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The Honorable Nelson Lee
Noted for: January 24, 2025
With Oral Argument

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

MICHAEL MEHOLIC, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

SEATTLE ARENA COMPANY,

Defendant.

NO. 24-2-06283-1 SEA

**DECLARATION OF BRANDON
SCHWARTZ REGARDING NOTICE
PLAN IMPLEMENTATION AND
SETTLEMENT ADMINISTRATION**

I, Brandon Schwartz, hereby declare:

1. I am the Director of Legal Notice for Eisner Advisory Group, LLC (“EisnerAmper”), a full-service administration firm providing legal administration services, including the design, development, and implementation of unbiased complex legal notification programs.

2. In the *Declaration of Brandon Schwartz in Regarding the Proposed Notice Plan and Settlement Administration* (“Schwartz Decl.”) filed on September 13, 2024, and submitted along with my C.V., I detailed the proposed Notice Plan to administer the claims process in the above-referenced matter (the “Action”)¹. As stated in the Schwartz Declaration, EisnerAmper designed the Notice Plan to give notice to the Settlement Class Members in the most practicable manner possible. To do so, EisnerAmper designed a multifaceted approach utilizing a

¹ Capitalized terms used herein and not otherwise defined have the same meaning ascribed to them as in the Settlement Agreement.

1 combination of (1) email notice; (2) digital banner and social media notice; (3) a Settlement
2 Website; and (4) a toll-free hotline.

3 3. On September 19, 2024, Judge Lee approved the Notice Plan, related notice
4 forms, and appointed EisnerAmper as the Settlement Administrator in the *Order Granting*
5 *Plaintiff's Unopposed Motion for Preliminary Approval* ("Preliminary Approval Order").
6 Preliminary Approval Order ¶¶ 2–3, and 7.

7 4. In the Order, Judge Lee conditionally certified a Class defined as "[a]ll individuals
8 who purchased a concession at Climate Pledge Arena between February 27, 2023 and July 22,
9 2023 and were assessed a 3% fee. Excluded from the Settlement Class are: (i) Defendant and its
10 officers and directors; (ii) all Settlement Class Members who timely and validly submit requests
11 for exclusion from the Settlement Class; (iii) members of the judiciary to whom this case is
12 assigned, their families, and members of their staff."

13 5. Beginning on October 17, 2024, EisnerAmper began to implement the Notice Plan
14 in accordance with its requirements. This declaration will discuss the implementation of the
15 Notice Plan and Settlement Administration

16 **NOTICE PLAN SUMMARY**

17 ***Direct Email Notice***

18 6. On October 3, 2024, EisnerAmper received a file containing the Ticket Purchaser
19 List (collectively the "Class Notice List") that included the names and email address for a total
20 of 144,341 records. After reviewing and deduplicating the data, EisnerAmper determined that a
21 total of 125,850 unique records existed which contained 124,564 facially valid email addresses.
22 Individual notice was attempted to all on the Class Notice list for whom a facially valid email
23 address was provided.

24 7. Beginning on October 17, 2024, EisnerAmper sent the Email Notice to the 124,564
25 facially valid email addresses on the Class Notice List. Ultimately, the Email Notice was
26 successfully delivered to 123,936 email addresses, or 99.49% deliverability. A true and correct
27

1 copy of the Email Notice is attached hereto as **Exhibit A**. Email notice delivery statistics are
2 detailed in Table 1 below.

