

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
(Case No. 08 Civ. 7670 (BSJ)(JCF))**

*A court authorized this notice. This is not a solicitation.
This is not a lawsuit against you and you are not being sued.
However, your legal rights are affected whether you act or don't act.*

NOTICE OF PENDENCY OF CLASS ACTION SETTLEMENT

If you were employed by the Jekyll and Hyde Entertainment Holdings, L.L.C., Jekyll & Hyde, Inc., Jekyll and Hyde Club New York L.L.C., The Slaughtered Lamb Pub New York L.L.C., Oliver's Bar & Grill, Shipwreck Tavern, D.R. Finley and/or Glen Falcone (Jekyll Hyde Group) and you were a waiter, bartender, server, busser or other similar title at any time during the period from September 3, 2003 through September 2, 2008, you may get money from a class action settlement.

IMPORTANT: YOU MUST SIGN & MAIL OR FAX OR E-MAIL THE ENCLOSED GREEN CLAIM FORM ON OR BEFORE THE DEADLINE, DECEMBER 22, 2009, TO RECEIVE YOUR SHARE OF THE SETTLEMENT.

PLEASE READ THIS NOTICE CAREFULLY.

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I. What is the purpose of this Notice?

The purpose of this notice is to let you know that there is a class action lawsuit pending in United States District Court for the Southern District of New York and you may be a member of the Class. This lawsuit was filed by Plaintiffs Matthew Parker, Latessa Davis, Shane Hummel, Alexander Meisner, Dominique Peterson, Jeanette Ravelo, Chris Rey, Timothy Sypher and Bonnie Lee Tozzi in the United States District Court for the Southern District of New York, Case No. 08 Civ. 7670 (BSJ)(JCF) (“the lawsuit”). The lawsuit alleged that Jekyll and Hyde Entertainment Holdings, L.L.C., Jekyll & Hyde, Inc., Jekyll and Hyde Club New York L.L.C., The Slaughtered Lamb Pub New York L.L.C., Oliver’s Bar & Grill, Shipwreck Tavern, D.R. Finley and Glen Falcone (“Jekyll & Hyde Group”) failed to fully pay its employees minimum wage, overtime compensation for hours worked in excess of 40 in a week and party pay.

On October 5, 2009, The Honorable James C. Francis, IV of the United States District Court for the Southern District of New York, preliminarily approved a settlement that does the following:

- 1.) conditionally certifies a Class and Collective Action for settlement purposes only;
- 2.) grants preliminary Court approval of the proposed settlement;
- 3.) grants Court approval of this notice, which includes setting a schedule and procedure for filing claim forms, objections and exclusion notices; and
- 4.) schedules a Final Fairness Determination Hearing for final Court approval of the Settlement for January 22, 2010, 10 a.m. in United States District Court for the Southern District of New York, located at the Daniel Patrick Moynihan United States Courthouse, Room 1960, 500 Pearl Street, New York, New York 10007.

II. Why do Plaintiffs Seek Settlement Approval?

Plaintiffs seek approval of the Settlement because they have reached a proposed Settlement with Jekyll & Hyde Group that they believe to be fair, reasonable, adequate and in the best interests of the members of the Class.

III. What is Jekyll & Hyde Group’s Position on Settlement?

Jekyll & Hyde Group views this Settlement as a compromise. Jekyll & Hyde Group are not admitting to the allegations in the case and are not giving up its right to object to any allegation for any reason. Jekyll & Hyde Group deny that any of their policies or practices at issue in this lawsuit were or are unlawful and they reserve the right to object to all claims if the settlement fails for any reason. The Court file has the settlement documents with more information on the lawsuit.

IV. Why Did I Get this Notice?

You received this notice because Jekyll & Hyde Group’s records identify you as a member of the settlement class or because you identified yourself as a member of the class. You may submit the enclosed green Claim Form to get money from this settlement if you worked for Jekyll & Hyde Group at any time during the period September 3, 2003 and September 2, 2008 (“Class Period”) and were employed in the position of waiter, bartender, server, busser, or other similar title (The “Settlement Class”).

