

COURT-AUTHORIZED NOTICE

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

If you have been employed as a server at an IHOP restaurant operated by CFRA LLC, please read this notice.

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

In May 2015, Limecca Corbin (“Plaintiff”) started this lawsuit against CFRA LLC (“CFRA”). The lawsuit is proceeding in the United States District Court in Greensboro, NC and is assigned to United States District Judge Catherine C. Eagles.

The lawsuit alleges that CFRA violated federal wage law by having servers, waiters, and waitresses at its IHOP Restaurants spend more than 20% of their time doing non-tip producing “side work,” while still paying them a minimum wage below \$7.25 per hour. Examples of this side work include stocking condiments, wiping the tables, rolling silverware, refilling the soda machine and cleaning the restaurant. The lawsuit seeks to recover approximately \$5.66 for each hour worked by servers, waiters, and waitresses since July 12, 2013, plus unpaid overtime. The lawsuit also seeks the recovery of liquidated damages and attorney’s fees and expenses.

CFRA denies liability, asserts that its pay practices are legal, and claims that it paid all employees what they are owed.

The court has conditionally certified this case as a collective action, allowing this notice to be sent so that you can decide whether to join this case or not. The court has not decided who will win the case. The Court may ultimately rule that the case should not proceed as a collective action and, therefore, decertify the class. Once the evidence is in, the court may decide the case in favor of either party – Plaintiff or CFRA.

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

TO: Current and former IHOP Restaurant Servers, Waiters and Waitresses who have worked for CFRA at any time from July 12, 2013 to the present. If your address was on the envelope with this notice, then you qualify as someone who can join this case.

RE: Fair Labor Standards Act (“FLSA”) lawsuit against CFRA seeking minimum wage compensation for hours worked as servers, waiters and waitresses at IHOP Restaurants.

You Have a Choice to Make Now

(turn page)

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

ASK TO BE INCLUDED	<p>If you choose to be included, you will share in any monetary recovery that might come from a trial or a settlement in this lawsuit. You give up any rights to sue CFRA on your own for the same claims in this lawsuit.</p> <p>If you want to be included, you must complete and return the “Consent to Join” form included with this Notice by no later than August 9, 2017. By doing so, you will “opt in” and become a member of the Collective.</p>
DO NOTHING	<p>By doing nothing, you will not be included in this lawsuit. This means that you give up the possibility of a monetary recovery that may come from a trial or settlement if those bringing the lawsuit are successful. You keep any rights to sue CFRA separately about the same legal claims in this lawsuit. You should be aware that your time to bring FLSA claims is limited by a two- or three-year statute of limitations.</p>

1. Why did I get this notice?

You are getting this notice because CFRA’s records show that you worked at an IHOP Restaurant for CFRA as a server, waiter or waitress during the last three years. A lawsuit has been brought against CFRA claiming that servers were not paid the full minimum wage of \$7.25 per hour when they performed non-tipped side work such as stocking condiments, wiping the tables, rolling silverware, refilling the soda machine and cleaning the restaurant. The purpose of this notice is to notify you of your right to join this case. Please note that the Court has not ruled on the merits of the lawsuit.

The Honorable Catherine C. Eagles, United States District Court Judge in the Middle District of North Carolina, is overseeing this collective action. The lawsuit is known as *Corbin v. CFRA, LLC*, 1:15-cv-00405.

2. What is this lawsuit about?

Plaintiff Limecca Corbin (the “Named Plaintiff” or “Plaintiff”) has filed this action under the FLSA against CFRA LLC on behalf of servers who worked at any IHOP location operated by CFRA in the United States during any time from July 12, 2013 to the present. Since she filed the lawsuit, four additional individuals have joined. The lawsuit alleges that CFRA violated federal wage law by having servers, waiters, and waitresses at its IHOP Restaurants spend more than 20% of their time performing non-tip producing work while still paying them a minimum wage below \$7.25 per hour. Examples of this side work include stocking condiments, wiping the tables, rolling silverware, refilling the soda machine and cleaning the restaurant. The lawsuit seeks to recover approximately \$5.66 for each hour worked by servers, waiters, and waitresses since July 12, 2013. The lawsuit also seeks the recovery of liquidated damages and attorney’s fees and expenses.

3. What is the position of CFRA?

CFRA denies that it has improperly paid its employees, and denies that any current or former employee is entitled to compensation or any other relief in this lawsuit.

4. Has the Court decided who is right?

The Court has not decided whether Plaintiff is correct. The Court has simply conditionally certified this case as a collective action. The Court may ultimately rule that the Opt-Ins are not similarly situated to Plaintiff or to each other in their job duties and responsibilities and, therefore, decertify the class. Once the evidence is in, the Court may decide in favor of the servers, or it may decide in favor of CFRA, and rule that no additional wages are due.

