

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION**

AOUATIF AIT-HAMADI, *et al.*, individually and on behalf of others similarly situated,

Plaintiffs.

v.

RISTORANTE LA PERLA OF WASHINGTON *et al.*,

Defendants.

Civil Action No.: 2016 CA 002467 B

NOTICE OF CLASS ACTION LAWSUIT AND PROPOSED SETTLEMENT

1. What is this notice about?

This court-authorized notice is to inform you that a class action lawsuit is pending that involves employees who worked for Ristorante La Perla of Washington, Ischia Inc., and/or Vittorio Testa (“Defendants”), and that a proposed settlement has been reached in this lawsuit. Specifically, the lawsuit seeks to recover unpaid wages owed to all past and present employees who worked for Defendants at Ristorante La Perla. This notice explains what the lawsuit is about, and your legal rights and options.

2. What is the lawsuit about?

Plaintiffs Aouatif Ait-Hamadi, Otgonjargal Luvsandavaa, Azzedine Amrani-Idrissi, David Topp, and Dante Tapp (“Plaintiffs”) worked at Ristorante La Perla. Plaintiffs sued the Defendants, claiming that: (1) Defendants did not pay them an overtime rate for their overtime hours; (2) Defendants withheld tips from the tipped employees; (3) Defendants did not pay their employees minimum wage; (4) Defendants failed to pay their employees all wages earned at least twice during each calendar month; (5) Defendants failed to pay their employees within 7 days after resignation or termination; (6) Defendants failed to provide their employees with paid sick leave; and (7) Defendants subjected their employees to a hostile work environment in violation of the D.C. Human Rights Act.

In other words, one of the claims brought by Plaintiffs is that Defendants did not pay them one-and-one-half times (1.5x) their regular rate of pay for all hours over forty that they worked in one workweek. In addition, Plaintiffs allege that Defendants violated the District of Columbia Minimum Wage Act Revision Act (“DCMWA”), the District of Columbia Wage Payment and Collection Law (“DCWPCL”), the District of Columbia Employee Sick Leave Act (“Sick Leave Act”), and the District of Columbia Human Rights Act.

The Court has not yet determined whether the Plaintiffs will be successful in their claims. The Court has only determined that the case should proceed as a class action.

3. Why are you receiving this Notice?

It has been determined that you may be a member of this Class according to Defendants’ records. You are not being sued; rather, a lawsuit has been filed on your behalf against Defendants to obtain money that you may be owed. This notice describes the class action claims, the settlement, and explains how you may exclude yourself from this claim. All Class Members who do not exclude themselves from this claim by the date set forth below will be entitled to a portion of the money recovered as part of the settlement, and will be bound by any judgment or other outcome of the claim including any settlement involving a release of claims. In order to receive your portion of the settlement, you must return the Claim Form.

4. What is a “class action” lawsuit?

Plaintiffs bring their claims as a class action on behalf of themselves and all class members. In a class action, one court resolves the issues for all class members, except those who exclude themselves from the class. The potential class members in this case are:

**All past and present employees of La Perla employed
between April 1, 2013 through April 1, 2016.**

You will automatically be a member of the Class Action unless you choose to “opt-out” of the Class Action by returning the enclosed Opt-Out Form. **In order to receive your portion of the settlement, you must return the enclosed Claim Form.**

5. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or the Defendants. Instead, after extensive negotiations, both sides agreed to settle to avoid the significant risks and costs of a trial — and the affected employees would promptly receive compensation. The Plaintiffs and Class Counsel think that the settlement is best for all potential class members.

6. Do I have a lawyer in this case?

The Court has appointed the following attorney as “Class Counsel” to represent you and other class members:

Brendan J. Klaproth
Klaproth Law PLLC
406 5th Street NW, Suite 350
Washington, DC 20001
Tel: 202-618-2344
Fax: 202-618-4636
Email: bklaproth@klaprothlaw.com
Website: <http://klaprothlaw.com/ristorante-la-perla-lawsuit/>

You have the right to choose your own attorney should you choose to. Any such individual representation by counsel would, however, be at your own expense.

7. What are the decisions that I need to make?

You need to decide if you want to participate in this lawsuit. If you want to participate in the class action described above and receive your portion of the settlement proceeds, you must return the enclosed Claim Form.

If you do not want to participate in the class action, then you must return the enclosed Opt-Out Form. After Class Counsel receives your Opt-Out Form, he will inform the Court and Defendants of your request for exclusion. If you do not exclude yourself, you will be a part of the class action in this lawsuit, and you will participate in and be bound by the outcome.

8. How do I receive money from the Settlement?

In order to receive money from the Settlement, you must return the Claim Form that is enclosed. If you have any questions about completing the Claim Form, you should contact Class Counsel at the address or telephone number below.

9. How much will I receive under the settlement?

The Parties have agreed to settle the case for a lump sum payment of \$460,000 (“Settlement Amount”). Attorneys fees, litigation costs, and costs to administer this settlement will be paid out of this Settlement Amount. Attorney fees are anticipated to be one third (1/3) of the Settlement Amount and will be subject to the Court’s Approval. The

remaining portion of the Settlement Amount will be paid equally to all members of the Class who return the Claim Form. The amount that you are entitled to receive will be determined by the number of Class members that return the Claim Form.

