UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CASSANDRA GREENE and ELIZABETH GOFF, individually and on behalf of all other persons similarly situated who were employed by C.B. HOLDING CORP. d/b/a CHARLIE BROWN'S STEAKHOUSE; CHARLIE BROWN'S ACQUISITION CORP.; CHARLIE BROWN'S OF COMMACK, LLC; CHARLIE BROWN'S OF HOLTSVILLE, LLC; and/or any other entities affiliated with or controlled by C.B. HOLDING CORP. d/b/a CHARLIE BROWN'S STEAKHOUSE; CHARLIE BROWN'S ACQUISITION CORP.; CHARLIE BROWN'S OF COMMACK, LLC; CHARLIE BROWN'S OF HOLTSVILLE, LLC,

Plaintiffs,

- against -

C.B. HOLDING CORP. d/b/a CHARLIE BROWN'S STEAKHOUSE; CHARLIE BROWN'S ACQUISITION CORP.; CHARLIE BROWN'S OF COMMACK, LLC; CHARLIE BROWN'S OF HOLTSVILLE, LLC; and/or any other entities affiliated with or controlled by C.B. HOLDING CORP. d/b/a CHARLIE BROWN'S STEAKHOUSE; CHARLIE BROWN'S ACQUISITION CORP.; CHARLIE BROWN'S OF COMMACK, LLC; CHARLIE BROWN'S OF HOLTSVILLE, LLC; and SAMUEL BORGESE,

Defendants.

Docket No.:
10-cv-1094 (JBW)(CLP)

PUBLICATION ORDER

WHEREAS, the plaintiffs and the putative class of individuals having made an application to implement a court-supervised notification to the putative class members under 29 U.S.C. § 216(b), and

WHEREAS the Court having read and considered the proposed Notice of Pendency and Consent to Joinder form; and

WHEREAS the Court finding that there exists substantial and sufficient grounds for entering this Order;

IT IS HEREBY ORDERED that:

1. On or before thirty (30) days after entry of this Order, the plaintiffs or their designated representatives shall cause a copy of the Notice of Pendency and Consent to Joinder Form to be mailed by first class mail to:

> **Each current and former employee of any Charlie Brown's Steakhouse restaurant who are/were employed in the position of server (wait staff), food runner, busser, hosts(ess), bartender, salad maker, dishwasher, line prep cook and other restaurant related tasks during the time period from [three years prior to the date of the notice] through the present. Managers, supervisors, officers, executives, managerial or administrative personnel are not part of this group.**

2. The Court approves the form of Notice of Pendency and Consent to Joinder, and finds that the mailing of such Notice substantially in the manner and form set forth in paragraph 1 of this Order will constitute the best notice practicable under the circumstances to members of the Class. The Parties have advised the Court that they intend to engage a third party notice administrator to facilitate mailing of notices to putative collective action class members. Within 15 days after entry of this Order, Defendants shall furnish to Plaintiffs' counsel and the designated notice administrator a list containing the names and last known address of all individuals employed by Defendants from three (3) years prior to the date of this Order through the present. This mailing list is to be furnished in electronic form and shall be treated by the Parties as confidential.

3. The Notice of Pendency and Consent to Joinder shall be published in English, Spanish and Chinese. Plaintiffs' counsel shall file with the Clerk of the Court a certification from the Spanish and Chinese interpreters retained to translate the Notice of Pendency and Consent to Joinder.

4. On or before thirty (30) days after entry of this Order, Plaintiffs' counsel shall post a copy of this Notice and Consent to Joinder form on Plaintiffs' counsel's publicly available website at www.vandallp.com for a period of ninety (90) days corresponding with the

mailing of the notice. Plaintiffs counsel will also include a link to the publicly available docket for this matter. Defendants reserve the right to approve how the Notice is posted on Plaintiffs' counsel's website, and to make any objections and applications to the Court regarding the posting thereof.

5. Should a significant number of notices be returned as undeliverable with no forwarding address, Plaintiffs reserve the right to apply to the Court for permission to cause a copy of this Notice, substantially in the same form attached hereto, to be published in a Spanish-language newspaper, and/or Chinese language newspaper, that is circulated daily in New Jersey (newspaper publication).

SO ORDERED.

Cheryl Pollak

Dated: New York, New York
September 30, 2010