

ESTE PAQUETE CONTIENE EL AVISO EN ESPAÑOL

SUPERIOR COURT OF CALIFORNIA—COUNTY OF ALAMEDA

If you are or were employed by 15 Main LLC (dba “Calavera”), a class action lawsuit may affect your rights.

The court authorized this notice. This is not a solicitation from a lawyer.

- Former Calavera workers have sued 15 Main LLC alleging that 15 Main LLC failed to provide full 30-minute meal breaks within 5-hours of the start of their shifts for shifts greater than 6-hours and failed to provide a second full 30-minute meal period before the start of their 10th hour of work for shifts of 10-hours or greater. The Court has allowed the lawsuit to be a class action on behalf of the following workers:
 1. **All current and former non-exempt 15 Main workers for whom defendant’s electronic payroll data shows no meal break, a meal that started after the fifth hour of work, or a less than 30 minute meal break in a shift of six or more hours; and**
 2. **All current and former non-exempt 15 Main workers for whom defendant’s electronic payroll data shows no meal break or only one meal break, a second meal breaks that started after the 10th hour of work, or less than 30-minute meal breaks in a shift of ten hours or greater**

The court has determined that the following claims may proceed on a class-wide basis:

1. 15 Main’s failure to provide lawful meal periods and failure to pay meal period premium owed as a result.

| YOUR LEGAL RIGHTS AND OPTIONS IN THIS CLASS ACTION LAWSUIT | |
|---|--|
| DO NOTHING | Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or settlement of this class action. But you give up any rights to sue 15 Main separately for meal period violations. |
| ASK TO BE EXCLUDED | Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded from this class action lawsuit and money or benefits are later awarded, you won’t share in those. But you keep your right to sue 15 Main individually for meal period violations. |

- Your options are explained in this notice. To be excluded you must act before **March 2, 2018**

Regardless of which option you choose, 15 Main will not retaliate against you.

Any questions? Read on or call Plaintiffs’ lawyers at 1-888-525-8242.

BASIC INFORMATION

1. Why did I get this notice?

15 Main's records show that you currently work, or previously worked, for 15 Main as a restaurant worker at its Calavera restaurant in Oakland, California. This notice explains that the court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the court holds a trial. The trial will decide whether the claims being made against 15 Main on your behalf are correct. This lawsuit has been filed in Superior Court of California for the County of Alameda and is known as *Crisostomo, et al. v. 15 Main, LLC, et al.*, Case No. RG16809772.

2. What is this class action lawsuit about?

This class action is about the following:

Defendants' alleged failure to provide workers with uninterrupted 30-minute meal periods for shifts greater than 6-hours and a second meal period for shifts of 10 hours or more: The lawsuit will determine whether 15 Main failed to provide its restaurant workers who worked a least one shift of 6-hours or more with a full 30-minute, uninterrupted meal period within 5 hours of the start of their shift and whether 15 Main provided a second, full and timely meal period for shifts greater than 10 hours. In addition, the lawsuit will determine whether 15 Main failed to compensate workers who were not provided with lawful meal periods with one hour of pay at their regular hourly rate for each meal period that was not provided.

More information can be found at www.themmlawfirm.com or by calling 1-888-525-8242.

Plaintiffs allege that workers are entitled to wages, interest and penalties as a result of 15 Main's failure to provide lawful meal periods, and seeks to recover these monies for themselves and Class Members by presenting their case at trial.

3. How does 15 Main respond?

15 Main denies all of the allegations and contends that at all times it authorized and permitted its employees to take full 30 minute meal periods prior to the start of the fifth hour for work and/or provided an additional hour of pay.

CLASS ACTION LAWSUITS

4. What is a class action and who is involved?

In a class action lawsuit, one or more people, called a "Class Representative" (in this case Flor Crisostomo, Maribel Hernandez and Marissa Mendoza), sue on behalf of themselves and other workers who have similar claims. These workers together are called a "Class" or "Class Members." The workers who sued are called the Plaintiffs. The company they sued (in this case, 15 Main, LLC) is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class. A judgment of the court binds all Class Members who do not exclude themselves.

5. Why is this lawsuit a class action?

The court decided that the meal period claims can move forward to a trial on a class-wide basis because the requirements of California Code of Civil Procedure Section 382, which governs class actions in California State Courts, have been met. Specifically, the court found that:

- Plaintiffs have proven the existence of an ascertainable and sufficiently numerous class;
- There are common questions of law and fact concerning the existence or not of policy by 15 Main to deny or discourage meal breaks that are susceptible of class-wide proof and the common issues concerning whether 15 Main workers were provided with lawful meal periods predominate over individualized issues of damages;
- Class treatment is a superior method for adjudicating these meal break claims, as the class approach will more effectively deter and resolve the alleged wrongdoing;
- Plaintiffs Flor Crisostomo, Maribel Hernandez and Marissa Mendoza are typical and adequate class representatives and do not have interest antagonistic to the class;
- Plaintiffs' claims rely on the legal theories and facts for relief that are substantially similar to other class members; and
- Plaintiffs' counsel has the experience, ability, and assets to represent the class.

