

IMPORTANT LEGAL NOTICE

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

ERICK MONROY, an individual, and ILSE
ASCENSIO, an individual,

Plaintiffs,

v.

YOSHINOYA AMERICA, INC., a California
corporation, YOSHINOYA HOLDINGS CO.,
LTD., a Japanese corporation, and DOES 1 to
100, inclusive, et al.,

Defendants.

Case No. BC 653419

**NOTICE OF PENDENCY OF
CLASS ACTION AND RIGHT
TO OPT OUT**

**THIS NOTICE AFFECTS YOUR
RIGHTS - PLEASE READ
IT CAREFULLY.**

*A California court authorized this notice. This is not a solicitation from a lawyer.
Your legal rights are affected whether or not you act. Please read this notice carefully.*

TO: All non-exempt employees of Yoshinoya America, Inc. (“Yoshinoya”) in California, who at any time during the period from March 7, 2013 to November 1, 2017, were scheduled to work at least one “on-call shift” and did not receive any pay for the on-call shift.

Notice is hereby given that a certified class action lawsuit is now pending in the Los Angeles County Superior Court entitled *Eric Monroy v. Yoshinoya America, Inc., et al.* The class representatives who have brought this action are Eric Monroy and Ilse Ascensio (“Plaintiffs”). Plaintiffs are suing on their own behalf and on behalf of the following class:

“All non-exempt employees of Yoshinoya in California, who at any time during the period from March 7, 2013 to November 1, 2017, were scheduled to work at least one on-call shift and did not receive any pay for the on-call shift.”

YOUR LEGAL RIGHTS AND OPTIONS IN THIS CASE	
PARTICIPATE AS A MEMBER OF THE CERTIFIED CLASS	If you come within the definition of the class set forth above in this notice, you will be automatically included in the class unless you elect to exclude yourself from the class in accordance with the procedures described below. If you wish to remain in the class, you do not need to take any action at this time.
ASK TO BE EXCLUDED/OPT OUT	If you do not want to participate in this lawsuit, you can exclude yourself by “opting out.” By electing to opt out of this litigation, you will not receive the benefits of any judgment or settlement in this class action nor will you be bound by any decision in this lawsuit favorable to Yoshinoya.

1. WHY AM I GETTING THIS NOTICE?

You are getting this notice because you have been identified from Yoshinoya's records as a member of the class that may be affected by this litigation.

2. WHY SHOULD I READ THIS NOTICE?

On April 8, 2019, the Court certified this case as a class action and you are a member of the class. This notice describes the case and the monetary relief that will be sought. Your rights and options, and the deadlines to exercise them, are explained in this notice. Your legal rights are affected regardless of whether or not you act.

3. WHAT IS THIS CASE ABOUT?

On March 7, 2017, Plaintiffs filed a Class Action Complaint against Yoshinoya in the Los Angeles County Superior Court. Plaintiffs alleged multiple claims in this action arising from an allegation that Yoshinoya had allegedly failed to comply with California's "Reporting Time Pay" requirement set forth in Section 5 of Wage Order 5-2001. That requirement provides that "Each workday an employee is required to report for work and does report, but is not put to work or is furnished less than half said employee's usual or scheduled day's work, the employee shall be paid for half the usual or scheduled day's work, but in no event for less than two (2) hours nor more than four (4) hours, at the employee's regular rate of pay."

As applied to this case, Plaintiffs allege that Yoshinoya had in place an on-call policy under which it assigned certain non-exempt employees "on-call" shifts. For those shifts, the assigned employees were allegedly required to call in to the store two hours before the scheduled start time for the work shift to ask whether they were required to come into the store and work the shift. Plaintiffs allege that when employees called in to the store in this manner and were told they were *not* required to come to work that day (in which case they were not paid any wages), this violated the Reporting Time Pay requirement because the law allegedly required Yoshinoya to pay the employees who called in for half the time they would have been scheduled to work if they had not been told they were excused from coming into work. Plaintiffs also alleged that the failure to pay this Reporting Time Pay triggered additional penalties under Labor Code Sections 203, 226 and 2699 for failure to provide accurate wage statements and failure to pay all wages owed to class members who are now former employees.

