

**If you were potentially exposed to the Hepatitis A Virus (“HAV”) at the Hardee’s Restaurant located at 2604 Little Rock Road, Charlotte, North Carolina, between June 13 and June 23, 2018, and as a result, you obtained preventative medical treatment, a Class Action Settlement may affect your rights.**

*A court ordered this notice. This is not a solicitation from a lawyer.*

- You can make a claim for your share of \$246,000.00 if you submit a claim by FEBRUARY 28, 2019, and qualify as a Class Member.
- Please read this notice carefully. Your legal rights may be affected whether or not you act.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM BY FEBRUARY 28, 2019</b>	You must submit a claim to receive a payment from the Settlement. See Questions 4, 5 and 6 below.
<b>EXCLUDE YOURSELF FEBRUARY 28, 2019</b>	Excluding yourself from the Settlement is the only option that allows you individually to sue the Defendant about the claims in this case. See Questions 6 and 7 for specifics. If you do not exclude yourself from the Class, you cannot individually sue the Defendant.
<b>OBJECT BY FEBRUARY 28, 2019</b>	You can file an objection with the Court explaining why you disagree with the Settlement, the requested attorneys’ fees and litigation expenses, and/or the Class Representative awards. See Questions 4, 6, 8 and 12 for specifics.
<b>GO TO THE HEARING ON APRIL 1, 2019</b>	You can ask to speak to the Court about the Settlement. See Questions 8 and 12 below.
<b>DO NOTHING</b>	If you do nothing, then you will not receive any payment from the Settlement and you will give up any rights you currently may have separately to sue the Defendant for the conduct that is the subject of this litigation.

**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 (the “Settlement”) of the lawsuits entitled *McClain, et al., v. Morning Star, LLC a/k/a Morning Star NC, LLC, d/b/a Hardee's* (Civil Action File No. 3:18-cv-00419-FDW-DCK) and *E.P. et al. v. CKE Restaurants Holdings, Inc., a Delaware Corporation, et al.* (Civil Action File 3:18-cv-00483-FDW-DCK), pending in the Charlotte Division of the United States District Court for the Western District of North Carolina.

## **2. What is the lawsuit about?**

The Defendant in these lawsuits is Morning Star, LLC, also known as Morning Star NC, LLC, doing business as Hardee's.

The Plaintiffs, Iafreedre McClain, Montrell Davis, E.P. and S.F. ("Named Plaintiffs"), acting on behalf of themselves and all those similarly situated, have asserted claims against the Defendant concerning a potential exposure that occurred at the Hardee's restaurant located at 2604 Little Rock Road, Charlotte, North Carolina 28214 ("Charlotte Hardee's"), where an employee was confirmed to have been infected with HAV. The North Carolina Department of Health and Human Services ("DOH") recommended that anyone who was at high risk for contracting HAV or who consumed food or beverages purchased at the Charlotte Hardee's between June 13, 2018, and June 23, 2018, receive prophylactic treatment against HAV within 14 days after their exposure at one of three clinics. The lawsuit seeks recovery of economic and non-economic damages sustained as a result of the potential exposure and post-exposure treatment. The lawsuit would provide compensation to persons who took immediate preventative action at the recommendation of public health authorities or other health professionals and, as a result, did not subsequently develop symptoms of an HAV infection.

The Plaintiffs have asserted in this litigation class claims for breach of warranties and negligence to recover damages for physical injury and economic loss arising from obtaining immune globulin ("IG"), blood tests, and/or HAV vaccinations in response to the DOH alert for potential exposure to the HAV by consuming food or drink from the Charlotte Hardee's between June 13, 2018, and June 23, 2018 ("Potential Exposure Period").

The Defendant expressly denies any wrongdoing and does not admit or concede any actual or potential fault, wrongdoing or liability in connection with any facts or claims that have been or could have been alleged against them in the litigation but consider it desirable for these litigations to be settled and dismissed.

## **3. Who is covered by the Class?**

For purposes of this Settlement, the parties agree that the class (the "Class") is defined as follows:

All individuals who were (a) potentially exposed to the Hepatitis A Virus ("HAV") at the Hardee's Restaurant, 2604 Little Rock Road, Charlotte, North Carolina ("Charlotte Hardee's"), between June 13, 2018, and June 23, 2018 ("Potential Exposure Period"), and (b) who, as a result of such potential exposure to HAV, obtained preventive medical treatment, including the administration of IG, HAV vaccine shots, or blood tests within 14 days after their exposure, and in no event any later than July 7, 2018.

Excluded from the Class are (1) all persons, if any, who developed HAV infections as a result of consuming food or beverage at the Charlotte Hardee's during the Potential Exposure Period, (2) anyone receiving their first IG shot, HAV vaccine, or blood test after July 7, 2018, and (3) employees at the Charlotte Hardee's during the Potential Exposure Period.

**4. What are the terms of the settlement?**

The proposed Settlement provides for payment of general damages to each member of the Class who submits a timely, qualified claim for general damages (“Claimant”). Each Claimant will receive as general damages a pro-rata share of the aggregate class fund of \$246,000.00. In addition to and not to be deducted from the class fund, the Named Plaintiffs will each receive \$1,000.00 in compensation to be paid by Defendant.

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

To make a claim, you must submit a claim form so that it is received by the Settlement Administrator on or before **FEBRUARY 28, 2019**. To be a Qualified Claimant, you must (a) submit a complete claim form and sign it as a declaration under penalty of perjury attesting to facts showing your membership in the Class listed above; and (b) show receipt of IG, HAV vaccine, or blood tests by providing date of treatment and, if the treatment was not provided by the DOH, provide treatment documentation from your medical provider.