6. Has the Court decided who is right, and is there any money available now?

The court has not decided if the workers are right or if 15 Main is. And by approving the Meal Period Class and this notice, the court is not suggesting that Plaintiffs will win or lose this case.

No money or benefits are available now because the court has not yet decided whether 15 Main did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will be obtained. But if money or benefits are obtained and you do not exclude yourself, you will be notified about how to get a share of the money.

Who Is In the Class

You need to decide whether you are affected by this lawsuit.

7. Am I a Class Member?

If you worked as a non-exempt restaurant worker (busser, waiter, cook, host, dishwasher, bartender, etc...) at Calavera Restaurant in Oakland, California at any time, you are a member of the Class.

8. Do I have to be employed currently by 15 Main to be a Class Member?

No. The Class covers **current and former** restaurant workers who have worked at any time since its opening in August 2015 to the present.

9. I am still not sure if I am a Class Member.

If you are still not sure if you are included, you can call the lawyers for the Class at 1-888-525-8242

YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or ask to be excluded, and you have to decide now.

10. What happens if I do nothing at all?

If you want the chance to get money or any benefit from this lawsuit you do not have to do anything at all. By doing nothing you will stay in the Class. This means that if the Plaintiffs get money or benefits you will be notified about how to get a share (or how to ask to be excluded from any settlement).

Keep in mind that if you do nothing now, regardless of whether Plaintiffs win or lose at trial, you will not be able to bring your own lawsuit against 15 Main for the same failure to provide lawful meal periods that are covered in this lawsuit. This means that you would only be able to sue 15 Main for other claims not covered in the meal period class. You will also be legally bound by all of the orders the court issues and judgments the court makes in this class action.

11. Why would I ask to be excluded?

If you already have your own lawsuit against 15 Main for failure to provide lawful meal periods, and you want to continue with your lawsuit, then you need to ask to be excluded. This lawsuit only affects the failure to provide lawful meal periods described in paragraph number 2 at page 2 above.

If you exclude yourself from this class action lawsuit you will keep any right you have to sue 15 Main on your own for the failure to provide lawful meal periods covered in this lawsuit. Also, if you exclude yourself you will not be bound by any orders or judgments in this class action.

12. How do I ask the court to exclude me from this class action lawsuit?

If you do not want to be part of the lawsuit, fill out and send in the form attached at the end of this notice, called "Election to be Excluded." If you cannot write, have someone fill in the form for you.

The form must be mailed to the lawyers at this address, and must be postmarked by MARCH 2, 2018:

13. Do I have a lawyer in this case?

The court decided that the law firm of Mallison & Martinez of Oakland, California are qualified to represent you and all Class Members. They are experienced handling similar class action cases and have been appointed by the court to be "Class Counsel." You can contact them at:

MALLISON & MARTINEZ
1939 Harrison Street, Suite 730
Oakland, California 94612
T. 510-832-9999 or 1-800-525-8242
F. 510-832-1101

14. Can I hire my own lawyer to enter an appearance for me?

Yes. However, you do not need to hire your own lawyer because Class Counsel is working on your behalf.

GETTING MORE INFORMATION

Visit www.themmlawfirm.com to find information about the case. Or call Class Counsel at 1-888-525-8242. There are English and Spanish-speaking representatives available to answer your questions.

PLEASE DO NOT CALL OR WRITE TO THE COURT

ELECTION TO BE EXCLUDED

Please confirm your intention to be excluded by reading carefully the statements below and checking the appropriate box. Your exclusion form must be completed accurately to be valid.

I hereby elect to be excluded from the class in accordance with the provisions of the Notice of Class Action.

By filling out this form, I understand that **I WILL NOT RECEIVE ANY MONEY** that may be due to me in case Plaintiffs win a verdict or settlement against 15 Main on behalf of Class Members.

DATE: _____

NAME: _____

ADDRESS: _____

PHONE NUMBER: _____

THE ELECTION TO BE EXCLUDED MUST BE POST MARKED BY MARCH 2, 2018 AND MAILED TO:

MALLISON & MARTINEZ
1939 Harrison Street, Suite 730
Oakland, California 94612