

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**  
*Norcross v. Tishman Speyer Properties, L.P., et al.*, Case No. 23-cv-11153-JPO

**If You Purchased Electronic Tickets To Top Of The Rock, The Rink, And/Or Rockefeller Center Tours Between August 29, 2022 And January 31, 2024 And Paid A Processing Fee In Connection With Such Purchase, 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 Defendants, Tishman Speyer Properties, L.P., Rock Rink L.L.C., and RCPI Landmark Properties, L.L.C. (collectively, “Defendants”), failed to properly disclose a \$5.00 processing fee for electronic tickets to their Top of the Rock, the Rink, and Rockefeller Center Tours prior to those tickets being selected for purchase, in alleged violation of New York Arts and Cultural Affairs Law (“ACAL”) § 25.07(4). Defendants deny that they violated any law, but have agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.
- You are included if you purchased electronic tickets to Top of the Rock, The Rink, and/or Rockefeller Center Tours between August 29, 2022 and January 31, 2024 and paid a processing fee in connection with such purchase. Persons included in the Settlement will be eligible to receive a *pro rata* portion of the Settlement Fund, which will be based on the total amount of processing fees they paid.
- Read this notice carefully. Your legal rights are affected whether you act, or don’t act.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>SUBMIT A CLAIM FORM BY September 30, 2024</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF BY July 22, 2024</b>	You will receive no benefits, but you will retain any rights you currently have to sue the Defendants about the claims in this case.
<b>OBJECT BY July 22, 2024</b>	Write to the Court explaining why you don’t like the Settlement.
<b>GO TO THE HEARING ON August 16, 2024</b>	Ask to speak in Court about your opinion of the Settlement.
<b>DO NOTHING</b>	You won’t get a share of the Settlement benefits and will give up your rights to sue the Defendants about the claims in the case.

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 Honorable J. Paul Oetken, of the U.S. District Court for the Southern District of New York, is overseeing this case. The case is called *Norcross v. Tishman Speyer Properties, L.P., et al.*, Case No. 23-cv-11153-JPO. The person who sued is called the Plaintiff. The Defendants are Tishman Speyer Properties, L.P., Rock Rink L.L.C., and RCPI Landmark Properties, L.L.C.

**2. What is a class action?**

In a class action, one or more people called class representatives (in this case, Natalie Norcross) 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 Settlement Class.

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### 3. What is this lawsuit about?

This lawsuit claims that Defendants failed to properly disclose a \$5.00 processing fee for electronic tickets to their Top of the Rock, the Rink, and Rockefeller Center Tours prior to those tickets being selected for purchase, in alleged violation of ACAL § 25.07(4). The Defendants deny 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 Defendants should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Settlement 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 who: (i) purchased electronic tickets to Defendants' Top of the Rink, the Rink, and/or Rockefeller Center Tours from Defendants' website, <https://www.rockefellercenter.com/>, from August 29, 2022 through and including January 31, 2024; and (ii) paid a processing fee in connection with such purchase.

## THE SETTLEMENT BENEFITS

### 6. What does the Settlement provide?

**Monetary Relief.** A Settlement Fund has been created totaling \$1,100,000.00. Payments to Settlement Class Members, and the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees (inclusive of litigation costs), and an award to the Class Representative will also come out of this fund (*see* Question 12).

**Prospective Relief.** Additionally, as part of the Settlement, Defendants have represented that they are no longer charging processing fees for electronic tickets to Top of the Rock, the Rink, and Rockefeller Center Tours and have agreed not to reinstate those processing fees unless: (i) they clearly and conspicuously disclose the total cost of the tickets, inclusive of all processing fees, prior to the ticket being selected for purchase; or (ii) ACAL § 25.07(4) is amended, repealed, or otherwise invalidated.

A detailed description of the settlement benefits can be found in the Settlement Agreement, a copy of which is accessible on the Settlement Website at [www.RockCenterTicketFeeSettlement.com](http://www.RockCenterTicketFeeSettlement.com).

### 7. How much will my payment be?

To receive a *pro rata* share of the Settlement Fund, which will be based on the total amount of processing fees you paid, you **must** submit a timely and complete Claim Form **no later than September 30, 2024**. You can file a claim online at [www.RockCenterTicketFeeSettlement.com](http://www.RockCenterTicketFeeSettlement.com). Your payment will be made by PayPal, Venmo, Zelle, or check, at your election. Claim Forms must be submitted online by 11:59 p.m. ET on **September 30, 2024**, or postmarked and mailed by **September 30, 2024**. You can contact Class Counsel at (646) 837-7150 to inquire as to the number of claims and/or requests for exclusion that have been received to date.

