

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AHMED CHHAB, KATHRYN SHRADER, LANCE
FELDHUN, MICHAEL RELLA, VINCENT ANTHONY
BORELAND, and ADRIANNE BENZION on behalf of
themselves and all others similarly situated,

11 Civ. 8345 (NRB)
(JLC)

Plaintiffs,

-against-

DARDEN RESTAURANTS, INC., GMRI, INC., CAPITAL
GRILLE HOLDINGS, INC. d/b/a THE CAPITAL GRILLE,
and RARE HOSPITALITY INTERNATIONAL, INC.,

Defendants.

Court-Authorized Notice

If you have been employed as a Server and/or Bartender at one of the CAPITAL GRILLE RESTAURANTS between November 17, 2008 and the present, please read this notice.

A collective action lawsuit may affect your legal rights.

This is a court-authorized notice.
This is not a solicitation from a lawyer.

The purpose of this Notice is to advise you of the lawsuit that has been filed against DARDEN RESTAURANTS, INC., GMRI, INC., CAPITAL GRILLE HOLDINGS, INC. d/b/a THE CAPITAL GRILLE, and RARE HOSPITALITY INTERNATIONAL, INC. and to advise you of your legal rights in connection with that suit.

- The lawsuit claims that the Defendants failed to pay servers and bartenders the proper minimum wage and overtime pay when they worked over 40 hours per week, as well as whether Defendants paid servers and bartenders for all hours worked. The lawsuit seeks to recover money owed in back wages and additional damages known as “liquidated damages,” along with interest, attorneys’ fees, and costs.
- The Defendants believe servers and bartenders were paid properly, according to the law.

- The Court has authorized the parties to send out this notice of the lawsuit. The Court has not decided who is right and who is wrong. Your legal rights may be affected, and you have a choice to make now.

Your Legal Rights And Options In This Lawsuit	
Ask To Be Included	<p>If you choose to be included in this case, you keep the possibility of getting money or benefits that may come from a trial or a settlement in this lawsuit.</p> <p>If you wish to be included, you must complete the form at the end of this Notice.</p>
Do Nothing	<p>By doing nothing, you will not be included in this lawsuit. This means that you give up the possibility of getting money or benefits that may come from a trial or settlement in this lawsuit if those bringing the lawsuit are successful. The limitations period on your claim continues to run. Each day that you do not take action to protect your claims, they diminish.</p>

- Your options are explained in this notice. To ask to be included in the lawsuit, you must act before **(insert 60 days from date notice is sent out)**.
- If you choose to be included in the case, you will be notified about how to ask for a share of any money or benefits obtained from the Defendants.

This notice contains information that affects your rights. Please read it carefully.

1. Why did I get this notice?

You are getting this notice because the Defendants' records show that you work or worked at one of the Capital Grille restaurants in the United States as a server and/or bartender, since November 17, 2008. A lawsuit has been brought against the Defendants claiming that they violated various provisions of federal wage and hour laws.

2. What is this lawsuit about?

This lawsuit is about whether the Capital Grille Restaurants properly paid servers and bartenders in accordance with the federal labor laws. In particular, this notice relates to claims that the Defendants violated federal law by failing to pay servers and bartenders the proper minimum wage by: (1) requiring servers and bartenders to tip out positions ineligible to receive tips under federal law; and (2) requiring servers and bartender to spend a substantial amount of time performing non-tip producing work, in excess of 20% of their shift. This notice also relates to claims that Defendants

failed to pay servers and bartenders for all hours worked due to work preformed off the clock and premium overtime pay – at a rate 1.5 times their regular hourly rate – for hours worked in excess of 40 per workweek.

3. What damages is the lawsuit seeking?

The lawsuit is seeking to recover unpaid minimum wage, overtime pay, and “liquidated damages,” which doubles the amount of wages owed. The lawsuit is also seeking recovery of costs and attorneys’ fees.

