

Fair Fund to Compensate Certain Investors in America West Common Stock

If you purchased shares of America West Resources, Inc. (“America West”) common stock on February 23, 2012 and/or February 24, 2012, and suffered a loss according to the Distribution Plan,¹ you may be eligible for a payment from the Fair Fund.²

NOTICE: The Fair Fund was established by the Court to distribute \$3.7 million in disgorgement, prejudgment interest and civil money penalties paid by John Babikian (“Babikian”) in settlement of *Securities and Exchange Commission v. John Babikian* (No. 1:14-cv-01740-PAC). The Fair Fund is to be distributed to America West investors harmed as a result of Babikian’s fraudulent promotion and illegal “scalping” of America West, a Utah-based coal mining corporation, by using a platform of affiliated microcap stock promotion websites. The Fair Fund is intended to compensate investors who purchased America West stock and suffered harm as a result pursuant to the Distribution Plan approved by this Court on September 4, 2018. A copy of the Distribution Plan—which contains a description of all eligibility and other conditions to participation—copies of this Distribution Plan Notice, the Proof of Claim Form, and other important documents relating to the Fair Fund can be found at www.SECvJohnBabikianFairFund.com or the Securities and Exchange Commission’s (“SEC” or “Commission”) website at www.SEC.gov.

Who Is Eligible to Participate in the Fair Fund?

Any person or entity that purchased America West common stock on February 23, 2012 and/or February 24, 2012, may be eligible to receive a distribution payment from the *SEC v. John Babikian Fair Fund* subject to certain other eligibility limitations described in the Distribution Plan.

Eligible Security

America West common stock purchased on February 23, 2012 and/or February 24, 2012.

How to Apply?

1. **Instructions for Obtaining and Filing a Proof of Claim Form.** In order to be eligible to receive a distribution payment, you must submit a completed Proof of Claim Form on or before the claims deadline. A Proof of Claim Form has been included with this notice. If you require additional forms, you may make copies of the enclosed Proof of Claim Form, download and print the Proof of Claim Form from the Fair Fund website at www.SECvJohnBabikianFairFund.com, or request that Epiq Class Action & Claims Solutions, Inc. (“Epiq”),³ the Distribution Agent, mail you a Proof of Claim Form by writing to the address below, sending an email to info@SECvJohnBabikianFairFund.com, or by calling us toll-free at 1-844-616-6342.
2. Please be sure to provide your complete name and mailing address on the Proof of Claim Form.
3. **All Proof of Claim Forms must be signed and submitted to the address provided below, postmarked no later than January 2, 2019. Claims postmarked after January 2, 2019 will not be eligible to participate in the distribution of the *SEC v. John Babikian Fair Fund*.**

SEC v. John Babikian Fair Fund
Distribution Agent
P.O. Box 2995
Portland, OR 97208-2995

4. Please note that filing a Proof of Claim Form does not guarantee that you will be eligible to receive a distribution payment.

¹ Unless otherwise defined herein, capitalized terms shall have the same meaning as those set forth in the Distribution Plan as approved by the Court on September 4, 2018.

² The Fair Fund was established by the Court on January 19, 2017.

³ Epiq was appointed by the Court to serve as Distribution Agent for the Fair Fund to assist in overseeing the administration and the distribution of the Fair Fund, in coordination with the Commission staff, on January 19, 2017.

Questions? Visit www.SECvJohnBabikianFairFund.com,
email info@SECvJohnBabikianFairFund.com, or call 1-844-616-6342.

How Much Will My Payment Be?

For complete information on how payments will be calculated, please review the Plan of Allocation, which is Exhibit A to the Distribution Plan. The Distribution Plan can be found on the Fair Fund website, www.SECvJohnBabikianFairFund.com. The amount of distribution payment will vary based on the exact dates of transactions in America West common stock during the relevant period, the number of shares of America West common stock purchased and held, and the total dollar value of eligible claims submitted to the Fair Fund. Distribution payments shall only be made to Eligible Claimants whose total payment for a claim exceeds \$10.00.

Claim Filing Deadline

Proof of Claim Forms must be postmarked no later than 11:59 p.m. on **January 2, 2019**. If you need assistance in completing the Proof of Claim Form or if you have any questions, please contact the Distribution Agent or visit www.SECvJohnBabikianFairFund.com.

Other Information

This is not a solicitation from a lawyer. Section 21(d)(4) of the Securities Exchange Act of 1934 (“Exchange Act”) prohibits the use of funds disgorged in an action brought by the Commission “as payment for attorneys’ fees or expenses incurred by private parties seeking distribution of the disgorged funds.”

PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY. IF YOU SATISFY THE ELIGIBILITY CRITERIA DESCRIBED IN THIS NOTICE, YOU MAY BE ENTITLED TO A DISTRIBUTION PAYMENT FROM THE FAIR FUND. THIS NOTICE CONTAINS IMPORTANT INFORMATION REGARDING YOUR ELIGIBILITY.

SUBMIT YOUR CLAIM NOW!

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