V. Who are the Parties in this Class Action?

Matthew Parker, Latessa Davis, Shane Hummel, Alexander Meisner, Dominique Peterson, Jeanette Ravelo, Chris Rey, Timothy Sypher and Bonnie Lee Tozzi are the Plaintiffs who brought the action on behalf of

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Questions? Call Toll Free (888) 427-9230
Fax Number – Claims Administrator: (888) 428-6696
E-mail – Claims Administrator: info@simpluris.net

themselves and on behalf of all similarly situated current and former Jekyll & Hyde Group waiters, bartenders, servers, bussers or runners during the Class Period (“Named Plaintiffs). Kirk A. Jones subsequently filed a form Consent to Become A Party Plaintiff seeking to join the action (“Opt-In Plaintiff”).

Jekyll and Hyde Entertainment Holdings, L.L.C., Jekyll & Hyde, Inc., Jekyll and Hyde Club New York L.L.C., The Slaughtered Lamb Pub New York L.L.C., Oliver’s Bar & Grill, Shipwreck Tavern, D.R. Finley and Glen Falcone are the Defendants.

VI. Who are the Attorneys for Parties?

Counsel for Plaintiffs

Robert D. Lipman, Elizabeth Schalet and
David A. Robins
Lipman & Plesur, LLP
500 North Broadway, Suite 105
Jericho, New York 11753-2131
Phone: (516) 931-0050
Fax: (516) 931-0030

Counsel for Defendants

Lawrence W. Rader

225 Broadway, Suite 400
New York, New York 10007
Telephone: (212) 791-5200
Facsimile: (212) 212-5400

VII. What is the Proposed Settlement?

Jekyll & Hyde Group agreed to pay a settlement amount of \$745,000.00 to the approximately 521 members of the Settlement Class. This sum includes payment of enhancements of \$85,000.00 to the Named Plaintiffs and Opt-In Plaintiff for their initiation of the lawsuit, prosecution and risks undertaken for costs in the event they were unsuccessful as well as liquidated damages under the FLSA, and attorneys’ fees and costs of \$248,333.00 of the Settlement Amount, as approved by the Court. The costs of the Settlement Administrator also will be paid out of the settlement amount, which is estimated to cost up to \$30,000.00.

The following is a summary of the Settlement provisions. The specific and complete terms of the proposed Settlement are stated in the Settlement and Release Agreement (“Settlement Agreement”), between Plaintiffs and Defendants, a copy of which is filed with the Clerk of the Court.

Settlement Payment. Jekyll & Hyde Group has agreed to pay all claims through the Claims Administrator in accordance with the terms of the Settlement Agreement, after Final Approval of the Class Action Settlement. These settlement payments will be distributed over approximately seven years.

After the deduction of the Court-approved attorneys’ fees, the cost for the Settlement Administrator and enhancements from the Settlement Amount, the remaining sum (“net settlement amount”) estimated to be \$396,667.00 will be available to pay each member of the Settlement Class who submits a Claim Form (“Qualified Claimant”) his or her pro-rata share based on weeks worked of the net settlement amount, as compensation for the allegedly unlawful failure to pay wages for all hours worked. The amount you receive will depend on the number of Qualified Claimants and the number of weeks worked by each Qualified Claimant.

VIII. What Are My Rights with Regard to This Matter?

If you fit the description of a Settlement Class Member, you have three options. Each option has its own consequences, which you should understand before making your decision. Your rights regarding each option, and the procedure you must follow to select each option, follows.

A. Option One. Participation as a Class Member.

To get money from the Settlement you **must** complete the enclosed green "CLAIM FORM", **sign it**, and **return it to Settlement Administrator, SIMPLURIS, INC., at Matthew Parker, et al. v. Jekyll and Hyde Entertainment Holdings, L.L.C., et al., Class Action Settlement Administrator, c/o Simpluris, Inc., P.O. Box 679560, Orlando, Florida 32867-9560, post-marked or faxed to the number/address shown on the bottom of each page of this Notice, on or before December 22, 2009.**

It is strongly recommended that you retain proof of your timely mailing or fax transmission until receipt of your settlement payment.

Class Counsel, appointed and approved by the Court for Settlement purposes only, will represent you. The Settlement Administrator will process the Claim Form and send you a check or checks at a later date. **If you fail to timely return a completed and signed Claim Form, you will not receive any money from the Settlement and you will not be permitted to assert any of the state law claims based on the allegations in the class action, however, you will retain the right to assert federal claims based on the allegations in the class action.**

Since the settlement will be funded by Defendants over approximately seven years, you must send the Settlement Administrator any change of address information. If you move without providing the Settlement Administrator with a new address and a settlement check is returned, you will have waived your right to such settlement check and future settlement checks.

You will not be retaliated against by Defendants for sending in the green verification form.

