



2021
CATTLE BARON'S GALA

Cowboy Up
to
CANCER

PRESENTED BY



THE WILL SMITH FOUNDATION

October 23, 2021

Estancia del Norte , San Antonio Texas

The American Cancer Society's mission is to save lives, celebrate lives, and lead the fight for a world without cancer.



Message From Your
2021 Cattle Baron's Gala Chairs,

"Cowboy Up to Cancer" is the theme for this year's American Cancer Society Cattle Baron's Gala. Through groundbreaking cancer research and world-class patient care, we are inviting you to join us as we Cowboy Up to a world free from cancer. This past year has been a whirlwind of change and transition as we find new ways to achieve success during the COVID pandemic. For the **first time in the American Cancer Society's 108-year history, cancer research and program funding are at risk.** Thus, we need your help more than ever!

We, Mark Malesky and Kelly Kuenstler, are proud to serve as co-chairs of the 43rd Annual Cattle Baron's Gala presented by The Will Smith Foundation, one of the significant sources of fundraising for our local American Cancer Society Chapter which supports cancer research and programs that directly help local cancer patients. This one-of-a-kind evening of food, fun, and live music will be held Saturday, October 23, 2021, at Estancia del Norte Hotel, San Antonio, Texas.

The San Antonio Cattle Baron's Gala supports the mission of the American Cancer Society so that we can gain further ground towards putting an end to the difficult and debilitating cancer treatments, surgeries and side-effects. Together, with the American Cancer Society, we're on a mission to decrease the burden of this horrible disease in San Antonio, South Texas and beyond. Our goal this year is to be able to contribute at least \$1,000,000 to the worthy cause.

Because of the generosity of our community over the past four decades, our families, friends, and neighbors fighting cancer are able to receive free transportation to treatments and assistance with lodging, and 24 -7 helplines to provide much needed emotional support. Your donations also support the researchers who are helping to develop new therapies and getting us even closer to a cure.

For us, this is personal as we've seen the impact that cancer has had on our friends and family. We are leading this cause because of the loved ones we have witnessed through courage and resilience inspiring us to do more, to support them in their journey and help them beat this awful disease.

Join us as we "Cowboy Up to Cancer" in the fight for everyone battling cancer today and in the future!

Here is how **YOU** can make a difference:

- Become a sponsor of the Cattle Baron's Gala
- Purchase a table or tickets to the event
- Donate an item to our auction

Thank you again for your interest. We sincerely hope to see you as we join forces to "Cowboy Up to Cancer" on October 23, 2021! If you are interested in making a difference, please feel free to contact Susan DeLano with the American Cancer Society at (210) 319-0600 or we can be reached on our cellular phones Mark (830) 388-0385 Kelly (575) 496-0939.

Our very best to each of you in 2021 and beyond!