3

Table 1: Direct Notice Program Dissemination & Reach		
Description	Class Notice List	Percentage of Class Notice List
Settlement Class Members (Class Notice List)	125,850	100.00%
Email Notice		
Total Email Notices Sent	124,564	99.0%
(-) Total Email Notices Bounced/Undelivered	628	0.5%
Direct Notice Program Reach		
(=) Received Direct Notice	123,936	98.5%

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9 *Digital Advertising Notice*

10 8. Pursuant to the Order, and beginning on October 17, 2024, EisnerAmper caused
11 digital banner notices to run across a network of sites as well as the social media sites Facebook,
12 and Instagram. Digital notices were targeted to individuals in accordance with the Schwartz Decl.
13 (§16) and allowed website visitors to identify themselves as potential Settlement Class Members
14 and click through to the Settlement Website. More than 10,985,440 impressions were generated
15 during the campaign, which was 590,440 more than described in the Schwartz Decl. Screenshots
16 of the digital banner and video notices are attached as **Exhibit B**.

17 *Settlement Website*

18 9. On October 17, 2024, EisnerAmper took the Settlement Website,
19 www.seattlearenafeesettlement.com, live. Visitors to the Settlement Website can download the
20 Notices, the Claim Form, court documents such as: the *Amended Class Action Complaint*;
21 *Unopposed Motion for Preliminary Approval*; *Preliminary Approval Order*; and the Settlement
22 Agreement. Visitors were also able to electronically submit Claims, documentation, address
23 updates, find answers to frequently asked questions (“FAQs”), important dates and deadlines,
24 and contact information for the Settlement Administrator.

25 *Dedicated Toll-Free Hotline*

26 10. EisnerAmper also established the toll-free hotline, 1-844-871-5300, dedicated to
27 this Settlement. The toll-free hotline is accessible 24 hours per day, seven days per week, and

1 utilizes an interactive voice response (IVR) system where Settlement Class Members can obtain
2 essential information regarding the Settlement and get responses to FAQs. Settlement Class
3 Members have the option to leave a voicemail and receive a call back from the Settlement
4 Administrator.

5 *Email Support*

6 11. EisnerAmper established the email address, info@seattlearenafeesettlement.com,
7 to provide email support, allowing Settlement Class Members to direct specific questions and
8 requests to the Settlement Administrator. The email address is included in the Notices and
9 displayed on the Settlement Website.

10 *Settlement P.O. Box*

11 12. EisnerAmper maintains a designated P.O. Box for the administration of the
12 Settlement: Meholic v. Seattle Arena Company Settlement, P.O. Box 5229, Baton Rouge, LA
13 70821. EisnerAmper monitors the Settlement P.O. Box for Settlement-related mail such as Claim
14 Forms, objections, exclusion requests, and inquiries about the Settlement. EisnerAmper promptly
15 handles all mail received at the Settlement P.O. Box.

16 13. As of January 2, 2025, EisnerAmper has received 12 pieces of administrative mail
17 through the P.O. Box.

18 **CLAIM FORM SUBMISSIONS**

19 *Overview*

20 14. Settlement Class Members had the option of submitting Claims online or mailing
21 the printed Claim Form to the Settlement Administrator. The online Claim Form feature was
22 available on the Settlement Website beginning October 17, 2024. The online Claim Form
23 requires Settlement Class Members to provide their preferred method of contact information,
24 provide either (a) the card issuer and a portion of the card number used to validate against the
25 eligible purchase transactions² or (b) information about their purchase history at Climate Pledge
26

27 ² On September 11, 2024, Defendant provided the Settlement Class Data in order to validate claims.

1 Arena (including documentation, if available) for review, as well as a certification of the
2 truthfulness of the information contained in the Claim Form. As part of the Claims Process,
3 Settlement Class Members had the option to select their preferred payment method via check or
4 digital payment, such as by Venmo, Zelle, Digital MasterCard³, or ACH.

5 ***Summary of Submitted Claims***

6 15. As of January 2, 2025, EisnerAmper has received a total of 3,102 Claim
7 submissions. EisnerAmper shall continue to intake and analyze Claims through the filing
8 deadline of February 14, 2025, and provided updated claims information to the Court as requested
9 by Class Counsel. Table 2 below provides summary statistics of Claim submissions and current
10 dispositions.

