

**Must be Postmarked  
No Later Than  
August 13, 2010**

**Johnson v. Aljian, et al.  
c/o The Garden City Group, Inc.  
Claims Administrator  
P.O. Box 9413  
Dublin, OH 43017-4513  
1(888) 291-8049**



Claim Number:

Control Number:

## **PROOF OF CLAIM AND RELEASE**

**YOU MUST COMPLETE THIS CLAIM FORM BY AUGUST 13, 2010 TO BE ELIGIBLE TO SHARE IN THE \$8.1 MILLION SETTLEMENT.**

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**YOU MUST READ AND SIGN THE RELEASE CONTAINED ON PAGES 4-5.  
FAILURE TO SIGN THE RELEASE MAY RESULT IN A DELAY IN PROCESSING OR  
THE REJECTION OF YOUR CLAIM.**



**SECTION A - CLAIMANT INFORMATION**

**Claimant Name(s)** (as you would like the name(s) to appear on the check, if eligible for payment):

**Last 4 digits of Claimant Social Security Number/Taxpayer ID Number:**

**Name of the Person you would like the Claims Administrator to Contact Regarding This Claim** (if different from the Claimant Name(s) listed above):

**Claimant or Representative Contact Information:**

The Claims Administrator will use this information for all communications relevant to this Claim (including the check, if eligible for payment). If this information changes, you MUST notify the Claims Administrator in writing at the address above.

**Street Address:**



**City:**

**Account Number:** (not required)

**State and Zip Code:**

**Country (Other than U.S.):**

**Daytime Telephone Number:** (     )     -    

**Evening Telephone Number:** (     )     -    

**E-mail Address:**

*(E-mail address is not required, but if you provide it you authorize the Claims Administrator to use it in providing you with information relevant to this claim.)*

**NOTICE REGARDING ELECTRONIC FILES:** Certain claimants with large numbers of transactions may request to, or may be requested to, submit information regarding their transactions in electronic files. To obtain the mandatory electronic filing requirements and file layout, you may visit the website at [www.gardencitygroup.com](http://www.gardencitygroup.com) or you may e-mail the Claims Administrator at [eClaim@gardencitygroup.com](mailto:eClaim@gardencitygroup.com). Any file not in accordance with the required electronic filing format will be subject to rejection. No electronic files will be considered to have been properly submitted unless the Claims Administrator issues an e-mail after processing your file with your claim numbers and respective account information. Do not assume that your file has been received or processed until you receive this e-mail. If you do not receive such an e-mail within 10 days of your submission, you should contact the electronic filing department at [eClaim@gardencitygroup.com](mailto:eClaim@gardencitygroup.com) to inquire about your file and confirm it was received and acceptable.



**SECTION B - SCHEDULE OF TRANSACTIONS IN DCX COMMON STOCK**

1. **BEGINNING HOLDINGS:** Number of shares of DCX common stock held at the opening of trading on **March 19, 1999** (If none, write 0) (If other than zero, must be documented):

2. **PURCHASES/ACQUISITIONS:** Purchases/Acquisitions of DCX common stock during the following time periods: (i) **March 19, 1999** through **March 26, 1999**, (ii) **April 6, 1999** through **April 12, 1999**, and (iii) **June 3, 1999** through **June 15, 1999** (Must be documented):

Date(s) of Purchase / Acquisition (List Chronologically) (Month/Day/Year)	Number of Shares Purchased / Acquired	Purchase / Acquisition Price Per Share		Aggregate Cost (excluding commissions, taxes, and fees)	
/ /		\$	.	\$	.
/ /		\$	.	\$	.
/ /		\$	.	\$	.
/ /		\$	.	\$	.

3. **PURCHASES/ACQUISITIONS:** List the total number of shares of DCX common stock purchased/acquired during the period **March 27, 1999** to **April 5, 1999**, inclusive.

4. **PURCHASES/ACQUISITIONS:** List the total number of shares of DCX common stock purchased/acquired during the period **April 13, 1999** to **June 2, 1999**, inclusive.

5. **PURCHASES/ACQUISITIONS:** List the total number of shares of DCX common stock purchased/acquired during the period **June 16, 1999** to **July 28, 1999**, inclusive.

6. **SALES:** Sales of DCX common stock between **March 19, 1999** and **July 28, 1999**, inclusive (Must be documented):

Date(s) of Sale (List Chronologically) (Month/Day/Year)	Number of Shares Sold	Sale Price Per Share		Amount Received (excluding commissions, taxes and fees)	
/ /		\$	.	\$	.
/ /		\$	.	\$	.
/ /		\$	.	\$	.
/ /		\$	.	\$	.

