

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER- COMPLEX CIVIL

[CLASS ACTION]

APRIL HERNANDEZ, CHAVVA FIONDA,)	CASE NO. 03 CC 00012
THERESA SCHLIENTZ, and ANITA DAVIS)	CLASS ACTION
individually and on behalf of all others similarly situated,)	JUDGE: HON. JONATHAN CANNON
and on behalf of the general public,)	DEPT: CX-102
)	
Plaintiff,)	T.G.I. FRIDAY’S NOTICE OF PENDENCY OF
)	CLASS ACTION
vs.)	
)	
MAIN STREET AND MAIN, INCORPORATED, a)	
Delaware corporation doing business as T.G.I.)	
FRIDAY’S; and DOES 1 through 100, inclusive,)	
)	
Defendants)	
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NOTICE

NOTICE TO ALL PAST AND PRESENT HOURLY EMPLOYEES WHO, FROM JANUARY 16, 1999 TO THE PRESENT, WORKED AT ANY CALIFORNIA T.G.I. FRIDAY’S FRANCHISES OWNED AND/OR OPERATED BY MAIN STREET AND MAIN RESTAURANT GROUP, INC. (fka MAIN STREET AND MAIN, INC.; “MAIN STREET”)

You are a member of the Plaintiff Class in the above entitled class action concerning claims that Defendant Main Street engaged in unlawful business practices at the T.G.I. Friday’s restaurants it owns or manages by refusing to permit its hourly employees to be relieved of all job duties and take half-hour, uninterrupted meal breaks during shifts of 5 hours or more, and/or ten minute, uninterrupted, paid rest breaks during shifts of 3 1/2 hours or more, as well as refusing to reimburse its employees for the costs of purchasing and maintaining uniforms and equipment (i.e. hats and towels). The named Plaintiffs and Class Representatives, April Hernandez, Chavva Fionda, Theresa Schlientz and Anita Davis have brought this lawsuit as a class action. In the lawsuit, Plaintiffs seek to obtain restitution, compensatory damages, statutory penalties, punitive damages, interest, costs, and attorney’s fees for all members of the Class.

If you are a member of the plaintiff class, you should read this notice because it will affect your rights.

THIS NOTICE IS NOT AN EXPRESSION OF ANY OPINION BY THE COURT AS TO THE MERITS OF ANY OF THE CLAIMS OR DEFENSES ASSERTED BY EITHER SIDE IN THIS LITIGATION. THE SOLE PURPOSE OF THIS NOTICE IS TO INFORM YOU OF THE LAWSUIT SO THAT YOU CAN MAKE AN INFORMED DECISION AS TO WHETHER YOU SHOULD REMAIN IN OR OPT OUT OF THIS CLASS ACTION.

BACKGROUND OF CASE

On January 16, 2003, a class action complaint was filed by Plaintiff, April Hernandez, in the Orange County Superior Court –Complex Civil, against Defendant, Main Street and Main, Inc. alleging that defendant Main Street engaged in unlawful business practices at the T.G.I. Friday’s restaurants it owns or manages by refusing to permit its non-management employees to be relieved of all job duties and take half-hour, uninterrupted meal breaks during shifts of 5 hours or more, and/or ten minute, uninterrupted, paid rest breaks during shifts of 3 1/2 hours or more, as well as refusing to reimburse its employees for the costs of purchasing and maintaining uniforms and equipment (i.e. hats and towels).

Defendant has denied liability and has denied the allegations in the complaint.