11

12 **Table 2: Claims Statistics Summary**
(as of January 2, 2025)

Description	Volume (#)	Transactions (Dollars)	Transactions (Count)
Claims Received	3,102	\$368,397.18	10,283
(-) Duplicate Claims	9	\$1,101.95	25
Net Claims Received	3,093	\$367,295.23	10,258

13

14

15

16

17 **EXCLUSIONS AND OBJECTIONS**

18 16. The amended deadline for Class Members to ask to be excluded from the
19 Settlement is January 17, 2025. To date, EisnerAmper has received zero (0) timely, valid
20 exclusions.

21 17. The amended deadline for Class Members to object to the Settlement is January
22 17, 2025. To date, EisnerAmper has received zero (0) timely, valid objections.

23 ///

24 ///

25 _____
26 ³ In instances where a Class Member has elected to receive a MasterCard digital payment, EisnerAmper does not
27 engage in any form of revenue sharing, such as profiting from inactivity fees or unredeemed balances.

1 CONCLUSION

2 18. In class action notice planning, execution, and analysis, we are guided by due
3 process considerations under the United States Constitution, and by case law pertaining to the
4 recognized notice standards under relevant Washington law and Federal Rules of Civil
5 Procedure, Rule 23. This framework directs that the notice plan be optimized to reach the class
6 and, in a settlement notice situation such as this, that the notice or notice plan itself did not limit
7 knowledge of legal rights—nor the ability to exercise other options—to class members in any
8 way. All of these requirements were met in this case.

9 19. It is my opinion, based on my expertise and experience and that of my team, that
10 the methods of notice dissemination implemented by this Settlement, and the Court’s Preliminary
11 Approval Order, provided effective notice of the Settlement, provided the best notice that is
12 practicable, adhered to Wash. Sup. Ct. Civ. R. 23 and Fed. R. Civ. P. 23, followed the guidance
13 set forth in the Manual for Complex Litigation 4th Ed. and FJC guidance, and met the
14 requirements of due process, including its “desire to actually inform” requirement.

15 20. EisnerAmper will provide a supplemental declaration to the Court prior to the
16 Final Approval Hearing, which will provide updated settlement administration statistics.

17
18 I declare under penalty of perjury under the laws of the State of Washington that the
19 foregoing is true and correct to the best of my knowledge and belief.

20 Executed this 3rd day of January, 2025 in Portland, Oregon.

21 

22 _____
23 Brandon Schwartz

Exhibit A: Email Notice

From: Meholic v. Seattle Arena Company Settlement <Notice@pnclassaction.com>
Reply to: info@seattlearenafesettlement.com
Subject: LEGAL NOTICE OF SETTLEMENT OF CLASS ACION

A State Court Authorized This Notice. This Is Not A Solicitation From A Lawyer.

If you purchased a concession at Climate Pledge Arena between February 27, 2023 and

July 23, 2023, you may have been assessed a 3% fee.

If you were assessed a 3% fee,

YOU MAY BE ELIGIBLE TO RECEIVE

A Cash Payment of Ten Dollars (\$10.00), Plus the Actual 3% Fee Paid or, If the 3% Fee

Cannot Be Determined, an Additional One Dollar (\$1.00).

Your Settlement Claim ID is: .

Visit www.SeattleArenaFeesSettlement.com to file a claim by February 14, 2025.

Why did I get this Notice? A settlement ("Settlement") has been proposed in a class action lawsuit pending in King County Superior Court in the State of Washington ("Court") titled *Meholic v. Seattle Arena Company, LLC* (the "Action"). According to available records, you might be a "Class Member." The purpose of this Email Notice is to inform you of the Action and the Settlement so that you may decide what steps to take.

