

STATE OF INDIANA     )  
                                  )SS:  
COUNTY OF MARION    )

MARION SUPERIOR COURT  
CIVIL DIVISION 7  
CAUSE NO. 49D07-0701-CT-000730

JEFF KOEHLINGER and JEFF FRAZER,     )  
      et al., Plaintiffs,                 )  
                                  v.                     )  
THE STATE LOTTERY COMMISSION         )  
      OF INDIANA,                             )  
      dba THE HOOSIER LOTTERY,         )  
      Defendant.                             )

**NOTICE OF CLASS ACTION**

**To:        All persons who purchased non-winning tickets in the Hoosier Lottery’s Cash Blast game (Instant Game No. 743) from May 18, 2005 until July 6, 2006, when the Lottery was publically misrepresenting the number and amount of prizes available in that game.**

This Notice is given pursuant to Rule 23 of the Indiana Rules of Civil Procedure and pursuant to an Order of the Marion Superior Court. The purpose of this Notice is to inform you that there is now pending in the Court an action seeking refunds or other remedies to class members for Cash Blast (Instant Game No. 743) tickets purchased from May 18, 2005, to July 6, 2006.

- You are not being sued. You do not need to respond to this Notice unless you wish to be excluded from the class.
- The fact that you received this Notice does not guarantee you are a class member. However, you may be a member, and this notice tells about the procedures for class members.
- If you are a member of the Class described below, this Notice does not mean you are necessarily entitled to recover money. The suit is contested and no decision has been made as to whether The State Lottery Commission of Indiana is liable, and if so, whether it must make payments to anyone.
- You do not need to currently possess the instant win scratch-off ticket(s) in order to be a class member. However, if you do have any instant tickets for the Cash Blast (Instant Game No. 743) tickets purchased which may have been purchased from May 18, 2005, to July 6, 2006, you should keep them as evidence.
- If you participated in the Lottery’s coupon program for Cash Blast players, you may still be a class member.
- For detailed information about the case, log on to [www.hoosierlotteryclassaction.com](http://www.hoosierlotteryclassaction.com).

## DESCRIPTION OF THE PLAINTIFF CLASS

By its orders dated July 3, 2008, the Marion (Indiana) Superior Court has certified this case to proceed as a class action on behalf of a class consisting of the following individuals:

**All persons who purchased non-winning tickets in the Hoosier Lottery's Cash Blast game (Instant Game No. 743) from May 18, 2005 until July 6, 2006, when the Lottery was publically misrepresenting the number and amount of prizes available in that game.**

## THE LITIGATION

The Class Representatives, Jeff Koehlinger and Jeff Frazer filed this lawsuit on January 5, 2007. The Complaint alleges that the Lottery publically over-represented the number and amount of prizes remaining in the Cash Blast Game from May 2005 to July 2006.

The Lottery denies that it is liable to the Class. While the Lottery acknowledges that it overstated the number of Cash Blast prizes available from May 18, 2005 until July 6, 2006, it contends that chances of winning the top prize and other level of prizes never changed during that period.

The plaintiffs seek to require the Lottery to refund the purchase price of non-winning Cash Blast tickets purchased during the overstatement period to the class less a share of the costs and attorneys' fees as well as pay statutory damages and other legal expenses incurred on behalf of the class.

This notice is for the sole purpose of notifying potential class members of this action and determining the identity of those persons who do not wish to be included in the class action as described in this Notice. The Court has rendered no opinion concerning the liability of the Lottery and the amount of recovery, if any, that will be paid to the Class or to any class member.

## ELECTION BY CLASS MEMBERS

The fact that you receive this notice does not mean you are necessarily a class member, but only that you may be. As a potential member of the class you have the following options:

### **IF YOU WISH TO REMAIN IN THE CLASS, DO NOTHING:**

- **If you believe you are a member of the Class and wish to remain in the case, you do not have to do anything.** All class members who do not affirmatively exclude themselves in writing from the Class, as set forth below, will be: 1) entitled to notice and given an opportunity to be heard respecting any proposed settlement or voluntary dismissal of the lawsuit; 2) bound by all the rulings and the ultimate judgment in this case; and, 3) be represented by class counsel Richard A. Waples. If you wish, you may enter an appearance in this case through your own attorney at your own expense.

