

COLETTI V NUGGET MARKET INC  
C/O RUST CONSULTING INC - 5605  
PO BOX 2396  
FARIBAULT MN 55021-9096

**IMPORTANT LEGAL MATERIALS**



<<Name 1>>  
<<Name 2>>  
<<Name 3>>  
<<Name 4>>  
<<Address 1>>  
<<Address 2>>  
<<City>> <<State>> <<Zip 10>>  
<<CountryName>>

FOR OFFICIAL USE ONLY  
12

**CHANGE-OF-ADDRESS FORM**

Superior Court of California, County of Marin  
*Martin Coletti v. Nugget Market, Inc.*  
Case No. CIV1600425

I wish to change my name, mailing address, and/or other contact information to the following:

Name: \_\_\_\_\_

Former Name (if applicable): \_\_\_\_\_

Street and Apt. No., if any: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone(s): (Home): ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

(Cell): ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

Email: \_\_\_\_\_

I understand all future correspondence in this Action, including but not necessarily limited to important notices or Individual Settlement Payments, will be sent pursuant to the information listed above and not pursuant to the information previously used. I hereby request and consent to the use of the address listed above for these purposes.

Submitted by:

Print Name: \_\_\_\_\_ DATED: \_\_\_\_\_ / \_\_\_\_\_ / 2017

Signature: \_\_\_\_\_

**PLEASE RETURN THIS FORM  
VIA UNITED STATES FIRST-CLASS MAIL OR FAX TO:**

*Coletti v. Nugget Market, Inc.*  
c/o Rust Consulting, Inc. - 5605  
PO Box 2396  
Faribault, MN 55021-9096  
Toll-Free Phone Number: (888) 398-8208  
Fax Number: (866) 591-7255





COLETTI V NUGGET MARKET INC  
C/O RUST CONSULTING INC - 5605  
PO BOX 2396  
FARIBAULT MN 55021-9096

**IMPORTANT LEGAL MATERIALS**



<<Name 1>>  
<<Name2>>  
<<Name3>>  
<<Name4>>  
<<Address1>>  
<<Address2>>  
<<City>> <<State>> <<Zip 10>>  
<<CountryName>>

**EMPLOYMENT-INFORMATION SHEET**

Superior Court of California, County of Marin  
*Martin Coletti v. Nugget Market, Inc.*  
Case No. CIV 1600425

Class Member’s information on file with the Settlement Administrator:

Name:	<<Name 1>>
Address:	<<Address 1>>
City, State, Zip Code:	<<City>> <<State>> <<Zip 10>>
Dates of Employment During Covered Period:	<<DatesOfEmployment>>

- Nugget Market, Inc.’s records indicate that you were employed by Nugget Market, Inc. in California from <<StartDate>> to <<EndDate>> during the Covered Period, and that you worked <<WorkWeeks>> Compensable Workweeks during the Covered Period. Based on this information, it is estimated that, if you stay in the Settlement Class and participate in the Settlement, you will receive approximately \$<<EstimatedAward>>.
- You do not have to take any action if you want to participate in the Settlement. Your Individual Settlement Payment will be mailed to you at the address shown above. If your name, address, or other contact information has changed, you should submit a Change-of-Address Form (enclosed with this Sheet) to notify the Settlement Administrator of your correct name, mailing address, and contact information immediately by returning it to the Settlement Administrator via United States first-class mail or fax to:

*Coletti v. Nugget Market, Inc.*  
c/o Rust Consulting, Inc. - 5605  
PO Box 2396  
Faribault, MN 55021-9096  
Toll-Free Phone Number: (888) 398-8208  
Fax Number: (866) 591-7255

Please Note: Individual Settlement Payment checks will be void 180 days after issuance. It is highly recommended you cash your Individual Settlement Payment soon after you receive it. If you lose or misplace your Individual Settlement Payment check, you must call the Settlement Administrator at (888) 398-8208 to have the check reissued.