Cattle Baron's Gala Co-Chair
Mark Malesky
Water Features of Texas

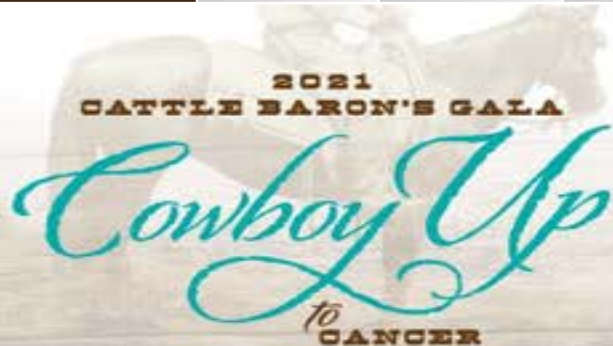


Cattle Baron's Gala Co-Chair
Kelly Kuenstler



CATTLE BARON'S GALA

SPONSORSHIP LEVEL	Prominent Gala Recognition	Recognition During Cattle Baron's Gala	Main Invitation Recognition (Print Cutoff 8.15.21)	Social Media Recognition	Co-Branded Favor Bag Item	Cattle Baron's Entry	Baron Tribute Garden (Tribute to a loved one)	Cattle Baron's Program Advertisement	Ranch Chic Recognition	Opportunity Choice (Choose One)
Cattle Baron's Presenting \$75,000	√	√	√	√	√	24 VIP	√	Full page	√	
Clydesdale Baron \$50,000		√	√	√	√	16 VIP	√	Full page	√	*Catering w/ Napkins *Staging *Entertainment
Heritage Baron \$35,000		√	√	√	√	16 VIP	√	Full page	√	*Welcome Entry *Food Station(s) *Main Ballroom
Royal Baron \$25,000		√	√	√	√	16 VIP		Half ½ page		*Invitation *Tables *Favor Bags & Chairs *Live Auction *Program
Gold Baron \$15,000		√	√	√	√	8 VIP		Half ½ page		*Valet Parking *Opening Band(s) *Social Media Influencer *Golden Ticket
Silver Baron \$10,000		√	√	√	√	8 VIP		Quarter ¼ page		*Save the Date Mailer *Centerpieces *Registration *Mission Pens *Bid Paddles
Bronze Baron \$6,500		√	√	√	√	8 VIP		Quarter ¼ page		*Favor Item *Wristbands *Invite Reply Card *Specialty Cups *Beverage Napkins *Late Night Snack *Enhancer Game
Lone Star Baron \$5,000		√	√	√		8				
Ranch Baron \$3,000		√	√	√		6				
Baron Tribute Garden (Tribute to a loved one) \$250		√		√			√			



Brand your calendars for the Annual Cattle Baron's Gala, an exciting event that features cancer survivor and showcases the life-saving mission of the American Cancer Society. It's an evening honoring dedicated sponsors and members of our community that are instrumental in helping save lives. This cowboy chic affair features a cocktail reception, silent and live auctions and knee-slapping entertainment.

43rd Annual Cattle Baron's Gala

Saturday, October 23, 2021

Estancia del Norte
San Antonio, Texas



RANCH CHIC FASHION SHOW

SPONSORSHIP LEVEL	Prominent Ranch Chic Recognition	Ranch Chic Invitation Recognition (Print Cutoff 7.15.21)	Cattle Baron's Invitation Recognition (Print Cutoff 8.15.21)	Ranch Chic Co-Branded Favor Bag	Ranch Chic VIP Entry	Cattle Baron's Entry	Ranch Chic Program Advertisement	Cattle Baron's Program Advertisement	Opportunity Choice (Choose One)
Ranch Chic Presenting \$18,000	√	√	√	ITEM	24	8 VIP	Full Page	Quarter ¼ page	
Ranch Chic Runway \$10,000		√	√	BAG	24	6 VIP	Full Page	Quarter ¼ page	*Production *Lighting *Music
Ranch Chic Red Carpet \$7,500		√	√		16	4 VIP	Full Page	Quarter ¼ page	*Catering *Runway
Ranch Chic Chic Show \$5,000		√	√		8		Full Page	√	*Save the Date *Napkins *Invitations *Models *Jewelry *Lucky Raffle *Photo Booth *Plate w/ holder
Ranch Chic Fashionista \$2,500		√			8		Full Page	√	*Centerpieces *Beverage Bars *Wristbands *Boots *Dessert *Check-In *Video *Signage
Ranch Chic Reserved Row \$1,000		√			8		Recognition	√	
Ranch Chic Tribute Garden (Tribute to a loved one) \$250							Full Page		

The Annual Ranch Chic Fashion Show is an exciting fashion show featuring cancer survivor models and showcasing the latest western attire as inspiration for what to wear to the 43rd Annual Cattle Baron's Gala. We honor our cancer survivor models for strength, their bravery and their willingness to give back and share their stories. Their stories are unique but share commonalities for how we can unite as a community to fight this disease. Their journeys echo those of so many survivors and inspire us to come together for events like the Ranch Chic Fashion Show to support the American Cancer Society's mission to save lives, celebrate lives and lead the fight for a world without cancer.



