

NOTICE OF PENDENCY OF FLSA LAWSUIT

If you worked as a server, bartender or food runner for Ruby Tuesday at any time between June 11, 2010 and the present and you worked off-the-clock, you have the right to participate in this lawsuit.

From: Adam Gonnelli, Faruqi & Faruqi, LLP, Attorneys at Law

To: All Persons Employed by Ruby Tuesday, Inc. as Servers, Bartenders or Food Runners at any time from June 11, 2010 to the Present

The purpose of this Notice is to advise you that former employees of Ruby Tuesday have filed a class action against Ruby Tuesday. This Notice advises you of the legal rights you may have in that lawsuit, including your right to join.

1. DESCRIPTION OF THE LAWSUIT.

Michael Guttentag and Steven Reeves (“Class Representatives”) filed this lawsuit against Ruby Tuesday on April 17, 2012 pursuant to the federal Fair Labor Standards Act. Adam Gonnelli of the law firm of Faruqi & Faruqi, LLP represents them in this lawsuit.

The Class Representatives are former employees of Ruby Tuesday. They claim that Ruby Tuesday failed to pay them and other servers, food runners, and bartenders appropriate minimum wage for all hours worked and/or overtime compensation for all overtime hours worked because they were required to work before they clocked in or after they clocked out and were not paid for that time. Ruby Tuesday denies the Class Representatives’ allegations.

On June 11, 2013, the Honorable Harold Baer, Jr., United States District Judge for the Southern District of New York, authorized the mailing of this Notice to inform you and other servers, bartenders and food runners across the country of your right to join this lawsuit. A copy of the complaint and the Judge’s order are available at www.RubyTuesdayLawsuit.com.

The Court has not examined the merits of the case and has made no decision whether any person is entitled to receive any money in connection with the lawsuit. The fact that you have received this Notice does not mean that you are or will be entitled to a monetary recovery from Ruby Tuesday.

2. YOUR RIGHT TO JOIN THIS LAWSUIT.

If you worked as a server, bartender or food runner for Ruby Tuesday at any time between June 11, 2010 and the present and you believe that you worked off the clock, or spent an excessive amount of time on sidework, you have the right to participate in this lawsuit.

Para leer el aviso en español, por favor visitar www.RubyTuesdayLawsuit.com

It is entirely up to you whether or not you want to join the lawsuit. Ruby Tuesday cannot retaliate against you if you join.

3. HOW TO JOIN AND MAKE AN FLSA CLAIM IN THIS LAWSUIT.

To participate and make an FLSA claim in the lawsuit, you must sign the enclosed “Consent to Sue Under Federal Fair Labor Standards Act (FLSA)” form. Complete and submit the form by **December 23, 2013** via fax, mail or overnight mail to:

**Ruby Tuesday Lawsuit Administrator
c/o Angeion Group
1801 Market Street, Suite 660
Philadelphia, PA 19103
(FAX) 215-563-8839**

If you submit a Consent to Sue form it will be filed with the court and you will become a “party plaintiff.”

Adam Gonnelli of the law firm of Faruqi & Faruqi, LLP currently represents the Class Representatives. It is the responsibility of the Class Representatives and their attorney to represent the interests of all class members in this lawsuit. By filing the Consent To Sue, you are asking Faruqi & Faruqi, LLP to represent you in the lawsuit, or you may choose your own counsel. If you choose Faruqi & Faruqi, LLP you will also be responsible for the attorneys’ fee arrangement they made with the Class Representatives. The fee arrangement states that Faruqi & Faruqi, LLP will handle this case on a contingency basis. This means that they will only be paid if they are successful in proving the Class Representatives’ claims and win the case. If they win, Faruqi & Faruqi, LLP will apply to the Court for an award of fees and costs. The Court will decide the amount of fees to award. If they lose, Faruqi & Faruqi, LLP will not be paid for their work and you and the other party plaintiffs will not be responsible for their fees and costs.

If you would like Faruqi & Faruqi, LLP to represent you, fill out the enclosed “Client Information” form and mail it, along with the Consent to Sue form, using the self-addressed postage paid envelope. The Client Information form will allow Faruqi & Faruqi, LLP to contact you, but it will not be filed with the Court.

If you have any questions about this lawsuit, please visit www.RubyTuesdayLawsuit.com or call the Lawsuit Administration Hotline at **1-877-386-1776**.

4. THE LEGAL EFFECT OF FILING OR NOT FILING THE CONSENT FORM.

If you choose to join the lawsuit by filing a Consent to Sue form and if the Class Representatives obtain money or other relief from the lawsuit, then you may share in those benefits. However, you will be bound by the judgment of the court on all FLSA issues in this case, win or lose.

If you do not file a Consent to Sue form, you will not receive any money or other relief for FLSA claims in this lawsuit. However, you will be free to hire your own lawyer and file your own lawsuit. The time to bring federal wage and hour claims is limited by a two- or three-year statute of limitations based on the date that your Consent form is filed with the Court.

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By joining, you are designating the Class Representatives as your agents to make decisions on your behalf concerning the litigation and the method and manner of conducting this litigation, including any settlement of the lawsuit. These decisions and agreements made and entered into by the Class Representatives will be binding on you if you join this lawsuit.

If you join, you will also be bound by the judgment of the court on all issues in this case, win or lose. In addition, you may be required to (1) appear for a deposition; (2) respond to written interrogatories and requests for documents; and/or (3) testify at trial.

5. ALTHOUGH THE COURT HAS APPROVED THE SENDING OF THIS NOTICE, THE COURT EXPRESSES NO OPINION ON THE MERITS OF THIS LAWSUIT.

PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE.

If you have questions please visit www.RubyTuesdayLawsuit.com or you may call the Lawsuit Administration Hotline at **1-877-386-1776**.

Date: November 7, 2013
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