**A JUDGMENT IN THIS CASE, WHETHER FAVORABLE OR UNFAVORABLE TO THE CLASS, WILL INCLUDE ALL MEMBERS OF THE CLASS WHO DO NOT REQUEST EXCLUSION AS DESCRIBED IN THE NEXT SECTION OF THIS NOTICE.**

**TO EXCLUDE YOURSELF FROM THE CLASS YOU MUST CONTACT THE CLASS ATTORNEY AND MAKE KNOWN THAT YOU WISH TO EXCLUDE YOURSELF:**

- **If you believe you are a member of the Class and you wish to be excluded from the class, you must mail a written or electronic request for exclusion from the class, postmarked (if by mail) and submitted electronically (if by e-mail), no later than January 31, 2009, addressed to Richard A. Waples, Waples & Hanger, 410 N. Audubon Road, Indianapolis, Indiana 46219 or electronically mailed to [info@wapleshanger.com](mailto:info@wapleshanger.com). In order to be valid, each request for exclusion must set forth the name and address of the person or entity requesting exclusion, must state that each person or entity requests exclusion from the class certified in this action, and must be signed by such person or entity. The request for exclusion shall not be effective unless it provides the required information and is mailed within the time stated above, or the exclusion is otherwise accepted by the Court. By doing so, you preserve your right to file a separate lawsuit for any damages you believe you may have incurred. You do not need to state the reason for exclusion from the class; exclusion is completely voluntary. If you request exclusion, you will not be entitled to share in the benefits, if any, of any settlement or other recovery obtained by plaintiffs in this action, nor will you be bound by any judgment.**

**IF YOU HAVE CHOSEN NOT TO EXCLUDE YOURSELF FROM THE CLASS, YOU SHOULD MAKE SURE THAT CLASS COUNSEL HAS UP-TO-DATE CONTACT INFORMATION FOR YOU:**

- **If you believe you are a member of the Class, and do not wish to be excluded from the Class, you should send your name, e-mail address, street address, and telephone number to class counsel, Richard A. Waples, if you have not already done so prior to reading this notice. This will enable class counsel to provide you with personal notice of further proceedings. The best way to submit your contact information to class counsel is to log on to [www.hoosierlotteryclassaction.com](http://www.hoosierlotteryclassaction.com). There are forms there for you to complete to submit your information. You may also e-mail or write to the Plaintiffs' attorney, Richard A. Waples (addresses below) and provide your name, address, phone number, and e-mail address (if you have one). Once you have provided your contact information, you should also keep class counsel aware of any changes to your current identifying information.**

If you have already provided current contact information to the class counsel, you do not need to do so again, but you should update your contact information if it changes.

**VIEWING RECORDS RELATED TO THIS LITIGATION**

The pleadings and other records in this litigation may be examined and copied during regular

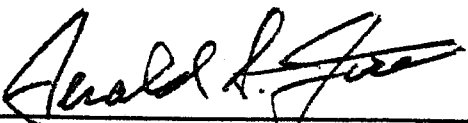
office hours of the Marion Superior Court, Civil Division 7, located at W-541 City County Building, 200 E. Washington Street, Indianapolis, Indiana 46204. Some of the documents in the case can also be reviewed and downloaded by accessing [www.hoosierlotteryclassaction.com](http://www.hoosierlotteryclassaction.com).

**Do Not Call the Court or Class Counsel Regarding Questions about this Lawsuit.  
Please contact Class Counsel by accessing this web page or in writing.**

For further information, log onto [www.hoosierlotteryclassaction.com](http://www.hoosierlotteryclassaction.com) You may also write to counsel for the Plaintiff Class:

Richard A. Waples  
WAPLES & HANGER  
410 N. Audubon Road  
Indianapolis, Indiana 46219  
[info@wapleshanger.com](mailto:info@wapleshanger.com)

Dated: October 2, 2008

  
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BY ORDER OF THE COURT:  
MARION SUPERIOR COURT