16th Annual Ranch Chic Fashion Show
 Thursday, September 23, 2021
 Rosenberg Sky Room at University of the Incarnate Word
 San Antonio, Texas



WRANGLER DAY

SPONSORSHIP LEVEL	Prominent Wrangler Day Recognition	Great Day SA Mention	Wrangler Day Participant Shirt Recognition	Wrangler Day Invitation	Cattle Baron's Invitation Recognition (Print Cutoff 8.15.21)	Cattle Baron's Co-Branded Favor Bag Item	Cattle Baron's Entry	Cattle Baron's Program Advertisement	Opportunity Choice (Choose One)
Wrangler Day Presenting \$18,000	√	√	√	√	√	√	8 VIP	Quarter ¼ page	
Wrangler Day Round-up \$10,000	√		√	√	√	√	8 VIP	Quarter ¼ page	
Wrangler Day Cow poke \$5,000			√	√	√		8		*T-Shirt *Rockwall *Lunch *Archery *Goody Bag *Longhorns
Wrangler Day Little Stud \$3,000			√	√	√		6		*Horses *Bottled Water *Music *Ice Cream *Zip Line *Facemask *Llama *Photographer

The Annual Wrangler Day will be held in the summer of 2021 at the Don Strange Ranch. This invitation only event is for children surviving cancer and their families. It's an event you don't want to miss supporting!

2021 WRANGLER DAY
 Friday, August 6, 2021
 Don Strange Ranch
 103 Waring Welfare Road
 Boerne, Texas



REAL MEN WEAR PINK & VIPINK

SPONSORSHIP LEVEL	Prominent "Pink" Recognition	Speaking Opportunity at "Pink" Awards	Co-Branded Video Promotion	Customized Personalized Fundraising Page	Cattle Baron's Invitation Recognition (Print Cutoff 8.15.21)	Cattle Baron's "Pink" Co-Branded Favor Bag Item	Cattle Baron's Entry	Cattle Baron's "Pink" Program Advertisement	Cattle Baron's Opportunity Choice (Choose One)
Pink Presenting \$18,000	√	√	√	√	√	√	8 VIP	Quarter ¼ page	
Pink Gold \$10,000	√		√	√	√	√	8 VIP	Quarter ¼ page	*Save the Date Mailer *Centerpieces *Registration *Mission Pens
Pink Silver \$6,500			√	√	√		8		*Favor Item *Cattle Baron's Invite Reply Card
Pink Bronze \$3,000			√	√	√		6		

Real Men Wear Pink = Men Fighting Breast Cancer
 VIPink = Women Fighting Breast Cancer

Breast cancer affects everyone - women and men. That's why we're recruiting men and women to fight breast cancer through Real Men Wear Pink and VIPink. This distinguished group of community leaders is determined to raise awareness and money to support the American Cancer Society's mission and save more lives than ever before from breast cancer.

Top 2020 Real Man Wear Pink Candidate



Jaime Wesolowski
 Methodist Health Ministries
 \$109,603.04





OUR MISSION IS SIMPLE.

SAVE LIVES AND CELEBRATE LIFE. EVERY SINGLE DAY.

GENEROSITY SAVING LIVES TOGETHER

Research

What does it take to outsmart cancer? Research. We've invested more than \$4.9 billion in cancer research since 1946, all to find more – and better – treatments, uncover factors that may cause cancer, and improve cancer patients' quality of life.

Patient Transportation

Transportation to cancer treatment is one of the greatest barriers to care. The American Cancer Society provides transportation grants to local health systems with demonstrated need to ease the burden of travel cost for patients. Funds raised will support the South Texas Paid Transportation fund that supports our Community Transportation Grants program in the San Antonio and surrounding area.

General Mission Funding

At the American Cancer Society, we're on a mission to free the world from cancer. Until we do, we'll be funding and conducting research, sharing expert information, supporting patients, and spreading the word about prevention. All so you can live longer — and better. All general mission donations will be unrestricted and used to support the area of greatest need.

The American Cancer Society is the nationwide, community-based, voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service.

Progress in the war against cancer has triggered a 29% decline in U.S. deaths over the past two decades, but we can't stop there. Over 1.8 million new cancer cases are expected to be diagnosed in the United States in 2021, and more than 606,520 Americans will lose their battle - that's over 1,600 people a day. The American Cancer Society is committed to changing these devastating odds.