THE CLASS

On May 23, 2005, the Court certified the Class as follows:

1. All present and former employees of Defendant, Main Street and Main, Incorporated (“Main Street”) who worked at a T.G.I. Friday’s restaurant in California, holding non-salaried positions, including but not limited to server (waiter or waitress), busperson, food preparer, seater (host or hostess), cook, or bartender, at any time between January 16, 1999 to the present, are hereby certified as members of the Class (“Class Members”). The Class is hereby defined as, and comprised of, the following six certified subclasses:

SUBCLASSES

(A) Class Members who worked one or more shifts in excess of 3.5 hours without receiving a paid ten minute break during which the Class Member was relieved of all duties, during the period beginning January 16, 1999 and ending September 30, 2000 (“Rest Period Subclass A”);

(B) Class Members who worked one or more shifts in excess of 3.5 hours without receiving a paid ten minute break during which the Class Member was relieved of all duties, from and after October 1, 2000 (“Rest Period Subclass B”);

(C) Class Members who worked one or more shifts in excess of 5.0 hours, but not more than 6.0 hours, without receiving a thirty minute meal period during which the Class Member was relieved of all duties, from and after October 1, 2000 (“Meal Period Subclass A”);

(D) Class Members who worked one or more shifts in excess of 6.0 hours, without receiving a thirty minute meal period during which the Class Member was relieved of all duties, from and after October 1, 2000 (“Meal Period Subclass B”);

(E) Class Members who purchased TGI Friday’s uniforms from Main Street and Main, Inc. (“Uniform Subclass”) from and after March 18, 2000; and

(F) Class Members who were required to purchase work equipment as a condition of employment (“Equipment Subclass”) from and after March 18, 2000.

The statute of limitations applicable to the Labor Code 226.7 claims (i.e. one additional hour of pay to the employee at the employee’s regular rate of compensation for each work day that the meal or rest period is not provided) for Rest Period Subclasses A and B, as well as Meal Period Subclasses A and B, is currently under review by the California Supreme Court. Depending on the ruling by the Court, the Labor Code 226.7 claims for Rest Period Subclasses A and B, as well as Meal Period Subclasses A and B, will extend back as to either January 13, 1999 or January 13, 2002, i.e. a minimum of 1 year and a maximum of 4 years back from the date of filing of the lawsuit.

Plaintiff, April Hernandez, was approved as the Class Representative for Sub-Classes A through D, inclusive, i.e. Rest Period Subclasses A and B, as well as Meal Period Subclasses A and B. Plaintiffs, Chavva Fionda, Theresa Schlientz and Anita Davis were subsequently approved as the Class Representative for Uniform Subclass E and Equipment Subclass F.

Michael J. Walsh, of Walsh & Walsh, PC, Michael S. Langford, of Langford & Langford, APLC, and Robert W. Skripko, Jr., of the Law Office of Robert W. Skripko, Jr., APLC, have been approved as Class Counsel for the entire Class, including each Subclass thereof.

NOTICE OF ATTORNEYS OF RECORD

Copies of all documents filed with the Clerk of the Court should be sent to the following counsel:

THE ATTORNEYS REPRESENTING THE CLASS ARE:

WALSH & WALSH, PC

Michael J. Walsh, SB# 155401
420 Exchange, Suite 270
Irvine, California 92602
Tel: (714) 953-0222; Fax: (714) 953-1222
www.tgifridaysclassaction.com

LANGFORD & LANGFORD, APLC

Michael S. Langford, SB# 125756
1502 North Broadway
Santa Ana, California 92706
Tel: (714) 953-9700; Fax: (714) 953-9797
www.tgifridaysclassaction.com

LAW OFFICE ROBERT SKRIPKO, JR., APLC

Robert W. Skripko, Jr., SB# 151226
1323 North Broadway, 2nd Floor
Santa Ana, California 92706
Tel: (714) 543-6200; Fax: (714) 543-6140
www.tgifridaysclassaction.com

THE ATTORNEYS REPRESENTING MAIN STREET ARE:

CALLAHAN, McCUNE & WILLIS, APLC

Robert W. Thompson
111 Fashion Lane
Tustin, CA 92780
Tel: (714) 730-5700; Fax: (714) 730-1642.

