

2009 McDonald's R&B Soul Search Rules

CONTEST DESCRIPTION:

McDonald's R&B Soul Search ("Contest") will hold open auditions on **5/9, 5/16 & 5/23/2009** at the Loft Jazz Club located at 3112 Olive Blvd., St. Louis, Missouri. The Contest will begin on 5/22 and end on 6/19 ("Contest Period"). Selected Contestants will have a chance to participate in a competition to win a chance to conduct a live concert at a Suite Soul Spot Concert Series, professional studio time at a local recording studio, along with a professional photo shoot, and \$1,000 cash prize. At all times herein refer to St. Louis time on applicable date.

ELIGIBILITY AND OTHER LIMITATIONS:

1. Entrants must be twenty-one (21) years of age or older, a resident of Missouri or Illinois and a legal U.S. citizen at the time of auditions to participate in the Contest.
2. Persons in any of the following categories are NOT eligible to participate or win prizes in the Sweepstakes:
 - (a) persons who on or after January 1, 2005 were or are franchisees, directors, officers, employees, promotional partners, affiliated advertising agencies or agents of McDonald's Corporation, The St. Louis American, The Loft Jazz Club ("Sponsors"), Radio One, Inc. d/b/a WFUN / WHHL ("Contest Administrator"), any Entity contributing prizes ("**Entity**"), any of their respective parent companies, subsidiaries, affiliated companies, service agencies, or independent contractors;
 - (b) individuals engaged in the development, production or distribution of materials for this Contest; and
 - (c) persons who are immediate family members (defined as spouse or biological or stepmother, father, sister, brother, daughter, or son and each of their respective spouses) of any person in any of the preceding categories, regardless of where they live, and/or individuals who reside in the same household, whether related or not, as any person in any of the preceding categories.
3. Selected Contestants may not participate in this promotion if they are under contract with any other recording studio or if they have already made or are in the process of professionally recording for a record label or artist.
4. Listeners may not win more than one (1) WFUN / WHHL contest (in this contest or any other) during any thirty-day (30) period except as specified within these Contest rules.
5. Contest is void where prohibited.

HOW TO ENTER:

Entrants may audition at The Loft Jazz Club located at: 3112 Olive Blvd., St. Louis MO on 5/9, 5/16 & 5/23, from 1pm-4pm. All persons planning to audition MUST be registered at the entry

table by 3pm. Auditioning for the McDonald's R&B Soul Search does not guarantee a spot in the competition.

1. Auditions will take place on 5/9, 5/16 and 5/23. Entrants will be limited to one (1) guest at the auditions. All persons planning to audition **MUST** be registered at the entry table by 3pm. Auditions will begin at 12pm and end at 4pm each day of auditions.
2. Each day of auditions will be broken up into multiple smaller groups of 5-20 auditioning candidates. Once each entrant from each group has auditioned for the judging panel, the panel will select and announce the entrant(s) from each smaller group who have been selected to compete for the grand prize in the preliminary competition. There is no guarantee that an entrant will be selected from every smaller group of 5-20, to compete in the show. It is possible that no entrant may be selected from a smaller group, based on the audition judging panel's final decision. If an entrant is not selected to compete in the preliminary competition from his/her smaller group of 5-20, an entrant can re-audition during the one of the remaining audition dates. If there are no remaining audition dates, entrants can return for the 2010 auditions, if any.
3. All contestants & alternates in the three (3) preliminary rounds (5/22, 5/29, 6/5) are required to be at The Loft by 6:15pm. **Anyone who is not there by 6:15pm will be replaced.** The alternate(s) selected to replace a no-show or late contestant, will be determined at 6:30pm.
4. An information packet will be provided to each registered entrant that must be signed & turned in along with a valid state ID. Entrants selected to compete in the competition will be provided with legal documentation that they must read and agree to without modification prior to leaving the auditions.
5. The final thirty (30) contestants (that advance from the audition phase of the Contest) will select a song from the provided pre-approved list of music (provided during the auditions), as well as confirm their availability for the preliminary competition date on which they have been chosen to perform. There will be three (3) preliminary competitions that will lead up to the final competition. If a contestant becomes unavailable for any reason on their confirmed competition date, an alternate will be selected to fill their slot. Two (2) alternates will be selected for each night of the three (3) preliminary competitions. No alternate is guaranteed a spot in the competitions.
6. Ten (10) of the thirty (30) total competition contestants will compete on each of these three (3) nights of preliminary competitions. After each of the three preliminary competitions, only the three contestants from each of the three (3) preliminary rounds with the highest score from the competition judging panel will move on to the final competition on 6/19, to compete for the grand prize. A total of ten (10) finalists will compete for the grand prize on June 19th. The professional judging panel will select three contestants from each of the three (3) preliminary rounds to advance into the finals. The fourth (4th) highest scoring contestant from each of the three (3) preliminary rounds will advance to the online voting portion of the competition. Online voting will begin at 10am on 6/6. One (1) MP3 snippet of each of the four (4) contestants' performances (who received the fourth highest scores from the professional judging panel), will accompany a photo of the contestant on McDonaldsStl.com. Voters can vote starting Saturday 6/6 at 10am up until 10am on Friday 6/12. Once voting ends at 10am on Friday 6/12, all votes will be tallied. Radio One will announce the contestant who advances to the finals based on the total number of votes received between Saturday 6/6 and Friday 6/12. Online voting starts the Saturday after the last preliminary round of competition

on Friday 6/5. On Friday 6/12 at 1:55pm, WFUN/WHHL on-air personalities Staci Static and Niecy Davis will announce the winner who will advance from the online portion of the competition into the tenth (10th) slot for the final competition round to compete for the grand prize on 6/19.

7. The grand prize-winner will be awarded the chance to conduct a live concert at a Suite Soul Spot Concert Series Event, professional studio time at a local recording studio, along with a professional photo shoot, and \$1,000 cash, awarded by WFUN-FM.
8. In addition to the grand prize, there will be one of each of the following selected: second runner up and third runner up, who will receive prizes provided by WFUN-FM as determined by WFUN-FM.
9. No responsibility is assumed by Contest Administrator or Contest Sponsors for lost, late, ineligible, misdirected, mutilated, incomplete or illegible entry forms, or for busy phone lines, inadvertent disconnections, garbled transmissions or for other phone or computer equipment malfunctions that may occur.

WINNER SELECTION:

1. Ten (10) contestants will compete on each of the three (3) nights of preliminary competitions (5/22, 5/29, and 6/5/09). After each of the three preliminary rounds, only three (3) contestants from each of the three (3) preliminary rounds will move on to the final competition, to compete for the grand prize. Ten (10) of the thirty (30) total competition contestants will compete on each of these three (3) nights of preliminary competitions. After each of the three preliminary competitions, only the three (3) contestants from each of the three (3) preliminary rounds receiving the highest scores from the competition judging panel will move on to the final competition on 6/19, to compete for the grand prize. A total of ten (10) finalists will compete for the grand prize on June 19th. The professional judging panel will select three contestants from each of the three (3) preliminary rounds to advance into the finals. The fourth (4th) highest scoring contestant from each of the three (3) preliminary rounds will advance to the online voting portion of the competition. Online voting will begin at 10am on 6/6. One (1) MP3 snippet of each of the four (4) contestants, will accompany a photo of the contestant on McDonaldsStl.com. Voters can vote starting Saturday 6/6 at 10am up until 10am on Friday 6/12. Once online voting ends at 10am on 6/12, all votes will be tallied. Radio One will announce the contestant who advances to the finals based on total number of votes received between Saturday 6/6 and Friday 6/12. Voting starts the Saturday after the last preliminary contestants' round of competition on Friday 6/5. On Friday 6/12 at 2pm, WFUN/WHHL on-air personalities Staci Static and Niecy Davis will announce the winner who will advance from online votes into the tenth (10th) slot for the final competition round to compete for the grand prize on 6/19.
2. Selected entrants and contestants may appear on a Charter Cable, local news media broadcast and/or web streaming (www.mcdonaldsstl.com) of the auditions and/or competitions at anytime during the Contest Period. No contestant's performance is guaranteed to air in a show/news segment.
3. No prizes will be awarded during the three preliminary competitions.

4. After the selection of the three (3) contestants from each preliminary round by the professional judging panel and the online votes determining the fourth contestant to advance into the final show, all remaining contestants who did not advance into the final show, can return in 2010 to audition for competition again. Any person in the top ten (10) during the final show for 2009 will have to wait until 2011 to audition again.
5. One grand prize winner will be selected from among the participating ten (10) finalists at the 4th and final competition (6/19). The professional judging panel will vote the night of the final show to determine the grand prize winner and runner-ups. There will be no online voting component available for the 6/19 final show. All decisions by the by the professional judging panel are final and non-negotiable.
6. In addition to the grand prize, there will be one of each of the following selected: second runner up and third runner up, who will receive prizes provided by WFUN-FM.

