

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

**MAHALA AULT, STACIE RHEA and
DAN WALLACE,**

Plaintiffs,

-vs-

Case No. 6:07-cv-1785-Orl-31KRS

WALT DISNEY WORLD CO.,

Defendant.

**NOTICE OF CLASS ACTION
SETTLEMENT AND FAIRNESS HEARING**

**TO: THOSE INDIVIDUALS WHO: (1) SUFFER FROM A MOBILITY DISABILITY;
(2); RELY UPON A SEGWAY OR SUBSTANTIALLY SIMILAR STAND-UP
MOBILITY DEVICE FOR ASSISTANCE WITH THEIR MOBILITY; AND (3)
INTEND TO VISIT THE WALT DISNEY WORLD OR WALT DISNEYLAND
RESORTS**

A hearing on the matters discussed in this notice is scheduled before the United States District Court, Judge Gregory A. Presnell, United States District Judge in and for the Middle District of Florida, **on Tuesday, March 31, 2009 at 9:00 a.m. in Courtroom #5A**, George C. Young United States Courthouse and Federal Building, 401 W. Central Boulevard, Orlando, Florida 32801-0120.

This notice is to inform you of a potential settlement of all claims raised in a nationwide class action captioned *Mahala Ault, et. al. v. Walt Disney World Co.*, Case No.: 06:07-CV-1785-ORL. The Plaintiffs filed this lawsuit against Walt Disney World Co. ("Disney") in November

2007. Plaintiffs have alleged that Disney illegally prohibits its guests from using Segways in its theme parks. More specifically, Plaintiffs contend that Disney's prohibition on using Segways in its parks violates Title III of the Americans with Disabilities Act (commonly referred to as the "ADA"). Disney denies the Plaintiffs' allegations and denies any fault or wrongdoing whatsoever.

The parties have reached a settlement and the Court has granted preliminary approval to the settlement pending the above-scheduled hearing. Anyone who meets the following criteria could be affected by the settlement: those who (1) suffer from a mobility disability; (2) rely upon a Segway or substantially similar stand-up mobility device for assistance with their mobility; and (3) intend to visit the Walt Disney World or Disneyland Resorts. The Plaintiffs have not sought, nor are they entitled to, any monetary relief in this case. Because this class action is for injunctive and declaratory relief only, you may not opt-out of this settlement. **Therefore, if the Court gives final approval to the settlement after the fairness hearing, you will be forever bound by the terms of the settlement.**

Under the terms of the parties' settlement, Disney has agreed to develop its own four-wheel electrically-powered stand-up vehicle ("ESV"). This unique and innovative device is intended to replicate in dimension, purpose and operation a common wheelchair or motorized scooter while allowing individuals with a mobility disability to stand upright instead of sit down. Disney's ESVs will be permitted within the Walt Disney World and Disneyland Resorts and will be made available to qualified guests on the same rental terms as sit-down electric vehicles. Disney expects to start making the ESVs available to its guests sometime after April 1, 2009.

Plaintiffs have agreed that Disney's new ESVs satisfy their claims to the benefits which a Segway allegedly provides, while meeting Disney's concerns for the safety of all its guests. Plaintiffs have also agreed that Disney may continue to prohibit all guests from using two-wheeled vehicles, including Segways, at its resorts. Although Plaintiffs are not entitled to any monetary relief for damages in this case, Disney has agreed to pay the named Plaintiffs the sum of four thousand dollars (\$4,000.00), which may be applied toward a one-week stay for a family of four at one of Disney's hotels at the Walt Disney World Resort. Disney has also agreed to provide the named Plaintiffs complimentary use of its new ESVs during their next visit to the Walt Disney World Resort. As a potential class member receiving this notice, you are not one of the named Plaintiffs in this case. Accordingly, under the terms of the settlement, you will not receive the sum of four thousand dollars (\$4,000.00) or the complimentary use of Disney's new ESVs during your next visit to the Walt Disney World Resort.

The Court and the parties believe that the settlement is fair, reasonable and adequate. **If the Court grants final approval to the settlement, you will be barred from ever contesting the fairness, reasonableness or adequacy of the settlement, or from pursuing any claims against Disney related to the use of Segways or other substantially similar two-wheeled vehicles at the Disney Resorts.** If you believe that the Court should not approve the settlement, you may object to the settlement by appearing in person, or by hiring a lawyer to appear on your behalf, at the above-scheduled hearing. Within twenty (20) days prior to the hearing, or by no later than Thursday, March 12, 2009, you or your lawyer must mail to the Court and all counsel listed below: (1) a written notice of your intention to appear; (2) a written statement of your objection which

includes the reasons for your desire to appear and be heard, including any briefs or other documents that you or your lawyer wish the Court to consider.

The Court's address is Clerk's Office, United States District Court for the Middle District of Florida, George C. Young United States Courthouse and Federal Building, 401 W. Central Boulevard, Suite 1200, Orlando, Florida 32801-0120. In addition to the Court, the counsel to whom you should mail your written objection are:

John A. Baker and J. Phillip Krajewski
Baker, Baker & Krajewski, LLC
415 South Seventh Street
Springfield, Illinois 62701
Attorney for Plaintiff Dan Wallace

Bernard H. Dempsey, Jr.
Dempsey & Associates, P.A.
1560 Orange Avenue, Suite 200
Winter Park, Florida 32789
Attorney for Plaintiff Mahala Ault

Jason M. Medley
O'Donnell, Ferebee, Medley & Keiser, P.C.
450 Gears Road, 8th Floor
Houston, Texas 77067
Attorney for Plaintiff Stacie Rhea

Kerry Alan Scanlon
Kaye Scholer LLP
901 15th Street, N.W.
Washington, D.C. 20005
Attorney for Defendant Walt Disney World Co.

Any person who fails to object in the manner outlined above shall be deemed to have waived their objection and will be barred from ever raising such objection in this action. **IF YOU DO NOT OPPOSE THIS SETTLEMENT, YOU DO NOT NEED TO APPEAR AT THE HEARING, YOU DO NOT NEED TO FILE ANYTHING IN WRITING, AND YOU DO NOT NEED TO HIRE A LAWYER.**

The pleadings and other records in this case, including a complete copy of the proposed settlement agreement, may be inspected and copied during regular office hours at the Clerk's Office, United States District Court for the Middle District of Florida, George C. Young United States Courthouse and Federal Building, 401 W. Central Boulevard, Suite 1200, Orlando, Florida 32801-0120. For a fee, you may also access all records in this case online by utilizing the Public Access to Court Electronic Records (PACER) service at <http://pacer.psc.uscourts.gov>.

DONE and **ORDERED** in Chambers, Orlando, Florida on January 21, 2009.

Copies furnished to:

Counsel of Record
Unrepresented Party


GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE