

A court authorized this Notice. This is not a solicitation from a lawyer.

THE LOS ANGELES COUNTY SUPERIOR COURT HAS PRELIMINARILY APPROVED A CLASS ACTION SETTLEMENT THAT MAY AFFECT YOU.

If you were employed by Marlu Restaurant Group, Inc., Marlu Stockton LLC, Prestige Management LLC, Smart Management & Co., LLC, Marlu LC, Inc., Secret River, Inc., Central Valley QSR, Inc., G Maroni Company Inc., Caljax, Inc., C Food Concepts, Inc., Aksan United Fortune, Inc., Cardinal Appliance And Hardware Inc., Marlu Pos, LLC, Maritime Management Company Or Marlu Investment Group (Collectively, “Defendant” or “The Defendant Entities”) In California Any Time Between November 7, 2010, And November 7, 2016, this settlement may affect your rights.

- The settlement provides a Total Settlement Amount of Two Million Five Hundred Thousand Dollars (\$2,500,000). If you worked for any of the Defendant Entities at a California Arby’s, Jack-in-the-Box, Sizzler’s, Little Caesar’s, Taco Bell, Church’s Chicken, or Sears Home Appliance Showroom between November 7, 2010 and February 9, 2017 you may be entitled to receive a payment from this fund.
- This proposed settlement will resolve two class action lawsuits: 1) a class action lawsuit pending in the Superior Court of the State of California, Los Angeles, titled *Barajas, et al. v. Marlu Restaurant Group et al.*, Case No. BC630452 and 2) a class action lawsuit pending in the United States District Court for the Central District titled *Ortiz v. Marlu Restaurant Group, Inc. et al.*, Case No. SACV14-01790 DOC (DFMx) (the “Actions”). On February 9, 2017, the Court preliminarily approved the settlement.
- Your legal rights will be affected whether you act or do not act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	You must submit a Claim Form by June 2, 2017 to receive payment. If the Court grants final approval, each Class Member who files a Claim Form before the deadline will receive a payment.
EXCLUDE YOURSELF FROM THE SETTLEMENT	If you exclude yourself, you will get no benefit.
OBJECT	You can write to the Court about why you do not like the settlement.
GO TO A HEARING	You can ask to speak to the Court about the fairness of the settlement.
DO NOTHING	If you do nothing, you will give up rights and receive no benefit.

YOU MUST FILE A CLAIM FORM TO RECEIVE PAYMENT

THE DEADLINE TO FILE A CLAIM FORM IS **JUNE 2, 2017**

YOU CAN FILE BY RETURNING THE ENCLOSED CLAIM FORM, OR BY GOING TO THE SETTLEMENT WEBSITE AT WWW.MARLUWAGECLASSACTION.COM

WHY DID I GET THIS NOTICE?

You received this Notice because Defendant records show that you were employed by a Defendant Entity as an hourly employee at a California restaurant or retail location sometime between November 7, 2010, and November 7, 2016. If these records are correct, you are a Class Member and you are entitled to receive payment if you return a Claim Form before the deadline and if the Court grants final approval of the settlement.

QUESTIONS? CALL TOLL FREE 1-844-540-6005

WHAT IS THIS LAWSUIT ABOUT?

Plaintiff Joe Ortiz filed a complaint against Defendant on November 7, 2014 in the United States District Court. Ortiz made four claims: 1) that Defendant required some employees to work off the clock and failed to pay these employees straight or overtime wages for this off the clock work; 2) that Defendant failed to properly record employee work hours. 3) that Defendant failed to provide accurate itemized wage statements to its employees. 4) that Defendant failed to reimburse its employees for work-related expenses. The paystub claims apply to all hourly employees. The other claims deal with managers.

