

**If you purchased or received a Planet Toys, Inc. CSI: Crime Scene Investigation Fingerprint Examination Kit or CSI: Crime Scene Investigation Forensic Lab Kit from certain Retailers, you may be entitled to benefits under a proposed class action settlement.**

You may be eligible for a cash refund in a proposed settlement of a class action lawsuit if you purchased or otherwise received a Planet Toys, Inc. CSI: Crime Scene Investigation Fingerprint Examination Kit (Product Nos. 1204, 1213, 1225) or CSI: Crime Scene Investigation Forensic Lab Kit (Product No. 1203) (the “Settlement Toy Products” or “Toys”), from CBS; Toys “R” Us, Inc.; Hammacher Schlemmer & Co., Inc.; Walgreen Co.; Amazon.com, Inc.; Buy.com, Inc.; Costco Wholesale Corporation\*; Sears Roebuck and Co.; Kmart Corporation; or QVC, Inc. (“Defendants”). You must have purchased or received the Toy(s) in the United States on or before June 30, 2009 and not for purposes of resale. Question and Answer No. 7 below contains further information about what you may receive in this settlement.

\* See Question and Answer No. 2 below. Costco Wholesale Corporation did not sell any Settlement Toy Products.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>SUBMIT A CLAIM BY JANUARY 14, 2010</b>	The only way to receive a refund as part of this settlement.
<b>OPT OUT BY SEPTEMBER 28, 2009</b>	If you select this option, you will not be allowed to participate in the settlement, but you will not be bound by the terms of settlement either.
<b>OBJECT BY SEPTEMBER 14, 2009</b>	Write to the Court about why you don’t like the settlement.
<b>DO NOTHING</b>	If you do nothing, you will still be bound by the terms of the proposed settlement. Unless you submit a claim by the claim deadline, however, you will not receive any benefits from this settlement.

This Notice – which the Court authorized – more fully explains your rights and options and the deadlines to exercise them. You also may obtain more information on the proposed settlement and a copy of the Settlement Agreement by visiting [www.CSIToysSettlement.com](http://www.CSIToysSettlement.com) or by writing the Claims Administrator at: Planet Toys CSI Kits Claims Administrator, P.O. Box 6177, Novato, CA 94948-6177.

**WHAT THIS NOTICE CONTAINS**

*Please read this entire Notice completely because it affects your legal rights.*

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## BASIC INFORMATION

### 1. Am I affected by this proposed class action settlement?

You may be eligible to get a cash refund in a class action lawsuit if you purchased or received as a gift a Planet Toys, Inc. CSI: Crime Scene Investigation Fingerprint Examination Kit (Product Nos. 1204, 1213, 1225) or CSI: Crime Scene Investigation Forensic Lab Kit (Product No. 1203) (the "Settlement Toy Products" or "Toys"), from CBS; Toys "R" Us, Inc.; Hammacher Schlemmer & Co., Inc.; Walgreen Co.; Amazon.com, Inc.; Buy.com, Inc.; Costco Wholesale Corporation\*; Sears Roebuck and Co.; Kmart Corporation; or QVC, Inc. ("Defendants"). You must have purchased or received the Toy(s) in the United States on or before June 30, 2009 and not for purposes of resale.

The Court in charge of this case is the United States District Court for the Southern District of New York. The case is known as *Morris, et al. v. CBS, et al.*, Case No. 08-CV-0592 (HB). The people who sued are called "Plaintiffs." The companies participating in the settlement include CBS; Toys "R" Us, Inc.; Hammacher Schlemmer & Co., Inc.; Walgreen Co.; Amazon.com, Inc.; Buy.com, Inc.; Costco Wholesale Corporation; Sears Roebuck and Co.; Kmart Corporation; and QVC, Inc., and are called "Defendants." Other companies sued include manufacturer, Planet Toys, Inc. which filed a Chapter 7 Bankruptcy Petition on March 18, 2009, so Planet Toys is not a party to this settlement.

The Court ordered this Notice because you have a right to know about the settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the settlement. If the Court approves the settlement, you may be eligible to receive a refund for the Settlement Toy Product(s) that you purchased or received as a gift. This Notice explains the lawsuit, the proposed settlement, your legal rights, what benefits are available, and who is eligible to receive those.

\* See Question and Answer No. 2 below. Costco Wholesale Corporation did not sell any Settlement Toy Products.