Coletti v. Nugget Market, Inc.  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF MARIN  
(CASE NO. CIV1600425)

**NOTICE OF CLASS-ACTION SETTLEMENT (“NOTICE”)**

**IF YOU WERE AN EMPLOYEE AT NUGGET MARKET, INC. (“DEFENDANT”) DURING THE PERIOD OF FEBRUARY 3, 2012, THROUGH DECEMBER 9, 2016, YOU MAY BE ABLE TO COLLECT MONEY FROM A CLASS-ACTION SETTLEMENT.**

*The Marin County Superior Court (“Court”) authorized this Notice to be sent by Rust Consulting (“Settlement Administrator”). This is not an advertisement. This is not a solicitation from a lawyer.*

**DEFENDANT CANNOT AND WILL NOT RETALIATE AGAINST YOU IN ANY WAY FOR PARTICIPATING IN THIS SETTLEMENT.**

- A former employee, Martin Coletti (“Plaintiff”), has sued Defendant on behalf of himself and all other similarly situated employees.
- The parties to the lawsuit have reached a tentative settlement, and the Court has preliminarily approved it.
- The settlement resolves the lawsuit.
- Your legal rights are affected whether you act or don’t act. Read this notice carefully.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT**

<b>You Can DO NOTHING</b>	<b>You will receive a payment from the settlement.</b> If you do nothing, you continue your participation in this lawsuit, and you will be impacted by the outcome of this case. You will receive a settlement payment; however, you will <b>lose</b> any rights to sue Defendant separately for the same legal claims made in the lawsuit. The estimated amount of your settlement payment is shown on the Employment-Information Sheet enclosed with this Notice. To receive your settlement payment, all you need to do is keep the Settlement Administrator informed of your current mailing address. Once the Court grants final approval of the settlement, the Settlement Administrator will mail your check to the address on file for you.
<b>You Can ASK TO BE EXCLUDED FROM THE SETTLEMENT (Deadline: May 15, 2017)</b>	<b>If you ask to be excluded from the settlement, you will get no payment from the settlement,</b> but you will <b>keep</b> any rights to sue Defendant separately for the same legal claims made in this lawsuit. <b>Important: You cannot ask to be excluded <u>and</u> still get a settlement payment.</b>
<b>You Can OBJECT TO THE SETTLEMENT (Deadline: May 15, 2017)</b>	If you do not like the settlement, you can file an objection with the Court. If your objection is overruled by the Court, you will be bound by the terms of the settlement and will receive a settlement payment. <b>Important: If you object to the settlement, you cannot also ask to be excluded.</b>

**THESE RIGHTS AND OPTIONS—AND THE DEADLINES TO EXERCISE THEM—  
ARE EXPLAINED IN THIS NOTICE.**

The Court is in charge of this lawsuit and still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after appeals, if any, are resolved. **Please be patient.**

1. Why Should You Read This Notice?

You should read this Notice because you may be entitled to money from a class-action settlement.

Si desea una versión de esta notificación en español, llame al 1-888-398-8208  
如果你想獲取此通知的廣東話版本，請致電 1-888-398-8208

**QUESTIONS? CALL TOLL FREE 1-888-398-8208**

## 2. What Is This Lawsuit About?

In the lawsuit, Plaintiff claimed that Defendant failed to properly calculate the regular rate for overtime, did not provide proper meal and rest breaks, did not provide accurate itemized wage statements, and failed to pay wages upon the termination of employment.

## 3. Why Is This A Class Action?

This lawsuit is a class action. In a class action, one or more people, called class representatives (in this case, Martin Coletti), sue on behalf of people who allegedly have similar claims. All these people are a class or class members. One case resolves the issues for all class members, except for those who exclude themselves from the class. The Marin County Superior Court is in charge of the case. The lawsuit is known as *Coletti v. Nugget Market, Inc.*, Case No. CIV1600425. The Honorable Paul M. Haakenson is presiding over this case.

## 4. Why Is There A Settlement?

The Court did not decide in favor of Plaintiff or Defendant. Plaintiff thinks he could have won at trial. Defendant thinks Plaintiff would not have won anything. But there was no trial. Instead, both sides agreed to a settlement. That way, they avoid the cost of litigation, and the individuals potentially affected will get compensation. The class representative and the attorneys think the settlement is best for class members.

## 5. How Do I Know If I Am Part Of The Settlement?

Judge Haakenson decided that anyone who was employed by Defendant in the State of California at any time from February 3, 2012, through December 9, 2016 (the “Covered Period”), is a class member.

## 6. What Does The Settlement Provide?

The proposed settlement provides for a cash payment by Defendant of \$2,000,000.00 to fully and finally resolve all claims in the lawsuit (referred to as the “Maximum Settlement Amount”). The total amount to be distributed to class members who can be located and who do not exclude themselves from the settlement will be the value of the Maximum Settlement Amount after deducting the following (the “Net Settlement Amount”): (a) settlement-administration costs not to exceed \$31,500.00; (b) a class-representative service award to Plaintiff Martin Coletti not to exceed \$10,000.00 for his work and efforts in prosecuting this case, and for undertaking the risks of costs (in the event the outcome of this lawsuit was not favorable); (c) Class Counsel’s attorneys’ fees not to exceed \$600,000.00; (d) Class Counsel’s actual litigation costs and expenses as supported by declaration; (e) Defendant’s share of payroll taxes; and (f) payment of \$37,500.00 to the Labor and Workforce Development Agency, as required by statute, from the \$50,000.00 allocated to the Labor Code Private Attorneys General Act claim. **Class Counsel’s attorneys’ fees and costs, and Plaintiff’s class-representative service award remain subject to Court approval.**

No portion of the Net Settlement Amount will be returned to Nugget Market, Inc. under any circumstances.

## 7. How Much Will My Payment Be?

Your estimated share of the settlement is shown on the enclosed Employment-Information Sheet and is based on the number of weeks you worked for Nugget Market, Inc. during the Covered Period (“Compensable Workweeks”) as compared to the total Compensable Workweeks of all class members for the same period. Your Compensable Workweeks were determined from Nugget Market, Inc.’s records. If this information appears correct, you do not need to do anything further to receive your settlement payment. If you disagree with the number of Compensable Workweeks, see below (Question 9).

## 8. How Do I Get A Payment?

To qualify for payment, you need not do anything. The Settlement Administrator will mail you a check within about fourteen days after the Court enters a judgment based on this settlement, but possibly later depending on whether there is any appeal of the judgment entered by the Court.

9. What If The Information On The Employment- Information Sheet Is Inaccurate?

If you believe the information on the Employment-Information Sheet is inaccurate concerning the amount of time you worked for Defendant from February 3, 2012, through December 9, 2016, you should inform the Settlement Administrator. Be sure to include your name, address, telephone number, last four digits of your Social Security number, and a statement as to what and why you are disputing. Also attach a copy of any documentation you want to include to support your dispute.

10. What Am I Giving Up To Get A Settlement Payment?

Unless you request to be excluded from the settlement, you stay part of the settlement class, and that means you cannot sue, continue to sue, or be part of any other lawsuit against Nugget Market, Inc. for any legal claims arising during the Covered Period that are based on the facts alleged by Plaintiff in the lawsuit. Specifically, you will be giving up or “releasing” the claims described below:

**Release of Claims:** After the Court has approved the settlement, each settlement class member who has not submitted a timely and valid request to be excluded from the settlement will be bound by the approval and judgment, and will thereby release, Nugget Market, Inc. and its past, present, and/or future, direct and/or indirect, officers, directors, members, managers, employees, agents, representatives, attorneys, insurers, partners, investors, shareholders, administrators, parent companies, subsidiaries, affiliates, divisions, predecessors, successors, assigns, and joint venturers (“Released Parties”) from all causes of action that were alleged or reasonably could have been alleged in Plaintiff’s First Amended Complaint based on the facts, legal theories, or causes of action contained therein concerning: (a) the failure to properly calculate the regular rate for overtime; (b) the failure to provide proper meal periods and to properly provide premium pay in lieu thereof; (c) the failure to provide proper rest breaks and to properly provide premium pay in lieu thereof; (d) waiting-time penalties for untimely final pay; (e) improper and/or inaccurate wage statements; (f) civil penalties under the Labor Code Private Attorneys General Act based on the afore-referenced claims; (g) unfair business practices based on the afore-referenced claims; (h) any other claims or penalties under the wage-and-hour laws pleaded in *Coletti v. Nugget Market, Inc.*, Case No. CIV1600425, based on the afore-referenced claims; and (i) all damages, penalties, interest, and other amounts recoverable under California and federal law based on the afore-referenced claims, to the extent permissible, including but not limited to the California Labor Code as to the facts alleged in *Coletti v. Nugget Market, Inc.*, Case No. CIV1600425, and the applicable Wage Orders as to the facts alleged in *Coletti v. Nugget Market, Inc.*, Case No. CIV1600425. The period of the release shall extend to the limits of the Covered Period. The release includes, to the extent permitted by law, any causes of action, whether known or unknown, that were alleged or reasonably could have been alleged based on the facts and allegations alleged in *Coletti v. Nugget Market, Inc.*, Case No. CIV1600425.