On August 17, 2016, the Plaintiffs in *Barajas* filed a complaint against Defendant in the Los Angeles County Superior Court. In addition to the issues in *Ortiz*, the Barajas Plaintiffs claim that 1) Defendant failed to provide some employees with meal breaks and failed to pay the extra wages due for preventing the employees from taking their meal breaks. 2) that Defendant required some employees to be paid their wages through paycards without providing the option of payment by check; and that Defendant failed to provide appropriate seating for its employees at cash register locations. The meal break claims apply to Manager and Shift Lead employees and employees who worked overnight shifts. The paycard claims apply to employees at Jack in the Box locations operated by any Defendant. On December 27, 2016, the claims asserted by Plaintiff Joe Ortiz were added to the *Barajas v. Marlu* case in the Los Angeles Superior Court.

Defendant denies the allegations. Defendant contends its policies, practices, and procedures were and are fully compliant with all applicable requirements of state and federal law. The Court has not made any ruling on the merits of this case. The attorneys for Plaintiffs and Defendant have agreed to settle the Action, subject to the approval of the Court.

HOW DO I KNOW IF I AM PART OF THE SETTLEMENT?

You are a Class Member, and therefore part of the settlement, if you meet one or more of the following definitions:

- Employed by Defendant as an hourly employee in California from November 7, 2013 through February 9, 2017;
- Employed by Defendant as a General Manager in California from November 7, 2010 through February 9, 2017;
- Employed by Defendant as a Manager or a Shift Lead in California from August 17, 2012 through February 9, 2017; or
- Employed by Defendant and worked any overnight shifts at any of Defendant's Jack-in-the-Box locations in California, during the period beginning August 17, 2012 until February 9, 2017.

WHAT DOES THE SETTLEMENT PROVIDE?

If the Court grants final approval, Defendant will pay a Total Settlement Amount of Two Million Five Hundred Thousand Dollars (\$2,500,000). After paying all the fees, costs and expenses associated with the settlement, the parties estimate that a Net Distribution Amount of approximately \$1,400,000 will be available for distribution to the Class Members that file a Claim Form before the **June 2, 2017** deadline. Defendant estimates that there are approximately 7,700 Class Members. All of the money available for distribution will be paid out to the Class Members who file a Claim Form before the **June 2, 2017** deadline.

The amount you are entitled to receive if you file a Claim Form before the deadline depends on several factors including: how many weeks you worked during the period covered by the settlement, the job in which you worked, and how many other Class Members file Claim Forms before the deadline. Please note that for workweeks in which you were a member of more than one of the designated subclasses herein, the workweek totals as well as the corresponding payments you are eligible for will be apportioned to the subclass with the largest monetary payout. You can look on the attached Claim Form to see an estimate of the amount you might receive if you file a Claim Form before the deadline.

The parties estimate that the fees, costs and expenses associated with the settlement will be as follows: (i) Administration Costs (estimated not to exceed \$75,000); (ii) a Fee Award, to be requested by Class Counsel, not to exceed Eight Hundred Thirty-Three Thousand, Three Hundred Thirty-Three Dollars and Thirty-Three Cents (\$833,333.33); (iii) a Cost Award, to be requested by Class Counsel, not to exceed Fifty Thousand Dollars (\$50,000); (iv) a Service Payment Award, to be requested by the ten Class Representatives, not to exceed a total of Seventy Thousand Dollars (\$70,000); and (v) a payment to the California Labor and Workforce Development Agency anticipated to be Fifty Six Thousand Two Hundred Dollars (\$56,200).

HOW DO I RECEIVE A BENEFIT?

Enclosed with this Class Notice, you will find a Claim Form. **To receive any benefit from the settlement and recover a share of the Net Settlement Amount, you must complete and submit a Claim Form on or before June 2, 2017.**

If you do not file a Claim Form before the deadline, you will not receive any payment under the settlement.

- To file online, have your Claim Form with you and go to www.MarluWageClassAction.com.
- To file by mail, you should mail your Claim Form to:

Settlement of Marlu Restaurants Group, et al.
c/o KCC Class Action Services
P.O. Box 43463
Providence, RI 02940-3463

HOW DO I EXCLUDE MYSELF FROM THE SETTLEMENT?

