

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

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 LEAH JACOBS and DAVID BOBB, on behalf of themselves and behalf :
 of all other similarly-situated individuals, :
 : Index No.: 503148/2017
 Plaintiffs, :
 :
 -against- :
 :
 WASHINGTON PLACE, LLC and BLUE HILL AT STONE BARNS, LLC, :
 :
 Defendants. :
 -----X

TO: IF YOU WERE EMPLOYED AT BLUE HILL NEW YORK OR BLUE HILL AT STONE BARNS AS A SERVER, BUSSER/BACKWAITER, RUNNER, BARTENDER, HOST/HOSTESS OR A SUBSTANTIALLY SIMILAR POSITION (“COVERED POSITIONS”), FOR AT LEAST EIGHT WEEKS BETWEEN JULY 26, 2010 AND APRIL 11, 2017, YOU COULD RECEIVE A PAYMENT FROM A SETTLEMENT.

DATED: MAY 22, 2017

A New York State Court authorized this notice. This is not a solicitation from a lawyer.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
DO NOTHING	If you do nothing, you will remain part of the case and receive a payment.
EXCLUDE YOURSELF	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against Defendants about the legal claims in this case.
OBJECT	Write to the Court about why you do not like the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after appeals, if any, are resolved. Please be patient.

1. Why did I receive this notice?

This notice pertains to any individual who was employed at Washington Place, LLC d/b/a Blue Hill New York located at 75 Washington Place, New York, NY 10011 or Blue Hill at Stone Barns, LLC d/b/a Blue Hill at Stone Barns located at 630 Bedford Road, Pocantico Hills ("Blue Hill" or the "Restaurants") as a server, busser/backwaiter, runner, bartender, host/hostess or a substantially similar position (a "Covered Position") for at least eight weeks between July 26, 2010 and April 11, 2017. You have received this notice because Blue Hill's records show that you meet these criteria.

The Court directed that you receive this notice because you have a right to know about a proposed settlement of a class and collective action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves the settlement and after objections and appeals, if any, are allowed, payments will be mailed to individuals in Covered Positions who do not exclude themselves from the settlement (as explained in Paragraph 11). Those individuals are called "Class Members."

The court overseeing this case is the Supreme Court of the State of New York, Kings County. The lawsuit is entitled *Jacobs v. Washington Place, LLC, et al.*, Index No. 503148/2017. The people who filed the lawsuit are called the "Named Plaintiffs" or "Class Representatives." The "Defendants" are Washington Place, LLC and Blue Hill at Stone Barns, LLC.

2. What is this lawsuit about?

The Named Plaintiffs allege that Defendants violated federal and state labor laws by failing to pay them and other similarly situated workers minimum wages due to unlawful use of minimum wage tip credit, misappropriated gratuities and failure to pay spread-of-hours pay.

Defendants deny that they violated any laws or did anything wrong. There have been no Court rulings in this case. The Court has not issued any decisions regarding the validity of Plaintiffs' claims.

3. What is a class action?

In a class action, one or more people called Named Plaintiffs or Class Representatives sue on behalf of people who have the same or similar claims. These other people are known as class members. In a class action, one court resolves the issues for all class members, except for those who exclude themselves from the lawsuit. The Honorable Carolyn E. Wade, of New York State Supreme Court, Kings County is presiding over this class action.

4. Why is there a settlement?

The Court did not issue any decision in this matter. Instead, both sides agreed to a settlement that provides a recovery for Class Members. The Class Representatives and the attorneys think the settlement is best for all Class Members.

5. How do I know if I am part of the settlement?

You are automatically entitled to be a part of the settlement (and a potential Class Member) if you were employed in one or more of the Covered Positions for at least eight weeks between July 26, 2010 and April 11, 2017. Blue Hill's records indicate that you meet these criteria which is the reason you have received this notice.

6. What does the settlement provide?

The Class Representatives and Blue Hill have agreed to settle the action subject to the approval of the Court. Blue Hill has agreed to create a two million dollar (\$2,000,000) fund to be divided among Class Members and to cover the fees, costs and other payments set forth in Paragraph 15. Class Members are entitled to receive an amount based on the number of hours they worked at Blue Hill and the time period in which they performed this work from July 26, 2010 through April 11, 2017. Blue Hill denies any wrongdoing, but has decided to settle the case to avoid continued litigation.

7. How much will my payment be?

Based on the formula in the settlement agreement, all putative Class Members who worked in a tipped capacity as servers, bussers/backwaiters, runners, bartenders, hosts/hostesses and substantially similar positions, shall receive 1.0 point for every hour that they worked in these positions from July 26, 2010 to December 31, 2015, and 0.5 pts for every hour worked from December 31, 2015 through April 11, 2017. This shall be referred to as the "Allocation Formula."

8. How can I get my payment?

You do not need to do anything to receive your settlement payment. If you choose to exclude yourself from the settlement (as explained in Paragraph 11 below), then you will not receive a payment.

9. When will I get my payment?

The Court will hold a Fairness Hearing on **July 31, 2017**, at **9:30 a.m.** to decide whether to approve the settlement. If the Court approves the settlement and if there are no appeals, then Blue Hill will deposit the settlement payment with the claims administrator, who will then mail you your payment within 60 days of the Court's final approval order.

10. What am I giving up by staying in the class?

Unless you exclude yourself from the settlement (as explained in Paragraph 11 below), you will remain in the lawsuit as a Class Member. That means that you cannot sue, continue to sue, or be party to any other lawsuit against Blue Hill about the legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you.

