

If you were a Time Warner Cable subscriber any time between January 1994 and December 1998, you may be eligible for free cable services or money from a class action settlement.

Some time ago, you may have been contacted about a proposed class action lawsuit regarding Time Warner Cable's alleged sale of some of its subscribers' personal information for marketing purposes. You were informed that, if the Court approved the settlement, you could receive free Time Warner Cable services if you submitted a Claim Form. The Court did not approve the original settlement and some changes to the settlement have been made. This notice is about the revised settlement. The most important change is that if you are eligible, you now may receive \$5.00 as an alternative to receiving free Time Warner Cable services. If you submitted a Claim Form before and do not want to switch to the \$5.00 alternative, you do not have to do anything at this time. If you would like the \$5.00 alternative, you must submit a new Claim Form by the Claim deadline. You also may exclude yourself from this settlement, object, or go to the final approval hearing, as explained further below.

A federal court authorized this notice. This is not a solicitation from a lawyer.

- A settlement has been proposed in a class action lawsuit about Time Warner Cable's alleged sale of personal information pertaining to some of its subscribers to other companies for marketing purposes.
- The settlement will provide free Time Warner Cable services or money to anyone who subscribed to Time Warner Cable at any time between January 1, 1994 and December 31, 1998 and was on a list of subscribers whose information may have been sold. If you qualify, you may send in a Claim Form to get free services or \$5, or exclude yourself from the settlement, or object to it.
- This settlement resolves this lawsuit. It avoids costs and risks from continuing the lawsuit; provides free services or money to subscribers like you; and releases Time Warner Cable from liability.
- Court-approved lawyers for subscribers will ask the Court to approve the settlement, including the payment of their fees and expenses for investigating the facts, litigating this case since 1998 (including an appeal), and negotiating and revising the settlement. Time Warner Cable has agreed to pay these fees and expenses, subject to Court approval.
- The two sides disagree on whether subscribers could have won at trial, and if they had won at trial what relief they could have received.
- Your legal rights are affected whether you act or don't act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

Submit a Claim Form* The only way to get the free services or \$5.

Exclude Yourself Get no free services or \$5. This is the only option that preserves your right to bring your own new lawsuit with your own lawyer against Time Warner Cable about the legal claims in this case.

Object Write to the Court about why you don't like the settlement.

Go to a Hearing Ask to speak in Court about the fairness of the settlement.

Do Nothing* Get no free services or \$5. Give up your right to sue.

* If you submitted a Claim Form before and do not want to switch to the \$5 alternative, you do not have to do anything.

- These rights and options – **and their deadlines** – are explained in this notice.
- The Court still has to decide whether to approve the settlement. Free services or money will not be provided unless and until the Court approves the settlement and any appeals are resolved. Please be patient.

BASIC INFORMATION

Why did I get this notice package?

You may have been a Time Warner Cable Subscriber at some time between January 1, 1994 and December 31, 1998 and may have been on a list of subscribers whose personal information may have been made available for sale by Time Warner Cable to other companies for marketing purposes.

The Court directed this notice be sent because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves the settlement, a Settlement Administrator appointed by the Court will collect Claim Forms from Class Members like you so that, after objections and appeals are resolved, you can receive the free Time Warner Cable services or money that the settlement allows, if you are eligible.

This package explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of this case is the United States District Court for the Eastern District of New York, and the case is *Parker, et al. v. Time Warner Entertainment Co., et al.*, Case No. CV 98-4265. The people who sued are called the Plaintiffs, and the companies they sued are called the Defendants.

What is this lawsuit about?

The lawsuit claimed that Time Warner Cable sold personal information about its subscribers to other companies that wanted the information to advertise and try to sell you products and services. The lawsuit claimed that Time Warner Cable is required to tell subscribers how it collects and uses their personal information, and that Time Warner Cable failed to do so in compliance with applicable law. Time Warner Cable denies that it did anything wrong or that it violated any law, and believes it would have ultimately prevailed at trial.

Why is this a class action?

In a class action, one or more people called Class Representatives (in this case Andrew Parker and Eric DeBrauwere) sue for all the people who have similar claims. All these people are a Class or Class Members. One court decides the issues for all Class Members, except for those who exclude themselves from the Class.

Why is there a settlement?

The Court did not decide which side - the Plaintiffs or the Defendants - was right. There was no trial. Instead, both sides agreed to the settlement. That way, the costs and risks of a trial are avoided, and many of the people affected will get free services or money. If there had been a trial, the Plaintiffs believe subscribers may have gotten more if they won, but they also would have gotten nothing if they lost. The Class Representatives and attorneys think the settlement is best for all Class Members.

WHO IS IN THE SETTLEMENT

How do I know if I am part of this settlement?

The Court has decided that these people are Class Members: *All persons throughout the United States who were Time Warner Cable subscribers at any point in time between January 1, 1994 and December 31, 1998, except for current Time Warner Cable officers, directors, employees, and counsel.*

How do I know if I can get the settlement benefits?

