

## **NOTICE OF PROPOSED SETTLEMENT**

### **If you were an unpaid intern in New York for Dolce & Gabbana USA, Inc., you could receive a payment from a class action settlement**

#### **PLEASE READ THIS NOTICE CAREFULLY**

A proposed settlement has been reached in this wage & hour class action lawsuit. This notice has been authorized by a New York court to inform you of your right to participate in the settlement, make a claim for payment or elect not to be included in the class.

#### **INTRODUCTION**

This lawsuit alleges that Dolce & Gabbana violated New York Labor Law by not classifying individuals who participated in unpaid internships as employees, and failing to pay them wages. Dolce & Gabbana denies any liability and maintains that it has consistently acted in accordance with governing laws at all times. The Court has not determined who is right and who is wrong.

Even though the parties believe their respective claims and defenses are strong, they have agreed to settle the action. The Court still has to decide whether to approve this settlement. This notice provides you with important information about your legal rights and how they may be affected by the settlement. This notice explains how to collect your payment, how to exclude yourself from the settlement, and how to object. These rights and options are explained below.

#### **YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:**

<b>RECEIVE PAYMENT</b>	As described more fully below, to participate in the settlement you must send a properly completed Claim Form and Release, along with the enclosed W-9 Form and one copy of valid government or school issued picture identification (such as your driver's license, passport, or school ID) to the Settlement Claims Administrator. The Claim Form and Release, W-9 Form, and photo ID must be post-marked, emailed or faxed by June 2, 2017.
<b>EXCLUDE YOURSELF</b>	If you wish to exclude yourself ("opt out") from the lawsuit and not be bound by its terms, you must follow the directions outlined in response to question 8 below. You will not receive any payment from this settlement.
<b>OBJECT</b>	If you do not opt out, you may write to the Court about why you believe the settlement is unfair or unreasonable. If the Court rejects your objection, you will still be bound by the terms of the settlement. If you object you may appear at the Fairness Hearing to speak to the Court about the settlement. Procedures for objecting are described in question 12 below.

#### **1. Why did I receive this notice?**

You have received this notice because Dolce & Gabbana's records show that you had an unpaid internship in New York with Dolce & Gabbana at some time from July 17, 2009 through December 31, 2015.

#### **2. What is a class action?**

A class action is a lawsuit where one or more persons sue not only for themselves, but also for other people who have similar claims. In class actions, one court resolves the issues for all Class Members who do not opt out of the lawsuit.

#### **3. Why is there a settlement?**

The attorneys representing the Class ("Class Counsel") have analyzed and evaluated the merits of the claims made against Dolce & Gabbana in this lawsuit. Class Counsel have also analyzed and evaluated the risks of continued litigation, including

that there may ultimately be no recovery whatsoever, or a recovery that is less favorable and that would not occur for several years. Class Counsel is satisfied that the terms and conditions of this settlement are fair, reasonable and adequate and that this settlement is in the best interest of the Class Members.

Dolce & Gabbana denies the material allegations of the claims, and maintains that interns were not entitled to compensation. However, Dolce & Gabbana also recognizes the risks, distractions and costs involved with litigation and has therefore agreed to this settlement.

#### **4. What does the proposed settlement provide?**

Pursuant to the terms of the Settlement Agreement and Release (“Settlement Agreement”), Dolce & Gabbana has agreed to create a settlement fund that will be used to make payments to all Class Members who timely return the following three items: (i) a properly completed Claim Form & Release, (ii) a properly completed Form W-9, and (iii) a copy of a valid form of government or school issued picture identification (such as a passport, driver’s license, or school ID). The Claim Form and Release and the Form W-9 are enclosed with this Notice.

Dolce & Gabbana agreed to provide a Maximum Settlement Amount equal to the potential aggregate sum of all potential claims, costs, fees, and service awards not to exceed \$145,000.00, to settle this litigation.

#### **5. Payment to Class**

Each Class Member who is determined to be an unpaid intern within the relevant period is entitled to a payment of \$450.00 for each Internship the Class Member performed.

#### **6. Service Award to the Class Representative**

If the Court approves the settlement, Class Counsel will request up to \$5,000.00 for the Class Representative for the time and work she devoted to this matter.

#### **7. Procedures**

To receive a payment, you must timely complete and return the enclosed Claim Form and Release, Form W-9, and a copy of your government or school issued identification to the Settlement Claims Administrator.

**YOUR CLAIM FORM, FORM W-9 AND GOVERNMENT ISSUED IDENTIFICATION MUST BE  
POSTMARKED, FAXED OR EMAILED TO THE SETTLEMENT CLAIMS ADMINISTRATOR ON OR  
BEFORE JUNE 2, 2017.  
THE ADMINISTRATOR’S ADDRESS IS:**

Arden Claims Service, LLC  
P.O. Box 1015  
Port Washington, NY 11050  
E-Mail: [info@ardenclaims.com](mailto:info@ardenclaims.com)  
Toll Free Number: 877-623-2703  
Fax Number: 516-944-1771

If you do not properly complete and timely submit your Claim Form, Form W-9 and photo ID, your settlement payment may be delayed and possibly denied. The Settlement Claims Administrator will not make your payment until after a Fairness Hearing is held by the Court (see question 15 below).

You will need to deposit or cash your settlement check within 180 days after it is mailed to you. After the 180-day period (as determined by the date on the check) has expired, the settlement check will be void and you will not be entitled to any future or additional payment from Dolce & Gabbana related to this lawsuit.