11. How Do I Exclude Myself From The Settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from the *Coletti v. Nugget Market, Inc.* settlement. The letter must state in substance: “I have read the Notice sent to me, and I wish to opt out of the class-action settlement of the case *Martin Coletti v. Nugget Market, Inc.*, Marin County Superior Court, Case Number CIV1600425. I understand that I will not receive a settlement payment pursuant to the terms of the settlement.”

Be sure to include your name, address, telephone number, last four digits of your Social Security number, and your signature. You must mail your exclusion letter postmarked no later than May 15, 2017, to *Coletti v. Nugget Market, Inc.*, c/o Rust Consulting, Inc. -5605, PO Box 2396, Faribault, MN 55021-9096. Alternatively, you must fax your exclusion letter fax-stamped no later than May 15, 2017, to (866) 591-7255.

If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement, but you will not be legally bound by anything that happens in this lawsuit. You will keep any rights to sue (or continue to sue) Defendant in the future for the same legal claims made in this lawsuit.

12. If I Don't Exclude Myself, Can I Sue Defendant Or Get Money From The Settlement?

If you exclude yourself from the settlement, you can still sue Defendant for any of the claims that this settlement resolves. But if you do not exclude yourself from the settlement, you cannot sue Defendant for those claims. If you have a pending lawsuit against the Defendant, speak to your lawyer in that case immediately. You may have to exclude yourself from this case to continue on with your own lawsuit. Remember, the exclusion deadline is May 15, 2017.

Again, if you exclude yourself from this settlement, you cannot get money from this settlement.

Si desea una versión de esta notificación en español, llame al 1-888-398-8208

如果你想獲取此通知的廣東話版本，請致電 1-888-398-8208

QUESTIONS? CALL TOLL FREE 1-888-398-8208

13. How Do I Tell The Court That I Don't Like The Settlement?

If you are a class member and you do not exclude yourself from 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 the settlement. If you object in time and follow the procedures set out in this section, the Court will consider your views.

You must object to the proposed settlement in writing. You may also appear at the final approval hearing for the settlement (see section 17 below for details as to when this hearing will take place), either in person or through an attorney at your own expense, provided you notify the Settlement Administrator of your intent to do so.

All objections must be signed by you and must state: (1) your full name; (2) the dates of your employment with Defendant; (3) the last four digits of your Social Security number and/or the Employee ID number; (4) the basis for your objection; and (5) if you intend to appear at the final approval hearing. You must mail your objection postmarked no later than May 15, 2017, to Coletti v. Nugget Market, Inc., c/o Rust Consulting, Inc. - 5605, PO Box 2396, Faribault, MN 55021-9096. Alternatively, you must fax your objection fax-stamped no later than May 15, 2017, to (866) 591-7255. You also should file a copy of your objection with the Court, either by mailing the objection to Clerk of Court, Marin County Superior Court, P.O. Box 4988, San Rafael, California 94913; or by filing in person at any location of the Superior Court, County of Marin that includes a facility for civil filings.

14. What Is The Difference Between Objecting And Excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the class. Excluding yourself, on the other hand, is telling the Court that you don't want to be part of the class. If you exclude yourself, you have no basis to object because the case no longer affects you. However, if you file an objection, you will still receive settlement benefits under the settlement if it is approved by the Court.

