

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

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ALLAPATTAH SERVICES, INC., et al., :	
Plaintiffs, :	CASE NO. 91-0986CIV-GOLD
v. :	UNITED STATES MAGISTRATE
EXXON CORPORATION, :	JUDGE ANDREA M. SIMONTON
Defendant. :	
_____X	

**CURRENT AND FORMER
EXXON SERVICE STATION DEALERS:**

YOU MAY BE ENTITLED TO RECOVER MONEY

NOTICE OF RECOVERY

You are receiving this form because it is possible that you are a member of a class which won a large jury verdict against Exxon Corporation. If you owned or operated an Exxon station at any time between March 1983 and August 1994, **you should read these materials carefully.** If you do not speak English or have trouble understanding what these materials say, you should ask someone to help you read them or you should call the Claims Administrator, The Garden City Group, Inc., at 1 (888) 769-7759, or the lawyers who represent the dealer class at 1 (800) 810-3590 for assistance.

If you owned or operated an Exxon direct served service station and were a party to a Sales Agreement with Exxon at any time from March 1983 through August 1994, or if you otherwise acquired the rights of someone who owned or operated an Exxon direct served service station during that period, then you may be a member of the class eligible to recover.

If you believe you are or may be a member of the class and want to pursue your claim, you must fill out the enclosed Proof of Claim form and sign it before a Notary Public. If you complete the form and mail it in accordance with these instructions, postmarked as soon as possible but no later than December 1, 2004, you will have secured your right to pursue your claim. If you do not submit the Proof of Claim form by December 1, 2004, you will not be able to recover any money even if you determine later that you are a part of the class.

This case is on appeal. To monitor the status of the appeal or any other proceedings, call 1 (888) 769-7759 and choose option 6, or visit class counsel's website at www.exxondealerattorneys.com. The Court will not begin to process claims until after certain appeals are concluded. Do not be concerned if you do not receive a response for a long period of time after you send in your claim form. It may take months, or even years, before the Court can process the claims. Be sure to let the Claims Administrator know if you move or change your phone number.

Description of the lawsuit

In 1991, a group of current and former Exxon direct served dealers filed a lawsuit against Exxon. The dealers alleged that Exxon had been overcharging all of its direct served dealers for the wholesale price of motor fuel since March 1983. The dealers filed the claim as a class action, meaning that it was on behalf of all dealers who were parties to one or more Sales Agreements with Exxon and who purchased motor fuel directly from Exxon (direct served dealers) between March 1983 and August 1994.

The claim relates to Exxon's Discount for Cash (DFC) program, which Exxon implemented in August 1982. Under this program, Exxon began charging dealers a separate 3% fee for processing credit transactions. Exxon said, however, that it would reduce the wholesale price of motor fuel by an amount that, on average, would offset the fee. In the lawsuit, the dealers allege that Exxon collected the fee, but failed to reduce the wholesale price of motor fuel.

In 2001, a jury returned a verdict in favor of the dealers. The jury found that beginning on March 1, 1983, until Exxon cancelled the DFC program on August 28, 1994, Exxon had not reduced the wholesale price of motor fuel. The jury determined the amount of the overcharge on a cents per gallon basis for each year between 1983 and 1994 as follows:

<u>Year</u>	<u>Damages (cents per gallon)</u>
1983	1.40
1984	1.40
1985	1.34
1986	1.03
1987	1.04
1988	1.07
1989	1.18
1990	1.33
1991	1.24
1992	1.32
1993	1.35
1994	1.33

In addition to these damages, the Court has ruled that the dealers are entitled to prejudgment interest to the extent allowed by the laws of the state in which the dealers' stations were located.

Except for dealers who previously requested to be excluded from the class and dealers who operated stores in Ohio, all Exxon direct served dealers who bought motor fuel from Exxon between March 1, 1983 and August 28, 1994 pursuant to a Sales Agreement are now eligible to submit claims for reimbursement of the overcharge on every gallon of motor fuel purchased. Dealers are entitled to recover regardless of whether they participated in the Discount For Cash program. All dealers who want to share in the recovery must submit the Proof of Claim form enclosed with these instructions.

The attorneys representing the class are entitled to seek payment of their attorneys' fees and expenses. The dealers who represented the class in the lawsuit may also obtain an incentive award. Any such awards will reduce the amount recovered by each dealer. Other than these payments, which will be determined by the Court after a hearing of which you will receive notice, and which will not require any out-of-pocket payment by dealers, you will not be responsible for attorneys' fees or expenses for the services of class counsel and the class representatives. Once you receive judgment in your favor and payment of that judgment, your acceptance of that payment will constitute a satisfaction of judgment of your claims in this case.

The Court has ruled that Exxon has the right to assert claims against members who submit claims seeking recovery from Exxon. Exxon's right to recover on any claim it may have against a class member, however, is limited to the amount of that class member's claim against Exxon. That is, in no event will the amount of any setoff asserted by Exxon exceed the amount Exxon is obligated to pay as a result of the claim.

THE CLAIMS ADMINISTRATOR

The Claims Administrator is The Garden City Group, Inc. Your Proof of Claim form must be mailed to the following address:

Exxon Dealer Class Action
c/o The Garden City Group, Inc.
Claims Administrator
P.O. Box 9000 #6065
Merrick, NY 11566-9000

If you have questions, or need help in filling out the Proof of Claim form, you may contact the Claims Administrator at the following toll free number:

1 (888) 769-7759

THE ATTORNEYS WHO REPRESENT THE CLASS

The attorneys whose names appear below represent the class and the class representatives in the lawsuit. You may contact them if you have questions or need help in filling out the form at the following toll free number: 1 (800) 810-3590. Of course, you may also proceed without an attorney or use your own attorney.

STEARNS WEAVER MILLER WEISSLER
ALHADEFF & SITTERSON, P.A.
EUGENE E. STEARNS, ESQ.
150 West Flagler Street
Suite 2200, Museum Tower
Miami, Florida 33130

PERTNOY, SOLOWSKY & ALLEN P.A.
SIDNEY M. PERTNOY, ESQ.
150 West Flagler Street
Suite 2000, Museum Tower
Miami, Florida 33130

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE FOR INFORMATION OR COPIES. If you need additional information or require additional copies of this Notice and enclosed Proof of Claim form, you may call 1 (888) 769-7759 or go to www.exxondealerclassaction.com.

Dated August 2004
Miami, Florida

BY ORDER OF UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Clerk of the Court