PRIZE RESTRICTIONS/CONDITIONS:

1. The grand prize winner will be awarded a chance to conduct a live concert at a Suite Soul Spot Concert Series event, professional studio time at a local recording studio, along with a professional photo shoot and \$1000 cash, awarded by WFUN-FM.
2. WFUN will award \$300 and a pair of concert tickets to the 2nd place winner
3. WFUN will award \$100 and a mall gift certificate to the 3rd place winner
4. No substitution of prizes will be allowed and non-cash prizes may not be redeemed for cash value. Each winner shall be solely responsible for all federal, state and/or local taxes, sales tax, surcharges, service charges, delivery, processing and handling fees, and all other costs incurred in claiming the prize.

GENERAL CONDITIONS:

1. All persons by participating in this promotion agree to be bound by these official contest rules and all decisions made by the Sponsors and the Contest Administrator, which shall be final and binding. Failure to comply with the contest rules may result in the disqualification of a contestant. In the event there is a discrepancy or inconsistency between disclosures or other statements contained in any contest materials and the terms and conditions of these Official Rules, these Official Rules shall prevail and govern.
2. Acceptance of the prize constitutes winner's permission for Sponsor to use Winner's name, photograph, likeness, voice, biographical information, statements, and address (city and state) for advertising and/or publicity purposes worldwide and in all forms of media now known or hereafter developed in perpetuity, without further compensation or authorization, except where prohibited by law.
3. Entrants agree that Contest Administrator, Contest Sponsors, Entity and each of their respective franchisees, affiliates, subsidiaries, local corporate advertising cooperatives, advertising and promotion agencies, and all of their respective directors, officers, employees, representatives and agents (collectively, the "**Promotion Entities**") (A) shall not be responsible or liable for any

costs, losses, damages or injuries of any kind resulting from an entrant's/contestant's participation in the Contest or any Contest related activity, or from entrant's/contestant's acceptance, receipt, possession and/or use or misuse of any prize, and (B) have neither made nor are in any manner responsible or liable for any warranty, representation or guarantee express or implied, in fact or in law, with respect to any prize, including, without limitation, to such prize's quality, merchantability, mechanical condition or fitness for a particular purpose.

4. Payment of all federal, state, and local taxes is the sole responsibility of the winners. Winners of prizes valued at over \$600 are required to sign a W-9 tax form before receiving their prize and will receive an IRS form 1099 at the end of the year, which will be provided by WFUN-FM.
5. Odds of winning depend upon the number of those eligible contestants who audition.
6. No purchase is necessary. This contest is void where prohibited.
7. GOVERNING LAW:

All issues and questions concerning the construction, validity, interpretation and enforceability of these official rules or the rights and obligations of the Contest Administrator or Contest Sponsors in connection with the Contest shall be governed by and construed in accordance with the internal laws of the state in which event is taking place without giving effect to any choice of law or conflict of law rules or provisions that would cause the application of any other state's laws.

8. DISQUALIFICATION/FORCE MAJEURE:

It is the participant's responsibility to ensure that he/she has complied with the conditions contained in these Official Rules.

Radio-One d/b/a WHHL & WFUN as the Contest Administrator reserves the right in its sole discretion to disqualify any individual who is found by Radio-One d/b/a WHHL & WFUN as the Contest Administrator to be tampering with the entry process or the operation of the Contest; to be acting in violation of these Official Rules; or to be acting in an unsportsmanlike or disruptive manner, or with the intent to disrupt or undermine the legitimate operation of the Contest, or to annoy, abuse, threaten or harass any other person.

Radio-One d/b/a WHHL & WFUN as the Contest Administrator reserves the right to seek damages and other remedies from any such person to the fullest extent permitted by law.

Subject to any governmental approval which may be required, Radio-One d/b/a WHHL & WFUN as the Contest Administrator reserves the right, without prior notice and at any time, to terminate the Contest, in whole or in part, or modify or suspend the Contest in any way, if it determines, in its sole discretion, that the Contest is technically impaired or corrupted or that fraud or technical problems, failures or malfunctions have destroyed or severely undermined the integrity and/or feasibility of the Contest.