Yoshinoya denies that it has violated California law in any way. Yoshinoya contends that, at least during the period between 2014 and 2017 when Yoshinoya utilized on-call shifts, California law did not require an employer to pay Reporting Time Pay to an employee who was merely asked to call in to work two hours before a scheduled shift to ask whether the employee needed to physically report to work that day. Rather, Yoshinoya contends that Reporting Time Pay was owed only when an employee actually was required physically to "report" to work for a scheduled shift but was sent home without being provided at least half of the hours of the shift. Because Yoshinoya does not believe it violated the Reporting Time Pay rules, it further denies that it owes any of the penalties that Plaintiffs are seeking, all of which depend upon a finding that Yoshinoya violated the Reporting Time Pay rules in the first instance.

4. YOUR OPTIONS

If you come within the definition of the class set forth above in this notice, you will be automatically included in the class, unless you elect to exclude yourself from the class in accordance with the procedures described below. If you wish to remain in the class, you do not need to take any action at this time. Your choice to stay in the class or exclude yourself from the class has certain consequences, detailed below.

5. YOU CAN REMAIN A MEMBER OF THE CLASS.

If you wish to remain a member of the class, you need not do anything. If you remain a member of the class, you will be represented by Plaintiffs and their attorneys (hereinafter “Class Counsel”). However, you may choose to enter an appearance through another attorney if you so desire by mailing a Notice of Appearance to the Notice Administrator at the address for the Notice Administrator set forth below. The Notice of Appearance must be postmarked and mailed no later than June 24, 2019.

As a class member, you will be bound by the class judgment or settlement, whether favorable or unfavorable, including any judgment issued in connection with the litigation or settlement between the parties. However, no judgment will be entered without Court approval and further notice to the class. You may be required as a condition to participate in any recovery through settlement or trial to present evidence concerning your claim. If a judgment is entered in favor of the class, you may be eligible to share in any benefit awarded to the class. You will not be responsible for Class Counsel’s attorneys’ fees and costs, as Class Counsel represents all class members on a contingent basis, and reimbursement to Class Counsel for its costs and fees incurred in litigating this lawsuit will be deducted from any class recovery or paid by Defendant directly, as the Court deems appropriate.

6. YOU CAN REQUEST EXCLUSION FROM THE CLASS.

If you do not want to participate in this lawsuit, you can exclude yourself by “opting out.” By electing to opt out of this litigation, you will not receive the benefits of any judgment or settlement in this class action nor will you be bound by any decision in this lawsuit favorable to Yoshinoya. Rather, you will remain free to pursue individually any legal rights you may have against Yoshinoya. In determining whether you want to be excluded from the class, you may want to consult your own attorney, as there are legal issues which may require consideration.

To opt out, you must send the enclosed “Opt-Out Form” to the Notice Administrator (at the address set forth below). The request must include your name, address, signature and date and be postmarked and mailed no later than June 24, 2019. If the Notice Administrator does not receive your request with a postmark on the request of June 24, 2019 or earlier, then you will be included in the class and bound by any settlement or judgment. The Opt-Out Form must be sent to the following address:

Monroy v. Yoshinoya America, Inc., et al.
Notice Administrator
P.O. Box 404041
Louisville, KY 40233-4041
Telephone: 1-866-808-1246

If this notice was sent to you at your current address, you do not have to do anything further to receive any further notices concerning this case. If it was forwarded by the postal service, or if it was otherwise sent to you at an address that is not current, you should immediately send a letter to the Notice Administrator at the address above stating your past and current addresses. If you elect to remain a member of the class and your address changes after you receive this notice, please promptly notify the Notice Administrator.

7. ADDITIONAL INFORMATION

This notice is a summary description of the lawsuit. You may inspect the full court files at the Office of the Clerk of Los Angeles Superior Court, 312 N. Spring Street, Los Angeles, California 90012. Any questions regarding this notice or this lawsuit should be sent to the Notice Administrator at the above address and telephone number. Do not contact the court directly. You should receive a response to your questions within 10 days of their receipt.

If you decide to remain a member of the class and wish to communicate with Class Counsel as your attorneys in this litigation, you may do so by writing or calling:

Ryan Saba
Tyler C. Vanderpool
ROSEN SABA, LLP
9350 Wilshire Boulevard, Suite 250
Beverly Hills, California 90212
Telephone: (310) 285-1727
Facsimile: (310) 285-1728
Email: tvanderpool@rosensaba.com

**PLEASE DO NOT CONTACT THE COURT OR THE COURT'S
STAFF WITH QUESTIONS ABOUT THE CASE.**

Dated: May 24, 2019

BY ORDER OF THE COURT