Today we ask you to join us as a united force against all cancers by making a mission donation to the American Cancer Society through our premier Cattle Baron's Gala event.

BECOME A CATTLE BARON'S HONORARY CHAIR

San Antonio Cattle Baron's Honorary Chairs are community and business leaders from the San Antonio area. The mission of this group is to promote and support the success of the San Antonio Cattle Baron's Gala. In doing so, this prestigious group will be assisting the American Cancer Society in its mission to eliminate cancer as a major health concern. The Cattle Baron's Gala will be held on Saturday, October 23, 2021, from 5-11 p.m.**

Duties and responsibilities:

- ❖ Attend the Cattle Baron's Honorary Chair Introduction Party -Virtual or Hybrid
- ❖ Attend two to three Cattle Baron events held prior to the Cattle Baron's Gala
- ❖ Generate a benchmark of \$10,000 in revenue prior to the Cattle Baron's Gala through one or more of the following avenues: *
 - Corporate underwriting (refer to 2021 underwriting packet)***
 - Personal or corporate purchase of 2021 Cattle Baron's Gala tickets and/or tables
 - Sale of event tickets through personal or corporate contacts
 - Silent/live auction item procurement (optional)
 - Personal or corporate cash donations to support the American Cancer Society's mission
 - In-Kind event expense donation (i.e., valet service, alcohol, printing, premium gift, decorations and other amenities to offset the expense.)
 - Personal fundraising endeavors
- ❖ Aspire to recruit at least one colleague from your corporation/company or network to serve on one of the event planning committees
- ❖ Reach out to personal and business contacts to ensure successful support of the gala events
- ❖ Allow the use of your name, company affiliation/logo and photo to promote and publicize the gala
- ❖ Attend the Cattle Baron's Gala on October 23, 2021, to be recognized as an honorary chair
- ❖ Serve as a community leader for the American Cancer Society's mission and programs

Benefits:

- ❖ Official brown cowboy hat (first year) *
- ❖ Top Cattle Baron's Honorary Chair will be awarded Official black cowboy hat*
- ❖ Baron corporate donations used to underwrite the event OR sponsor a table, additional benefits are included in the underwriting packet based on level of involvement
- ❖ Opportunity to return as an Alumni Cattle Baron's Honorary Chair in subsequent years and earn additional Cattle Baron recognition upon achieving your \$10,000 benchmark fundraising goal:
 - Year 2: Men - belt buckle (add year to the design) Women - silver charm bracelet w/CBG logo dated
 - Year 3 & 4: Men - Bolo Tie / Women - silver charm
 - Year 5: a white hat for those Cattle Baron's Honorary Chairs who have raised \$50,000 within the course of 5 years through the honorary chair program on recognition on event website, invitation and evening program
- ❖ Recognition at the Cattle Baron's Gala event
- ❖ One (1) VIP table of 8 at the Cattle Baron's Gala event when \$10,000 benchmark is achieved
- ❖ Two (2) tickets to Cattle Baron's Gala event when \$2,500 is achieved
- ❖ For personal or corporate donations used to underwrite the event OR sponsor a table, additional benefits are included in the underwriting packet based on level of involvement

If \$10,000 benchmark is not achieved six (6) weeks prior to the Cattle Baron's Gala event, Cattle Baron amenities may be adjusted and/or will not be received.

This includes, table, recognition and gift(s). *Benefit recognition based on raising \$10,000+ for the mission of the American Cancer Society.

**Location and format may be changed to allow the following of CDC and American Cancer Society Guidelines for In-person/Hybrid Events.

***Corporate underwriting does not count toward Cattle Baron's Honorary Chair benefits.



BECOME A REAL MEN WEAR PINK OR VIPINK HONORARY

Real Men Wear Pink and VIPink of San Antonio are community and business leaders who are determined to raise awareness and funds to support the American Cancer Society's fight to end breast cancer. Every dollar raised helps the American Cancer Society save lives from breast cancer by funding innovative breast cancer research; providing education and guidance to help people reduce their risk; and offering comprehensive patient support to those who need it most that no one faces breast cancer alone.