### 2. What is this lawsuit about?

The Plaintiffs in the lawsuit allege that Defendants knew or should have known that some of the white fingerprinting powder in the Settlement Toy Products contained asbestos, and misrepresented to the public that the Toys were safe for children. Defendants have denied and continue to deny that the Toys contained asbestos and deny any wrongdoing or liability to any and all Plaintiffs in relation to the sale/distribution of the CSI Kits. The Court has not made any findings on this issue, and the settlement is not an admission of wrongdoing by any party.

Note that the parties' due diligence revealed that Costco Wholesale Corporation did not sell any Settlement Toy Products.

### 3. Why is this a class action?

In a class action, one or more people called class representatives bring a lawsuit on behalf of a larger number of people who they believe have similar claims. Each person who is part of a class is called a "class member." A single court resolves the issues for all class members at the same time.

### 4. Why is there a settlement?

The parties agreed to the proposed settlement to avoid the expense and uncertainties of continued litigation. The class representatives and their attorneys think the settlement is in the best interests of the class members.

## WHO IS IN THE SETTLEMENT

To see if you are eligible to participate in this settlement, you first have to determine that you are a class member.

### 5. How do I know if I am a class member?

You are a class member if you purchased or received as a gift a Planet Toys, Inc. CSI: Crime Scene Investigation Fingerprint Examination Kit (Product Nos. 1204, 1213, 1225) or CSI: Crime Scene Investigation Forensic Lab Kit (Product No. 1203) (the “Settlement Toy Products” or “Toys”), from CBS; Toys “R” Us, Inc.; Hammacher Schlemmer & Co., Inc.; Walgreen Co.; Amazon.com, Inc.; Buy.com, Inc.; Costco Wholesale Corp.\*; Sears Roebuck and Co.; Kmart Corp.; or QVC, Inc. (“Defendants”). You must have purchased or received the Toy(s) in the United States on or before June 30, 2009 and not for purposes of resale.

\* See Question and Answer No. 2 on page 2. Costco Wholesale Corporation did not sell any Settlement Toy Products.

### 6. Are there exceptions to being included?

The proposed settlement class does *not* include any of the Defendants; any entity in which Defendants have a controlling interest or which has a controlling interest in Defendants, and Defendants’ legal representatives, assigns and successors; and any person who timely files a Request for Exclusion from the Settlement Class with the Claims Administrator under the Settlement Agreement. Also excluded are the Judges to whom the Action is assigned and any member of the Judge’s immediate family.

## THE SETTLEMENT BENEFITS—WHAT YOU GET

### 7. What does the settlement provide?

#### a. Consumer Refund Program:

Class members who send in a valid Claim Form to the Claims Administrator by the Claims Deadline (*see* Question and Answer No. 8), and provide all required proof or documentation as specified on the Claim Form, will receive a cash refund payment as detailed below:

- (1) If you have one or more Settlement Toy Product(s) from one or more of the Defendants, you may return the Toys and receive a refund for the actual price you paid for them or, if there is insufficient information available to determine the actual price, the average retail price of the identified Defendant that sold the Settlement Toy Product if you submit a valid Claim Form to the Claims Administrator. When you submit your claim for this category, the Claims Administrator will send you a shipping label so you may return the Settlement Toy Product(s) at no cost to you. Alternatively, you may send a portion of the box with UPC Code to the Claims Administrator along with your Claim Form.
- (2) If you no longer have the Settlement Toy Product(s), but you have proof of purchase, you may submit a Claim Form certifying that the Toy(s) was destroyed or disposed of, together with proof of purchase by (i) sales receipt, (ii) credit card statement or (iii) internet order confirmation. Then you will receive a refund for the actual price paid for the Settlement Toy Product(s), so long as you have not already received a cash refund.
- (3) If you have neither the Settlement Toy Product(s) nor proof of purchase, you may submit a Claim Form certifying that the Toy(s) were destroyed or disposed of, together with a declaration of such under penalty of perjury, and then you will be entitled to receive a cash refund in the amount of the average retail price of the Settlement Toy Product(s) sold by the identified Defendant so long as you have not already received a cash refund. You must have destroyed or disposed of the Toy(s) and not simply have given it away to another person. Refunds are limited to two Settlement Toy Products for which you do not have proof of purchase.