5. What is a collective action and who is involved?

A collective action lawsuit allows the court to decide multiple workers' similar claims together in one proceeding. All servers, waiters and waitresses who decide to participate in the case are Opt-In Plaintiffs or part of a "Collective." The employees who brought this lawsuit are called the Named Plaintiffs. The company that they have sued – CFRA – is called the Defendant. One court resolves the claims of everyone who decides to join the case.

Here, the court has conditionally authorized this case to proceed as a collective action. Specifically, the Court preliminarily found that the Plaintiff who filed this lawsuit is "similarly situated" to other CFRA servers. The Court may later decertify this Collective based on a more searching analysis of whether members are truly "similarly situated" after the discovery process closes.

6. Can I join this lawsuit?

Yes, if you are or were a server, waiter or waitress at an IHOP Restaurant, you may choose to join this suit (that is, you may "opt in"). Based on CFRA's records, you are eligible to join this case if you want to. To opt in, you must submit a "Consent to Join" form. The Consent to Join form is enclosed with this notice. You may use the enclosed envelope to mail your form, or you may fax it or e-mail it to Plaintiffs' counsel (whose information is available at www.cfrawages.com and in Section 9, below), or you may submit your form online at www.cfrawages.com. The Consent to Join form must be returned no later than **August 9, 2017**.

7. What happens if I join the lawsuit?

If you file a Consent to Join form by following the instructions, you will be bound by the judgment (the final result of the lawsuit), whether favorable or unfavorable (that is, whether the Plaintiff wins or loses its case against CFRA).

If you join this lawsuit, you are choosing to be represented by Plaintiff's counsel and the Named Plaintiff who brought this case to make decisions and agreements on your behalf concerning the lawsuit. These decisions and agreements will then be binding on you.

If you join this lawsuit, you may be asked to provide information, documents, and/or testimony at a deposition and/or trial regarding the issues in the case. If so, Plaintiff's counsel will assist you.

8. What happens if I do nothing?

If you choose not to join this lawsuit, you will not be affected by any ruling, judgment, or settlement rendered in this case, whether favorable or unfavorable. You will not be entitled to share any money recovered in this lawsuit. You also will be free to independently retain your own counsel and file your own individual lawsuit, subject to any defenses that might be asserted. If you proceed separately, you may also have to pay your own lawyer.

You should be aware that your federal wage and hour claims are limited by a two or three-year statute of limitations. Delay in joining this action, or proceeding separately, may result in some or all of your claims expiring as a matter of law.

9. How do I join the case?

Enclosed is a "Consent to Join" Form. If you wish to join this lawsuit, it is very important that you read, sign, and promptly return the Consent to Join form. An addressed and postage-paid envelope is enclosed for your convenience. The Consent to Join Form must be sent to:

CFRA Wage and Hour Case
c/o Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025

Fax: (215) 884-2492

Email: info@classlawdc.com Alternatively, you may submit your form online at www.cfrawages.com. The signed Consent to Join form must be postmarked by **August 9, 2017**. **If your signed Consent to Join form is not postmarked by then, you will not be allowed to participate in this lawsuit, or share in any recovery, and you will not be bound by any settlement or judgment.**

10. No retaliation permitted

It would be a violation of federal law for CFRA to fire, discipline, or in any manner discriminate or retaliate against anyone for taking part in this case. If you believe that you have been penalized, discriminated against, or disciplined in any way as a result of your receiving this notification, considering whether to join this lawsuit, or actually joining this lawsuit, you may contact Plaintiffs' lawyers or any other lawyer of your choosing.

11. Do I have a lawyer in this case?

If you choose to join this suit, you will be represented by the Named Plaintiffs through their attorneys. They are:

MIGLIACCIO & RATHOD LLP

Nicholas A. Migliaccio, Esq.
Jason S. Rathod, Esq.
412 H Street N.E., Ste. 302
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900 W. Morgan St.
Raleigh, NC 27603
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Email: scott@wbmlp.com

www.cfrawages.com

If you want further information about this lawsuit, or have questions about the procedure or deadline for filing a "Consent to Join," please contact Plaintiffs' counsel.

12. How will the lawyers be paid?

Plaintiff's attorneys will **not** charge you directly for their work in this case. If the Plaintiff recovers nothing from CFRA, you will not have to pay the attorneys for any of their work. If there is a recovery, Plaintiff's attorneys will receive whatever attorneys' fees the Court orders. Those fees may be subtracted from the recovery obtained from CFRA, or they may be paid separately by CFRA, or they may be a combination of the two.

13. This notice has been authorized by the Court.

This notice and its contents have been authorized by the United States District Court for the Middle District of North Carolina, the Honorable Catherine C. Eagles presiding.