

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**If you signed a membership contract and joined It's Just Lunch on or after October 15, 2001 and if you did not obtain a complete refund of any membership fees paid or sign any releases of any claims in favor of IJL and/or a franchisee, or if you joined It's Just Lunch in New York and paid more than \$1,000 for a year's worth of services at the time of initial contracting, please read this notice carefully. A proposed class action settlement may affect your rights.**

*A Judge of the Southern District of New York authorized this Notice.  
This is not a solicitation from a lawyer.*

Under the proposed settlement, It's Just Lunch has agreed to provide certain benefits to National Class Members (as defined below), including the choice of a cash payment in an amount to be determined or a voucher with a value of approximately \$450, subject to the limitations described more fully in the detailed notice of the proposed settlement, accessible online at [www.ijlclassaction.com](http://www.ijlclassaction.com), or available by calling the Claims Administrator toll free at 855-486-7348. Additionally, New York class members are entitled to receive \$200 provided they meet certain criteria explained below. If you receive notice of this Settlement, you may obtain a cash payment or vouchers following Final Judicial Approval of the Settlement by submitting a valid Claim Form at [www.ijlclassaction.com](http://www.ijlclassaction.com).

### **TERMS OF THE SETTLEMENT**

The terms of the Settlement are as listed below:

- IJL is committing to a client pledge on its website and in its client agreements to include a commitment to honor certain specified preferences of its clients for matches;
- Members of both the New York Class and the National Class who do not opt out and who submit valid Claims Forms have an option of claiming a cash award or a voucher for certain IJL services or discounts;
- A \$4.75 million fund will be created to cover costs and awards, and all members of the New York Class who do not opt out and who submit a claim form will receive an award of \$200;
- Each member of the National Class who has not opted out of the settlement and has submitted a claim form for a cash payment may receive a minimum award of \$14.44 and a maximum award of an undetermined amount based on the number of National Class members who submit claim forms.
- Members of the Class who do not timely opt out release IJL and the Released Parties from any claims related to or arising from contracts between members of the Class and IJL or claims arising from the facts that form the basis of this action;

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- Class Counsel will apply for an award of attorneys' fees and expenses and will move for a service fee of \$12,000 for each Lead Plaintiff, all of which will be paid by IJL from the fund being created; and
- Class Counsel and IJL have agreed to engage the services of Heffler Claims Group to handle the administration of benefits.

### **CLASS DEFINITIONS AND AWARDS**

The certified Class includes all clients who have signed a membership contract and joined It's Just Lunch on or after October 15, 2001, if the clients did not obtain a refund of their payments to It's Just Lunch (the "National Claim") and if they fall within certain time limits set by law. There are approximately 170,000 members in this Class. Each eligible Class Member who submits a valid claim form by **December 10, 2019** (an "Eligible Claimant"), can elect to receive either (a) a cash payment, or (b) a voucher that provides It's Just Lunch's matching services for at least one date, provided It's Just Lunch can identify a match for the Eligible Claimant. When redeeming a voucher, a Class Member may submit to IJL different or modified criteria than submitted when the Class Member originally purchased a membership with IJL. The vouchers will be made available to Eligible Claimants via download from the website [www.ijlclassaction.com](http://www.ijlclassaction.com). An Eligible Claimant who does not wish to utilize the voucher from IJL may transfer the voucher to a non-Class Member. Only a single one-time transfer will be permitted, to a transferee to be identified in writing to IJL along with presentation of the original voucher. If a transferee does not purchase or does not already have an IJL membership, IJL shall have no responsibility to provide services to the transferee or as to the voucher in question. .

The certified Class also includes all clients in the State of New York who signed a membership contract with It's Just Lunch on or after October 15, 2001 and who paid more than \$1,000 for a year's worth of services at the time of initial contracting and who did not obtain a refund of the amounts paid to It's Just Lunch (the "New York Claim"). There are approximately 2,000 members in this New York-specific class. In addition to the cash payment or voucher available to National Class Members, each eligible Class Member who purchased a year's worth of It's Just Lunch's services for greater than \$1,000 in New York at the time of initial contracting who has not received a full or partial refund or executed a release (a "New York Eligible Claimant") will receive a direct payment of \$200 from It's Just Lunch. A New York Eligible Claimant must submit a claim form to receive payment.

### **YOU HAVE THE RIGHT TO OPT OUT**

You have the right to ask to be excluded from the Settlement. If you do not want the benefits of this Settlement, and you want to keep any right you may have to pursue your own lawsuit against It's Just Lunch if you choose, then you must take steps to remove yourself from the Class. This is called "excluding yourself" and is sometimes referred to as "opting out" of the Class. To exclude yourself from the Settlement, you must send a signed letter by mail stating that you want to "exclude yourself" or "opt out" of the It's Just Lunch Settlement. Please be sure to include your name, address, telephone number, and your signature. Alternatively, you may complete and mail the Opt Out Form available on the website [www.ijlclassaction.com](http://www.ijlclassaction.com). You cannot exclude yourself by phone, fax, or email, and must mail your exclusion or opt out request postmarked no later than **November 25, 2019** to Rodriguez v. It's Just Lunch, c/o Heffler Claims Group, P.O. Box 58850, Philadelphia, PA 19102-8850.

**You must act on or before November 25, 2019 to request exclusion from the settlement or object to the proposed settlement. If you do not request exclusion from the settlement before November 25, 2019, then you will be deemed to have released It's Just Lunch from all claims described in the detailed notice.**

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OR CALL TOLL FREE AT 855-486-7348

## YOU HAVE THE RIGHT TO OBJECT

You have the right to tell the Court if you have an objection to the Settlement and the right to ask to speak in Court about the fairness of the Settlement. You can do this only if you do not exclude yourself.

The Court will hold a Fairness Hearing on Tuesday, December 10, 2019 at 10:00 a.m. at the Thurgood Marshall Courthouse, 40 Foley Square, Courtroom 219, New York, New York 10007-1312. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If you believe the proposed Settlement terms are unfair or inadequate, you may object to the Settlement, either personally or through an attorney at your own expense, by filing a written objection with the Court, and mailing a copy of that objection to Class Counsel and Defense Counsel at the below addresses. All objections must be signed and must include your name, address, telephone number and the name of the Action, *Rodriguez et al. v. It's Just Lunch, et al.*, No. 07-CV-9227 (SN). All objections must be filed with the Court and postmarked to Class Counsel and Defense Counsel no later than **November 25, 2019**. Your objection should clearly explain why you object and whether you intend to appear at the hearing.

Where to mail your written objections:

Court	Class Counsel	Defense Counsel
Clerk of Court Daniel Patrick Moynihan United States Courthouse 500 Pearl St. New York, New York 10007-1312	Balestriere Fariello It's Just Lunch Class Action 225 Broadway, 29th Floor New York, New York 10007	Peter Shapiro Lewis Brisbois Bisgaard & Smith LLP 77 Water Street, Suite 2100 New York, New York 10005

If there are any such objections, the Court will consider them at the Fairness Hearing. The Court will also listen to people who have asked to speak at the hearing and who do speak. You are welcome to attend the hearing at your own expense, but do not have to come, regardless of whether or not you submit an objection.

You can obtain the detailed notice of the proposed settlement, including further descriptions of your legal rights and how to opt out or object by visiting the settlement website: [www.ijlclassaction.com](http://www.ijlclassaction.com) or calling the Claims Administrator toll free at 855-486-7348. You may also obtain more information by contacting Class Counsel, Balestriere Fariello, at 212-374-5400.