### 8. When will I get my payment?

The hearing to consider the fairness of the settlement is scheduled for August 16, 2024. If the Court approves the settlement, eligible Settlement Class Members whose claims were approved by the Settlement Administrator will receive their payment 28 days after September 30, 2024. The payment will be made in the form of a check, unless you elect to receive payment by PayPal, Zelle, or Venmo, and all checks will expire and become void 180 days after they are issued.

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## HOW TO GET BENEFITS

### 9. How do I get a payment?

If you are a Settlement Class Member and you want to get a payment, you **must** complete and submit a Claim Form by **September 30, 2024**. Claim Forms can be submitted at [www.RockCenterTicketFeeSettlement.com](http://www.RockCenterTicketFeeSettlement.com), or by printing and mailing a paper Claim Form, copies of which are available for download from [www.RockCenterTicketFeeSettlement.com](http://www.RockCenterTicketFeeSettlement.com).

We encourage you to submit your claim on-line. Not only is it easier and more secure, but it is completely free and takes only minutes!

## REMAINING IN THE SETTLEMENT

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

If the Settlement becomes final, you will give up your right to sue the Defendants and other Released Parties for the claims being resolved by this Settlement. The specific claims you are giving up against the Defendants are described in the Settlement Agreement. You will be “releasing” the Defendants and certain of their affiliates, employees and representatives as described in Section 1.32 of the Settlement Agreement. Unless you exclude yourself (*see* Question 13), you are “releasing” the claims, regardless of whether you claim your electronic payment or not. The Settlement Agreement is available through the “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?

The Defendants have agreed that Class Counsel’s attorneys’ fees and costs may be paid out of the Settlement Fund in an amount to be determined by the Court. The fee petition will seek no more than one-third of the Settlement Fund, inclusive of reimbursement of their costs and expenses; the Court may award less than this amount. Under the Settlement Agreement, any amount awarded to Class Counsel will be paid out of the Settlement Fund.

Subject to approval by the Court, Defendants have agreed that the Class Representative may be paid a service award of \$5,000 from the Settlement Fund for her services in helping to bring and resolve this case.

## 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. ET on **July 22, 2024**. Requests for exclusion may be submitted either on the Settlement Website (via the online form accessible at [www.RockCenterTicketFeeSettlement.com](http://www.RockCenterTicketFeeSettlement.com)) or by mailing or otherwise delivering a letter (or request for exclusion) stating that you want to be excluded from the *Norcross v. Tishman Speyer Properties, L.P., et al.*, Case No. 23-cv-11153-JPO settlement. Your letter or request for exclusion must also include your name, your address, a statement that you purchased electronic tickets to Defendants’ Places of Entertainment from Defendants’ website,

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<https://www.rockefellercenter.com/>, from August 29, 2022 through and including January 31, 2024; and paid a processing fee in connection with such purchase, your signature, and a statement that you wish to be excluded. If you choose to submit a request for exclusion by mail, you must mail your exclusion request, postmarked no later than **July 22, 2024**, to the following address:

Rock Center Ticket Fee Settlement Administrator  
P.O. Box 2897  
Portland, OR 97208-2897

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

No. Unless you exclude yourself, you give up any right to sue the Defendants 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 member of the Settlement Class, you can object to the Settlement if you don't 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 *Norcross v. Tishman Speyer Properties, L.P., et al.*, Case No. 23-cv-11153-JPO and identify all of 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 member of the Settlement Class, 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 Defendants' Counsel listed below.

Class Counsel will file with the Court and post on [www.RockCenterTicketFeeSettlement.com](http://www.RockCenterTicketFeeSettlement.com) its request for attorneys' fees by July 8, 2024.

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 Defendants' Counsel, at the addresses below, postmarked no later than **July 22, 2024**.

Court	Class Counsel	Defendants' Counsel
The Honorable J. Paul Oetken Thurgood Marshall United States Courthouse 40 Foley Square New York, NY 10007	Philip L. Fraietta Bursor & Fisher P.A. 1330 Avenue of the Americas, 32nd Floor New York, NY 10019	Daniel J. Ansell Greenberg Traurig LLP One Vanderbilt Avenue New York, NY 10017

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

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

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## 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 noon on August 16, 2024, in Courtroom 706 at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007. 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 Settlement Class; to consider Class Counsel's request for attorneys' fees and expenses; and to consider the request for incentive 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.RockCenterTicketFeeSettlement.com](http://www.RockCenterTicketFeeSettlement.com) or by calling (888) 681-8790. 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. However, you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you file and mail your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

### 20. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval 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 *Norcross v. Tishman Speyer Properties, L.P., et al.*, Case No. 23-cv-11153-JPO." 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 **July 22, 2024**, 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.RockCenterTicketFeeSettlement.com](http://www.RockCenterTicketFeeSettlement.com). You may also write with questions to Rock Center Ticket Fee Settlement Administrator, P.O. Box 2897, Portland, OR 97208-2897. You can call the Settlement Administrator at (888) 681-8790 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 on the case website.

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