

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

<b>LYNNE WANG, YU FANG</b>	)	<b>CASE NO. CV 04-1498 CBM</b>
<b>INES KAI, and HUI JUNG</b>	)	<b>(JWJx)</b>
<b>PAO, on behalf of themselves</b>	)	
<b>and all others similarly situated,</b>	)	<b>CLASS ACTION</b>
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>CHINESE DAILY NEWS,</b>	)	
<b>INC., and DOES 1-10, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**NOTICE OF CLASS ACTION AND JUDGMENT**

**THIS NOTICE MAY AFFECT YOUR RIGHTS, PLEASE READ IT CAREFULLY**

**TO: ALL NON-EXEMPT HOURLY EMPLOYEES WHO WORKED AT CHINESE DAILY NEWS AT ANY TIME FROM MARCH 5, 2000 THROUGH JULY 1, 2005:**

You have been identified as someone who may have worked as non-exempt employee, which includes salespersons, reporters and hourly employees, at Chinese Daily News, Inc. (“CDN”) between March 5, 2000 and July 1, 2005. Your rights may be affected by a lawsuit for which this Court has entered Final Judgment.

### **INTRODUCTION**

Plaintiffs Lynne Wang, Yu Fang Ines Kai, and Hui Jung Pao (“Class Representatives” or “Plaintiffs”) filed this lawsuit on behalf of themselves and a class of similarly-situated employees (“Class”). The suit alleged claims against CDN.

Plaintiffs alleged that CDN failed to pay them and other similarly-situated members of the Class the amounts due to them under applicable law for damages, penalties, interest and restitution resulting from CDN’s failure to provide meal and rest breaks, pay vacation time at the proper rate, issue accurate wage statements, pay wages owed to terminated employees, and pay proper wages, including overtime. Plaintiffs also sought injunctive relief.

On June 28, 2005, the Court ruled that this lawsuit could be maintained as a class action for recovery under California law of unpaid wages, penalties, and overtime premium pay. The Court certified a Class consisting of “All former, current and future non-exempt employees of defendant who worked at Chinese Daily News in Monterey Park, California, at any time since March 5, 2000.”

Notice of the Court’s ruling was sent to all known class members on July 1, 2005. A number of class members filed notice of their intention to opt-out of the lawsuit. The court, however, invalidated the opt-outs. The Court further ruled that a new opt-out period would be conducted once the Plaintiffs’ claims had been tried and a judgment issued.

The jury trial on Plaintiffs’ claims for unpaid breaks, overtime, and unpaid vacation began on November 28, 2006, in United States District Court before Judge Consuelo Marshall. On January 10, 2007, the jury returned a verdict finding for Plaintiffs on all of their claims and awarded damages. On July 31, 2007, a bench trial on Plaintiffs’ remaining claims for restitution and penalties began. Final Judgment was entered on behalf of Plaintiffs on March 28, 2008, and then amended on April 10, 2008. It

includes an award of \$3,464,998.23 plus pre judgment interest of \$1,753,924.00 for the Class.

CDN continues to deny any and all liability or wrongdoing in this matter, and has appealed the judgment.

The purpose of this notice is to advise you of these developments and their potential effect on your rights.

**WHAT ARE YOUR OPTIONS AS A CLASS MEMBER?**

If you worked as a non-exempt employee of CDN in Monterey Park at any time from March 5, 2000 until July 1, 2005, you are a Class Member for purposes of the state law claims asserted in this lawsuit. The Court has appointed a Special Master, Lester J. Levy, Esq., to handle the Claims and Opt-Out Process and to determine the amount each Class Member is entitled to receive.

In addition, CDN, its employees, agents and attorneys have been ordered NOT to communicate with class members regarding the lawsuit, or the Claims and Opt-Out Process. In addition, it has been ordered that CDN may not retaliate against any individual for filing a claim to participate in the Judgment. The decision of class members as to whether or not to participate in or opt out of this lawsuit will remain confidential and will not be shared with CDN.