What is the Action about? The Action was filed against Seattle Arena Company, LLC ("Defendant") by Plaintiff Michael Meholic alleging Defendant engaged in an unfair or deceptive act by charging patrons an undisclosed 3% fee for certain concessions at certain events operated by Defendant at Climate Pledge Arena from the period February 27, 2023 through July 23, 2023. Defendant denies wrongdoing and liability and both sides disagree on how much, if anything, the Class could have recovered after

trial. ***No court has decided which side is right. But both sides agreed to provide benefits to Class Members and resolve the Action.***

Am I a Class Member? You are a "Class Member" if you purchased a concession at Climate Pledge Arena during the period of February 27, 2023 through and including July 23, 2023 and were assessed a 3% fee. For a list of events where the 3% fee was charged on certain concessions, please see the Appendix to the Long Form Notice. Excluded from the Class are (i) Defendant and its officers and directors; (ii) all Settlement Class Members who timely and validly submit requests for exclusion from the Settlement Class; (iii) members of the judiciary to whom this case is assigned, their families, and members of their staff.

What does the Settlement provide? Defendant has agreed to establish a \$162,917.16 Settlement Fund to provide cash payments to Class Members who make valid claims. Class Members who submit valid claims will be eligible to receive a cash payment of ten dollars (\$10.00), plus the actual 3% fee paid or, if the 3% fee cannot be determined, an additional one dollar (\$1.00) for every eligible transaction. In the event the total dollar amount of claims made exceeds the funds available, all Class Member payments will be reduced on a pro-rata basis such that Defendant's maximum amount to be paid does not exceed the Settlement Fund. A Claim Form must be submitted online or postmarked by **February 14, 2025**.

What are my other options? If you don't want to be legally bound by the Settlement, you must exclude yourself by **December 16, 2024**, or you won't be able to sue Defendant about the legal claims in the Action ever again if the Court approves the Settlement. If you exclude yourself, you cannot receive any benefit under the Settlement. If you stay in the Settlement, you may object to it by **December 16, 2024**, and the Court will determine whether your objection has merit. The detailed Notice available at www.SeattleArenaFeeSettlement.com explains how to request exclusion or object.

Do I have a lawyer? The Court has appointed Tousley Brain Stephens PLLC as Class Counsel. You will not be separately charged for these lawyers' services. If you want to be represented by your own lawyer, you may hire one at your own expense.

Fairness Hearing: On **January 24, 2025 at 9:00 a.m. Pacific** the Court will hold a hearing to approve: (1) the Settlement as fair, reasonable, and adequate; and (2) the application for Class Counsels' fees

and litigation costs of up to \$57,500 and an Individual Settlement Award for the Named Plaintiff (Michael Meholic) who will request up to \$5,000 for his service. Any fees, costs or awards approved by the Court will be paid by the Defendant separate from the Settlement Fund. You may ask to appear at the hearing, but you don't have to.

More information? For complete information about the Settlement, to view the Settlement Agreement, to view related Court documents and the Claim Form, and to learn more about how to exercise your various options under the Settlement, visit www.SeattleArenaFeesSettlement.com. You may also write to the Claims Administrator at the email address: info@seattlearenafeessettlement.com or the postal address: PO Box 5229, Baton Rouge, LA 70821.

Unsubscribe - Unsubscribe Preferences

Meholic v. Seattle Arena Company Settlement

PO Box 5229,

Baton Rouge, LA 70821

Exhibit B: Digital Banner Notice



TELEVISION

Like his character Isaac in 'Ghosts,' Brandon Scott Jones is multidimensional

Jones made his name in Hollywood as a character actor and comedy writer. But in CBS' 'Ghosts,' back for Season 4 on Thursday, he's become a mainstay of the cast.