In addition, Defendants agree that they or their agents shall destroy all returned Settlement Toy Product(s) after the Claims Period and to provide certification of destruction to Class Counsel and the Court.

#### b. Other Monetary Obligations of the Defendants:

In addition to each Defendant paying for the cash refunds of Settlement Toy Product(s) purchased from them, Defendants will collectively pay a *cy pres* award of thirty thousand dollars (\$30,000) to a non-profit organization known as the Asbestos Disease Awareness Organization (ADAO) if such award is approved by the Court. In addition, Defendants will pay for Claims Administration and Notice Expenses, and for attorneys’ fees and costs awarded by the Court to Class Counsel, up to the amount of \$175,000.

## HOW TO SUBMIT A CLAIM

### 8. How do I submit a claim?

A Claim Form, including instructions on how to submit a claim by mail or directly online, is available at [www.CSIToysSettlement.com](http://www.CSIToysSettlement.com). You also can receive a Claim Form by writing to: Planet Toys CSI Kits Claims Administrator, P.O. Box 6177, Novato, CA 94948-6177.

You must read the instructions on the Claim Form carefully, answer the questions and fill out the Claim Form as directed in the instructions, include all the documents that the form asks for, and sign the Claim Form under penalty of perjury. **You must mail the Claim Form so that it will be received by the Claims Administrator on or before January 14, 2010. If you do not mail your Claim Form in time, your claim may be rejected, and you waive all rights to receive any benefits under this settlement.**

#### 9. When will I receive payment for my claim?

The Court will hold a settlement hearing on February 16, 2010 at 10:00 a.m., to decide whether to approve the settlement. If the Court approves the settlement, there may be appeals. The appeal process can take more than a year. Please be patient. Settlement award checks will be mailed after the settlement becomes final and all claims are processed. You should receive your award within twelve weeks after the resolution of any appeals, or if there is no appeal, within twelve weeks after the claim filing deadline.

#### 10. What am I giving up to participate in the proposed settlement?

If you remain in the class, you will be eligible to participate in the settlement and receive a cash refund if you file a valid and timely Claim Form. If you remain in the class, that also means that you can't sue or be part of any other lawsuit against any Defendants about the Settled Claims as defined in the Settlement Agreement. It also means all of the Court's orders will legally bind you, and you will be deemed to release Defendants and each Released Party as defined in the Settlement Agreement from any future claims concerning the issues in this lawsuit. However, personal injury claims due to use or exposure to the Toys will not be released if you stay in the class and file a Claim Form.

#### EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want to be included in the proposed settlement, but you want to keep the right to sue Defendants on your own about the legal issues in this case, then you must take affirmative steps to exclude yourself from the settlement class. This is sometimes referred to as "opting out of the settlement class."

#### 11. How do I opt out of the settlement class?

To opt out from the proposed settlement, you must send a Request for Exclusion letter by U.S. Mail to the Claims Administrator asking to be excluded from the *Morris, et al. v. CBS, et al.*, class action, U.S. District Court for the Southern District of New York, Case No. 08-CV-0592 (HB). Be sure to include your name, address, telephone number, and signature. Your request to be excluded from the settlement must be postmarked no later than **September 28, 2009**. Please mail your letter to: Planet Toys CSI Kits Claims Administrator, P.O. Box 6177, Novato, CA 94948-6177.

If you ask to be excluded, you will: (i) not be bound by any orders or judgments entered in this Action; (ii) not be entitled to relief under or be affected by the Settlement Agreement; (iii) not have a right to a cash refund; and (iv) not be entitled to object to any aspect of the Settlement Agreement. You must personally sign your Request for Exclusion. So-called "mass" or "class" opt-outs shall not be allowed. If more than 150 class members timely file valid Requests for Exclusion, Defendants will have the right to withdraw from the Settlement Agreement.

#### 12. If I opt out from the settlement, can I still get a refund for the Settlement Toy Product(s) I purchased?

No. If you opt out from this settlement, please do not send in a Claim Form because you will not be eligible to participate in this settlement.

#### THE LAWYERS REPRESENTING YOU

#### 13. Do I have a lawyer in the case?

The class is represented by John Stoia, Jr., of Coughlin Stoia Geller Rudman & Robbins LLP and William Audet of Audet & Partners, LLP. These lawyers are called "Co-lead 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.