In the event Radio-One d/b/a WHHL & WFUN as the Contest Administrator is prevented from continuing with the Contest as contemplated herein by any event beyond its control, including but not limited to fire, flood, natural or man made epidemic of health of other means, earthquake, explosion, labor dispute or strike, act of God or public enemy, satellite or equipment failure, riot or civil disturbance, terrorist threat or activity, war (declared or undeclared), criminal

activity by third parties or any federal state or local government law, order, or regulation, public health crisis (e.g. SARS), order of any court or jurisdiction, or other cause not reasonably within control (each a “**Force Majeure**” event or occurrence, then subject to any governmental approval which may be required, Radio-One d/b/a WHHL & WFUN as the Contest Administrator and Contest Sponsor, with mutual agreement, shall have the right to modify, suspend, or terminate the Contest.

9. ARBITRATION DISCLOSURE:

By participating in this contest, all participants agree that any and all disputes they may have with, or claims they may have against, Radio-One d/b/a WHHL & WFUN as the Contest Administrator relating to, arising out of or connected in any way with (i) the contest, (ii) the awarding or redemption of Prizes, and/or (iii) the determination of the scope or applicability of this agreement to arbitrate, will be resolved individually, without resort to any form of class or representative action, and exclusively by final and binding arbitration administered by the National Arbitration Forum (the Forum”) pursuant to the Forum’s Code of Procedure and in accordance with the arbitration provision below.

10. ARBITRATION PROVISION:

By participating in this Contest, each participant agrees that: (1) Any claim, dispute, or controversy (whether in contract, tort, otherwise) arising out of, relating to, connected in any way with the Sweepstakes, the awarding or redemption of Prizes, or the determination of the scope or applicability of this agreement to arbitrate, will be resolved exclusively by final and binding arbitration administered by the Forum and conducted before a sole arbitrator pursuant to the Code of Procedures established by the Forum; (2) This arbitration agreement is made pursuant to a transaction involving interstate commerce, and shall be governed by the Federal Arbitration Act (“FAA”), 9 U.S.C. 1-16; (3) The arbitration shall be held at a location determined by the Forum pursuant to the Code of Procedure (provided such location is reasonably convenient for participant), or at such other location as may be mutually agreed by the Radio-One d/b/a WHHL & WFUN as the Contest Administrator; (4) The arbitrator’s decision shall be controlled by the terms and conditions of these Official Rules and any of the other agreements referenced herein that the applicable participant may have entered into in connection with the Contest; (5) The arbitrator shall apply Illinois law consistent with the FAA and applicable statutes of limitations, and shall honor claims of privilege recognized at law; (6) There shall be no authority for any claims to be arbitrated on a class or representative basis; arbitration can decide only the Radio-One d/b/a WHHL & WFUN as the Contest Administrator individual claims and the arbitrator may not consolidate join the claims of other persons or parties who may be similarly situated; (7) The arbitrator shall not have the power to award punitive damages against the Radio-One d/b/a WHHL & WFUN as the Contest Administrator; (8) In the event that the administrative fees and deposits that must be paid to initiate arbitration against Radio-One d/b/a WHHL & WFUN as the Contest Administrator exceeds \$125, and the participant is unable (or not required under the applicable Code of Procedure) to pay the additional fees and deposits, Radio-One d/b/a WHHL & WFUN as the Contest Administrator agrees to pay them and/or forward them on the participant’s behalf, subject to ultimate allocation by the arbitrator. In addition, if the participant is able to demonstrate that the costs of arbitration will be prohibitive as compared to the costs of litigation, Sponsor will pay as much of the participant’s filing and hearing fees in connection with the arbitration as the arbitrator deems necessary to prevent the arbitration from being cost-prohibitive; and (9) If any part of this arbitration provision is deemed to be invalid, unenforceable or illegal, or otherwise conflicts with the Code of

Procedure established by the Forum, the balance of this arbitration provision shall remain in effect and shall be construed in accordance with its terms as if the invalid, unenforceable, illegal or conflicting provision were not contained herein. For more information on the Forum and/or the Forum's Code of Procedure, please visit their website at www.arb-forum.com or contact them at National Arbitration Forum, P.O. Box 50191, Minneapolis, MN 55405, (877) 655-7755.

WINNERS LIST/OFFICIAL RULES:

To receive a copy of the Official Rules, mail a self addressed stamped envelope ("SASE") to McDonald's R&B Soul Search Rules Request, Radio One, Inc., 9666 Olive Blvd. or visit www.mcdonaldsstl.com

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