ENTERTAINMENT & ARTS

Stavros Halkias wants to make his own 'Billy Madison.' He's closer than he thinks



ENTERTAINMENT & ARTS

Singer Charles Costa completes his run from Canada to Mexico: '90 marathons in 90 days'



ENTERTAINMENT & ARTS

At 41, Andrew Garfield is questioning everything: 'I don't know where my calling is'



MUSIC

Tim Heidecker blends his singer-songwriter take on the world with his funny guy routine

Most Read

MUSIC

Julian Casablancas on the Voidz, the Strokes and which way he'll (probably) vote

TELEVISION

What to know about 'Agatha All Along's' Billy Maximoff: Here's his backstory

TELEVISION

Derek Hough's wife Hayley Ebert makes 'special' return to 'DWTS' after brain injury

MOVIES

His Palme d'Or may change things, but for now, he can still go to the movies in L.A.

MUSIC

Sum 41's Deryck Whibley alleges sexual abuse by former manager in new memoir 'Walking Disaster'

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You are reading Essential Arts

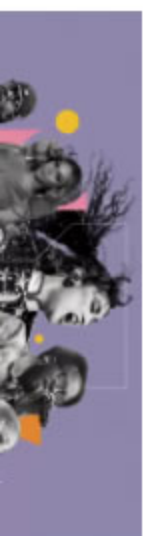
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Entertainment



Tom Brady's purchase of a minority stake in the Las Vegas Raiders is approved by NFL team owners

While Brady is still allowed to broadcast Raiders games with Fox, the NFL has restricted his access to other things to avoid a conflict of interest.

Featured



A La Niña winter is predicted. Here's what it means for Portland



'Dad, there's a coyote!': Surveillance video catches coyote chasing after 4-year-old...



Highest point in Coast Range improves



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The world's second Sphere will be built in the UAE capital after the first opened in Las Vegas

Sean 'Diddy' Combs' sex trafficking trial set for May

Cissy Houston, Whitney Houston's mother and a Grammy-winning singer, dies at 91

'Joker 2' stumbles at box office amid poor reviews from audiences and critics

How to watch 'It's the Great Pumpkin, Charlie Brown' for free this month

Miracles happen! Anne Hathaway confirms return for 'Princess Diaries 3'

Top Entertainment Stories

Review: Bigger, gorier 'Smile 2' one of wildest horror rides of the year

WATCH 1 hour ago

In Seattle play, imaginary friends and loneliness take center stage

These 8 music festivals will rock Seattle this fall

Submit your Seattle-area holiday events for our 2024 listing here

Comic strip collection celebrates Japanese American experience in Seattle

Seattle saxophonist Skerik kicks off Earshot Jazz Festival 2024 residency

'Matlock' review: Kathy Bates-led reboot rises above the procedural pack WATCH

The remake of Until Dawn will make you scream, in more ways than one WATCH

Provided By Washington Forest Protection Association

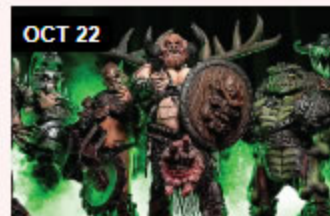
How forest management helps mitigate an increasing fire threat



What it takes to be an actor in one of Seattle's scariest haunted houses WATCH

1 hour ago

Here's how these Georgetown Morgue actors landed in their current roles and what they put into scaring the haunted attraction's intrepid visitors.



GWAR @ Showbox SoDo



Penguins of Antarctica | National Geographic Live
Provided by Seattle Symphony



Camelot | Village Theatre, Everett
Provided by Village Theatre



Explore More Events

If You Purchased a Concession at Climate Pledge Arena Between February 27, 2023 and July 23, 2023 and Were Assessed a 3% Fee, You May Be Eligible for a Cash Payment from a Class Action Settlement.