#### 14. How will the lawyers be paid?

Class Counsel will ask the Court to award attorneys' fees and expenses in an amount not to exceed \$175,000. As described above, this amount will be paid by the Defendants.

#### OBJECTING TO THE SETTLEMENT

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

#### 15. How do I tell the Court that I don't like the settlement?

If you are a class member, you can object to the proposed settlement and give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter containing your objections to the proposed settlement in *Morris, et al., v. CBS, et al.*, Case No. 08-CV-0592 (HB). Be sure to include your name, address, telephone number, your signature, appropriate proof of purchase or receipt of the Settlement Toy Product(s), the basis for your objection, and a statement of whether you intend to appear at the Settlement Hearing, either with or without counsel. If you fail to timely file a written objection in this manner,

you shall be deemed to have waived any objections, shall not be permitted to object to the Settlement Agreement at the Settlement Hearing, and shall be foreclosed from seeking any review of the Class Settlement by appeal or other means. Your objection and any supporting papers must be mailed to and **actually received by** all of the following persons no later than **September 14, 2009**.

COURT	CLASS COUNSEL		DEFENSE COUNSEL
Clerk of the Court United States District Court Southern District of New York 500 Pearl Street New York, NY 10007-1312	John J. Stoia, Jr., Esq. Coughlin Stoia Geller Rudman & Robbins LLP 655 West Broadway, Suite 1900 San Diego, CA 92101	<i>and</i>	William M. Audet, Esq. Audet & Partners, LLP 221 Main Street, Suite 1460 San Francisco, CA 94105
			Renee D. Wasserman, Esq. Rogers Joseph O'Donnell 311 California Street, 10 <sup>th</sup> Floor San Francisco, CA 94104

**16. What's the difference between objecting to the proposed settlement and opting out?**

Objecting to the proposed settlement is simply telling the Court that you don't like something about it. You can object only if you remain in the Class. Opting out is telling the Court that you don't want to be part of the settlement class. If you exclude yourself, you have no basis to object because the case no longer affects you.

**THE SETTLEMENT HEARING**

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to do either to participate in this class settlement.

**17. When will the Court decide whether to approve the proposed settlement?**

The Court will hold a Settlement Hearing at 10:00 a.m. on February 16, 2010 at the United States District Court for the Southern District of New York, in Courtroom 23B located at 500 Pearl Street, New York, NY 10007-1312. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate and thus should be finally approved. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court may also consider how much to pay to Class Counsel. We do not know how long these decisions will take.

**18. Do I have to come to the hearing?**

No. Class Counsel will answer any questions that the Court may have about the proposed settlement. You may come to the hearing at your own expense. Even if you send an objection, you don't have to come to the hearing. As long as your written objection is timely, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary. Finally, you may seek to intervene in the action, but you need not do so.

**19. May I speak at the hearing?**

You may ask the Court for permission to speak at the Settlement Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear" in "*Morris, et al., v. CBS, et al.*, Case No. 08-CV-0592 (HB)." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must **be received by all** of the individuals listed in the Answer to Question No. 15 above, no later than **September 14, 2009**. You cannot speak at the hearing if you opt out of the settlement class.

**IF YOU DO NOTHING**

**20. What happens if I do nothing at all?**

If you do nothing, you will not receive any benefits from this proposed settlement. But, unless you opt out, you won't be able to start, continue or participate in a lawsuit against the Defendants about the Settled Claims in this case. However, you do not need to do anything to preserve your right to bring a lawsuit for individual personal injuries, if any, caused by the Settlement Toy Products..

**GETTING MORE INFORMATION**

**21. Are there more details about the proposed settlement?**

This Notice summarizes the proposed settlement. More details are contained in the Settlement Agreement. Copies of the Settlement Agreement and other documents relating to the case are on file at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1312 and may be examined and copied during office hours at the Office of the Clerk, 8:30 a.m. to 5:00 p.m. You may also obtain a copy of the Settlement Agreement from the settlement website at [www.CSIToysSettlement.com](http://www.CSIToysSettlement.com).

**22. How do I get more information?**

To obtain more information on the proposed settlement, you may visit the settlement website at [www.CSIToysSettlement.com](http://www.CSIToysSettlement.com). You may also write to either of the Class Counsel listed in the Answer to Question No. 15 above.

**Questions about the proposed settlement should not be directed to the Court or its staff.**