Commitment & Expectations:

- ❖ Fundraise alongside other candidates from September - October (Breast Cancer Awareness Month) with the goal to reach or exceed a \$2,500 benchmark through one or more of the following avenues:
 - ❖ Personal or corporate cash donations to support the American Cancer Society's mission
 - ❖ Personal fundraising endeavors through the Real Men Wear Pink or VIPink platform and fundraising events
 - ❖ Corporate underwriting and/or match contribution*
- ❖ Use your personal and professional connections, social networks, the campaign website, and fundraising events to raise awareness and promote the campaign.
- ❖ Allow the use of your name, company affiliation/logo and photo to promote and publicize the campaign.
- ❖ Attend the Pink Announcement Party in September (exact date TBD) to meet your fellow candidates and be announced as a 2021 Real Man/VIPink.
- ❖ Commit to wearing pink every day in October in promotion of your efforts, don't worry we will help!
- ❖ Attend the Pink Wrap-Up Happy Hour in November (exact date TBD) to celebrate a successful campaign and award the top fundraisers.

Benefits:

- ❖ Individualized goal planning meeting and candidate toolkit to assist you with your fundraising.
- ❖ Promotion on the campaign website along with an individual fundraising page.
- ❖ Recognition at the annual San Antonio Cattle Baron's Gala as well as the event website, invitation, and evening program.
- ❖ Two (2) tickets to the annual San Antonio Cattle Baron's Gala.**

Real Men Wear Pink & VIPink Honorees will receive the following benefits upon achieving \$10,000+ benchmark:***

- ❖ Official Real Men Wear Pink/VIPink banded brown cowboy hat.
- ❖ One (1) VIP table of eight (8) at the Cattle Baron's Gala.
- ❖ Opportunity to return as an Alumni Real Men Wear Pink/VIPink Honorary in subsequent years and earn additional Real Men Wear Pink/VIPink recognition upon achieving minimum fundraising goal:
 - Year 2: Men - belt buckle
 - Year 2: Women - silver charm bracelet with VIPink charm
 - Year 3 & 4: Men - bolo tie
 - Year 3 & 4: Women - silver charm
 - Year 5: White hat upon raising \$50,000 within the course of 5 years or less.

*Corporate underwriting does not count towards Real Men Wear Pink and VIPink benefits.

**\$2,500 benchmark must be achieved in order to receive tickets to the Cattle Baron's Gala on October 23, 2021.

***If the \$10,000 benchmark is not achieved six (6) weeks prior to the Cattle Baron's Gala, Cattle Baron amenities may be adjusted and/or will not be received.



43RD ANNUAL CATTLE BARON'S GALA COMMITMENT FORM

BILLING & PAYMENT INFORMATION

CATTLE BARON'S SPONSORSHIP

- Cattle Baron's Presenting \$75,000 Clydesdale Baron \$50,000 Heritage Baron \$35,000 Royal Baron \$25,000
 Gold Baron \$15,000 Silver Baron \$10,000 Bronze Baron \$6,500 Lone Star Baron \$5,000 Ranch Baron \$3,000

RANCH CHIC FASHION SHOW

- Ranch Chic Presenting \$18,000 Ranch Chic Runway \$10,000 Ranch Chic Red Carpet \$7,500
 Ranch Chic Chic Show \$5,000 Ranch Chic Fashionista \$2,500 Ranch Chic Reserved Row \$1,000

WRANGLER DAY SPONSORSHIP

- Wrangler Presenting \$18,000 Wrangler Round-Up \$10,000 Wrangler Cowpoke \$7,500 Wrangler Longhorn \$5,000 Wrangler Little Stud \$3,000

PINK SPONSORSHIP

- Pink Presenting \$18,000 Pink Gold \$10,000 Pink Sliver \$6,500 Pink Bronze \$3,000
 Tribute Garden (Tribute to a loved one) \$250 Mission Support \$1,000 \$500 \$250 \$_____

- Interested in becoming a Cattle Baron's Honorary Chair Real Men Wear Pink Honorary Cattle Baron's Volunteer

Donor/Company Name _____ (As it is to be listed in print materials/program)

