

**NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION LAWSUIT**  
**IN THE SUPREME COURT OF THE STATE OF NEW YORK**  
**NEW YORK COUNTY**

Case No. 150527/2015

IN RE ALICE + OLIVIA, LLC INTERN SETTLEMENT

**You may have a right to participate in this proposed settlement if you were an unpaid intern for Alice + Olivia, LLC (“Defendant”), at any time during the period from January 16, 2009 to January 16, 2015.**

Based on information in the records of Defendant, as well as publicly-available information, you may be a class member who is entitled to participate in the settlement of the case captioned *In Re Alice + Olivia, LLC Intern Settlement*. A proposed settlement has been reached in this lawsuit. This notice has been authorized by the New York Supreme Court to inform you of your potential right to participate in the settlement. **Please read this notice carefully.** It contains important information about your rights concerning the class and collective action settlement described below if you are an eligible settlement class member.

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

<p><b>IF YOU WANT TO PARTICIPATE IN THE SETTLEMENT AND RECEIVE A SETTLEMENT PAYMENT</b></p>	<p>To participate in the settlement and receive a share of the settlement fund, you must: (1) fully and timely complete and sign the Claim Form and Release and a W-9 Form, and (2) timely mail, email, or fax, (i) the executed Claim Form and Release, (ii) the W-9 Form, and (iii) a copy of a government-issued or other acceptable form of identification such as a passport, college identification card or driver’s license, to the Settlement Administrator. <i>See</i> Section 7 for complete instructions. If you received this Notice via mail or email with a date of <b>February 15, 2018</b>, the Claim Form and Release and supporting documents must be postmarked, emailed or faxed back to the Settlement Administrator by <b>April 16, 2018</b>.</p> <p align="center">UNVERIFIED CLASS MEMBERS</p> <p>If your name was not on the original mailing list and therefore you acquired this Notice and the Claim Form and Release after February 15, 2017, you are termed an Unverified Class Member and you must verify that you interned with Defendant during the time period stated above. This verification can be done by submitting documentary proof of your internship, such as correspondence, an offer letter, photo, or email, to the Settlement Administrator at</p> <p align="center"><b>In re Alice + Olivia, LLC Intern Settlement</b>  <b>c/o Arden Claims Service, LLC</b>  <b>P.O. Box 1015</b>  <b>Port Washington, NY 11050</b>  <b>Tel: 877-623-2703   Fax: 516-944-1771</b>  <b>Email: <a href="mailto:info@ardenclaims.com">info@ardenclaims.com</a></b></p> <p>Unverified Class Members have until <b>August 14, 2018</b> to submit the Claim Form and Release and supporting documents, and additional proof or online attestation, postmarked, emailed or faxed, to the Settlement Administrator.</p>
<p><b>IF YOU DO NOT WANT TO PARTICIPATE IN THE SETTLEMENT OR IF YOU ELECT TO DO NOTHING IN RESPONSE TO THIS NOTICE</b></p>	<p>If you do not want to participate in the settlement, and receive a share of the settlement fund, then you should take no action. If you do not participate in the settlement, but do not opt-out of the settlement, then you will be bound by the release of state law claims described in question 12 below. You will not receive any money from the settlement, and you cannot sue Defendant under any state law for allegedly unpaid wages or other related matters described in the state law claims relating to your internship. If you do not participate in the settlement, you will retain your right to bring an action under federal law.</p>
<p><b>IF YOU WANT TO OBJECT TO THE SETTLEMENT</b></p>	<p>If you do not opt-out of the settlement, 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. Procedures for objecting are described in question 9 below. If you opt-out of this action, as described in question 10 below, you may not object and will not be bound by the settlement.</p>
<p><b>IF YOU WANT TO EXCLUDE YOURSELF FROM THE SETTLEMENT</b></p>	<p>If you wish to exclude yourself (“opt-out”) from the settlement and not receive a payment, you must follow the directions outlined in the response to question 10 below.</p>

## **1. What is this lawsuit about?**

A lawsuit was filed by a former unpaid intern alleging that Defendant violated the New York Labor Law by failing to pay interns minimum wages. The current plaintiffs in the action, Meaghan Lass and Shannon Friedmann (“Named Plaintiffs”), for themselves and others whom they claim are similarly situated, seeks to recover allegedly unpaid minimum wages as well as interest, attorneys’ fees, costs, and other relief.

