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Facsimile Cover Sheet

TO: New York State Attorney General's Office FAX No. (212) 416-6003
New York State Office of Cyber Security FAX No. (518) 474-9090
New York State Consumer Protection Board FAX No. (212) 459-8855

PAGES: 2 including cover sheet

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FROM: Jon A. Neiditz DID No. 404.322.6139
RETURN TO: Pat Jenkins FAX No. 404.322.6033
DATE/TIME: July 14, 2008 at 4:40 PM FILE No. 00999/09600

COMMENTS:

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FAX Page 1

NEW YORK STATE SECURITY BREACH REPORTING FORM
Pursuant to the Information Security Breach and Notification Act
(General Business Law §899-aa; State Technology Law §208)

Name of Entity: 24 Hour Fitness USA, Inc
 Street Address: 12647 Alcosta Blvd., Suite 500
 City: San Ramon State: CA Zip Code: 94583

Sector (please select one): Local Government State Government Federal Government
 Not-for-profit Commercial Educational

Type of Business (please select one): Biotech/Pharm Education Financial Services
 Health Care Insurance Retail/Internet Telecom. Transportation
 Other Health & wellness

Persons Affected: Total: N/A Dates: Breach Occurred: May 26, 2008
 NY residents: 18 Breach Discovered: June 6, 2008
 Consumer Notification: July 11, 2008

Reason for delay, if any, in sending notice: Additional time required to determine scope of the breach and determine legal obligations regarding same.

Description of Breach (please select all that apply): Hacking incident; Inadvertent disclosure;
 Stolen computer, CD, tape, etc; Lost computer, CD, tape, etc; Insider wrongdoing;
 other (specify): _____ (Attach additional description if necessary)

Information Acquired (please select all that apply): Name; SSN; Driver's license no.;
 Account number; Credit or Debit card number; Other (specify): _____

Manner of Notification to Affected Persons (Attach Copy): Written; Electronic (email);
 Telephone; Substitute notice (provide justification). List dates of any previous (within 12 months)
 breach notifications: _____

Credit Monitoring or Other Service Offered: Yes; No; Duration: One (1) year
 Service: Triple Alert (SM) Provider: ConsumerInfo.com, Inc., an Experian
 company

Submitted by: Jon A. Neiditz Title: Partner
 Firm Name (if other than entity): Nelson Mullins Riley & Scarborough, LLP
 Telephone: (404) 322-6139 Email: jon.neiditz@nelsonmullins.com

Dated: July 11, 2008