You can get free Time Warner Cable services or \$5 if you are a Class Member **and** you were on a list of subscribers whose personal information may have been made available for sale by Time Warner Cable to other companies. If this notice was addressed to you, then you may qualify for the free services or \$5 and you can send in a Claim Form. You can ask for free help to find out if you qualify for a benefit. All you have to do is call toll-free 1-800-291-3831.

QUESTIONS? CALL 1-800-291-3831 TOLL FREE, OR VISIT WWW.TWCSETTLEMENT.COM
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THE SETTLEMENT BENEFITS – WHAT YOU GET

What benefits does the settlement provide?

If you qualify, you may receive \$5 or free services. If you choose to receive free services, here are the free Time Warner Cable services you can get:

Current Subscribers: If you are a Time Warner Cable subscriber now, and your name is on a list of subscribers whose personal information may have been available for sale, you can pick ONE of the following two choices, provided you live in an area and at a location which can be serviced by Time Warner Cable when the settlement benefit is distributed after Court approval:

- (1) One free month of any Time Warner Cable service that is available on a monthly basis and that you don't already have.

OR

- (2) Two (2) free Movies On Demand.

During the time you get the free additional service that you choose, you must keep and pay for the services to which you subscribe at that time.

Former Subscribers: If you are not a Time Warner Cable subscriber now but were during the class period, and your name is on a list of subscribers whose information may have been available for sale, you can pick ONE of the following three choices, provided you live in an area and at a location which can be serviced by Time Warner Cable when the settlement benefit is distributed following Court approval:

- (1) One free month of any Time Warner Cable service that is available on a monthly basis, with free installation.

OR

- (2) Two (2) free Movies On Demand, provided that when the benefit is distributed you also subscribe to at least Time Warner Cable's basic cable service.

OR

- (3) Regardless of whether you live in an area serviced by Time Warner Cable, you can give your settlement benefit to someone else who lives in an area and at a location which can be serviced by Time Warner Cable, but with respect to two (2) free Movies On Demand, the person to whom you transfer must subscribe to at least Time Warner Cable's basic cable service.

If you select one of the free services, you may (1) cancel the free service at the end of the free month of service with no further obligation; or (2) continue with the service beyond the free month and be billed accordingly.

What are my choices of free services?

If you qualify, here are examples you can pick from, depending on where you live:

- Digital Phone Service
- High Definition Television Cable Service
- High Speed Cable Modem Service
- Movies On Demand
- Digital Cable Service
- Premium Channels such as HBO, SHO, MAX, and TMC
- Digital Video Recorder Service

Are there any other free services I can get?

The choices listed above are only examples of ones you can choose for your free service because the free services may vary slightly, depending on where you live.

Are there other settlement benefits in addition to the \$5 or free services?

Yes. As part of this settlement, Time Warner Cable has agreed: (1) to change its disclosure to subscribers about how it collects and uses their personal information; (2) to employ a Chief Privacy Officer in charge of making sure the company complies with privacy laws; (3) to give money to two public interest groups that care about and work on privacy issues; (4) to pay the costs of sending and publishing this notice and giving out the free services and \$5 checks; (5) to give money to the two Class Representatives who participated in this case for all the subscribers; and (6) to pay for the lawyers who represented the subscribers throughout this case.

HOW TO GET FREE SERVICES OR \$5 – SENDING A CLAIM FORM

How can I get the free services or \$5 if I qualify?

If you wish to receive a free service or a \$5 check, then you must send in a Claim Form by the postmark deadline. A Claim Form is attached to this notice. You may also get a Claim Form on www.twcsettlement.com or by calling 1-800-291-3831. Read the instructions carefully, fill out the form, sign it, and mail it postmarked no later than **March 10, 2009**.

If you submitted a Claim Form in response to the previous notice in 2005, and you do not want to switch to the \$5 alternative, you do not have to do anything. If you would like the \$5 alternative, you must submit a new Claim Form by the deadline of **March 10, 2009**.

When would I get my free services or \$5?

The Court will hold a hearing on **December 9, 2008** to decide whether to approve the settlement. If the Court approves the settlement, after that, there may be appeals. It's always uncertain whether appeals can be resolved, and resolving them takes time, perhaps more than a year. Please be patient. Once this settlement is final and becomes effective, and if your name is on the list of subscribers whose names may have been made available for sale, you will be mailed your \$5 check or be contacted regarding your claim for free service, at which time you can make your service selection.

What am I giving up to get the free services or \$5, or to stay in the Class?

Unless you exclude yourself, you are staying in the Class, and that means that you cannot bring a new lawsuit against the Defendants about the legal issues relating to Time Warner's privacy notice and disclosure practices from 1994 - 1998. It also means that all of the Court's orders will apply to you and legally bind you. If you sign the Claim Form or stay in the Class without sending in a Claim Form, you will be agreeing to release the Defendants from all legal claims this settlement resolves.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want the free services or \$5 offered by this settlement and you don't want to stay in the Class, then you must take steps to get out. This is called excluding yourself from the settlement, or "opting out." Excluding yourself is the only way you can keep the right to bring a new lawsuit against the Defendants, on your own, about the legal issues resolved by this settlement. If you don't exclude yourself, you will be in this settlement and you will give up any right to sue for the claims this settlement resolves.