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Don't Miss



Where to hear the shivery sounds of rare theater organs around Seattle



Seattle's Book-It Repertory Theatre rises from the ashes



LANGSTON appoints Central District-raised woman as executive director

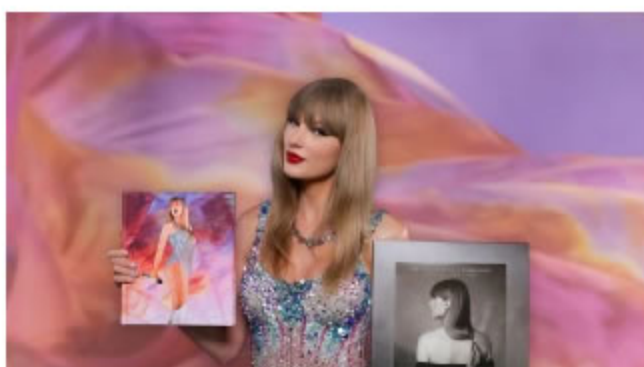


Review: Lego and Pharrell Williams snap together in this astonishing biopic WATCH

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ENTERTAINMENT



UPDATED | 2 DAYS AGO

Taylor Swift announces first official book



3 DAYS AGO
Brantley Gilbert's unforgettable night: Baby boy born in tour bus during show



4 DAYS AGO
Chargers' coach Jim Harbaugh misses kickoff due to sudden illness



4 DAYS AGO
Over \$21 million raised in massive 'Game of Thrones' props and costumes auction



4 DAYS AGO
Gory slasher 'Terrifier 3' unexpectedly tops weekend box office with \$18.3 million



4 DAYS AGO
Big spenders vs. underdogs: MLB's final four highlight payroll disparities



4 DAYS AGO
Ruth Chepngetich shatters marathon world record at Chicago Marathon



4 DAYS AGO
Ariana Grande hosts 'SNL' again, teases impressions and promotes 'Wicked'



5 DAYS AGO
Super Bowl could leave US soil as NFL eyes global expansion



6 DAYS AGO

Spike Lee, Billy Crystal and Jack Nicholson to be honored in Basketball Hall of Fame

Jack Nicholson, Spike Lee and Billy Crystal they will be added to the Naismith Memorial Basketball Hall of Fame's James F. Goldstein SuperFan Gallery.

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TRENDING



Enjoy 3 months for only 99¢! Take advantage of this exclusive limited-time offer.

SAVE NOW

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Living & Entertainment



HOME & GARDEN

4 spring-blooming bulbs Western Washington gardeners should buy and plant now

Gardening columnist Marianne Binetti focuses on bulbs that are deer- and rodent-resistant.

OCTOBER 12, 2024, 5:00 AM

ShipStation

“With ShipStation, we just have to push print. Just set it and forget it.”

Josiah Lowe / Cofounder / The Burlap Bag

★★★★★

- ✓ Automate fulfillment
- ✓ Simplify returns
- ✓ Improve customer loyalty

TRENDING STORIES

She died steps from her Tacoma apartment. Loved ones want to know what happened to her

UPDATED OCTOBER 15, 2024, 11:30 AM

Arctic creature that ‘looked like a puppy’ appears in Oregon. Where did it come from?



LIVING

Lessons learned from Halloween



LOCAL

Hated best in Pierce County this

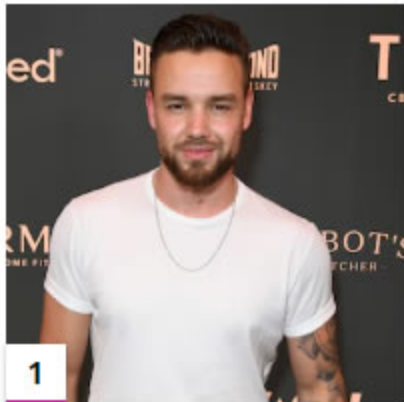


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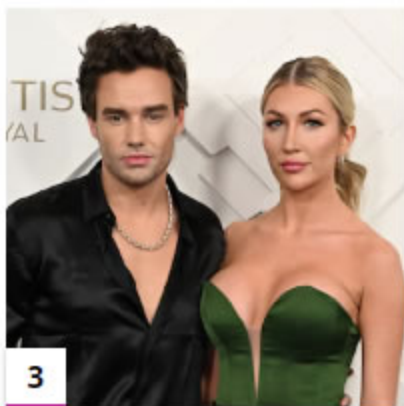
TRENDING NOW



