

**NOTICE OF PENDENCY OF CLASS ACTION, PROPOSED SETTLEMENT
AND HEARING DATE FOR COURT APPROVAL**

Madison v. Cedar Fair L.P.

Miliaresis v. Cedar Fair Entertainment

Orange County Superior Court Case Nos.: 07CC01407 and 30-2009-00255816

THEME PARK EMPLOYEES

IF YOU WERE EMPLOYED BY

CEDAR FAIR OR MAGNUM MANAGEMENT IN CALIFORNIA

AS AN HOURLY EMPLOYEE

AT ANY TIME FROM

NOVEMBER 9, 2003 THROUGH NOVEMBER 9, 2009,

YOU ARE ELIGIBLE TO PARTICIPATE

IN A CLASS ACTION SETTLEMENT.

IN THIS SETTLEMENT

CEDAR FAIR WILL MAKE A TOTAL PAYMENT OF

\$9 MILLION.

TO RECEIVE YOUR SHARE OF THE PAYMENT,

YOU MUST

SUBMIT YOUR CLAIM FORM

BY MARCH 15, 2010.

You are receiving this notice because the California Superior Court has granted preliminary approval to a class-action settlement and Cedar Fair records indicate that you are a class member in this settlement. Please read this notice carefully. It relates to a proposed settlement of class action litigation. It contains important information about your right to make a claim for payment or to elect not to be included in the class.

As a class member, you have three choices:

- 1) **You may file a claim form.** If you file a claim form you will receive part of the \$9 million dollar payment, and you will give up your right to sue for the meal and rest break violations described in the lawsuit.

- 2) **You may submit a written request to be excluded from the settlement.** If you make a request to be excluded, you will not receive any money, and you will not give up any rights you may have.
- 3) **You may do nothing.** If you do nothing you will **not** receive any money, but you will still give up any right you may have to sue for the meal and rest break violations described in the lawsuit.

IF YOU DO NOTHING, YOU WILL NOT RECEIVE ANY MONEY. YOU MUST FILE A CLAIM FORM BY MARCH 15, 2010 TO RECEIVE PAYMENT

I. BACKGROUND OF THE CASE

Class Representative Donte Madison filed a Lawsuit in Orange County Superior Court on November 9, 2007. Class Representative Tiffany Miliarexis filed a second Lawsuit in Orange County Superior Court on March 27, 2009. In the Lawsuits, the Class Representatives alleged, among other things, that non-union hourly employees at Cedar Fair's theme parks in California were denied meal and rest breaks in violation of California law. The Class Representative filed the Lawsuit as a Class Action on behalf of hourly employees who worked at a Cedar Fair park in California from November 9, 2003 through November 9, 2009 (the Covered Time Frame). Cedar Fair denies all of the material allegations in this Lawsuit.

The parties litigated this case for more than two years before reaching settlement. The litigation included extensive discovery, depositions, and review of electronic time records for more than 50,000 employees. Finally, Cedar Fair and the Class Representative participated in mediation before a neutral third party, Antonio Piazza, Esq., a highly respected mediator. As a result of the settlement discussions, a settlement was reached in the Lawsuit. The parties have since entered into a Stipulation of Settlement and Release, which has been given preliminary approval by the Court. If you are part of the Settlement Class as defined above, you are a "Settlement Class Member" and you have the opportunity to participate in the settlement.

II. SUMMARY OF THE PROPOSED SETTLEMENT

A. Settlement Formula

The Total Settlement Amount will be Nine Million Dollars (\$9,000,000). Before the Settlement Class Members are paid, the following sums will be deducted from the Total Settlement Amount: (1) \$100,000 to the California Labor and Work Force Development Agency ("LWDA") as required by the California Labor Code; (2) Class Counsels' attorney fees and documented litigation costs in amounts set by the Court; (3) a possible service payment to Class Representatives in an amount set by the Court; (4) the employer's portion of FICA, unemployment insurance premiums, and other payroll taxes; and (5) a reasonable amount to the Settlement Administrator to administer the settlement. The amount of the Total Settlement Amount remaining after these payments is called the "Net Distribution Amount."