If you previously submitted an exclusion, it is still necessary to submit an exclusion if you do not wish to be included in this settlement.

How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from *Parker, et al. v. Time Warner Entertainment Co., et al.*, Case No. CV 98-4265. You must mail your exclusion request postmarked no later than **November 10, 2008** to:

Time Warner Cable Settlement
c/o The Garden City Group, Inc.
P.O. Box 9264
Dublin, OH 43017-4664

If you ask to be excluded, you will not get any free services or money from this settlement, so do not send in a Claim Form. Also, if you ask to be excluded, you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue or continue to sue Time Warner Cable in the future.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

How do I tell the Court that I object to the settlement?

If you're a Class Member, you can object to the settlement and give reasons why you think the Court should not approve it. The Court will consider your views. You cannot object if you exclude yourself from the Class; if you want to object, you must stay in the Class. To object, you must send a letter saying that you object to *Parker, et al. v. Time Warner Entertainment Co., et al.*, Case No. CV 98-4265. Be sure to include your name, address, telephone number, signature, and the reasons why you object to the settlement. You must file the objection with these three entities no later than **November 24, 2008** or your objection will not be valid and will not be considered:

Court

Clerk of the Court
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, N.Y. 11201

Class Counsel

George W. Sampson, Esq.
Hagens Berman Sobol
Shapiro, LLP
1301 Fifth Ave., Suite 2900
Seattle, WA 98101

Defense Counsel

Jonathan D. Thier, Esq.
David G. Montone, Esq.
Cahill Gordon &
Reindel, LLP
80 Pine Street
New York, N.Y. 10005

What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something in the settlement and do not think it should be approved. You can only object if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you cannot object because the case no longer affects you.

THE LAWYERS REPRESENTING YOU

The Court has approved the request of several law firms to represent you and other Class Members: Hagens Berman Sobol Shapiro, LLP in Seattle, Washington; Cuneo Gilbert & LaDuca, LLP in Washington, D.C.; Kirby McInerney LLP, in New York, N.Y.; and The Law Office of James M. Beaulaurier in Seattle, Washington. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

How will the lawyers be paid?

In the settlement, Time Warner Cable has agreed to pay Class Counsel their attorneys' fees and expenses in the amount of \$5,000,000 for all their work on this case since it was filed in 1998. This would pay Class Counsel for investigating the facts, litigating the case (including an appeal), and negotiating and revising the settlement. Time Warner Cable also has agreed to pay the two Class Representatives \$2,500 each for their participation in this case on behalf of all Class Members. Time Warner Cable also has agreed to pay the costs to administer the settlement.

QUESTIONS? CALL 1-800-291-3831 TOLL FREE, OR VISIT WWW.TWCSETTLEMENT.COM
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THE COURT'S HEARING TO APPROVE THE SETTLEMENT

When and where will the Court hearing be?

The Court will hold a hearing to decide whether to approve the settlement. This is called the Fairness Hearing. You may attend and you may ask to speak at the hearing, but you don't have to. The Court will hold the Fairness Hearing at **12:00 p.m. on December 9, 2008**, at the U.S. District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, Courtroom 8B-S. At the hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections that were sent in by the deadline, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court will then decide whether to approve the settlement. The Court may make its decision at the end of the hearing or afterward.

Do I have to come to the hearing?

No. The attorneys will answer any questions the Court may have. But you can attend at your own expense if you want to. If you send an objection, you do not have to come to Court to talk about it. You may also pay your own lawyer to attend or talk about your objections, but that is not necessary.

May I speak at the hearing?

You or your attorney may ask the Court to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Parker, et al. v. Time Warner Entertainment Co., et al.*, Case No. CV 98-4265." Include your name, address, telephone number, and signature. Your Notice of Intention to Appear must be filed no later than **November 24, 2008**, with the Clerk of the Court, Class Counsel, and Defense Counsel at the addresses above. You cannot speak at the hearing if you excluded yourself or if your Notice of Intention to Appear was filed after the **November 24, 2008** deadline.

IF YOU DO NOTHING

What happens if I do nothing at all?

If you do nothing, you'll get no free Time Warner Cable services or money from this settlement unless you submitted a Claim Form before. If you submitted a Claim Form before and do not want the \$5 alternative, you do not have to do anything. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be a part of any other lawsuit against the Defendants about the legal issues in this case.

GETTING MORE INFORMATION

How can I get more information about the settlement?

This notice summarizes the proposed settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement by calling 1-800-291-3831. You also can call this number to ask more questions or get more information at www.twcsettlement.com.

DATE: May 8, 2008