

NOTICE OF SETTLEMENT OF PROPOSED CLASS ACTION

TO: All persons who (1) consumed food or drink between September 7, 2013 and September 19, 2013 (the “Class Period”) at a restaurant owned by Defendant Williamsbridge Restaurant, Inc. d/b/a the Hawaii Sea Restaurant, located at 1475 Williamsbridge Road in the Bronx, NY (the “Restaurant”), or were exposed to someone who had done so, and (2) subsequently obtained a blood test and immune globulin (“IG”) or Hepatitis A virus (“HAV”) vaccination shot within thirty days after eating at the Restaurant. Excluded are persons who developed HAV infections after consuming food or drink at the Restaurant during the Class Period.

THIS NOTICE MAY AFFECT YOUR RIGHTS PLEASE READ IT CAREFULLY

1. Why should I read this Notice?

The purpose of this Notice is to inform you that your rights may be affected by the proposed settlement of the lawsuit entitled *Teshieda A. Williams vs. New Hawaii Sea Restaurant*, Case No. 13 - 23545, pending in the Supreme Court of New York, County of Bronx.

2. What is the lawsuit about?

The plaintiff, Teshieda A. Williams, acting on behalf of herself and all those similarly situated, commenced this lawsuit against the defendant New Hawaii Sea Restaurant on November 8, 2013. In her Complaint, the plaintiff asserted putative class claims for products liability, negligence, and breach of warranty to recover damages for physical injury and economic loss allegedly arising from obtaining immune globulin (“IG”) immunization shots and Hepatitis-A vaccinations in response to an alert that the plaintiff and putative class may have been exposed to the Hepatitis A virus while (a) consuming food and drink from the New Hawaii Sea Restaurant located at 1475 Williamsbridge Road, Bronx, New York, between September 7 and September 19, 2013, or (b) being exposed to someone who had done so.

The plaintiff, on behalf of herself and all those similarly situated, seeks to recover compensation from New Hawaii Sea Restaurant for all persons who (a) consumed food and drink from the New Hawaii Sea Restaurant located at 1475 Williamsbridge Road, Bronx, New York, between September 7 and September 19, 2013, or (b) were exposed to someone who had, and who subsequently obtained IG or HAV vaccinations at a 1) County Health Department clinic, or 2) private health care provider.

The compensation sought includes compensation for the cost of the shot, the value of lost time required to obtain the shot, and the anxiety and concern related to the receipt of the immunization shot.

3. What are the terms of the settlement?

Under the proposed settlement, New Hawaii Sea Restaurant will pay a maximum total class compensation of \$200,000.00. Each person submitting a properly qualified claim will be paid an equal, pro-rata, share of the \$200,000.00 award.

4. **Who is covered by the class?**

On October 21, 2016, the Supreme Court County of Bronx, New York, provisionally certified the following Class for settlement purposes.

All persons (1) who consumed food or drink between September 7, 2013 and September 19, 2013 (the "Class Period") at a restaurant owned by Defendant Williamsbridge Restaurant, Inc. d/b/a the Hawaii Sea Restaurant, located at 1475 Williamsbridge Road in the Bronx, NY (the "Restaurant"), or were exposed to someone who had done so, and (2) subsequently obtained a blood test and immune globulin ("IG") or Hepatitis A virus ("HAV") vaccination shot within thirty days after eating at the Restaurant. Excluded are persons who developed HAV infections after consuming food or drink at the Restaurant during the Class Period.

5. **How do I make a claim?**

To make a claim, you must submit a claim form so that it is received by the Claims Administrator on or before **DECEMBER 16, 2016**. You can obtain a claim form by writing to the Claims Administrator, by calling 1-800-742-3845 or by downloading the form from the class website at **www.NewHawaiiHepA.com**. You must provide the information requested on the claim form to support and verify your claim, and mail it to the Claims Administrator so that it is received no later than **DECEMBER 16, 2016**. The address of the Claims Administrator is:

**THE NOTICE COMPANY
NEW HAWAII HEPATITIS CLASS ACTION
PO BOX 778
HINGHAM, MA 02043**

You must complete and submit a separate claim form for each person who obtained an IG shot or Hepatitis-A vaccination. **FAILURE TO SUBMIT A VALID AND TIMELY CLAIM FORM SO THAT IT IS RECEIVED BY DECEMBER 16, 2016 WILL BAR YOU FROM PARTICIPATING IN THE SETTLEMENT AND BAR YOU FROM PROCEEDING ON ANY CLAIM ARISING OUT OF THE CIRCUMSTANCES DESCRIBED IN PARAGRAPH 2.**

6. **What do I need to do to join the class?**

If you wish to participate in the proposed settlement, you must make a claim as described in the previous section. Your claim will then be paid, following the Court's approval of the settlement. You will not be charged anything individually to remain in the Class. You will not be charged attorney fees. Instead, attorney fees of \$40,000.00 for Class Counsel will be paid separately, and not from the settlement fund.

Any potential class member who wishes to do so may enter an appearance in this litigation through his or her own attorney, but must pay separately for the fees and expenses incurred by that attorney.

In order to participate in the settlement, you must submit a valid claim form so that it is received by **DECEMBER 16, 2016**. Should you decide to enter an appearance, in this litigation, however, you must still submit a claim form so that it is received by **DECEMBER 16, 2016**. Failure to do so will preclude you from participating in the settlement. Any claim received after **DECEMBER 16, 2016**, will not be accepted or paid.

