

<i>District Court, Arapahoe County, Colorado</i> <i>Arapahoe County Courthouse</i> <i>7325 S. Potomac St., Centennial, CO 80112</i>	<p style="text-align: center;">σ COURT USE ONLY σ</p>
<p>Plaintiff: FRED D. BAUER, on behalf of himself and all others similarly situated,</p> <p>Defendant: GLENMOOR COUNTRY CLUB</p>	
<p><b>NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION AND SETTLEMENT HEARING</b></p>	

- **You are believed to be a part of this class action.**
- **Your legal rights are affected whether you act or do not act.**
- **Read this Notice carefully.**

What Is This Notice About?

This notice is an official court notice to let you know about a proposed Settlement in this “class action” lawsuit and how you may claim a share of the Settlement. You are considered a class member in this case if you were a non-management Food and Beverage employee who worked in the “front of the house,” as that term is used by management, at **Glenmoor Country Club** from February 10, 2012, until the date of preliminary approval of the Settlement Agreement between the parties in this Action by the Court. That date is April 12, 2016. If you do not think the Settlement is fair you can object. This Notice will tell you how to make such an objection. This notice also informs you of your rights if you do not want to be a member of the class.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<b>Be Considered for a Payment</b>	To be considered for payment from the settlement you can either complete and return the green form which will let the parties know you have received this Notice and wish to be included in the settlement distribution or you can do nothing. If you do nothing you will still be considered for inclusion in the distribution but you will not have indicated your affirmative agreement to the settlement even though you may be bound by it.
<b>Exclude yourself</b>	Get no payment. This is the only option that allows you to be part of any other lawsuit against the Defendant about the legal claims that were brought or could have been brought in this case. Complete and return the red form. If you exclude yourself you will not be considered for inclusion in the settlement distribution.
<b>Object</b>	Write to the Court about why you do not like the settlement.
<b>Go to a Hearing</b>	Ask to speak in Court about the fairness of the settlement.

- These rights and options—and deadlines to exercise them—are explained in this Notice.

- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will only be made if the Court approves the Settlement and after any appeals are resolved. **Please be patient.**

#### What Is This Class Action Lawsuit?

This “class action” lawsuit is a lawsuit in which one person, called the Class Representative, has sued on behalf of himself and all other people who have similar claims. All these people with similar claims are a Class and Class Members. The claims are resolved for all Class Members, except for those who exclude themselves for the Class. Here, Fred D. Bauer is the Class Representative.

#### What Is This Lawsuit About?

The Plaintiff who filed the lawsuit claimed that Glenmoor Country Club violated the Colorado Wage Act and the applicable Colorado Minimum Wage Orders by (a) failing to distribute 100 percent of collected gratuities to tipped employees; (b) failed to post the notice required by law in order to for an employer to keep a portion of the gratuities; and (c) required employees to wear uniforms as a condition of their employment and improperly deducted uniform charges from employees’ pay.

#### What Is The Status Of The Lawsuit?

After the filing of the lawsuit and the exchange of information between the parties Glenmoor Country Club and the Plaintiff reached a settlement to conclude the lawsuit. The Class Representative and the Class Representative’s Attorneys think the Settlement is fair and is best for everyone who had claims in this lawsuit. **Your rights could be affected by this Settlement so you should read this Notice carefully to decide whether you want to be part of the Class or exclude yourself from the Class.**

If you were employed as a non-management Food and Beverage employees who worked in the “front of the house,” as that term is used by management at the Glenmoor Country Club from February 10, 2012, until April 12, 2016, when the Settlement Agreement was preliminarily approved by the Court.

The proposed Settlement agreement between the Plaintiff who brought the lawsuit and Glenmoor Country Club sets forth in detail the terms and conditions of the Settlement. This and the following paragraphs contain a brief summary of the proposed Settlement. In total, Glenmoor Country Club is paying the Class \$450,000.00. Up to approximately one-third of that will be paid in attorney’s fees and costs associated with the litigation and settlement, as approved by the Court. The rest, at least \$280,000.00, will be available to be paid to the Class Members if Class members do not exclude themselves and the Settlement is approved by the Court. If the Court approves the Settlement that has been proposed, each eligible Class Member who does not exclude him-or-herself will receive their damages as calculated by Class counsel depending on the number of people that remain in the Class. The amount of your payment will depend on the

amount of time you worked for Glenmoor County Club during the time in question, and the amount of gratuities or service charges that were deducted from your pay.

It is important to understand that this damages figure does not take into account withholding or other taxes which will be taken out. It is important that you understand that certain taxes will need to be withheld from part of your payment.

