

NOTICE OF PENDANCY OF CLASS ACTION

A federal court has authorized this Notice. Please read it carefully. This is not a solicitation from a lawyer. Your rights are affected whether you act or do not act.

Williamson v. Wal-Mart Stores, Inc.

Northern District of California Case No. 5:09-CV-03339-EJD

A class action lawsuit has been filed by Plaintiffs Nisha Brown and Kathy Williamson against Wal-Mart Stores, Inc. (“Wal-Mart”) on behalf of its California Cashiers. The lawsuit is pending in the United States District Court, Northern District of California, San Jose Division. This is not a lawsuit against you. You have not been sued.

The Court has not ruled on the merits of Plaintiffs’ claim or on Wal-Mart’s defenses. The sole purpose of this Notice is to advise you of your legal rights in light of the Court’s certification of the Class.

A “class action” is a lawsuit in which one or more plaintiffs sue on behalf of a group of people who are similarly situated. On August 24, 2012, the Court certified the following Class:

“All persons who, during the applicable statute of limitations, were employed by Wal-Mart in the State of California in the position of Cashier.”

The class period starts on June 11, 2008 and is continuing. According to Wal-Mart’s employment records, you may be a member of the Class. This is the first, and possibly only, notice you will receive. Please read Section B below to inform yourself of what this means for you in terms of giving up control of any and all claim(s) you may have against defendant.

A. What Is the Lawsuit About?

Under California law, certain employers must provide “working employees . . . with suitable seats when the nature of the work reasonably permits the use of seats.”

1. Plaintiffs’ Position

Plaintiffs vigorously contend that Wal-Mart should have provided its California Cashiers with suitable seats while the Cashiers were checking out customers at Wal-Mart’s check-out lanes. Plaintiffs seek monetary civil penalties against Wal-Mart for failing to provide seats to its Cashiers, which Plaintiffs contend could be as high as \$100 for a first violation and \$200 for a second violation, per employee, per pay period under the California Labor Code; the Court has the power to reduce those penalties. If plaintiffs recover any civil penalties, 75% will be paid to the California Labor and Workforce Development Agency, and 25% will be paid to the Class.

2. Wal-Mart’s Position

Wal-Mart vigorously denies Plaintiffs’ claim and contends that the law was never intended to apply to employees such as Cashiers who typically perform a wide range of functions that require standing, such as zoning, scanning merchandise, managing returns, stocking, bagging, and maintaining the safety and cleanliness of the area. Wal-Mart has also raised a number of other defenses, including constitutional defenses, and has argued that Plaintiffs are using the “suitable seats” law in a way that has never been used by the California agencies who are responsible for enforcing the law

B. What Are My Options?

You have two options. You may either: (1) do nothing and remain a member of the Class; or (2) request exclusion from the class. Whatever option you choose will not affect your employment with Wal-Mart if you are a current employee.

1. Remaining a Member of the Class

If you do nothing, you will automatically remain a member of the Class. If the Class recovers penalties in the lawsuit, you will be eligible to receive a share of those penalties. You will also be bound by any judgment entered in the lawsuit, whether favorable or unfavorable. An unfavorable judgment could bar you from bringing any claim against Wal-Mart based on the allegation that Wal-Mart failed to provide you with a seat while working as a Cashier.

Although it is not required, you may participate in this lawsuit at your own expense by retaining your own attorney. If you retain your own attorney, he or she must enter a formal appearance in this action. If you do not wish to retain your own attorney, you will be represented by the attorneys representing the class ("Class Counsel"), whose names and addresses are listed below in Section D.

If a settlement is approved by the Court, you and all other class members would be bound by the settlement.

2. Requesting Exclusion from the Class

If you do not wish to participate in this lawsuit, you may request exclusion from the Class. If you wish to be excluded from the Class, you may opt-out by using the following website www.californiaseatinglaw.com or return the enclosed self-addressed stamped postcard by mail, which will serve as notice to the Claims Administrator that you do not want to be included as a class member in this case. The contact information for the Claims Administrator is as follows:

PHOENIX SETTLEMENT ADMINISTRATORS

P.O. Box 7208

Orange, Ca. 92863

Telephone: (800)784-2174

www.phoenixclassaction.com

In order to be effective, your website election must be made or your postcard must be postmarked on or before **February 21, 2017**. Please do not mail written notification to the Claims Administrator if you want to remain a member of the Class.

If you request exclusion from the Class, you will not be entitled to share in any penalties that may be recovered in this lawsuit.

C. Anticipated Attorneys' Fees and Costs.

Class Counsel are representing the Class on a contingent fee basis. If there is no recovery by the Class, individual Class members will not be responsible to pay any attorneys' fees or costs. However, if a judgment or settlement is reached on behalf of the Class, Class Counsel may either ask the Court to award Class Counsel attorneys' fees and costs out of the judgment or settlement and/or ask that Wal-Mart pay Plaintiffs' fees to the extent allowed under California law.

D. Additional Information.

The law firms acting as Class Counsel in this action are listed below. If you would like more information about this Notice or about this action, you may contact Class Counsel directly at www.caseatinglaw.com.

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BY ORDER OF THE UNITED STATES DISTRICT COURT