If you want to keep the right to sue or continue to sue Blue Hill on your own about the legal issues in this case, then you must exclude yourself from the settlement. The process of excluding yourself is also sometimes referred to as "opting out."

11. How do I opt out of the settlement?

To exclude yourself from the settlement, you must send a letter by U.S.P.S. First Class Mail stating the following: "I opt out from the settlement in *Jacobs v. Washington Place, LLC, et al.*" Be sure to include your name, address, job position at Blue Hill, telephone number and your signature. Your request to exclude yourself from the settlement must be postmarked no later than **July 6, 2017** and must be mailed to:

Claims Administrator
c/o Arden Claims Service, LLC
P.O. Box 1015
Port Washington, New York 11050
Ph: 877-623-2703 | E-mail: info@ardenclaims.com

If you ask to be excluded, you will not receive a settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may also be able to sue (or continue to sue) Blue Hill in the future. If you wish to exclude yourself from the settlement in order to file an individual lawsuit against Blue Hill, you should speak to a lawyer as soon as possible because your claims are subject to a statute of limitations.

12. If I don't exclude myself, can I sue Blue Hill for the same thing later?

No. Unless you exclude yourself from the settlement, you give up any rights to sue Blue Hill for the same claims at issue in this case. Remember, the exclusion deadline is **July 6, 2017**.

13. If I exclude myself, can I get money from this settlement?

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

14. Do I have a lawyer in this case?

The Court decided that Jeanne M. Christensen and Tanvir H. Rahman of Wigdor LLP are qualified to represent you and all Class Members and has designated these lawyers as "Class Counsel" in this lawsuit. If you wish to be represented by your own lawyer, you may hire one at your own expense.

15. How will the lawyers be paid? Are there any other payments?

Class Counsel will ask the Court to approve payment to them of 33.3% of the settlement fund established by Blue Hill for attorneys' fees plus certain litigation expenses and costs to be paid from the settlement fund. The fees would pay Class Counsel for all the work that they have performed in this action, including filing briefs, investigating the facts, calculating damages, attending court conferences and negotiating and overseeing the settlement. The Court may award less than these requested amounts to Class Counsel. Class Counsel will also ask the Court to approve the payment of fees and expenses to a third-party Claims Administrator, Arden Claims Service, LLC, which has been selected to administer the settlement.

In addition, Class Counsel will ask the Court to approve Enhancement Award payments to the Class Representatives in this case in recognition of their service to the class, including their efforts in achieving this settlement. Specifically, Class Counsel will request an Enhancement Award of \$25,000.00 each for Plaintiffs Leah Jacobs and David Bobb, who served as Class Representatives.

16. How do I tell the Court that I don't like the settlement?

You can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter via U.S.P.S. First Class Mail saying that you object to *Jacobs v. Washington Place, LLC, et al.* Be sure to include your name, address, job position at Blue Hill, telephone number, your signature and the reasons why you object to the settlement. Mail the objection via U.S.P.S. First Class Mail to:

Claims Administrator
c/o Arden Claims Service, LLC
P.O. Box 1015
Port Washington, New York 11050
Ph: 877-623-2703 | E-mail: info@ardenclaims.com

Your letter must be postmarked no later than **July 6, 2017**.

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. As long as you mailed your written objection on time, the Court will consider it. If you do attend the hearing, it is possible that you will not be permitted to speak unless you timely object in writing as described above and notify the Court of your intention to appear at the Fairness Hearing.

17. What's the difference between objecting to the settlement and excluding yourself?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you remain in the class. Excluding yourself is telling the Court that you don't want to be part of the class. If you exclude yourself, you have no basis to object because the case no longer affects you.

The Court will hold a Fairness Hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

18. When and where will the Court decide whether to approve the settlement?

The Court will hold a Fairness Hearing at **9:30 a.m. on July 31, 2017** at the Supreme Court located at 360 Adams Street, Brooklyn, NY 11201, Room 423.

At this Fairness Hearing, the Court will consider whether the terms of the settlement are fair, reasonable and adequate. If there are objections, the Court will consider them. The Judge will listen to people who have asked to speak at the hearing. The Court may also decide how much to award Class Counsel in fees and costs, and the Class Representatives in enhancement awards. Typically at the Fairness Hearing, the Court will decide whether to approve the settlement. Other times, the Court may consider materials separately after the Fairness Hearing. We do not know how long these decisions will take.

19. Do I have to come to the hearing?

No. Class Counsel will represent you at the hearing. You are welcome to come at your own expense. If you send an objection, you do not have to come to Court. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

20. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter stating, "Notice of Intention to Appear in *Jacobs v. Washington Place, LLC, et al.*" Be sure to include your name, address, job title, telephone number and your signature. Your Notice of Intention to Appear must be postmarked no later than **July 6, 2017** and be sent to Arden Claims Service, LLC at the address in Paragraph 16. You cannot speak at the hearing if you exclude yourself from the settlement.

21. Are there more details about the settlement?

You can obtain more information about the settlement or obtain a copy of the settlement agreement by contacting Class Counsel at the following address and/or telephone number:

Jeanne M. Christensen
Tanvir H. Rahman
Wigdor LLP
85 Fifth Avenue
New York, NY 10003
(212) 257-6800
jchristensen@wigdorlaw.com
trahman@wigdorlaw.com

DATED: MAY 22, 2017