

January 3, 2018

NOTICE OF COLLECTIVE ACTION LAWSUIT

Waylon Underwood, et al. v. KMC Enterprises, Inc. (d/b/a Prospector's Grill & Saloon),
Case No. 01-17-0003-9334, American Arbitration Association

TO: [INSERT NAME]

PLEASE READ THIS NOTICE CAREFULLY

INTRODUCTION

This Notice informs you of the existence of a collective action lawsuit seeking unpaid wages under federal law on behalf of servers at the Prospector's Grille & Saloon located in Mount Laurel, New Jersey. You have received this Notice because Prospector's Grille & Saloon's records show that you worked as a server sometime between July 6, 2014 and today. You have a right to participate in the lawsuit if you choose to do so and you follow the instructions below.

DESCRIPTION OF THE LAWSUIT

Waylon Underwood is a former server at the Prospector's Grille & Saloon ("Prospector's") who started this lawsuit in July 2017 against Prospector's owner, KMC Enterprises, Inc. ("KMC"). Mr. Underwood is called the "Claimant" in this case and KMC is called the "Respondent." The lawsuit is proceeding before the American Arbitration Association and is assigned to Arbitrator Richard C. McNeill, Jr., Esq. (the "Arbitrator")

The lawsuit is about whether KMC violated federal wage law by requiring servers at its Prospector's restaurant in Mount Laurel, New Jersey to contribute a portion of their tips to a tip pool that was partially distributed to Expeditors (a.k.a. Expos). The lawsuit seeks to recover damages permitted under federal wage law.

KMC vigorously denies that it failed to properly compensate any employee and asserts that its pay practices are legal.

The lawsuit is in the early stages. The American Arbitration Association or the Arbitrator are not endorsing the merits of the lawsuit or advising you to participate in the lawsuit. **You are under no obligation to respond to this Notice.**

RETALIATION PROHIBITED

If you join the lawsuit, federal law prohibits KMC from retaliating against you as a result of your participation.

HOW TO JOIN THE LAWSUIT

You can join the lawsuit by completing the enclosed "Consent to Join" form and returning it in

the enclosed envelope to the following address:

Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025

Your return envelope must be postmarked by ***FEBRUARY 17, 2018***. If you fail to meet this deadline, you will not be able to participate in the lawsuit.

EFFECT OF JOINING THE LAWSUIT

If you join the lawsuit, you will be bound by the Arbitrator's rulings on all issues, including the reasonableness of any settlement. You may potentially be required to participate in written discovery, including the production of documents in your possession related to your employment at Prospector's, and/or provide testimony under oath. If the Arbitrator finds in favor of the servers who join the lawsuit, you will share in any proceeds ordered by the Arbitrator. If the Arbitrator finds in favor of KMC, you will receive nothing.

EFFECT OF NOT JOINING THE LAWSUIT

If you do not join the lawsuit, you will not be affected by any rulings by the Arbitrator or covered by any settlement connected with the lawsuit.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you join the lawsuit you will be represented by Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025; Ph: 215-884-2491; Web: www.winebrakelaw.com.

If you choose to join this lawsuit you will not be required to pay any fees to the lawyers listed above. They have taken this case on a contingency fee basis. If the lawsuit is unsuccessful, they will receive nothing. If the lawsuit results in a recovery, they will ask the Arbitrator to award them legal fees separate and apart from your individual recovery.

Please call the above law firm if you have any questions or desire any additional information about the lawsuit.

THIS NOTICE HAS BEEN AUTHORIZED BY ARBITRATOR RICHARD C. MCNEILL, JR., ESQ. OF THE AMERICAN ARBITRATION ASSOCIATION. THE ARBITRATOR HAS TAKEN NO POSITION REGARDING THE LAWSUIT'S MERITS.