

15. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you will not receive any payment from the Settlement Fund.

OBJECTING TO THE SETTLEMENT

16. How do I object to the Settlement?

If you are a Class Member, you can object to the Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the Settlement in *Summerville v. Gotham Comedy Foundation, Inc.*, Index No. 611544/2025 and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, your address, the basis upon which you claim to be a Class Member, the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature.

If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. You must also mail or deliver a copy of your letter or brief to Class Counsel and Defendant's Counsel listed below.

Class Counsel will file with the Court and post on this website its request for attorneys' fees by January 15, 2026.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 20), you must say so in your letter or brief. File the objection with the Court (or mail the objection to the Court) and mail a copy of the objection to Class Counsel and Defendant's Counsel, at the addresses below, postmarked no later than **December 15, 2025**.

Court	Class Counsel	Defendants' Counsel
The Honorable Catherine Rizzo Supreme Court of the State of New York, County of Nassau 100 Supreme Court Drive, Mineola, NY 11501	Philip L. Fraietta Bursor & Fisher P.A. 1330 Avenue of the Americas, 32nd Floor New York, NY 10019	Jonathan D. Plaut Ritholz Levy Fields LLP 235 Park Avenue South, Third Floor New York, NY 10003

17. What's the difference between objecting and excluding myself from the Settlement?

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

THE COURT'S FINAL APPROVAL HEARING

18. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at **9:30 a.m. on February 5, 2026**, in Courtroom 313 at the Supreme Court of the State of New York, County of Nassau, 100 Supreme Court Drive, Mineola, NY 11501. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider the Class Counsel's request for attorneys' fees and expenses; and to consider the request for service awards to the Class Representatives. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check for updates by visiting the Settlement Website at

www.gothamcomedyclubticketfeesettlement.com or by calling (833) 417-4919. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of the Final Approval Hearing.

19. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you do not have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it is not required.

20. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must include in your letter or brief objecting to the settlement a statement saying that it is your “Notice of Intent to Appear in *Summerville v. Gotham Comedy Foundation, Inc.*, Index No. 611544/2025.” It must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **December 15, 2025** and be sent to the addresses listed in Question 16.

GETTING MORE INFORMATION

21. Where do I get more information?

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.gothamcomedyclubticketfeesettlement.com. You may also write with questions to Gotham Comedy Club Ticket Fee Settlement, P.O. Box 25226, Santa Ana, CA, 92799-98340. You can call the Settlement Administrator at (833) 417-4919 or Class Counsel at (646) 837-7150, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the Settlement Website.