### **8. How Do I Exclude Myself From The Settlement?**

If you do not want to participate in the settlement, you must timely submit a Request for Exclusion by June 2, 2017. If you exclude yourself, you will not release any legal claims and you will preserve your right to sue Dolce & Gabbana on your own for alleged violations of the wage laws with respect to your Internship(s). Your claims will be subject to a statute of limitations.

If you intend to exclude yourself, you must fax, email, or mail a written statement that: (1) unconditionally states your intention to opt out, such as “I opt-out of the settlement in the Dolce & Gabbana intern case”; (2) includes your name, address, email address and telephone number; and (3) contains your signature. (“Opt-out Statement”). To be effective, your Opt-out Statement must be mailed, emailed or faxed to the Settlement Claims Administrator no later than June 2, 2017.

If you exclude yourself from the lawsuit and settlement, you will NOT be allowed to object to the settlement as described below and you will not be entitled to receive a payment from this settlement.

### **9. If I exclude myself, can I get money from this settlement?**

No. If you exclude yourself, you will not receive any money from this settlement.

### **10. Do I have a lawyer in this case?**

The law firms of Virginia & Ambinder, LLP, 40 Broad Street, 7<sup>th</sup> Floor, New York, New York, 10004, (212) 943-9080, [www.vandallp.com](http://www.vandallp.com) and Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York 11514, (800) 585-4658, [www.leedsbrownlaw.com](http://www.leedsbrownlaw.com), have been designated as legal counsel to represent you and the other Class Members. These lawyers are called Class Counsel. You will not be charged separately for these lawyers. Their fees are being paid from the total settlement fund. If you wish to be represented by your own lawyer, you may hire one at your own expense.

### **11. How will the lawyers be paid?**

Class Counsel will ask the Court to approve payment of up to \$47,850.00 for attorneys’ fees and costs. The fees and costs would reimburse Class Counsel for out-of-pocket costs including court fees, printing, legal research, paying the mediator, and paying the Settlement Claims Administrator.

### **12. How do I tell the Court that I don’t like the settlement?**

If you do not opt out, you can object to the settlement and give reasons why you think the Court should not approve it. The Court will consider your views. If the Court rejects your objection, you will still be bound by the terms of the settlement.

To object, you must send a written statement that: (1) clearly identifies it as an objection, such as “I object to the settlement in the Dolce & Gabbana intern case”; (2) contains all your reasons for the objection; (3) contains your name, address, and telephone number; and (4) contains your signature. Your objection will not be heard unless it is mailed, emailed or faxed to the Settlement Claims Administrator no later than June 2, 2017.

The Settlement Claims Administrator will share your objection with Class Counsel and Dolce & Gabbana’s counsel and your objection will be filed with the Court. You may not object to the settlement if you submit a letter requesting to exclude yourself or “opt out” of the settlement. If you send an objection, it is not necessary for you to come to Court to talk about it, but you may do so at your own expense or pay your own lawyer to attend. If you do attend the Fairness Hearing (described in

question 15), it is possible that you will not be permitted to speak unless you notify the Court of your intention to appear and speak at the Fairness Hearing regarding your objection and the Court permits you to do so.

### **13. What's the difference between objecting and excluding?**

Objecting is simply telling the Court that you do not like something about the settlement. You can object only if you do not exclude yourself from the settlement. Excluding yourself from the settlement (“opting-out”) is telling the Court that you do not want to be part of the settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

### **14. What is the legal effect of the settlement?**

**If you do not exclude yourself (“opt out”) from this settlement** as described in question 8, you will be giving up your right to assert claims for wages, benefits and other compensation arising out of or relating to your participation in Dolce & Gabbana’s internship programs as an intern through December 31, 2015.

**If you timely complete and submit a Claim Form, Form W-9, and copy of a photo ID as provided in question 7 above,** you are requesting a payment and giving up your right to assert any claim for wages, benefits and other compensation arising out of or relating to your participation in Dolce & Gabbana’s internship programs as an intern through December 31, 2015.

### **15. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Fairness Hearing on July 19, 2017 in the Supreme Court, New York County Courthouse located at 111 Centre Street New York, New York. The hearing will take place before Judge David B. Cohen. At the hearing, Judge Cohen will consider whether the terms of the settlement are fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may also decide how much to pay to Class Counsel. You do not have to come to the Fairness Hearing, but you are welcome to do so at your own expense. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

### **16. Are there more details about the settlement?**

This notice summarizes the proposed settlement. More details are in the Settlement Agreement which may be reviewed by writing or calling LaDonna Lusher, Esq. at (212) 943-9080, Virginia & Ambinder, LLP, 40 Broad Street, 7<sup>th</sup> Floor, New York, New York, 10004, [www.vandallp.com](http://www.vandallp.com), or Jeffrey K. Brown, Esq. at Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York 11514, (800) 585-4658, [www.leedsbrownlaw.com](http://www.leedsbrownlaw.com), and asking for a copy of the Settlement Agreement.

### **17. What if my name or address changes?**

If your name, mailing address, email address, and/or telephone number changes after you submit your Claim Form, opt-out statement and/or a written objection to the settlement, you must notify the Settlement Claims Administrator immediately and prior to the Fairness Hearing if possible. The contact information for the Settlement Claims Administrator is listed in question 7 above.

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If you would like to review this and other documents related to this case on-line, please visit our website at [www.ardenclaims.com](http://www.ardenclaims.com) and click on “Cases” and the “Dolce & Gabbana USA, Inc.”

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Mailing Address: PO Box 1015, Port Washington, NY 11050  
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Fax Number: 516-944-1771, Toll Free Number: 877-623-2703