

[INSERT SETTLEMENT ADMINISTRATOR INFORMATION]

<<DATE>>

<<FIRST_NAME>> <<LAST_NAME>>

<<ADDRESS 1>>

<<ADDRESS 2>>

Re: Payment From Sommer v. Darden PAGA Settlement

Dear <<FIRST_NAME>> <<LAST_NAME>>:

Enclosed you will find a check made payable to you. This is your payment from the settlement of the lawsuit entitled *JENNIFER SOMMER and DAVID BALSIE, individually and on behalf of all others similarly situated, and on behalf of the general public, Plaintiffs, v. DARDEN RESTAURANTS, INC., a Florida corporation; GMRI, INC., a Florida corporation; and DOES 1 through 20, inclusive, Defendants*, Superior Court of California in and for the County of Los Angeles, Case No. 30-2014-00720139-CU-OE-CXC (“the Action”).

The Action was filed against Darden Restaurants, Inc. and GMRI, Inc. (“Defendants”) pursuant to the California Private Attorneys General Act of 2004, Cal. Lab. Code § 2698 *et seq.* (called “PAGA”). The settled claims were brought on behalf of the State of California and all similarly situated non-exempt hourly paid servers employed by Defendants at The Capital Grille, Olive Garden, Seasons 52, Eddie V’s, Yard House, and Red Lobster restaurants in California who, in the same pay period were paid overtime and received a Large Party Gratuity, in at least one pay period from April 29, 2013 to January 31, 2014. You have been identified as one of the employees on whose behalf the case was brought.

The Plaintiffs in the Action claimed that Defendants owed penalties under PAGA for violations of the California Labor Code related to overtime compensation. Defendants deny that they did anything wrong or that they owe any penalties. The parties agreed to settle the case through an agreement whereby Defendant agreed to pay Plaintiffs to resolve their claims. Under the PAGA statute, the penalties get divided between the State and the employees. The enclosed check represents your portion of the penalties allocated to employees. Therefore, as part of the settlement between Plaintiffs and Defendants, you will receive **[CHECK AMOUNT]** as PAGA penalties.

The settlement shares were calculated based on the number of pay periods you and other non-exempt hourly paid servers worked between April 29, 2013 and January 31, 2014 and were paid overtime by Defendants. According to Defendant’s records, your total number of pay periods with overtime pay between April 29, 2013 and January 31, 2014 is **[PAY PERIOD AMOUNT]**.

Regardless of whether you cash or deposit the enclosed check, you and the State of California shall be deemed to have fully, finally, and forever waived, released, relinquished, and

discharged Defendants and each and all of the Released Parties from any and all PAGA Claims, meaning claims for civil penalties alleged in the Third Amended Complaint, or that reasonably could have been alleged based on the facts in the Third Amended Complaint from alleged violations of the following Labor Code provisions: 201-203, 226, 226.3, 510, 1194 and 1198, that arose or may be alleged to have arisen at any time from April 29, 2013 to January 31, 2014. “Released Parties” means Defendants GMRI, Inc. and Darden Restaurants, Inc., and their past, present, and future parents, subsidiaries, divisions, predecessors, successors, partners, joint venturers, shareholders, consultants, advisors, insurers, reinsurers and assigns, and each of their past, present and future officers, investors, directors, executives, trustees, agents, employees, attorneys, representatives, and any other persons or entities acting on behalf of or in concert with any of the foregoing.

If you have any questions, you can contact the Settlement Administrator (whose contact information is at the top of this letter) or Plaintiff’s counsel:

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