7. **Can I exclude myself from the class?**

Any person who would otherwise be a member of the Class may be excluded from the Class and from the settlement by mailing a written request for exclusion to the Claims Administrator so that it is received no later than **DECEMBER 16, 2016**. Your request for exclusion must (a) specify your name and mailing address, (b) be signed and dated, and (c) state that you request to be “Excluded from the New Hawaii Sea Restaurant Class Action in Bronx, New York.” A member of the Class filing such a request shall, upon approval of the Court, be deemed excluded from the settlement Class and from this settlement.

Any potential member of the Class who does not file a timely written request for exclusion as provided in the preceding section will be bound by the settlement and all subsequent proceedings, orders and judgments in the lawsuit, even if that member of the Class subsequently initiates litigation against New Hawaii Sea Restaurant relating to any policy and/or the matters released.

8. **Can I object to the settlement?**

Any member of the Class who has not filed a written request for exclusion and who wishes to object to the fairness, reasonableness, or adequacy of the settlement must serve a notice of intent to appear and/or object, together with copies of any papers the member of the Class intends to present to the Court in connection with such objection, on the Class Counsel and counsel for New Hawaii Sea Restaurant at the addresses specified below in Section 9 no later than **DECEMBER 16, 2016**. A copy of the notice of intent and any accompanying papers must also be filed with the Clerk of the Court at the address specified below in Section 12 no later than **DECEMBER 16, 2016**.

Class members may make such appearances or objections either on their own or through attorneys hired at their own expense. If an attorney will represent any such Class member, he or she must (i) file a notice of appearance with the Court no later than **DECEMBER 16, 2016**, and (ii) serve on the Class Counsel and on counsel for New Hawaii Sea Restaurant a copy of the same.

Only those Class Members who follow the procedures set forth above may appear at the Final Approval Hearing and/or have their objections considered by the Court.

Any Class Member who does not appear individually or through counsel and/or who does not challenge the fairness, reasonableness or adequacy of the settlement shall waive and forfeit any and all rights that he or she may have to appear separately and/or object.

9. **Who represents the class and New Hawaii Sea Restaurant?**

The Court has designated Tashieda A. Williams as Class Representative. The Court has appointed Underberg & Kessler LLP and Marler Clark, LLP, PS, as the Class Counsel. If you have any questions for the Class Counsel, you may write to them at:

Paul V. Nunes
UNDERBERG & KESSLER LLP
300 Bausch & Lomb Place
Rochester, NY 14604

William Marler
MARLER CLARK, LLP, PS
1301 Second Avenue, Suite 2800
Seattle, WA 98101

New Hawaii Sea Restaurant is represented by:

Stuart B. Cholewa
LAW OFFICE OF MICHAEL E. PRESSMAN
125 Maiden Lane, 17th Floor
New York, NY 10038

10. **Reasons for the settlement.**

The Class Representative and the Class Counsel support the proposed settlement because they believe it provides for prompt, efficient, and fair relief to the Class. In ultimately deciding to recommend this settlement, the Class Counsel considered the relative risks, costs, and benefits to the Class of settlement or continuing litigation. The Class members incur no risk or cost in obtaining the proposed relief.

11. **Who pays the attorneys' fees and costs?**

New Hawaii Sea Restaurant has agreed to pay \$40,000.00 in attorney's fees and costs to Class Counsel, which will not be deducted from the \$200,000.00 available to compensate the Class. Class Counsel has agreed not to seek any additional amount in attorney's fees and costs.

12. **Settlement approval procedure.**

The Court will hold a Final Approval Hearing on **JANUARY 13, 2017**, at 10:00 AM. The address of the Court is Bronx Supreme Court, Civil, 851 Grand Concourse, Bronx, NY, 10451. At the hearing, the Court will consider whether the proposed settlement should be granted final approval as fair, adequate, and reasonable, and in the best interests of the Class as a whole. The Parties will request that the Court enter a Final Approval Order.

You may attend this hearing if you wish, but you are not required to do so in order to participate in the Settlement. You may also seek to intervene individually or to comment upon or object to the settlement.

Class Members shall have the right to be excluded or to object to the proposed settlement in the manner described above. No such objection shall be valid unless it is in writing, signed personally by the Class Member under penalty of perjury, and submitted to the Court and served on the Class Counsel no later than **DECEMBER 16, 2016**.

If you do not file an objection by **DECEMBER 16, 2016**, you will not be entitled to be heard at the Final Approval Hearing, or to otherwise contest the approval of the settlement, or to appeal from any orders or judgments of the Court entered thereon.

The Court's determination on the final approval of the proposed settlement will be binding on all Class members. If the Court grants final approval of the settlement, the judgment will release New Hawaii Sea Restaurant from all claims for damages caused to all persons who meet the class definition.

The compensation included in the settlement covers cost of the shot, the value of lost time required to obtain the shot, and the anxiety and concern related to the receipt of the immunization shot.

This release will bar any further suit on the settled claims by or on behalf of the Class Members, and any persons claiming by or through them, including heirs, assigns, administrators, devisees, predecessors, successors, attorneys, or representatives of any kind.

If the Court does not approve the settlement, the case will proceed as active litigation.

13. **Where do I get additional information?**

The foregoing is only a summary of the circumstances surrounding the litigation, the claims asserted, the proposed settlement, and related matters. You may seek the advice and guidance of your own private attorney, at your own expense, if you desire.

If you wish to communicate with the Class Counsel identified above or wish to obtain relevant Court documents, you may do so by writing to the Class Counsel at:

Paul V. Nunes
UNDERBERG & KESSLER LLP
300 Bausch & Lomb Place
Rochester, NY 14604

William Marler
MARLER CLARK, LLP, PS
1301 Second Avenue, Suite 2800
Seattle, WA 98101

PLEASE DO NOT CONTACT THE COURT