

Applebee's Class Action Litigation
Claims Administrator
P.O. Box 4390
Portland OR 97208-4390

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

**GERALD A. FAST, TALISHA CHESHIRE and
BRADY GEHLING, on behalf of themselves and as
class representatives for all others similarly situated,**

Plaintiffs,

vs

**APPLEBEE'S INTERNATIONAL, INC. d/b/a
APPLEBEE'S NEIGHBORHOOD GRILL & BAR,**

Defendant.

CASE NO. 06-4146-CV-C-NKL

**NOTICE OF LAWSUIT AGAINST APPLEBEE'S INTERNATIONAL, INC.
d/b/a APPLEBEE'S NEIGHBORHOOD GRILL & BAR**

TO: All current and former employees who worked at an Applebee's restaurant at any time from June 19, 2004 to the present as a **server and/or a bartender.**

FROM: Charles A. Gentry
Brian K. Stumpe
CARSON & COIL, P.C.
515 East High Street
P.O. Box 28
(573) 636-2177
(573) 636-7119 (facsimile)
e-mail: Chip.G@carsoncoil.com

Matthew A. Clement
Timothy VanRonzelen
Kari A. Schulte
COOK, VETTER, DOERHOFF & LANDWEHR, P.C.
231 Madison
Jefferson City, Missouri 65101
(573) 635-7977
(573) 635-7414 (facsimile)
e-mail: mclement@cvd1.net

DATE: September 7, 2007

RE: Right to join lawsuit against Applebee's International, Inc. d/b/a Applebee's Neighborhood Grill & Bar for its alleged failure to pay proper wages as required by the Fair Labor Standards Act.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI, BY THE HONORABLE NANETTE K. LAUGHREY. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PARTIES CLAIMS OR DEFENSES.

I. INTRODUCTION

The purpose of this Notice is (1) to inform you of a lawsuit against Applebee's International, Inc. d/b/a Applebee's Neighborhood Grill & Bar (Applebee's) which you may have the right to join, (2) to advise you of how your rights may be affected by this suit, and (3) to instruct you on how to participate in this suit.

II. DESCRIPTION OF THE LAWSUIT

Plaintiffs Gerald A. Fast, Talisha Cheshire and Brady Gehrling brought this lawsuit on behalf of themselves and other current and former employees who worked at Applebee's at any time from June 19, 2004, to the present as a server and/or a bartender.

Plaintiffs allege that they are entitled to recover because Applebee's failed to pay them proper wages as required by the Federal Fair Labor Standards Act ("FLSA"). Specifically, Plaintiffs allege that Applebee's directed and/or permitted them to perform duties that would not generate tips such as general maintenance and/or preparatory work without paying proper wages for such work.

Plaintiffs seek to recover unpaid wages, liquidated damages, pre-judgment and post judgment interest, attorneys' fees and court costs.

Applebee's denies that it has improperly paid any current or former employee, and denies that any current or former employee is entitled to any additional compensation or other relief.

III. WHO IS INCLUDED IN THIS LAWSUIT?

All similarly situated current and former servers and/or bartenders who were at any time employed at an Applebee's restaurant from June 19, 2004 to the present. Specifically, Plaintiffs seek to represent any and all current or former servers and/or bartenders employed by Applebees at any time from June 19, 2004, to the present who also believe they were not properly compensated as described above.

IV. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

If you are a current or former server and/or bartender at an Applebee's restaurant, employed at any time from June 19, 2004 to the present, and believe you fit the description above, you may join this lawsuit (that is, you may "opt-in"). Enclosed is a form called "Consent to Join." If you choose to join this lawsuit, **it is extremely important that you read, sign and promptly return the Consent to Join Form.** An addressed and postage paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join Form must be sent to:

Applebee's Class Action
Litigation Claims Administrator
P.O. Box 4390
Portland, OR 97208-4390

The signed Consent to Join form must be postmarked by December 6, 2007. If

you prefer, you can complete the form at www.applebeesclassaction.com.

If your signed Consent to Join form is not postmarked or received electronically by December 6, 2007, you will not participate in any recovery obtained against Applebee's in this lawsuit.

V. EFFECT OF JOINING THIS LAWSUIT

If you choose to join this lawsuit, you will be bound by the final judgment, whether favorable or unfavorable. You will also be bound by, and will share in, any settlement that may be reached on behalf of the class. By joining this lawsuit, you designate the named Plaintiffs as your representatives, and to the fullest extent possible, to make decisions on your behalf concerning the case and the method and manner of conducting the case. These decisions and agreements made and entered into will be binding on you if you join this lawsuit.

The named plaintiffs have entered into a contingency fee agreement with plaintiffs' counsel, which means that if there is no recovery, there will be no attorneys' fees or costs chargeable to you. Under the fee agreement, in the event there is a recovery, plaintiffs' counsel will receive a percentage of any settlement obtained or money judgment entered in favor of all members of the class. The Court may also be asked to determine the amount of fees. The fees may be part of a settlement obtained or money judgment entered in favor of plaintiffs, or may be ordered by the Court to be separately paid by Applebee's, or may be a combination of the two.

VI. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case on this claim, whether favorable or unfavorable to the class. You will not be entitled to share any amounts recovered by the class as part of this lawsuit. You also will be free to file your own individual lawsuit, subject to any defenses that might be asserted, including but not limited to, the applicable statute of limitations. The statute of limitations continues to run until you either join into this lawsuit or you file your own lawsuit.

VII. NO RETALIATION PERMITTED

It is a violation of federal law for Applebee's to terminate your employment, or in any other manner discriminate or retaliate against you for taking part in this case or otherwise exercising your rights under the FLSA. If you believe you have suffered retaliation as a result of your receiving this Notice, your considering whether to join this lawsuit, or the fact you actually did join this lawsuit, you should contact Plaintiffs' counsel immediately.

VIII. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this suit, your interests will be represented by the named plaintiffs through their attorneys listed below. If you have any questions, comments or require additional information contact any of the following individuals:

Charles A. "Chip" Gentry
Brian K. Stumpe
CARSON & COIL, P.C.
515 East High Street
P.O. Box 28
(573) 636-2177
(573) 636-7119 (facsimile)
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Jefferson City, Missouri 65101
(573) 635-7977
(573) 635-7414 (facsimile)
e-mail: mclement@cvd1.net

You may also visit the website www.applebeesclassaction.com or send us e-mail.

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