You have the right to exclude yourself from (or “opt-out” of) the Class. If you exclude yourself, you will be giving up the right to receive any payment and the right to object, but you will be free to pursue claims individually against Defendant if you wish. In other words, if you exclude yourself, you will not be releasing your claims against Defendant. Please note that if you exclude yourself from the Class but do not pursue your claims in a timely manner, some or all of your claims may be barred by the passage of time.

To exclude yourself from the Class, you must inform the Settlement Administrator in writing of your name, address, and your intention to be excluded. All Requests for Exclusion must be signed and mailed to the Settlement Administrator and postmarked no later than **June 2, 2017**. If you return a late Request for Exclusion, the Request will be deemed invalid and you will remain a member of the Class and will be bound by all of the terms of the settlement.

YOU CANNOT EXCLUDE YOURSELF BY TELEPHONE, WEBSITE, OR SENDING AN EMAIL.

DO NOT SUBMIT BOTH A CLAIM FORM AND A REQUEST FOR EXCLUSION. IF YOU SUBMIT BOTH A CLAIM FORM AND A REQUEST FOR EXCLUSION, THE REQUEST FOR EXCLUSION WILL BE DISREGARDED.

HOW DO I OBJECT TO THE SETTLEMENT?

If you do not exclude yourself, you have the right to object to the settlement. To object, you must mail to the Settlement Administrator a signed written statement saying that you object to the settlement. All objections must be signed and mailed to the Settlement Administrator and postmarked no later than June 2, 2017. Your objection must include: (i) your full name, current address, and, if different, the address(es) used during the time of your employment for Defendant; (ii) a statement of the positions(s) and objection(s) asserted, including the factual and legal grounds for each position and objection asserted; and (iii) a copy of any documents supporting the position(s) and objection(s) asserted. You will not be excluded from the settlement by filing an objection, but you will be entitled to receive your respective share of the settlement only if you have also submitted a valid and timely Claim Form.

QUESTIONS? CALL TOLL FREE 1-844-540-6005

DO I HAVE A LAWYER IN THE CASE?

The Class Representatives and the Class are represented by Allen Graves of The Graves Firm. You will not be personally charged for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

IS THERE A RELEASE OR WAIVER?

Yes. Unless you affirmatively exclude yourself, you will agree to the “Release” of claims as described in Sections 4.1-4.5 of the Settlement Agreement. That means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendant or other Released Parties about the legal issues in this case. It also means that the Court’s orders will apply to you and legally bind you. You may view the Settlement Agreement for the full language of the legal claims you will give up if you remain in the settlement by visiting the settlement website at www.MarluWageClassAction.com.

WILL THERE BE A HEARING?

The Court will hold a Final Approval Hearing of the settlement on July 14, 2017, at 1:30 p.m. in the Superior Court of California, Los Angeles, located at 600 S. Commonwealth Ave., Los Angeles, CA 90005, Courtroom 322. If objections have been received, the Court will consider them during this hearing. The Final Approval Hearing may be rescheduled to a later time, which time will be listed at www.MarluWageClassAction.com. If there are no objections, the settlement will become final shortly after the Court grants final approval. If there are objections, the settlement will become final after the Court grants final approval and either the time to appeal has expired or any appeal filed has been resolved.

You Are Not Required To Attend The Final Approval Hearing. However, you may appear, or may hire your own attorney, at your own expense, to speak at the Final Approval Hearing.

REMINDER OF IMPORTANT SETTLEMENT DATES AND DEADLINE

The following are important dates and deadlines under the proposed settlement:

- Last Day to File a Claim: **June 2, 2017**
- Last Day to Submit Request for Exclusion: **June 2, 2017**
- Last Day to Submit Objections: **June 2, 2017**
- Final Approval Hearing: **July 14, 2017**

IMPORTANT ADDRESSES

SETTLEMENT ADMINISTRATOR:

Settlement of Marlu Restaurants Group, et al.
c/o KCC Class Action Services
P.O. Box 43463
Providence, RI 02940-3463

COURT:

Superior Court of California
Los Angeles
600 South Commonwealth Avenue
Los Angeles, California 90005

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