

NANCY KAPLEN
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street – 5th Floor
P.O. Box 45029
Newark, New Jersey 07101
Attorney for Plaintiffs

By: Anne Marie Kelly
Brian O. Lipman
Deputy Attorneys General
Tel.: (973) 648-4846

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MERCER COUNTY
DOCKET NO.: C-97-04

PETER C. HARVEY, ATTORNEY GENERAL :
OF THE STATE OF NEW JERSEY and :
J. FRANK VESPA-PAPALEO, DIRECTOR :
OF THE NEW JERSEY DIVISION ON :
CIVIL RIGHTS, :

Plaintiffs, :

v. :

ANSCHUTZ CORPORATION :
d/b/a REGAL ENTERTAINMENT GROUP :
and/or REGAL CINEMAS, INC., :

Defendants. :

SETTLEMENT AGREEMENT

WHEREAS, on September 14, 2004 Peter C. Harvey, Attorney General of the State of New Jersey and J. Frank Vespa-Papaleo, Director, Division on Civil Rights (“Plaintiffs”) filed a Verified Complaint against Regal Entertainment Group and/or Regal Cinemas, Inc., (“Defendants”) bearing docket No. C-97-04 in which Plaintiffs asserted claims against Defendants alleging discrimination against the deaf and hard of hearing in its movie theaters in violation of the Law Against Discrimination, N.J.S.A. 10:5-1 et seq. (“LAD”) (the “Action”); and

WHEREAS, on February 22, 2005, Plaintiffs filed an Amended Complaint in

which Plaintiffs asserted additional claims against Defendants alleging discrimination against the blind and visually impaired in its movie theaters in violation of the LAD; and

WHEREAS, Defendants deny each and every allegation made by Plaintiffs and have asserted counterclaims alleging full compliance with the LAD and seeking declaratory relief from the court. Defendants enter into this Settlement Agreement for the sole reason of eliminating the expenses associated with litigation; and

WHEREAS, the parties hereto desire to resolve this matter amicably without the necessity, expense and uncertainty of further litigation; and

WHEREAS, to the extent first run and/or newly released films are released with captions or audio description and are available to Defendants' New Jersey Theaters, the parties desire that they be made available to those in need of such accommodations; and

NOW, THEREFORE, in consideration of the promises and mutual obligations herein set forth, the parties hereby agree as follows:

DEFINITIONS

1. As used in this Settlement Agreement, captioning and descriptive audio narrations systems, which are transmitted by either combined or separate units, are designed to provide captioned viewings of movies for the hearing impaired and provide audio narrations of movies for the visually impaired. These components, whether a single unit or separate units, are hereinafter referred to as "Captioning Equipment" and "Descriptive Audio Equipment." "Open Captioning" is a type of captioning which projects the captioning onto the screen as the movie is being shown. Currently, Regal maintains and utilizes this type of captioning system in its New Jersey theaters as identified in Paragraph 10 of this Settlement Agreement.

2. As used in this Settlement Agreement "Major Holidays" are Martin Luther