If you have any questions, you may contact Class Counsel or the Special Master. **DO NOT CONTACT CDN OR THE COURT.**

<u>Class Counsel</u>	<u>Special Master</u>
Randy Renick, Esq. Cornelia Dai, Esq. HADSELL STORMER KEENY RICHARDSON & RENICK, LLP. 128 North Fair Oaks Avenue, Suite 204 Pasadena, California 91103-3645 Telephone: (626) 585-9600 Facsimile: (626) 577-7079	Lester J. Levy, Esq. JAMS Two Embarcadero Center, Suite 1500 San Francisco, CA 94111 Email: <a href="mailto:llevy@jamsadr.com">llevy@jamsadr.com</a> Telephone: (415) 774-2618 Facsimile: (415) 982.5287

You have a choice about whether or not to remain in this Class. Your choice on this issue will have consequences. You should understand your options and the consequences of choosing an option before making your decision:

- **IF YOU WISH TO RECEIVE YOUR SHARE OF THE JUDGMENT**, you must check Option # 1 on the enclosed Response Form,

sign it and return it to the Special Master appointed by the court as indicated on the form. To be valid, the Form must be postmarked on or before [30 DAYS AFTER MAILING OF NOTICE]. By remaining a Class Member any claims you have against CDN during the class period for damages, penalties, interest and restitution resulting from its failure to provide meal and rest breaks, pay vacation time at the proper rate, issue accurate wage statements, pay wages owed to terminated employees, and pay proper wages, including overtime arising from CDN's conduct as alleged by the Class Representatives will be determined in this case and cannot be presented in a separate lawsuit.

- **IF YOU WANT TO OPT OUT OF THE CLASS AND DO NOT WANT TO COLLECT YOUR SHARE OF THE AWARD**, you must check Option #2 on the enclosed Response Form, sign the Form and return it to the Special Master appointed by the Court as indicated on the form. To be valid, the Form must be postmarked on or before [30 DAYS AFTER MAILING OF NOTICE]. **By opting out of the Class, you will not be a participant in this specific class action. You will not receive any portion of any judgment or settlement reached relating to the claims in this case. You may, however, file a separate lawsuit against CDN alleging claims against CDN relating to its failure to provide meal and rest breaks, pay vacation time at the proper rate, issue accurate wage statements, pay wages owed to terminated employees, and pay proper wages. If you opt out and file your own lawsuit, the court or jury in your separate lawsuit will determine your entitlement to, and amount of, any award of damages, penalties, interest and/or restitution. If you choose to opt out of the class action, you are advised to promptly seek legal counsel, as delay in pursuing your individual claims may prejudice your rights to recover relief in another lawsuit.**

- **IF YOU DO NOT RESPOND TO THIS NOTICE**, you will be deemed to remain a member of the class action and will be bound by any judgment rendered therein. However, you will not receive any share of the award. The unclaimed share of the award shall not directly revert to CDN. The Court will determine the recipients of said distribution, if such a need arises.

**CDN MAY NOT RETALIATE AGAINST ANY INDIVIDUAL FOR PARTICIPATING IN THIS LAWSUIT.**

**RIGHTS AND OBLIGATIONS OF CLASS MEMBERS**

If you remain a Member of the Class,

- The Plaintiffs and Class Counsel will act as your representatives and attorneys until the conclusion of the appeal, if any.
- Your participation in any recovery which may be obtained from CDN through trial or settlement will depend upon the final results of this lawsuit.
- As a Class Member, you will not be responsible for paying attorneys' fees or litigation expenses to Class Counsel.

You may remain a member of the Class and hire your own attorney to represent you. If you elect to remain a Class Member and you do not wish to be represented by the Class Representatives and Class Counsel, you may enter an appearance through your own attorney, at your own expense. To do so, you must file a notice of appearance in Court or do so through your own attorney and serve such notice of appearance on the Parties. You will then continue as a Class Member and be represented by yourself or your own attorney. You will be responsible for the fees and costs of that attorney in addition to your share of any fees and costs that may eventually be awarded by the Court to Class Counsel.

DATED: \_\_\_\_\_

\_\_\_\_\_  
CHIEF JUDGE CONSUELO B. MARSHALL  
UNITED STATES DISTRICT COURT