There are approximately 55,000 Settlement Class Members. Each Settlement Class Member who submits a timely, valid Claim Form will be paid a portion of the entire Net Distribution Amount. The exact amount of your payment will depend on a number of factors.

A Settlement Class Member may submit a claim or may elect not to participate in the settlement by timely filing a request for exclusion. Any Settlement Class Member who does not timely submit a claim form and does not request exclusion cannot participate in the monies paid out under the settlement and will still be bound by the terms of the settlement as to his or her claims.

B. Release

When the Court grants final approval of the settlement, each Settlement Class Member who has not requested exclusion will release Cedar Fair and all related companies from the claims at issue in the Lawsuit. The release will cover all remedies that could be claimed for the causes of action described in the Lawsuit including, but not limited to, statutory, constitutional, contractual and common law claims for wages, damages, unpaid costs, penalties, liquidated damages, punitive damages, interest, attorney fees, litigation costs, restitution, and equitable relief. The release will cover all statutory violations that could be claimed for the causes of action described in the Lawsuit including but not limited to, the federal Fair Labor Standards Act, the California Labor Code §§ 96 through 98.2 *et seq.*, the California Payment of Wages Law, and in particular, California Labor Code §§ 200 *et seq.*, including California Labor Code §§ 200 through 243, and §§ 203 and 218 and 218.5 in particular, California Labor Code §§ 300 *et seq.*; California Labor Code §§ 400 *et seq.*; California Working Hours Law, California Labor Code §§ 500 *et seq.*, California Labor Code § 1194; the California Unfair Competition Act, and in particular,

California Business & Professions Code §§ 17200 et seq.; the PAG Act, codified at California Labor Code §§ 2698 through 2699; California Code of Civil Procedure § 1021.5; and any other provision of the California Labor Code or any applicable California Industrial Welfare Commission Wage Orders, in all of their iterations.

The release includes claims that a Settlement Class Member does not know or suspect to exist as of the date of the final approval. Each Settlement Class Member, including the Class Representatives, will waive all rights and benefits afforded by Section 1542 of the California Civil Code as to unknown claims. Section 1542 provides:

A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor.

WHAT ARE YOUR RIGHTS AS A CLASS MEMBER?

C. Submitting a Claim

Online: You may complete a claim form online at www.cedarfairsettlement.com. You should have your Claim Form with you when you go online.

By Mail: To file a claim by mail, complete, sign and date the enclosed Claim Form and Release (“Claim Form”) and return it to:

Cedar Fair Settlement Administrator
c/o Gilardi & Co. LLC.
P.O. Box 8060
San Rafael, CA 94912-9960
1-877-234-4516

The Claim Form must be completed online or mailed to the Settlement Administrator with a postmark no later than March 15, 2010. The Claim Form has the postage pre-paid. If you send it in an envelope, do not use a postage meter as that may not result in a postmark appearing on your Claim Form. If a timely submitted Claim Form is incomplete, i.e., some required information is missing, the Settlement Administrator will send you a deficiency notice and you must return the fully completed Claim Form within fourteen (14) days after the date of the deficiency notice. If you lose or otherwise need another Claim Form, contact the Settlement Administrator.

The amount you receive for your claim will be based on the number of pay periods that you worked as an hourly employee for Cedar Fair during the Covered Time Frame. The number of weeks you worked is shown on the stub of your Claim Form. To dispute the workweeks shown on the Claim Form stub, you must file your Claim Form with a letter stating what you believe are the correct number of weeks, and you must include evidence establishing the weeks worked you contend are correct. The matter will be decided by the Settlement Administrator whose decision will be final as to the weeks worked.