As part of the settlement, the lead Plaintiffs Aouatif Ait-Hamadi, Otgonjargal Luvsandavaa, Azzedine Amrani-Idrissi, David Topp, and Dante Tapp will receive an additional payment of \$500 each for their efforts in initiating and pursuing this lawsuit. This payment will come out of the Settlement Amount.

10. When will I receive the settlement amount?

The Claims Administrator will pay you your portion of the Settlement Amount no later than 30 days after the Court approves the settlement agreement.

11. If I join the Class Action, can I sue Defendants for the same thing later?

NO. Unless you exclude yourself from the class action you give up any claim you have against the Defendants for unpaid minimum and overtime wages that you earned while working at La Perla, and any hostile work environment claims you have in connection with your employment at La Perla. Specifically, if you do not exclude yourself from the class action, you will be bound by the following release of claims:

Members of the Class that do not opt out of the Class agree to unconditionally and irrevocably release Defendants, their owners, officers, directors, employees, agents, assigns, representatives, attorneys, affiliates, benefit plans, plan fiduciaries and/or administrators, and all persons acting by, through, under or in concert with any of them, including any party that was or could have been named as a defendant in the Lawsuit from any causes of action in connection with their employment at Ristorante La Perla for overtime or unpaid wages under the District of Columbia Wage Payment and Wage Collection Act, any common law claim for compensation and overtime compensation, breach of express or implied contract, quasi contract, quantum meruit, breach of duty of good faith, and discrimination, that were or could have been asserted in the Lawsuit and that arose during the period between April 1, 2013 to April 1, 2016 (“Released Claims”). Notwithstanding the foregoing, members of the Class are not releasing any other types of legal claims except those claims asserted in *Ait-Hamadi v. Ristorante La Perla of Washington*, et al, Civ. Action No. 2016 CA 002467b.

12. What if I want to be a part of this lawsuit, but I object to the terms of the settlement?

You can object to the settlement if you do not like it. Objecting to the settlement is telling the Court that you do not like something about the settlement. You can only object if you do not exclude yourself from the class action. If you exclude yourself, you have no basis to object because the case no longer affects you.

To object to the settlement, you must file a written objection with the Clerk of the Superior Court for the District of Columbia, 500 Indiana Ave NW, Washington, DC 20001. You must also mail a copy of your objection to Class Counsel and Counsel for the Defendants. The address of Class Counsel is above. The address of Counsel for the Defendants is: Tina M. Maiolo, Carr Maloney P.C. 2020 K Street, NW, Suite 850 Washington, D.C. 20006.

You must file this objection no later than **February 12, 2018**. To be valid, the written objection must include: (i) the case name and number; (ii) a statement that you are a Class Member; (iii) your name, address and telephone number of the person objecting and, if represented by counsel, of your counsel; (iv) the basis for the objection; and (v) a statement whether you intend to appear at the Final Approval Hearing, either with or without counsel. If you file your objection later than February 12, 2018, it may not be considered.

13. When and where will the Court decide if it will approve the settlement?

The Court has scheduled a fairness hearing at 10:00 AM on April 19, 2018 at the D.C. Superior Court, Court Room 100, 500 Indiana Avenue, NW, Washington, DC 20001. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are valid and timely objections, the Court will consider them. At or after the hearing, the Court will decide whether to approve the settlement.

14. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have on behalf of the class members. If you want to attend, you are welcome to come at your own expense. If you file a valid and timely objection to the settlement, you are not required to come to Court to defend your objection. As long as you file your written objection on time and mail a copy to Class Counsel and Counsel for the Defendants, the Court will consider it. You may also pay your own lawyer to attend the hearing, but that is not necessary.

15. What should I do if my address changes after I receive this notice?

Without a current address, you may not receive a payment to which you may be entitled. Please send a notice of your new address to Class Counsel at the address below:

Brendan J. Klaproth
Klaproth Law PLLC
406 5th Street NW, Suite 350
Washington, DC 20001
Tel: 202-618-2344
Fax: 202-618-4636
Email: bklaproth@klaprothlaw.com

16. Who can I contact if I want further information?

If you have questions about the lawsuit or need help understanding this Notice, you may contact Class Counsel at the number or email address set forth above. A Spanish-language interpreter will be available to assist in communicating with the attorneys. In addition, information relating to the lawsuit, including this Notice, is located at the following website: <http://klaprothlaw.com/ristorante-la-perla-lawsuit/>.

DO NOT CALL THE COURT OR THE CLERK OF THE COURT.

17. What if I do nothing in response to this Notice?

You have the right to do nothing. If you do nothing, you will be part of the class action lawsuit. You will give up all claims that could be resolved by this settlement. Specifically, you will be bound by the release of claims in paragraph 11 above.

**IN ORDER TO RECEIVE YOUR PAYMENT OF THE SETTLEMENT AMOUNT,
YOU MUST RETURN THE ENCLOSED CLAIM FORM**