

BY ORDER OF THE NEW JERSEY SUPERIOR COURT

Anthony Neidle, et al. vs. ACME Trading Expeditions, LLC et al.,
Superior Court of New Jersey, Camden County Docket Number CAM-L-3026-18

ATTENTION:

**TO ALL CURRENT AND FORMER EMPLOYEES OF TARANTELLA RISTORANTE,
FEMMINA ITALIAN GRILLE, AND/OR CHIANTI RISTORANTE ITALIANO WHO WORKED
AS TIPPED SERVERS BETWEEN AUGUST 9, 2012 TO THE PRESENT**

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Summary of Case and Settlement

This notice of a proposed class action settlement (“Settlement”) of class action claims against Defendants in the matter of *Anthony Neidle, et al. vs. ACME Trading Expeditions, LLC, et al.*, Docket Number CAM-L-3026-18 (the “Action”). Under the terms of the Settlement, and as further discussed below, you may be eligible to receive certain benefits if you submit a valid and timely Proof of Claim.

Plaintiffs brought this class action on behalf of Plaintiffs and a class of current and former tipped servers employed by Defendants, who own and operate three (3) local restaurants, Tarantella Ristorante, Femmina Italian Grille and Chianti Ristorante Italiano, alleging a policy of withholding and diverting gratuities owned by the class in violation of the New Jersey Wage Payment Law, N.J.S.A. 34:11-4.1, et seq. (“NJWPL”) during the six (6) years immediately preceding the filing of this Complaint. Defendants deny Plaintiffs’ allegations and have asserted numerous defenses to Plaintiffs’ claims. Defendants do not admit liability to any of the claims of Plaintiffs or any member of the Settlement Class. Plaintiffs and Defendants agree that this Agreement and the Settlement reflected herein is a compromise and settlement of disputed claims.

The Settlement provides eligible Class Members with the opportunity to receive up to \$100 for each month they were employed as tipped servers at one of the three above referenced restaurants between August 9, 2012 and the present, up to a maximum of \$7,200.00 for 72 months of service. To be eligible for this benefit, you must submit a timely, completed and valid Claim Form as outlined below.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

Submit a Proof of Claim	If you are an eligible Settlement Class Member and complete and submit a Proof of Claim in a timely manner, you will receive a pro rata distribution of up to \$1200 per year for each year you worked as a tipped server at one of the three restaurants referenced above between August 9, 2012 and the present, up to a maximum of \$7200 for six years of service. The Proof of Claim is necessary to ensure that only eligible Settlement Class Members receive a benefit. A Proof of Claim form is available at the Settlement Website at www.acmetradingsettlement.com , by calling the Claims Administrator toll free at (844)-611-2642, or by writing the Claims Administrator at Acme Trading Settlement Claim Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.
Do Nothing	By doing nothing, you forfeit the opportunity to receive any benefits under the Settlement and you also give up any rights you may have to sue Defendants, and certain parties related to them, separately about the claims that have been or could have been asserted in this lawsuit.
Ask to be Excluded from the Settlement	By asking to be excluded from the Settlement, you will forfeit the opportunity to receive benefits under the Settlement, but you will preserve any rights you may have to sue Defendants separately about the claims that have been or could have been asserted in this lawsuit.
Object	If you choose to participate in the Settlement but object to its terms, you may write to the Court and explain why you do not like the Settlement.
Go To A Hearing	If you choose to participate in the Settlement but object to its terms or wish to speak as to its terms, you may ask to speak in Court about the fairness of the Settlement.

Your rights and options – and the deadlines to exercise them – are explained in detail below.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why did I receive notice of this lawsuit?

If you are a current or former tipped server employed by Defendants at one of three (3) local restaurants, Tarantella Ristorante, Femmina Italian Grille and Chianti Ristorante Italiano between August 9, 2012 and the present, you are a member of the proposed class. This notice is intended to inform you about the proposed Settlement of this class action lawsuit, and about your options, before the Court decides whether to approve the Settlement. If the Court approves the Settlement and after any appeals are resolved, an administrator appointed by the Court will distribute the settlement benefits that the Settlement allows.

This package explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the Superior Court of New Jersey, Camden County, and the case is pending before the Honorable Steven J. Polansky, P.J.Cv. The lawsuit is known as *Anthony Neidle, et al. vs. ACME Trading Expeditions, LLC, et al.*, Docket Number CAM-L-3026-18. The persons who sued are called the Plaintiffs, and the parties being sued are called the Defendants.

2. What is this lawsuit about?

Plaintiffs brought this class action in New Jersey Superior Court on behalf of Plaintiffs and a proposed class of current and former tipped servers employed by Defendants, who own and operate three (3) local restaurants, Tarantella Ristorante, Femmina Italian Grille and Chianti Ristorante Italiano, alleging a policy of withholding and diverting gratuities owned by the class in violation of the New Jersey Wage Payment Law, N.J.S.A. 34:11-4.1, et seq. (“NJWPL”) during the six (6) years immediately preceding the filing of this Complaint.

