

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSA LUIS, ADULFO ROMAN, and JUAN MARIN-HERRERA,

Plaintiffs,

Class Action

v.

Case No. 05-Civ-5595

PEPPY'S FOODS, INC. and MICHAEL WILLIAMS,

(GAY)

Defendants.

**NOTICE OF PROPOSED SETTLEMENT
NOTICE OF FAIRNESS HEARING
OPT-IN FORM**

TO: All workers who were employed at Peppy's Foods, Inc. in 1999, 2000, 2001, 2002, 2003, 2004, and 2005.

**YOUR RIGHTS MAY BE AFFECTED IF YOU DO NOT RETURN THE SETTLEMENT FORM AT THE
END OF THIS NOTICE BY DECEMBER 31, 2008.**

1. What is this notice about?

This Notice is an official court notice to let you know about a "class action" lawsuit in which you may be a "class member" if you worked at Peppy's Foods, Inc. in 1999, 2000, 2001, 2002, 2003, 2004, and/or 2005.

As a class member, you may be able to get money from a settlement of the lawsuit if you fill in, check "YES," sign, and return the last page of this form by December 31, 2008.

If you check "NO", or if you do not return the last page of this form by December 31, 2008, you will not be able to receive any money from the settlement of this lawsuit.

If you do not think the settlement is fair, you can object to the Court, and this Notice will tell you how to make such an objection.

2. What is the lawsuit about?

Rosa Luis, Adolfo Roman, and Juan Marin-Herrera (we will call them "the Plaintiffs") worked at Peppy's Foods, Inc. in Orange County, New York in 1999, 2000, 2001, 2002, 2003, 2004, and/or 2005. They sued Peppy's Foods, Inc. and Michael Williams, claiming that they were not paid overtime at a rate of time-and-one-half for weeks when they worked over 40 hours, as well as for other required wages.

The Plaintiffs filed this case as a "class action," which means that they filed it for themselves and for all of the other workers at Peppy's Foods, Inc. who were "similarly situated" to them.

This lawsuit was brought in the United States District Court for the Southern District of New York.

3. Why did I get this notice?

You received this notice because the lawyers for Plaintiffs and/or Peppy's Foods, Inc. and Michael Williams have information that may indicate that you are eligible to receive money from the settlement of this case.

If you know other workers who worked at Peppy's Foods, Inc. in 1999, 2000, 2001, 2002, 2003, 2004, and/or 2005, you may tell them to call the Plaintiffs' lawyers at (845) 331-6615 to get a copy of this notice.

4. What is the settlement?

After negotiating, the Plaintiffs and Peppy's Foods, Inc. and Michael Williams reached a settlement, which means that they reached an agreement to resolve the case. As part of the settlement, Peppy's Foods, Inc. and Michael Williams are not admitting that they broke any laws.

For the settlement to apply to class members, the Court must still decide if the settlement is fair. **This settlement could affect your rights, so you should read this Notice carefully to decide whether you think the settlement is fair.**

The total amount that Peppy's Foods, Inc. will pay to settle this case is \$250,000. Of that money, \$225,000 will be distributed to the Plaintiffs and the class members. The Plaintiffs' lawyers, the Workers' Rights Law Center of New York, Inc., will receive \$25,000 to cover their fees and costs in the case.

If you are a "class member" who worked at Peppy's Foods, Inc. in 1999, 2000, 2001, 2002, 2003, 2004, and/or 2005, the amount of money you will be able to receive from the settlement will be calculated based on Peppy's Foods, Inc.'s records of your hours of work. You will receive all of your unpaid overtime wages if you become a "class member" in this case.

In addition, you will also be entitled to additional damages if you become a class member. Class members will each receive an addition 28.5 % of their wages as damages, and the Plaintiffs will receive \$22,999 in these additional damages.

The settlement money will be paid to the class members until February 15, 2009. Payments to class members will be made on or around June 30, 2007, February 15, 2008, and February 15, 2009. Settlement money will be distributed on a first-come, first-served manner. This means that settlement money will be distributed to class members in the order in which the class members' claim forms are received by Plaintiffs' lawyers.

Any settlement money that is not claimed by December 31, 2008 will be given – after February 15, 2009 – to two not-for-profit organizations that benefit low-income people in the Newburgh, New York area. These organizations may be St. Patrick's church in Newburgh (for use in assisting needy families and individuals) and the Rural & Migrant Ministry in Poughkeepsie (for support of their scholarship program for immigrant youth).