The named Representative is the only individual who took action to join this case prior to this Notice being sent. The Representative, like you, will recover an amount of gratuities withheld and the cost of uniforms withheld from his pay and estimated to be due. In addition Representative Fred Bauer will receive an additional \$7,500.00 in consideration for his commitment and time spent in bringing this lawsuit on behalf of the Class. The lawyers who represented the Class Members have requested that the Court award them no more than \$150,000.00, for their work in litigating the case, and to reimburse them for out-of-pocket costs they incurred in litigating the case.

As a member of the Class, you have the right to receive money from the Settlement if approved by the Court. As a member of the Class, you are also giving up your rights to bring a separate claim against Glenmoor Country Club for alleged violations of the Colorado Wage Act and the applicable Colorado Minimum Wage Orders.

**TO CLAIM YOUR MONEY YOU MUST NOT EXCLUDE YOURSELF FROM THE CLASS AND YOU MUST BE LOCATED AND COMMUNICATED WITH IN A TIMELY MANNER.**

If you want to receive your money you must be able to be located during the applicable time and you must not exclude yourself or be eliminated from the Class. To confirm that you have been located fill out the Receipt of Notice form (printed on green paper) and return it by mail to the Settlement Administrator, the CPT Group, Inc., which is working with the parties to the case, including Class Counsel for the Plaintiff Class, David H. Miller. You can also fax the form to the CPT Group, Inc. at (949) 428-1041. You may communicate with the CPT Group, Inc. through its website at [http://www.cptgroup.com/class\\_members/contactUs\\_members.php](http://www.cptgroup.com/class_members/contactUs_members.php). Your Receipt of Notice form should be received before the date set for Final Approval of the Settlement Agreement currently set for August 1, 2016 . Payments will be processed as soon as possible after that date.

**IF YOU EXCLUDE YOURSELF FROM THIS CLASS ACTION SETTLEMENT OR IF YOU CANNOT BE LOCATED WITHIN THE APPLICABLE TIMEFRAME SET OUT IN THE SETTLEMENT YOU WILL NOT BE ELIGIBLE TO RECEIVE PAYMENT PURSUANT TO THIS SETTLEMENT.** You are also giving up your rights to bring a lawsuit against Glenmoor Country Club. For the claims and time periods alleged in the lawsuit.

If you do NOT want to participate in the class action, you have the right to be excluded from the Class and not receive any money from the Settlement. If you choose to be excluded from the class, you will NEVER be able to make any claim for this Settlement money; however, you may have the right to bring your own lawsuit against Glenmoor Country Club within the time period

allowed under the law for the claims alleged in the lawsuit. **You must opt out before July 1, 2016.** If you fail to opt-out by that date you are giving up the right to be excluded from the Class, which means that you cannot bring a separate lawsuit against Glenmoor Country Club for the same claims alleged in the current lawsuit. If you do not opt-out you will be bound by the Settlement Agreement and are eligible to participate in the distribution from the Settlement. To be excluded from the class action you must send the red form to the Settlement Administrator. If you choose to opt-out of the class action, you should consult a lawyer as to your rights.

There will be an in-person hearing before Arapahoe District Judge Douglas on August 1, 2016, at 1:30 p.m., at the Arapahoe District Court, 7325 S. Potomac St., Centennial, CO 80112, Division 202 to decide whether the settlement is fair, reasonable, and adequate. If you want to object to the settlement you must file your objection with the Clerk of the Court before July 1, 2016. If you do want to object, write the Clerk of the Court at the Arapahoe District Court 7325 S. Potomac St., Centennial, CO 80112. You should include in your letter the name of the case (Bauer v. Glenmoor Country Club, 2015CV30354). This hearing will be your only opportunity to object to the terms of the Settlement.

**You do not have to be present at the hearing to receive your share of the settlement money. If you either timely file a claim to get your share of the Settlement or do nothing, you will receive your class share, to the extent you can be located in a timely manner as set out in the Settlement and provided the Settlement is finally approved by the Judge.**

Unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Glenmoor Country Club for the issues and time period covered by this case.

If you have questions about the Settlement, need help understanding this Notice, or want a complete copy of the Settlement Agreement you can contact the lawyers for the Plaintiff who brought the lawsuit by writing or calling:

David H. Miller  
Sawaya & Miller Law Firm  
1600 Ogden Street  
Denver, CO 80218  
303-839-1650, ext. 1090  
[DMiller@sawayalaw.com](mailto:DMiller@sawayalaw.com)  
[www.sawayalaw.com](http://www.sawayalaw.com)

**DO NOT CALL THE COURT OR THE COURT CLERK OF THE COURT**