Contact Name _____ Title _____

Address _____ City, State, Zip _____

Office Phone _____ Cell Phone _____ I wish to be listed anonymously

Email _____

- Check Enclosed Invoice me at the above address Charge my credit card Wire

Cardholder Name _____ Sponsorship Total _____

Billing Address _____ City, State, Zip _____

MC | Visa | Amex Card # _____ Exp. Date _____ Security Code _____

Signature _____ Date _____



American Cancer Society South Region #SEJ494
P.O. Box 781449 San Antonio, Texas 78278
210.319.0600 | susan.delano@cancer.org
American Cancer Society is a 501(C)(3) Tax ID 13-1788491



The American Cancer Society's mission is to save lives and lead the fight for a world without cancer. All donations become the property of the American Cancer Society and will be used to support the mission. Event sponsorships and underwriting contributions are subject to the Terms and Conditions available at CattleBaronsGala.org and incorporated herein by this reference. The COVID-19 pandemic has impacted how the American Cancer Society safely conducts Cattle Baron's Gala and other event experiences in your community. In the event that ACS is unable to deliver any of the benefits above due to alterations for public safety, we will personally notify you to discuss benefit substitutions.

American Cancer Society
Terms and Conditions - Event Sponsorship and Underwriting

The following terms and conditions apply to sponsorships and/or underwriting of events of the American Cancer Society, Inc. ("ACS"):

1. **Sponsorship Commitment.** Sponsor has made a financial contribution (the "Payment") as a sponsor and/or underwriter of the ACS event (the "Event") identified on a sponsor commitment form, sponsorship package, pledge form, ACS website or similar agreement (each, a "Sponsorship Commitment"). ACS will have unrestricted use of the Payment. Any goods or services contributed by Sponsor or promotional activities conducted by Sponsor in connection with Event are provided as charitable contribution to ACS and without consideration.
2. **Sponsorship Acknowledgements.** ACS will provide the public recognition and acknowledgment applicable to Sponsor's support level as set forth in the Sponsorship Commitment (the "Sponsorship Acknowledgments"). Acknowledgement of Sponsor's sponsorship, while identifying Sponsor, will not endorse Sponsor's products or services or contain any qualitative or comparative language or price information with respect to Sponsor's products or services. Sponsorship Acknowledgments are not being provided as consideration of the Payment and the value of such acknowledgments will not exceed 2% of the Payment value. ACS will arrange and bear all costs and expenses related to Sponsor Acknowledgements.
3. **Sponsorship Benefits.** ACS will provide the additional sponsorship benefits (such as Event admission, food and beverage, entertainment, VIP seating, etc.) applicable to Sponsor's support level as set forth in the Sponsorship Commitment ("Benefits"). ACS will arrange and bear all costs and expenses related to Benefits.
4. **Tax Treatment.** The American Cancer Society is a qualified public charity under Section 501 (c) (3) of the Internal Revenue Code (the "Code"). Sponsor's Payment is a qualified sponsorship payment under Section 513(i) of the Code and nonrefundable. To the extent that Sponsor's Payment exceeds the fair market value of all goods, services and other return benefits received by Sponsor, it is considered a charitable donation to ACS and tax deductible to the extent permitted by law. ACS will provide Sponsor with documentation of the fair market value of all return benefits received in connection with the Event. In no event will the value of return benefits exceed the Payment. The return benefits are not intended to be available as a regularly occurring sale or an offer of advertising. Sponsor is responsible for consulting with its own tax advisor regarding the deductibility and treatment of its Payment, including contributed goods, for its own tax purposes. Contributed services are not tax deductible.
5. **Use of Names and Logos.** Sponsor grants to ACS the free, limited, non-exclusive, nontransferable, nonassignable, revocable right and license to use the Sponsor's name and

logo provided by Sponsor solely for the purpose of providing the Sponsorship Acknowledgments, Benefits and otherwise fulfilling its obligations under these Terms and Conditions. Sponsor has the right to publicly announce and promote its sponsorship of the Event using the ACS name as follows: "[Sponsor] is [or was] a proud Sponsor of the [Event]" or in similar language approved in advance by ACS. In any online announcement, a link to www.cancer.org will be provided. Any use of the ACS logo or any use of the ACS name other than the language set forth above, requires the prior written review and approval of ACS. In no event shall Sponsor use ACS's name or logo in connection with the sale of a product or service. Upon request, Sponsor will provide ACS with copies of any Sponsor materials that use the ACS name or logo. All use of the ACS name or logo inures to the benefit of ACS. All Sponsor's right to use the ACS name and/or logo will terminate one (1) year after the Event, or earlier upon ACS's written notice of termination. Both parties further agree not to use each other's intellectual property in any way that would imply endorsement of one's self or demean, defame, embarrass, diminish or cause any harm to the other.