5. What are my rights as a "class member"?

If it is determined that you are a "class member", you may have the right to receive money from the settlement. If you do not want to participate in the settlement, you have the right to be excluded from the class and not receive any money from the settlement.

IT IS AGAINST THE LAW FOR ANYONE TO RETALIATE AGAINST ANY CLASS MEMBER FOR EXERCISING HIS OR HER RIGHTS UNDER THIS SETTLEMENT, INCLUDING CLAIMING SETTLEMENT MONEY. If you think anyone has retaliated against you, or has threatened to retaliate in any way, call the Workers' Rights Law Center immediately at (845) 331-6615.

TO CLAIM YOUR SHARE YOU MUST:

(1) FILL OUT, SIGN AND MAIL THE ENCLOSED FORM BEFORE DECEMBER 31, 2008. YOU WILL NOT BE PAID ANY SETTLEMENT MONEY IF THE WORKERS' RIGHTS LAW CENTER DOES NOT RECEIVE THE RESPONSE FORM BY DECEMBER 31, 2008, AND YOU WILL NOT BE ABLE TO BRING YOUR OWN LAWSUIT AGAINST THE DEFENDANTS ON THESE CLAIMS.

(2) WRITE TO THE WORKERS' RIGHTS LAW CENTER IF YOU CHANGE YOUR ADDRESS. Without a current address, it may not be possible to deliver your check for your share of the class settlement money.

The settlement form should be returned as soon as possible. The class members will get their money over the next 2 ½ years, based on the order the Workers' Rights Law Center receives each person's claim form.

If you do not want to claim your class share of the settlement money and do not want to be a part of the settlement, fill out and mail the enclosed form. Check the box which says, "No, I do not want to receive money from the settlement fund. Please exclude me from the class. Do NOT send me a share of the settlement money." If you choose to be excluded from the class, you will never be able to make any claim for the settlement money; however, you may have the right to bring your own lawsuit against Peppy's Foods, Inc. and Michael Williams within the time period allowed under the law.

6. What happens next?

There will be a hearing before Judge George A. Yanthis at **10:00 a.m. on April 13, 2007**, at the United States Courthouse, 300 Quarropas St., White Plains, NY 10601 to decide whether the settlement is fair, reasonable, and adequate. If you want to object to the settlement, you must file your objection with the Clerk of the Court before **April 6, 2007**. If you do write the Clerk, you should include in your letter the name of the case (Luis et al. v. Peppy's Foods, Inc. et al.) and the case number (05-Civ-5595).

YOU DO NOT HAVE TO BE PRESENT AT THE HEARING TO RECEIVE YOUR SHARE OF THE SETTLEMENT MONEY. IF YOU ARE A CLASS MEMBER AND YOU SEND THE COMPLETED FORM CLAIMING YOUR SHARE OF THE SETTLEMENT MONEY, YOU WILL RECEIVE YOUR CLASS SHARE, PROVIDED THE COURT APPROVES THE FINAL CLASS SETTLEMENT.

7. For further information:

If you have questions about the settlement or need help understanding this Notice, you can contact the paralegal in charge of administering this settlement by writing or calling:

Geovanny Triviño
Workers' Rights Law Center of New York, Inc.
101 Hurley Ave., Suite 5
Kingston, NY 12401

Tel.: (845) 331-6615

DO NOT CALL THE COURT OR THE CLERK OF THE COURT.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, THE HONORABLE GEORGE A. YANTHIS, UNITED STATES MAGISTRATE JUDGE. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR OF DEFENDANTS' DEFENSES.

SETTLEMENT MONEY CLAIM FORM

Luis et al. v. Peppy's Foods, Inc. et al., Case No. 05-Civ-5595.

MY NAME: _____

MY ADDRESS: _____

MY TELEPHONE NUMBER (if any): _____

I worked:

_____ In the Peppy's Foods, Inc. factory
(Start date: _____, 200__; End date: _____, 200__)

CHECK ONE:

- YES**, I wish to receive money from the settlement fund.

- NO**, I do not want to receive money from the settlement fund; please exclude me from the class. **DO NOT** send me a share of the settlement money.

PLEASE RETURN THIS FORM IN TIME FOR FILING WITH THE COURT BY DECEMBER 31, 2008 TO:

**Workers' Rights Law Center of New York, Inc.
101 Hurley Ave., Suite 5
Kingston, New York 12401
USA**