The Defendants deny the Plaintiffs’ allegations and claims in their entirety, but have agreed to settle the lawsuit to avoid the burdens and costs of litigation.

3. Why is this lawsuit a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” or “Lead Plaintiffs” sue on behalf of other people who have similar claims. The people together are called a “Class” or “Class Members” (in this case the Settlement Class). The persons who sued – and all of the Settlement Class Members like them – are called the Plaintiffs. The company and individuals they sued are called the Defendants. If the Court approves the Settlement, the Settlement will resolve the claims of everyone in the Settlement Class, except for those people who choose to exclude themselves from the Settlement Class. Judge Steven J. Polansky, P.J.Cv. is in charge of this case and has certified the lawsuit as a class action for settlement purposes only.

4. Why is there a settlement?

The Court did not issue a final ruling in favor of Plaintiff or Defendants. Instead, Lead Plaintiffs and Defendants agreed to enter into the Settlement after an exchange of information and vigorous arms-length negotiations. That way, they avoid litigation costs, and the people affected will receive certain settlement benefits. The Lead Plaintiff, and counsel for the Lead Plaintiff and the Settlement Class Members (“Class Counsel”), think the Settlement is best for the Settlement Class Members.

WHO IS COVERED BY THE SETTLEMENT?

5. Am I a Settlement Class Member?

If you are a current or former tipped server employed by Defendants at one of three (3) local restaurants, Tarantella Ristorante, Femmina Italian Grille and Chianti Ristorante Italiano between August 9, 2012 and the present, you are a member of the proposed class unless you exclude yourself from the Settlement.

THE SETTLEMENT BENEFITS - WHAT YOU GET

6. What does the Settlement provide?

If approved by the Court, the Settlement will result in dismissal of this case and final resolution of all claims that the Settlement Class raised or could have raised against Defendants in the lawsuit. Such dismissal will release Defendants from liability for those claims. The terms of the Settlement are described in full in a document known as the Settlement Agreement (“Settlement Agreement”). The Settlement Agreement is available for your inspection at the website www.acmetradingsettlement.com. The capitalized terms as used in this notice have the same meaning as the terms set forth in the Settlement Agreement.

7. What can I get from the Settlement?

The Settlement provides eligible Class Members with the opportunity to receive up to \$100.00 for each month they were employed as tipped servers at one of the three above referenced restaurants between August 9, 2012 and the present, up to a maximum of \$7,200.00 for 72 months of service. If you are an eligible Settlement Class Member and wish to receive this benefit, you must timely submit a Proof of Claim to the Claims Administrator as described below. If the total amount of Class Claims, Incentive Award, Class Counsel’s Attorneys’ Fees and Costs, and Administrator Costs are greater than \$450,000.00, valid Class Claims shall be reduced on a pro rata basis. If the total amount of Class Claims, Incentive Award, Class Counsel’s Attorneys’ Fees and Costs, and Administrator Costs are less than \$450,000.00, valid Class Claims shall be increased on a pro rata basis.

SUBMITTING A CLAIM

8. How can I make a claim?

If you are an eligible Settlement Class Member and you wish to receive the benefit described above, you need to complete and submit a Proof of Claim in a timely manner. This form is necessary to ensure that only eligible Settlement Class Members receive a benefit. The Proof of Claim form is available at the Settlement Web site at www.acmetradingsettlement.com or by calling the Claims Administrator toll free at (844)-611-2642 or by writing the Claims Administrator at Acme Trading Settlement Claim Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

The fully completed Proof of Claim must be submitted via either email to info@acmetradingsettlement.com, fax to (215)-529-0209, or U.S. mail to the Claims Administrator at Acme Trading Settlement Claim Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. The deadline for submission of the Proof of Claim is July 6, 2020. Accordingly, to be valid, Proofs of Claim must be postmarked, emailed or faxed no later than July 6, 2020, and accurately addressed to the Claims Administrator. You may attend the court hearing described below if you wish, but your attendance or non-attendance will not affect your eligibility to submit the Proof of Claim. You do not need to appear in court, and you do not need to hire an attorney in this case.

Visit acmetradingsettlement.com, call toll free (844) 611-2642 or email Info@acmetradingsettlement.com

9. When would I get my money?

The Court will hold a hearing on June 12, 2020, to decide whether to approve the Settlement. If the Court approves the Settlement, and after that, no appeal is taken, then if you were an eligible class member who submitted a timely Claim Form, you can expect to receive your payment promptly. If an appeal is taken, then resolving it may take some time, perhaps up to, or more than, a year. Please be patient.