Liam Payne's Preliminary Cause of Death Revealed



Liam Payne Shared Heartbreaking Message on Son Bear Before His Death



Why Liam Payne's GF Kate Cassidy Left Argentina Days Before His Death



Drake's Latest Look Has The Internet In Their Feelings



Wicked Star Cynthia Erivo Slams Edited Movie Poster

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ENTERTAINMENT



17 HOURS AGO

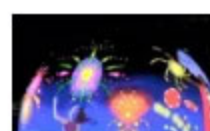
Liam Payne, formerly of One Direction, dies after fall from hotel balcony



20 HOURS AGO
'We Live in Time' is a complicated, evocative romantic drama



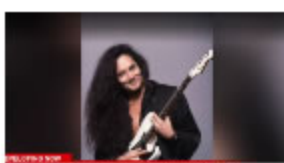
A DAY AGO
NY Mets score home run with 'OMG': Video for song hits nearly 4.5M views on YouTube



2 DAYS AGO
Sphere Entertainment announces second venue in Abu Dhabi



2 DAYS AGO
Tom Brady ownership stake in Las Vegas Raiders approved



2 DAYS AGO
Ozzy Osbourne's former guitarist Jake E. Lee hospitalized after Las Vegas shooting



2 DAYS AGO
Taylor Swift announces first official book



3 DAYS AGO
Brantley Gilbert's unforgettable night: Baby boy born in tour bus during show



4 DAYS AGO
Over \$21 million raised in massive 'Game of Thrones' props and costumes auction



4 DAYS AGO

Gory slasher 'Terrifier 3' unexpectedly tops weekend box office with \$18.3 million

The choices on the movie marquee this weekend included Joaquin Phoenix as the Joker, a film about Donald Trump, and a "Saturday Night Live" origin story.



4 DAYS AGO

Ruth Chepngetich shatters marathon world record at Chicago Marathon

Ruth Chepngetich of Kenya smashed the world record by nearly two minutes at the Chicago Marathon on Sunday, winning in 2:09:56.

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*Based on the avg. fleet-wide seat pitch of US airlines. ©2024 JetBlue Airways. All rights reserved.

TRENDING



UPDATED Wreckage of crashed Navy jet found near Mount Rainier, search continues for 2 crew members



UPDATED New video shows man attempting to light improvised explosive device on I-90



UPDATED Great Washington ShakeOut: Annual event highlights earthquake preparedness



Liam Payne, formerly of One Direction, dies after fall from hotel balcony



UPDATED Issaquah Police Department reports a 350% increase in fights among



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Oct 16, 2024 5:57am PT

Nick Jonas Runs Off Stage After Being Targeted by Laser Pointer During Jonas Brothers Concert

By Ellise Shafer



Getty Images

Most Popular



Paul Schrader Walked Out of 'Joker 2' After 15 Minutes to Go Buy Something, Then Returned and Could Only Last 10 Minutes: 'A Really Bad Musical...



Liam Payne, One Direction Member, Dies at 31



Al Pacino Acted in Movies He Didn't 'Relate' to at 70 Years Old Just for the Money: 'I Was Broke. I Had \$50 Million and Then I Had Nothing...



Nick Jonas Runs Off Stage After Being Targeted by Laser Pointer During Jonas Brothers Concert



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A Jonas Brothers concert in Prague was briefly halted on



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Seattle Arena Fee Settlement

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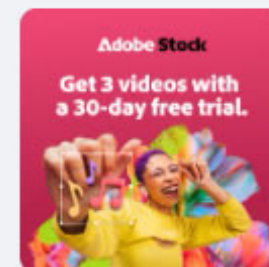


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Friends (23 online)



Memories



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