4. What happens if I join the lawsuit?

If you choose to join this lawsuit, you will be bound by any ruling, settlement, or judgment, whether favorable or unfavorable. You will also share in any proceeds from a settlement or judgment favorable to the Collective. By joining this lawsuit, you designate the named Plaintiffs as your representatives, and to the fullest extent possible, you designate the named Plaintiffs to make decisions on your behalf concerning the case, the method and manner of conducting the case, the approval of settlements, and all other matters pertaining to this lawsuit. These decisions and agreements made and entered into will be binding on you if you join the lawsuit.

5. Can Capital Grille and/or my current employer retaliate or fire me if I join the lawsuit?

No. It is a violation of Federal law for the Defendants or any other employer to fire, discipline, or in any manner discriminate or retaliate against you for taking part in this case.

6. Can I participate in this lawsuit even though, due to my immigration status, I did not work or am not working at the Capital Grille legally?

Yes. Your immigration status does not affect your entitlement to recover back wages or to participate in this lawsuit.

7. How do I ask the Court to include me in the case?

It is entirely your decision whether or not to join this lawsuit. This Notice does not mean that you have a valid claim or that you are entitled to any monetary recovery. Any such determination must still be made by the Court.”

Enclosed is a form called “Plaintiff Consent Form.” If you wish to participate in the portion of this lawsuit that seeks payment for unpaid minimum wage and overtime compensation under the federal law, you must sign and return the enclosed Plaintiff Consent Form. An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Plaintiff Consent Form must be sent to the following address:

Fitapelli & Schaffer, LLP
475 Park Avenue South, 12th Floor
New York, New York 10016

The signed Plaintiff Consent Form must be postmarked by (60 days from mailing of this Notice). If your signed Plaintiff Consent Form is not postmarked by (60 days from mailing of this Notice), you may not be able to participate in the federal law portion of this lawsuit or share in a monetary recovery.

8. Do I have a lawyer in this case?

The Plaintiffs in this lawsuit are currently represented by the law firms Fitapelli & Schaffer, LLP, 475 Park Avenue South, 12th Floor, New York, New York 10016, (212) 300-0375, www.fslawfirm.com; Berke-Weiss & Pechman LLP, 488 Madison Avenue, 11th Floor Suite 1120, New York, NY 10022, (212) 583-9500, www.bwp-law.com; and Joseph & Kirschenbaum, LLP, 233 Broadway, 5th Floor, New York, New York 10279, (212) 622-5640, www.jhlpl.com.

If you wish, you may choose to be represented by Plaintiffs' counsel in this case. You will not be required to pay any fee for services provided by Fitapelli & Schaffer, LLP, Berke-Weiss & Pechman LLP, or Joseph & Kirschenbaum, LLP.

However, you also have the right to consult with an attorney of your own choosing about this matter, and if you wish to be represented by counsel other than Plaintiffs' counsel, you may retain another attorney. You will be responsible for paying that attorney and that attorney must notify the Court of their representation.

9. How will the lawyers be paid?

The named Plaintiffs have entered into a contingency fee agreement with Plaintiffs' counsel. Under this agreement, you are not responsible for paying any of the attorneys' fees or costs expended in the lawsuit. Plaintiffs' counsel will be paid as follows: if there is a settlement, Plaintiffs' counsel may ask the Court to award it up to 1/3 of any recovery obtained or may attempt to negotiate payment of attorneys' fees separate from and in addition to the Collective's recovery. If there is no recovery, you pay nothing.

10. What happens if I do nothing at all?

If you choose not to join this lawsuit, you will not be eligible to participate in the federal portion of this lawsuit, and will not be eligible to receive any benefits in the event that a settlement of judgment is obtained. You will be free, however, to separately file and pursue your own claims against any of the Defendants.

11. This notice has been authorized by the Court.

This notice and its contents have been authorized by District Court Judge Naomi Reice Buchwald of the U.S. District Court, Southern District of New York. The Court has not yet ruled on whether Plaintiffs' claims or Defendants' defenses have any merit.