CHANGE OF ADDRESS

If you move after receiving this notice or if it was misaddressed, you should supply your name and correct address to:

LAW OFFICE ROBERT W. SKRIPKO, JR., APLC

Robert W. Skripko, Jr., SB# 151226
1323 North Broadway, 2nd Floor
Santa Ana, California 92706

THIS IS IMPORTANT SO THAT FUTURE NOTICES REACH YOU

The pleadings and all other records of this litigation may be examined and copied any time during regular office hours in the Filing Department for the Orange County Superior Court – Complex Civil located at 751 W. Santa Ana Blvd., Santa Ana, CA 92701.

DO NOT CALL OR WRITE TO THE COURT OR THE CLERK OF THE COURT. ADDRESS ALL INQUIRIES
IN WRITING TO THE ATTORNEYS FOR THE CLASS SET FORTH ABOVE

CONSEQUENCES OF CLASS MEMBERSHIP - ELECTION TO OPT OUT OF CLASS

If you come within the definition of the Class set forth above in this Notice, you will automatically become a class member unless you elect to exclude yourself from the class by November 17, 2006. The Court will exclude you from the class if you so request, by filing an Election To Be Excluded From the Class, discussed below. In other words, you have the choice of remaining in the class or electing to exclude yourself of the class. Either choice has certain consequences and you are advised to discuss your decision with your own attorney.

As a class member:

1. You will be represented by existing class representatives and the attorneys acting on behalf of the class identified above at no cost to you.

2. You will receive notice of any ruling affecting the size of the class and notice of any proposed settlement or dismissal of class claims or any judgment rendered. However, you may if you so desire, enter an appearance through another attorney by mailing a Notice of Appearance to the clerk of the court at the address for the Clerk set forth below.

3. You will be bound by any judgment or other final disposition of the class lawsuit, whether that disposition is favorable or unfavorable.

4. You will participate, upon proof of membership in the class and the filing of a proper claim form, in a distribution of any damages recovered in the litigation.

YOU SHOULD RETAIN ALL RECORDS AND DOCUMENTS PERTAINING TO THE SUBJECT MATTER OF THIS CASE.

If you elect to be excluded from the class:

1. You will not be bound by any disposition of the class action and you will retain any claims you may have against Main Street.

2. You will not share in any recovery which might be paid to class members if the class representatives are successful in trial or from any settlement.

In determining whether you want to be excluded from the class, you are advised to consult your own attorney as there are legal issues which require consideration.

WHAT TO DO

If you wish to be a member of the class in this case, you need to do nothing further except keep the attorneys aware of your address. If you wish to be excluded from the class, you must complete the Election To Be Excluded on the next page and return it to Rust Consulting, Inc., PO Box 859, Minneapolis, MN 55440-0859, so that it is postmarked on or before November 17, 2006. The sender bears the responsibility for any delay in delivery and non-delivery.

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Plaintiff,)

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v.)
MAIN STREET AND MAIN, INCORPORATED,)
a Delaware corporation doing business as T.G.I.)
FRIDAY'S; and DOES 1 through 100, inclusive,)
Defendants)

ELECTION TO BE EXCLUDED

TO THE HONORABLE COURT, AS WELL AS THE PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

ELECTION TO BE EXCLUDED

The undersigned _____ hereby elects to be excluded from the above
PRINT NAME

captioned class in accordance with the provisions of the Notice of Pendency of Class Action.

DATE: _____

SIGNATURE

STREET ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

Mailing Administrator
c/o Rust Consulting, Inc.
P.O. Box 859
Minneapolis, MN 55440-0859

Mailing Administrator
c/o Rust Consulting, Inc.
P.O. Box 859
Minneapolis, MN 55440-0859

PRESORTED
FIRST-CLASS MAIL
U.S. POSTAGE
PAID
Rust Consulting, Inc.

IMPORTANT LEGAL NOTICE



SAMPLE A. SAMPLE
123 ANY AVE.
ANYTOWN, US 55555-4444