B. Option Two. You Can Exclude Yourself ("Opt Out") From the Settlement.

If you do not wish to participate in or be bound by the Settlement, you must return to the Settlement Administrator, Simpluris, Inc., at the address provided below or by fax, the enclosed "Request for Exclusion from the Class Action Settlement," **post-marked, faxed or e-mailed before December 22, 2009.**

If you request exclusion, you will neither receive any money from the Settlement, nor will you be considered to have released your claims alleged in the class action. If you request exclusion from the Class Action Settlement, you may not pursue any recovery under the Class Action Settlement. You may, however, pursue other remedies separate and apart from the Class Action Settlement that may be available to you.

Do NOT return both a Claim Form and a Request for Exclusion Form. Should you do so, your Request for Exclusion will be invalidated and you will be bound by the terms of the Settlement and paid according to Jekyll & Hyde Group's records and the terms of the Settlement. If you choose not to return either form (i.e., you do not return a Claim Form or a Request for Exclusion Form), you will be bound by the terms of the Settlement, however, your payment will be redistributed to the other Class Members.

C. Option Three. You May Object to the Settlement.

If you are a Settlement Class Member, and you do not exclude yourself from the Settlement Class (opt out), you may object to the settlement before final approval of the settlement by the Court. If you choose to object to the settlement, you may enter an appearance without an attorney, or through an attorney that you hire and pay for yourself.

In order to object to the settlement, or any portion of it, you must file and serve any such written objection on or before **December 22, 2009**. Objections must be timely filed in the United States District Court for the Southern District of New York, Daniel Patrick Moynihan Federal Courthouse, 500 Pearl Street, New York, 10007, and timely served on the attorneys for Plaintiffs and the attorneys for Defendants, to be considered by the Court. If you intend to object to the Settlement, but wish to receive your share of the settlement proceeds, ***you must timely return the enclosed Claim Form as indicated herein.*** If the Court approves the Settlement despite any objections and you have not returned the enclosed Claim Form, you will NOT receive your share of the Settlement proceeds.

The judgment will bind all Settlement Class Members who do not request exclusion. Any member who does not request exclusion may, if the member so desires, enter an appearance through his or her own lawyer.

IX. How Much Money Will I Get If I Make a Proper Claim and Do Not Request Exclusion?

Jekyll & Hyde Group has agreed to pay a maximum gross settlement amount of \$745,000.00 in consideration for this settlement and a release of all claims asserted in the lawsuit by the Settlement Class against it. After the Court-approved attorneys' fees and Settlement Administrator costs and enhancements listed above, approximately \$379,667.00 will be split based on workweeks worked by Settlement Class Members who return valid and timely Claim Forms. It is currently estimated that there are approximately 521 Class Members. Assuming full participation and equal work weeks worked, each Class Member would receive approximately \$729 paid out over a seven year period contingent upon Defendants obligations as defined in the Settlement Agreement. This number will vary depending upon actual Class Member participation, work weeks worked and the cost of the Settlement Administrator.

X. Additional Important Information.

You will get your share of the Settlement Proceeds only if you return a signed and dated Claim Form **post-marked or faxed or e-mailed on or before December 22, 2009.**

It is your responsibility to **ensure that the Claims Administrator has received** your timely Claim Form. You may contact the Claims Administrator at the toll-free number or e-mail listed at the bottom of each page to confirm it has been timely received.

It also is your responsibility to **keep a current address on file** with the Claims Administrator to ensure that you receive your settlement payment should the Court order final approval of the settlement.

XI. Who can I contact if I have further questions?

The court-appointed Administrator for this Class Action Settlement is as follows:

Matthew Parker, et al. v. Jekyll and Hyde Entertainment Holdings, L.L.C., et al.
Class Action Claims Administrator
c/o Simpluris, Inc.
P.O. Box 679560
Orlando, Florida 32867-9560

If you have questions, you may call the Settlement Administrator at the toll free number or e-mail address listed at the bottom of this page. Ask about the *Matthew Parker, et al. v. Jekyll and Hyde Entertainment Holdings, L.L.C., et al.* Class Settlement. You may also call any of the attorneys for Plaintiffs listed in Section VI above. **PLEASE DO NOT CALL THE COURT. JEKYLL & HYDE GROUP EMPHASIZES THAT THERE WILL BE NO RETALIATION AGAINST ANY CLASS MEMBER FOR REMAINING IN THE CLASS AND SIGNING THE VERIFICATION FORM.**