Defendant denies that it violated the law or that it owes any interns wages. Defendant denies any liability and maintains that it has consistently acted in accordance with all governing laws at all times. To avoid the burden, expense, inconvenience, and uncertainty of continued litigation, however, Defendant has concluded that it is in its best interests to resolve and settle the lawsuit, without admitting any wrongdoing or liability, by entering into a settlement agreement (“Agreement”).

The lawsuit is presently before Justice Manuel J. Mendez of the Supreme Court of the State of New York, County of New York. Justice Mendez has not made any decision on the merits of Plaintiffs’ claims in the lawsuit or whether the case, in the absence of this settlement, may proceed as a class and/or collective action.

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

You have received this notice because Defendant’s records or publicly available information agreed upon by Defendant and Class Counsel, show or suggest that you participated in an unpaid internship for Defendant sometime between January 16, 2009 and January 16, 2015.

## **3. What is a class/collective action?**

A class action is a lawsuit where one or more persons sue not only for themselves, but also for other people. These people are called class action members. In a class action, one court resolves the issues for all class members who do not opt out.

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

The attorneys representing the Class Members (“Class Counsel”) have analyzed and evaluated the merits of the claims made against Defendant in this lawsuit. Such work included court appearances, client intakes, witness interviews, formal and confirmatory discovery including the exchange of documents and information, and numerous in-person and telephonic settlement conferences between counsel and representatives of Defendant. Class Counsel and the Named Plaintiffs have entered into this proposed settlement based upon an analysis and evaluation of this data, relevant law, the potential for an adverse ruling that might severely limit or terminate the ability of Class Members to recover for any alleged unpaid wages, and the substantial risks of continued litigation, including the possibility that the litigation, if not settled now, might not result in any recovery whatsoever, or might result in a recovery that is less favorable and that would not occur for several years. Class Counsel and the Named Plaintiffs are 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.

Defendant denies the allegations in the lawsuit, and denies that it owes any intern any wages or other compensation. To avoid the burden, expense, inconvenience, and uncertainty of continued litigation, however, Defendant has concluded that it is in its best interests to resolve and settle the lawsuit, without admitting any wrongdoing or liability.

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

Pursuant to the terms of the Agreement, Defendant has agreed to create a settlement fund that will be used to make payments to all Class Members who timely and properly complete and return the following items: (i) Claim Form and Release, (ii) IRS Form W-9, and (iii) a copy of a government-issued or college identification, such as a passport, driver’s license or college identification card. The Claim Form and Release and the IRS Form W-9 are enclosed with this Notice. Unverified Class Members must also submit additional proof of internship or an attestation (contact the Settlement Administrator for more information).

Defendant agreed to provide a Gross Settlement Amount equal to the potential aggregate sum of all potential claims, costs, fees, and service awards not to exceed Four Hundred Forty-Three Thousand, Five Hundred dollars (\$443,500.00), to settle the litigation.

In addition to settlement payments, the money in the settlement fund will be used to pay for Settlement Administration Fees and costs, a Service Payment to the Named Plaintiffs, and Class Counsel’s Fees, Costs, and Expenses. The complete terms and conditions of the settlement may be obtained from the Settlement Administrator, whose contact information is listed in response to question 7 below.

## **6. How much is my settlement payment?**

Your settlement payment, assuming you timely submit all requisite materials and information, will be based on whether you performed an internship for Defendant as reflected in Defendant’s records and the number of Interns who participate in the Settlement. All Settlement Class Members that provided services for Defendant, as reflected in Defendant’s records and who submit a timely claim, shall be allocated a total of \$500 for each individual Intern.