10. What am I giving up to get a payment or stay in the Settlement Class?

Unless you exclude yourself, you are staying in the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendants regarding the same subject matter as this case. It also means that all of the Court's orders will apply to you and legally bind you. In addition, as a result, as further detailed in the Settlement Agreement, Settlement Class Members who have not timely requested exclusion from this Settlement Class shall be deemed to Release all claims consistent with the Release herein. In the Settlement Agreement and Release, Defendants and their respective owners, shareholders, officers, employees, agents, representatives and insurers are fully released from any and all claims or causes of action, whether known or unknown, that arise from the facts and claims pleaded in the Class Complaint.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want a payment from the Settlement, but you want to preserve your right to sue or continue to sue Defendants, on your own, concerning the same subject matter and legal issues involved this case, then you must take steps to get out. This is called excluding yourself or is sometimes referred to as opting out of the Settlement Class.

11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from the Settlement. Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request letter postmarked by May 12, 2020, to the Claims Administrator- Acme Trading Settlement Claim Administrator, Attn. Class Action Settlement Exclusion, at P.O. Box 58220, Philadelphia, PA 19102.

You cannot exclude yourself on the phone or by e-mail. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. If you exclude yourself, you will not be legally bound by anything that happens in this lawsuit.

12. If I do not exclude myself, can I sue Defendants for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Defendants for the claims that the Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit. Remember, the exclusion deadline is May 12, 2020. Any exclusion request postmarked after that date will not be valid, and the sender will be a Settlement Class Member and bound by the Settlement and Release.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court decided that the law firm of DeNittis Osefchen Prince, P.C. of Philadelphia, Pennsylvania and Marlton, New Jersey is qualified to represent you and all Settlement Class Members. The law firm is called “Class Counsel.” It is experienced in handling similar cases. More information can be obtained about this law firm, its practices, and its lawyers’ experience by contacting the following Class Counsel:

Stephen P. DeNittis, Esq. and Joseph A. D’Aversa, Esq.
DENITTIS OSEFCHEN PRINCE, P.C.
5 Greentree Centre, Suite 410, Marlton, NJ 08053
Email: sdennittis@denittislaw.com * Website: www.denittislaw.com

14. How will the lawyers be paid?

Class Counsel has pursued this lawsuit on a contingent basis and has paid all costs of the lawsuit. These attorneys have not yet been paid or recovered any of their costs associated with the lawsuit. As part of the Settlement, Class Counsel will request a payment of \$150,000 to cover its costs and fees. Class Counsel’s petition for fees and costs will be filed with the Court and may be reviewed by any interested party. The Court will make a determination of reasonable fees and costs at the Fairness Hearing based on Class Counsel’s Application and responses thereto, if any.

OBJECTING TO THE SETTLEMENT

If you choose not to exclude yourself from the Settlement Class, you can tell the Court that you do not agree with the Settlement or some part of it.

15. How do I tell the Court that I do not like the Settlement?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class or the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

To object to the Settlement, you must first send a letter by mail stating why you object to the Settlement. Be sure to include your name, address, telephone number, and your signature. You must mail your objection postmarked no later than May 12, 2020, to the Claims Administrator- Acme Trading Settlement Claim Administrator, Attn. Class Action Settlement Objection, at P.O. Box 58220, Philadelphia, PA 19102.

THE COURT’S FAIRNESS HEARING

16. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing on June 12, 2020, at the Camden County Hall of Justice, Camden, New Jersey, 101 South Fifth St, Camden, NJ 08003, Courtroom 34 at 9:00am. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If objections have been made, the Court will consider them. The Court will make the decision whether to listen to people who have asked to speak at the hearing. At or after the hearing, the Court will also decide whether to approve the Settlement and how much to pay Class Counsel. We do not know how long these decisions will take.

17. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. However, you are welcome to come to the Hearing at your own expense. If you sent a timely objection, you may come in person to the Court for the Fairness Hearing, retain your own attorney to appear for you at the Fairness Hearing, or not come at all, and the Court will still consider your objection.

IF YOU DO NOTHING

18. What happens if I do nothing at all?

If you do nothing, you forfeit the opportunity to receive any monetary compensation and you give up any rights to sue Defendants separately about the claims that have been or could have been asserted in this lawsuit.

GETTING MORE INFORMATION

19. Are there more details available?

The Pleadings, the Settlement Agreement, and other papers filed in this lawsuit are available for your inspection in the Office of the Clerk, Superior Court of New Jersey, Camden County Hall of Justice, Camden, New Jersey.

Additional information may be obtained at the Settlement Website at www.acmetradingsettlement.com. You may also contact the Claims Administrator toll free at (844)-611-2642 or in writing at Acme Trading Settlement Claim Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. Additionally, you may contact Class Counsel, whose contact information is listed above.

PLEASE DO NOT TELEPHONE THE COURT OR THE CLERK OF THE COURT.

DATE: MARCH 5, 2020