D. Excluding Yourself from the Settlement

IMPORTANT: If you believe you have an individual claim against Cedar Fair pertaining to Cedar Fair’s meal and rest period policies or practices, you should consult with counsel and decide whether you want to participate in the settlement, or whether you wish to exclude yourself from the settlement so you may bring your own lawsuit. If you do not wish to participate in the settlement, you may exclude yourself by writing to the Settlement Administrator and stating your request to be excluded. Your request must be signed, dated, and sent by first class U.S. mail, or the equivalent, to:

Cedar Fair Settlement Administrator
c/o Gilardi & Co. LLC.
P.O. Box 8090
San Rafael, CA 94912-8090

The request for exclusion must be postmarked no later than March 15, 2010. Do not use a postage meter as that may not result in a postmark appearing on the envelope containing your request for exclusion. Any person who files a complete and timely request for exclusion will no longer be a Settlement Class Member, and will not receive any benefits from the settlement.

E. Objection to Settlement

You can object to the terms of the settlement before final approval. However, if the Court rejects your objection, you will still be bound by the terms of the settlement unless you have submitted a valid and timely Exclusion Form. To object, you must file a written objection and a notice of intention to appear at the final approval hearing currently set for April 8, 2010, at 1:30 p.m. in the Courtroom of the Honorable David Velasquez, with the Clerk of the Orange County Superior Court, Complex Division located at 751 West Santa Ana Blvd., Santa Ana, California, 92701, and send copies to the following:

CLASS COUNSEL

Allen Graves, Esq.
The Graves Firm
790 E. Colorado Boulevard, 9th Floor
Pasadena, CA 91101

DEFENDANT’S COUNSEL

Evelina Serafini, Esq.
Manning & Marder et al.
801 S. Figueroa Street, 15th Floor
Los Angeles, CA 90017

Any written objections should state each specific reason in support of your objection and any legal support for each objection. Your objection also must state the case name and number, your full name, address, date of birth, and the dates of your employment by Cedar Fair. To be valid and effective, any objections to approval of the settlement must be filed with the Clerk of the Court and served upon each of the above-listed attorneys no later than February 12, 2010.

DO NOT TELEPHONE THE COURT OR THE OFFICE OF THE CLERK.

IF YOU INTEND TO OBJECT TO THE SETTLEMENT, BUT WISH TO RECEIVE YOUR SHARE OF THE SETTLEMENT FUNDS, YOU MUST TIMELY FILE A CLAIM FORM AS EXPLAINED ABOVE. IF THE COURT APPROVES THE SETTLEMENT DESPITE ANY OBJECTIONS, AND YOU DO NOT HAVE A CLAIM FORM ON FILE, YOU WILL NOT RECEIVE ANY SETTLEMENT PROCEEDS.

Any Settlement Class Member who objects to this settlement must make himself or herself available upon reasonable notice for a deposition taken by the proponents of the settlement and/or to respond to written discovery, if any proponent of the settlement chooses to take such deposition or to propound written discovery.

III. FINAL SETTLEMENT APPROVAL HEARING

The Court will hold a hearing in the Courtroom of the Honorable David Velasquez, Orange County Superior Court, Complex Division located at 751 West Santa Ana Blvd., Santa Ana, California, 92701, on April 8, 2010, at 1:30 p.m., to determine whether the settlement should be finally approved as fair, reasonable, and adequate. The hearing may be continued without further notice to the Settlement Class. **It is not necessary for you to appear at this hearing unless you have timely filed an objection with the Court.**

IV. ADDITIONAL INFORMATION

The above is a summary of the basic terms of the settlement. For the precise terms and conditions of the settlement, you should consult the detailed “Stipulation of Settlement and Release” which is on file with the Clerk of the Court. The pleadings and other records in the Lawsuit may be examined during regular business hours at the office of the Clerk of the Orange County Superior Court, Complex Division located at 751 West Santa Ana Blvd., Santa Ana, CA, 92701

You can also get additional information from the Settlement Administrator or Class Counsel:

Cedar Fair Settlement Administrator
c/o Gilardi & Co. LLC.
P.O. Box 8060
San Rafael, CA 94912-8060
1-877-234-4516 Phone
www.cedarfairsettlement.com

The Graves Firm
790 E. Colorado Blvd. 9th Floor
Pasadena, CA 91101
1-626-240-0734 Phone
www.gravesfirm.com

PLEASE DO NOT TELEPHONE THE COURT OR THE OFFICE OF THE CLERK.

BY ORDER OF THE COURT.