

## LEGAL NOTICE

**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.**

**Qualified Class Members can make a claim for a share of \$246,000.00 if they submit a claim by FEBRUARY 28, 2019.**

A settlement has been reached in 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. Visit [www.CharlotteHepA.com](http://www.CharlotteHepA.com) for complete information.

### **What Is This Case About?**

This lawsuit asserts 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 Hepatitis A (“HAV”) vaccinations in response to the North Carolina Department of Health and Human Services (“DOH”) alert for potential exposure to HAV by consuming food or drink from the Charlotte Hardee’s between June 13, 2018, and June 23, 2018 (“Potential Exposure Period”).

### **Who Is Included in the Settlement?**

The “Class” includes all individuals who were (a) potentially exposed to HAV at the Hardee’s Restaurant, 2604 Little Rock Road, Charlotte, North Carolina (“Charlotte Hardee’s”), between June 13, 2018, and June 23, 2018, 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.

### **What Does the Settlement Provide?**

Each Claimant will receive as general damages a pro-rata share of the aggregate class amount of \$246,000.00 (“General Damages Fund”). In addition, the Named Plaintiffs will each receive \$1,000.00 in compensation to be paid by the Defendant.

## **Who Pays the Class Counsel and Administrative Costs?**

The settlement provides for the Defendant to 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. Up to \$25,000 in fees and charges for Settlement administration will be paid by the Defendant. These amounts will not diminish the amount to be paid to members of the Class.

## **How Do I Receive Payment?**

To receive payment, you must be a member of the Class and submit a claim form by **FEBRUARY 28, 2019**. If you do not submit a complete and timely claim form, you will not be entitled to payment. Claim forms and instructions are available at [www.CharlotteHepA.com](http://www.CharlotteHepA.com).

## **What Are Your Rights?**

If you do nothing, members of the Class will be bound by the Court's decisions. If you do not want the benefits of the settlement and, instead, you want to keep your right to sue the Defendant, you must exclude yourself from the Settlement Class by writing to the Settlement Administrator at the following address:

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

The Court will exclude from the Class any Class Member who submits a timely, written exclusion request, which 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". To be valid, exclusion requests must be postmarked on or before **FEBRUARY 28, 2019**.

If you do not exclude yourself, you may object to the settlement, or enter an appearance through counsel, by filing an objection with the Court and sending copies to Class Counsel and Defendant's Counsel. See the instructions at [www.CharlotteHepA.com](http://www.CharlotteHepA.com). The deadline to file objections or a notice of appearance is **FEBRUARY 28, 2019**.

## **When Is the Final Hearing?**

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. This date may change so please check the website at [www.CharlotteHepA.com](http://www.CharlotteHepA.com). You or your own lawyer may appear and speak at the hearing at your own expense.

### **How Do I Get Additional Information?**

This is only a summary notice of the proposed settlement. You may obtain a detailed notice, the claim form, and other Settlement information by visiting [www.CharlotteHepA.com](http://www.CharlotteHepA.com), by calling toll free **1-800-242-7615**, or by writing to The Notice Company, Charlotte Hep-A Administrator, P.O. Box 778, Hingham, MA 02043.

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