7. **UNSOLD HOLDINGS:** Number of shares of DCX common stock held at the close of trading on **July 28, 1999** (If none, write 0) (If other than zero, must be documented):

**IF YOU NEED ADDITIONAL SPACE TO LIST YOUR TRANSACTIONS YOU MUST  
PHOTOCOPY THIS PAGE AND CHECK THIS BOX   
IF YOU DO NOT CHECK THIS BOX THESE ADDITIONAL PAGES WILL NOT BE REVIEWED**

**SECTION C - RELEASE AND SIGNATURE****PART I: SUBMISSION TO JURISDICTION OF COURT AND ACKNOWLEDGEMENTS**

1. I (We) submit this Proof of Claim and Release under the terms of the Settlement, including the Stipulation, as described or referenced in the Notice. I (We) also submit to the jurisdiction of the United States District Court for the Central District of California with respect to my (our) claim as a DCX Class Member and for purposes of enforcing the release set forth herein and any judgment, including the Final Judgment and Order, which may be entered in the Action. I (We) further acknowledge that I (we) am (are) bound by and subject to the terms of any judgment, including the Final Judgment and Order, that may be entered in the Action.

2. I (We) agree to furnish additional information to the Claims Administrator to support this claim if asked to do so.

**PART II: RELEASE**

1. I (We) hereby acknowledge that, with respect to each and every Released Claim (as defined below), I (we) shall release and forever discharge, and shall forever be enjoined from prosecuting, either directly or in any other capacity, any Released Claim, including Unknown Claims, against the Released Parties (as defined below).

\* "Released Parties" means Tracinda Corporation, Kirk Kerkorian, James D. Aljian as well as their heirs, executors, estates, administrators, legatees, assigns, successors, employees, and agents.

\* "Released Claims" means (a) each and every Claim that has been alleged by Plaintiffs or a DCX Class Member in the Action, or (b) any and all Claims, including Unknown Claims, that could have been alleged by Plaintiffs or a DCX Class Member against any of the Released Parties which arise out of or are based upon the allegations, transactions, facts, matters or occurrences, representations or omissions involved, set forth, or referred to in the operative complaint, or which relate to the purchase or acquisition of DCX common stock contemporaneously within four days of each of Tracinda's sales of DCX stock on March 19, 1999, March 22, 1999, April 6, 1999, April 8, 1999, June 3, 1999, June 4, 1999, June 8, 1999, June 10, 1999, and June 11, 1999 (except for Claims to enforce the Settlement).

\* "Unknown Claims" means any Released Claim that any Plaintiff or any DCX Class Member does not know of or suspect to exist in his, her or its favor on the Effective Date, and any Claim that any Defendant does not know of or suspect to exist in his or its favor on the Effective Date. Upon the Effective Date, with respect to any and all Released Claims and Settled Defendants' Claims, the Parties stipulate and agree that they shall expressly waive and relinquish, and each DCX Class Member shall be deemed to have expressly waived and relinquished, the provisions, rights and benefits conferred by any law of any state or territory of the United States, or principle of common law, which is similar, comparable or equivalent to Section 1542 of the California Civil Code, which provides as follows:

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.

The Parties acknowledge, and the DCX Class Members by operation of law shall be deemed to have acknowledged, that the inclusion of Unknown Claims in the definition of Released Claims and Settled Defendants' Claims is a key, separately bargained for and material element of the Settlement.

2. This release shall be of no force or effect until the Effective Date occurs.

**PART III: REPRESENTATIONS**

1. I (We) hereby warrant and represent that I (we) have not assigned or transferred or purported to assign or transfer, voluntarily or involuntarily, any Claim released pursuant to this release or any other part or portion thereof.

2. I (We) hereby warrant and represent that I (we) have included information about all of my (our) purchase(s) and/or acquisition(s) and sale(s) transactions in DCX common stock during the Class Period (as defined below) and the number of shares of DCX common stock held by me (us) at the opening of trading on March 19, 1999 and the close of trading on July 28, 1999. I (We) agree to furnish additional information to the Claims Administrator if requested to do so to support this Claim. "Class Period" means the following dates, and any date within four days after each of the following dates, collectively: March 19, 1999, March 22, 1999, April 6, 1999, April 8, 1999, June 3, 1999, June 4, 1999, June 8, 1999, June 10, 1999, and June 11, 1999.



**SECTION C - RELEASE AND SIGNATURE (CONTINUED)**

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing information supplied by the undersigned is true and correct and that this Proof of Claim and Release form was executed this \_\_\_\_\_ day of \_\_\_\_\_ in \_\_\_\_\_.  
(month, year) (City, State, Country)

\_\_\_\_\_  
(Sign your name here)

\_\_\_\_\_  
(Type or print your name here)

\_\_\_\_\_  
(Joint owner sign your name here)

\_\_\_\_\_  
(Joint owner type or print your name here)

\_\_\_\_\_  
(Capacity of persons signing, e.g., Beneficial Purchaser, Executor or Administrator)

Date: \_\_\_\_\_



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