Your allocated share shall be reduced by any regular and ordinary payroll tax deductions that need to be withheld.

Amounts that are not claimed by Class Members do not have to be paid by Defendant. The amount of your settlement payment will not be affected by the number of Class Members who claim a share, unless more than forty percent (40%) join the class – in which case there may be a pro-rata reduction or the settlement may be cancelled. Defendant’s records are presumed to be correct, and will be used to calculate your settlement allocation.

## 7. How can I participate in the settlement?

To receive a payment, you must timely complete and return the enclosed Claim Form and Release, IRS Form W-9, a copy of a government-issued or college identification, and additional proof of internship (for Unverified Class Members only). **Your Claim Form and Release, your IRS Form W-9, and government issued or college identification must be postmarked, faxed or emailed to the Settlement Administrator on or before April 16, 2018.** The Settlement Administrator's address is:

**In re Alice + Olivia, LLC Intern Settlement**  
**c/o Arden Claims Service, LLC**  
**P.O. Box 1015**  
**Port Washington, NY 11050**  
**Tel: 877-623-2703 | Fax: 516-944-1771**  
**Email: info@ardenclaims.com**

If you do not properly complete and timely submit your Claim Form, your IRS Form W-9, and a copy of a government-issued or college identification, then you will not be eligible to receive any payment. The Settlement Administrator will not make your payment until the settlement is fully and finally approved by the Court.

Unverified Class Members, in addition to the Claim Form, IRS Form W-9, and a copy of a government-issued or college identification, must also submit additional proof of their internship by submitting internship materials to the Settlement Administrator – such as company correspondence, an offer letter, photo, or email concerning the internship. If you are an Unverified Class Member and you do not have this proof, you may submit an attestation (contact the Settlement Administrator for instructions). Unverified Class Members shall have until **August 14, 2018** to submit the Claim Form and Release, IRS Form W-9, a copy of a government issued or college notification, and additional proof of their internship.

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 postmark on the envelope the check was mailed in) has expired, the settlement check will be void and you will not be issued a replacement check.

## 8. What can I do if I have information about an Unverified Class Member?

Defendant does not possess the full name and last known mailing or email address of certain Class Members. These individuals are called Unverified Class Members. Unverified Class Members have up to August 14, 2018 to participate in this settlement. If you know someone who you believe should be a part of this settlement, or if someone contacts you because they believe they should be a part of this Settlement, you may send their information to the Settlement Administrator (whose contact information is listed in question 7) or simply direct the Unverified Class Member to contact the Settlement Administrator to obtain a Notice and Claim Form.

## 9. How do I tell the Court that I don't like the settlement or object to it?

If you do not opt-out of 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 may 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 letter saying that you object to the settlement of the Alice + Olivia, LLC intern case. If you wish to appear before the Court to be heard, you must specifically request so in your objection letter. Your statement must include all reasons for your objection and any supporting documentation in your possession. Your statement must also include your name, address, email address, and telephone number. If you wish to present your objection at the Hearing described in question 11 below, you must state your intention to do so in your written objection. Your objection will not be heard unless it is postmarked, faxed or emailed to the Settlement Administrator, on or before 60 days following the date that this Notice was postmarked at the address provided in question 7.

The Settlement Administrator will share your objection with Class Counsel and Defendant's counsel and your objection will be filed with the Court. If the court schedules a hearing for individuals who submitted objections to be heard, you will be contacted by the Settlement Administrator or Class Counsel with the date, time and location of the hearing. You may not object to the settlement if you submit a letter requesting to exclude yourself or "opt-out" of the settlement, because by doing so you are no longer a part of the case.

