

**SUPERIOR COURT OF NEW JERSEY  
BERGEN COUNTY: LAW DIVISION**

---

DOUGLAS M. SUMMER and ARTHUR DIEM, JR.,  
on behalf of themselves and all others similarly situated,

Plaintiffs,

DOCKET NO. BER L-7248-01  
DOCKET NO. BER L-0078-02  
CIVIL ACTION

- against -

TOSHIBA AMERICA CONSUMER PRODUCTS, INC,  
Defendant.

---

**SUMMARY NOTICE OF PENDENCY OF CLASS ACTION  
AND HEARING ON PROPOSED SETTLEMENT**

TO: ALL PERSONS IN THE UNITED STATES WHO, PRIOR TO OCTOBER 14, 2004,  
PURCHASED OR ACQUIRED A TOSHIBA BRAND DVD PLAYER.

YOU ARE HEREBY NOTIFIED that the parties in the above-captioned Class Action lawsuit have entered an agreement to settle this Class Action lawsuit.

PLEASE BE FURTHER ADVISED that pursuant to an Order of the New Jersey Superior Court, dated October 18, 2004, a hearing will be held before Judge Jonathan N. Harris, at the New Jersey Superior Court, Bergen County, located at 10 Main Street, Hackensack, New Jersey, on January 31, 2005 at 9:00 A.M., for the purpose of determining (1) whether the proposed settlement of the Class Action under the terms set out in the Stipulation and Agreement of Compromise and Settlement on file with the Court, should be approved by the Court as fair, reasonable and adequate; (2) whether the Class Action should be dismissed on the merits and with prejudice as against Defendant pursuant to the terms of the Stipulation; (3) whether the Class as defined in the Stipulation should be permanently certified; and (4) the reasonableness of the application of the Class Counsel for an award of attorneys' fees and/or reimbursement of costs and expenses incurred in connection with the Class Action.

If you purchased or acquired a Toshiba brand DVD player (excluding laptops) prior to October 15, 2004, your rights, including claims for damages relating to an incompatibility defect alleged to be contained in the players, may be affected by the settlement of the Class Action. If you have not received a detailed Notice of Pendency of and Settlement of Class Action and Notice of Hearing, you may view or download copies of said Notice from the Claims Administrator's website at [www.dvdnotice.com](http://www.dvdnotice.com). You may also receive a copy of the Notice by sending a written request to:

DVD Player Claims Administrator  
c/o The Notice Company  
P.O. Box 778  
Hingham, MA 02043

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE  
Dated: November 1, 2004  
BY ORDER OF THE SUPERIOR COURT OF NEW JERSEY