15. Do I Have A Lawyer In This Case?

The Court decided that the law firms of North Bay Law Group and Jaurigue Law Group, both of which represent Plaintiff, are also qualified to represent you and all class members. You will not be charged for these lawyers. These law firms are referred to as "Class Counsel." If you want to be represented by your own lawyer, you may hire one at your own expense.

16. How Will The Attorneys For The Class And The Class Representative Be Paid?

The attorneys for Plaintiff and the class will be paid from the \$2,000,000.00 Maximum Settlement Amount. Class Counsel will ask for up to \$600,000.00 in attorneys' fees and for actual litigation costs incurred, the actual amount of which will be determined by the Court at the final approval hearing (see section 17 below for details as to when this hearing will take place). Class members (like you) do not have to pay the fees and costs of Class Counsel. **If you elect, however, to hire your own lawyer, you have to make your own arrangements to compensate your lawyer.**

If approved by the Court, a service payment for Plaintiff of an amount up to \$10,000.00 will be paid from the Maximum Settlement Amount for work and efforts in prosecuting this case, and for undertaking the risks of costs (in the event the outcome of this lawsuit was not favorable).

17. Notice Of Hearing On Final Approval And Objections To Class-Action Settlement.

You are hereby notified that a final approval hearing will be held before the Honorable Paul M. Haakenson on June 16, 2017, at 1:30 p.m., in Courtroom E of the Superior Court of California for the County of Marin, located at 3501 Civic Center Drive, San Rafael, California 94903, to determine whether the proposed settlement is fair, reasonable, and adequate, and whether it should be finally approved by the Court. The Court may adjourn the hearing from time to time, without further notification, as the Court may direct.

Once final approval is granted by the Court, the Court will enter judgment against Defendant, and all class members who have not requested exclusion will be deemed to have waived and released any and all causes of action or claims against the Released Parties arising between February 3, 2012, through December 9, 2016, that were alleged or reasonably could have been alleged in Plaintiff's First Amended Complaint in the lawsuit based on the facts contained therein.

Si desea una versión de esta notificación en español, llame al 1-888-398-8208

如果你想獲取此通知的廣東話版本，請致電 1-888-398-8208

QUESTIONS? CALL TOLL FREE 1-888-398-8208



18. How Do I Get More Information?

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by contacting Plaintiff's Counsel. You can also review the settlement documents at [www.MartinColettiLitigation.com](http://www.MartinColettiLitigation.com).

19. What Is The Contact Information For The Court, Class Counsel, And Defendant's Counsel?

The addresses for the Court, Class Counsel, and Defendant's counsel are as follows:

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Mailing: Clerk of Court Marin County Superior Court P.O. Box 4988 San Rafael, California 94913  Street Address: Marin County Superior Court 3501 Civic Center Drive San Rafael, California 94903	NORTH BAY LAW GROUP David S. Harris 116 East Blithedale Suite #2 Mill Valley, California 94941 Telephone: (415) 388-8788 Fax: (415) 388-8770  JAURIGUE LAW GROUP Michael J. Jaurigue Abigail A. Zelenski David Zelenski 114 North Brand Boulevard Suite 200 Glendale, California 91203 Telephone: (818) 630-7280 Fax: (888) 879-1697	OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. Thomas M. McInerney Carolyn B. Hall Steuart Tower Suite 1300 One Market Plaza San Francisco, California 94105

**WHAT IF I HAVE QUESTIONS?**

If you have any questions about the settlement, you may contact the Settlement Administrator:

*Coletti v. Nugget Market, Inc.*  
c/o Rust Consulting, Inc. - 5605  
PO Box 2396  
Faribault, MN 55021-9096  
Toll-Free Phone Number: (888) 398-8208  
Fax Number: (866) 591-7255

PLEASE DO NOT TELEPHONE THE COURT OR THE OFFICE OF THE COURT CLERK FOR INFORMATION ABOUT THIS SETTLEMENT OR THE SETTLEMENT PROCESS.

PLEASE DO NOT CONTACT DEFENDANT, ITS MANAGERS, OR ATTORNEYS FOR INFORMATION ABOUT THIS SETTLEMENT OR THE SETTLEMENT PROCESS.