## 10. How do I exclude myself (opt-out) of the settlement?

If you do not wish to participate in this proposed settlement, and/or you want to keep the right to sue or continue to sue Defendant on your own about the legal issues in this case, or which could have been brought in this case, then you must take steps to exclude yourself from this lawsuit. If you intend to exclude yourself, you must fax, email or mail a written, signed statement to the Settlement Administrator stating, "I opt-out of the Alice + Olivia, LLC intern lawsuit" or words to that effect which clearly express your desire to exclude yourself from this settlement and this case. You must include your name, address, and telephone number in the statement ("Opt-out Statement"). To be effective, the Opt-out Statement must be mailed, faxed or emailed to the Settlement Administrator on or before 60 days following **February 15, 2018** if you are a Verified Class Member or within 180 days of the **February 15, 2018** if you are an Unverified Class Member. It must be sent to the Settlement Administrator at the listed in question 7.

### **11. What's the difference between objecting and excluding yourself (opting-out)?**

Objecting is simply telling the Court that you don't 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 don't want to be part of the settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

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 the Court schedules a hearing. As long as you postmarked, faxed or emailed your written objection on time, the Court may consider it. You will be notified of the date and location of the court appearance, should the Court schedule a hearing, by the Settlement Administrator or Class Counsel.

### **12. What happens if I do not participate or if I opt-out of the settlement?**

If you choose not to participate in the settlement, if you opt-out or if you do not timely and properly return your Claim Form, IRS Form W-9, a copy of a government-issued or college identification, and additional proof of internship (for Unverified Class Members only), then you will not receive any money from this settlement.

If you do not return a Claim Form and Release, but do not opt-out, you will release your state law claims ("Released State Law Claims") and you will not be able to sue Defendant on your own for unpaid wages or related matters under state law. Please review Exhibit A to the enclosed Claim Form and Release for a complete explanation of all Released State Law Claims. You will retain any claims you may have under federal law.

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

Yes. The law firms of Virginia & Ambinder, LLP, 40 Broad Street, 7th Floor, New York, New York, 10004, (212) 943-9080, www.vandallp.com, and Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York 11514, (888) 499-6471, www.leedsbrownlaw.com have been designated by the Court 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 if you participate in the settlement. Their fees are being paid from the Gross Settlement Amount as described above. If you wish to be represented by your own lawyer, for example if you wish to object to the settlement, you may hire one at your own expense.

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

In exchange for the settlement payment made by Defendant in accordance with the Agreement, this lawsuit will be dismissed with prejudice. If you timely and properly submit a Claim Form and Release, IRS Form W-9, a copy of a government-issued or college identification, and additional proof of internship (for Unverified Class Members only), then you will fully release and discharge Defendant from certain federal law and state law claims for wages, benefits, and other compensation arising out of or relating to the facts alleged in the litigation. When claims are "released," that means that a person covered by the release cannot sue the defendant for any of the claims that are covered by the release.

If you do not opt-out of the settlement but do not file a claim form, you will release all your state law claims.

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

The Court has approved the settlement, concluding that the settlement is fair, adequate, and reasonable and that the proposed distribution of the settlement amount is fair, adequate, and reasonable.

The settlement will go into effect unless the Court believes there are unresolved issues (including any based on any objections), and does not allow the parties to finalize the settlement process or if the settlement otherwise becomes unenforceable.

### **16. Are there more details about the settlement? What if I have any questions?**

This notice summarizes the proposed settlement. However, more details are in the Agreement. You can review the Agreement by contacting the Settlement Administrator. If you have a procedural question such as how to complete the Claim Form, please contact the Settlement Administrator. If you have a question that requires legal consultation, please contact Class Counsel Jeffrey K. Brown, Michael Tompkins or Brett Cohen at Leeds Brown Law, P.C., One Old Country Road, Suite 347, Carle Place, New York 11514, (888) 499-6471, or LaDonna M. Lusher, Suzanne Leeds Klein or Michelle Moreno at (212) 943-9080, Virginia & Ambinder, LLP, 40 Broad Street, 7th Floor, New York, New York 10004. Your communications with Class Counsel will be strictly confidential and privileged.

### **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 and Release, you must notify the Settlement Administrator immediately. If you do not correct your address, any potential settlement check may be mailed to the address that is on file for you. Therefore, it is your duty to keep an updated address on file. The contact information for the Settlement Administrator is listed in question 7 above.