6. **Sponsorship Scope.** Unless otherwise expressly identified on the Sponsorship Commitment, Sponsor will be a non-exclusive sponsor of the Event and ACS reserves the right to have other sponsors. Sponsor acknowledges that all Sponsorship Acknowledgements and Benefits provided by ACS relate only to the identified Event, and not similar ACS events held in other locations.

7. **Tobacco Affiliations.** "Tobacco Company" means any company that manufactures tobacco products and is commonly considered to be part of the tobacco industry, including subsidiaries and parent companies, and companies under common control with such company, as well as philanthropic foundations and other organizations closely linked with the tobacco industry. Sponsor represents and warrants that it (i) is not a Tobacco Company; (ii) does not own 5% or more of a Tobacco Company; and (iii) is not 5% or more owned by a Tobacco Company. Sponsor will adhere to ACS's no smoking policy when on ACS premises and the Event location.

8. **Force Majeure.** Neither Sponsor nor ACS will be deemed to be in default of any provision of this Agreement, or for failures in performance, resulting from acts of God, fire, flood, communicable disease outbreak, epidemic, public health emergency, natural catastrophe, severe weather, war, terrorism, labor dispute, governmental regulation or act, or similar events beyond the party's reasonable control, including any quarantine, travel warning or restriction or other action of government agencies or commercial entities intended to control, mitigate or otherwise address the foregoing (a "Force Majeure Event").

9. **Discretionary Authority.** Sponsor understands that the Event is being conducted, and Sponsor's Payment will be utilized, in furtherance of ACS's charitable mission. Sponsor acknowledges that ACS shall retain full discretion and control over the Event, including planning, schedule and operations. ACS reserves the right to reschedule or cancel the Event for any Force Majeure Event or any other reason it deems necessary or advisable, including without limitation logistical complications, public health concerns, severe weather forecast or other circumstances potentially affecting Event operations, attendance or success. In such cases, ACS will make reasonable efforts to provide Sponsorship Acknowledgements and Benefits at a rescheduled or comparable event within a reasonable time with Sponsor's approval.

10. **Applicable Law, Jurisdiction, and Special Damages.** These Terms and Conditions will be governed by the laws of the state of Georgia. The state and federal courts located in Fulton County, Georgia will have exclusive jurisdiction over all claims brought under this Agreement. Neither party will be liable for any indirect, special or consequential damages. This limitation of liability will not limit either party's gross negligence or willful misconduct.

11. **Miscellaneous.** If any provision of these Terms and Conditions of Sponsorship are held invalid or unenforceable in any circumstances by a court of competent jurisdiction, the remainder of these Terms and Conditions, and the application of such provision in any other circumstances, will not be affected thereby. The remedies specified herein are cumulative and in addition to any remedies available at law or in equity. Waiver of a breach of any provision of these Terms and Conditions does not constitute a waiver of any other breach of the same provision or any other provision of these Terms and Conditions. All Sections of these Terms and Conditions that by their nature are intended to survive expiration or termination will so survive. These Terms and Conditions, together with the Sponsorship Commitment, constitutes the entire agreement between the parties with respect to its subject matter, and supersedes all other communications between the parties with respect to such subject matter. In the event of a conflict between these Terms and Conditions and the Sponsorship Commitment, these Terms and Conditions will control. Nothing in this Agreement shall be construed to create a partnership or joint venture between the parties and neither party shall have the right to bind the other to any contracts, agreements, or other obligations without the express, written consent of an authorized representative of such party. These Terms and Conditions, and the rights granted hereunder, may not be assigned by either party without the prior written consent of the other party.