You can obtain a claim form by downloading the form at **www.CharlotteHepA.com** or by calling **1-800-242-7615**. You must provide the information requested on the claim form to support and verify your claim and mail it to the Settlement Administrator so that it is received **no later than FEBRUARY 28, 2019**. The address of the Settlement Administrator is:

The Notice Company  
Charlotte Hep-A Class Action  
P.O. Box 778  
Hingham, MA 02043

You must complete and submit a separate claim form for each person who obtained IG, HAV vaccine shots, or blood tests. **FAILURE TO SUBMIT A VALID AND TIMELY CLAIM FORM SO THAT IT IS RECEIVED BY FEBRUARY 28, 2019 WILL BAR YOU FROM RECEIVING PAYMENT FROM THE SETTLEMENT.**

**6. What are my options?**

In order to receive payment, you must submit a valid claim form so that it is received by **FEBRUARY 28, 2019**. You will not be charged anything individually to remain in the Class. You may also exclude yourself from the Class as described below. If you exclude yourself, you may not submit a claim form.

Any potential member of the Class who wishes to do so may object to the proposed Settlement and/or 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. Should you decide to enter an appearance in this litigation, however, you must still submit a timely claim form in order to receive payment.

**7. How do I exclude myself from the class?**

If you exclude yourself from the Class, you may not submit a claim and you will not be entitled to receive payment from this Settlement. Persons who would otherwise be members of the

Class may exclude themselves (“opt out”) from the Class and from the Settlement by mailing a written request for exclusion to the Settlement Administrator to the following address:

Charlotte Hep-A Exclusions  
c/o The Notice Company  
P.O. Box 778  
Hingham, MA 02043

To be valid, your exclusion request must be received no later than **FEBRUARY 28, 2019**. Your request for exclusion must (a) state your full name and mailing address, (b) be signed and dated, and (c) state that you request to be “Excluded from the Charlotte Hardee’s Hepatitis A Class Action in North Carolina”. A member of the Class submitting such a request will be deemed excluded from the Class and from this Settlement.

Any potential member of the Class who does not file a timely written request for exclusion will be bound by the Settlement and all subsequent proceedings, orders and judgments in this lawsuit, even if that person does not submit a claim.

**8. How do 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 the Defendant, **no later than FEBRUARY 28, 2019**. A copy of the notice of intent and any accompanying papers must also be filed with the Court **no later than FEBRUARY 28, 2019**.

**COURT ADDRESS:**

United States Courthouse  
Charles R. Jonas Federal Building  
401 West Trade Street, Room 210  
Charlotte, NC 28202

**CLASS COUNSEL ADDRESSES:**

Brett Dressler, Esquire  
**Sellers, Ayers, Dortch & Lyons, P.A.**  
301 S. McDowell Street, Ste. 401  
Charlotte, NC 28204

William D. Marler, Esquire  
**Marler Clark, L.L. P., P.S.**  
1012 First Avenue, Fifth Floor  
Seattle, WA 98104-1008

Daniel K. Bryson, Esquire  
Scott C. Harris, Esquire  
**Whitfield Bryson & Mason LLP**  
900 W. Morgan Street  
Raleigh, NC 27603

Joseph G. Sauder, Esquire  
**Sauder Schelkopf LLC**  
555 Lancaster Avenue  
Berwyn, PA 19312

**DEFENDANT’S COUNSEL ADDRESS:**

Shawn D. Scott, Esquire  
Alan M. Maxwell, Esquire  
Nicholas P. Panayotopoulos, Esquire  
Jennifer A. Adler, Esquire  
**Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC**  
3344 Peachtree Road, N.E., Suite 2400  
Atlanta, GA 30326

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 FEBRUARY 28, 2019**, and (ii) serve on the Class Counsel and on Defendant’s Counsel, a copy of the same. Any such Class Member or their counsel may obtain access at the offices of Sellers, Ayers, Dortch & Lyons, P.A., 301 S. McDowell St., Ste. 401, Charlotte, North Carolina, to the complaints, answers, any orders entered by the court in the lawsuit, and to such additional pleadings as may be agreed upon by Defendant’s Counsel and Class Counsel.

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?**

The Court has designated Iafreedre McClain, Montrell Davis, E.P. and S.F. as Class Representatives. The Court has appointed as Class Counsel the following: Sellers, Ayers, Dortch & Lyons, PA; Marler Clark, LLP, PS; Whitfield Bryson & Mason, LLP; and Sauder Schelkopf LLC. If you have any questions for the Class Counsel, you may write to them at the addresses listed above.

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

Members of the Class are not responsible for paying the attorney fees or expenses of Class Counsel. The Defendant will pay Class Counsel’s fees and costs which will be capped at the lesser of (a) 25% of the amount paid to the Class for general damages, or (b) \$61,500. This amount is additional to the General Damages to be paid to Qualified Claimants.

**11. What are the reasons for the Settlement?**

The Class Representatives 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.

**12. What is the Settlement approval procedure?**

The Court will hold a Final Approval Hearing on **APRIL 1, 2019**, at **10:00 a.m.** in **Courtroom #1-1**. The address of the Court is United States Courthouse, Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, NC 28202. 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.

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 the Defendant from all claims for damages arising as a result of the Potential Exposure Period by persons who meet the Class definition.

The compensation included in the settlement covers the cost of the shots, and the value of lost time required to obtain the shots. 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, 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. Additional information is available at **www.CharlotteHepA.com**. 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 the address listed above.

**PLEASE DO NOT CONTACT THE COURT  
WITH INQUIRIES ABOUT THE SETTLEMENT**