

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

VIOLA HUBBS, BRANDON  
COLEMAN, TAMIKA WILLIAMS,  
individually, and on behalf of other  
members of the general public  
similarly situated,

Plaintiffs,

vs.

BIG LOTS STORES, INC., an Ohio  
corporation; PNS STORES, INC., an  
Ohio corporation; and DOES 1 through  
10, inclusive,

Defendants.

Case No.: 2:15-cv-01601 JAK (ASx)

**NOTICE OF CERTIFIED CLASS  
ACTION**

**TO: ALL NON-EXEMPT EMPLOYEES OF BIG LOTS STORES, INC.  
AND PNS STORES, INC. (TOGETHER “BIG LOTS” OR  
“DEFENDANTS”) WHO WORKED ONE OR MORE CLOSING  
SHIFT AT ANY BIG LOTS STORE IN CALIFORNIA BETWEEN  
FEBRUARY 7, 2010 AND MAY 23, 2017, AND WHERE BIG LOTS’  
RECORDKEEPING SYSTEMS REFLECT A GAP BETWEEN THE  
CLOSING SHIFT CLASS MEMBERS’ END OF SHIFT TIME AND  
THE TIME THE STORE’S ALARM WAS SET.**

*A federal court authorized this notice. You are not being sued. This is not an ad.  
Your legal rights are affected whether you act or not.*

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

***WHY SHOULD I READ THIS NOTICE?***

The purpose of this Notice is to inform you that your rights may be affected by the proceedings in a class action lawsuit pending before District Court Judge John A. Kronstadt of the United States District Court for the Central District of California (the “Court”). The Court has ordered that this Notice be sent to you so

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that you can be fully informed about the lawsuit and your rights and options in connection with it.

On May 23, 2017, the Court entered an order certifying this case as a class action related to the allegations that Big Lots failed to pay class members for their time after they clocked out and before the store alarm was set during closing shifts.

By certifying this case as a class action, the Court has not expressed any opinion as to the merits of any outstanding claims. In other words, the Court is taking no stand on whether Defendants committed any of the outstanding violations that are alleged. Big Lots has denied liability and maintains that it paid employees all wages due. Furthermore, with regard to one named plaintiff's claim for unpaid closing time wages, the Court has found in Big Lots' favor on grounds that the claim was de minimis.

### ***WHAT IS THIS LITIGATION ABOUT?***

On February 7, 2014, a lawsuit was filed by Viola Hubbs, a former employee of Big Lots, who was later joined by two other former employees of Big Lots, Tamika Williams, and Brandon Coleman, on behalf of all persons who have been employed by Big Lots in California as non-exempt or hourly employees starting from February 7, 2010 to class certification. The Plaintiffs assert that Big Lots violated California's wage and hour laws and unfair competition laws by failing to compensate employees working closing shifts for time spent at the store after being clocked out and before the store alarm was set. Big Lots denies liability and maintains that it paid employees all wages due. Prior to certifying the class, the Court found in Big Lots' favor regarding one named plaintiff's claim for unpaid closing time wages.

On May 23, 2017, the Court certified the following class:

**Closing Shift Class:** All non-exempt employees of Big Lots Stores, Inc. and PNS Stores, Inc. who worked one or more closing shift at any Big Lots store in California between February 7, 2010 and May 23, 2017, and where Big Lots' recordkeeping systems reflect a gap between the Closing Shift Class Members' end of shift time and the time the store's alarm was set.

### ***WHAT IS A CLASS ACTION?***

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A class action is a type of lawsuit in which one or a few plaintiffs bring a lawsuit on behalf of all the members of a similarly situated group to recover damages for all members of the group, without the necessity of each member of the group filing his or her own lawsuit or appearing as an individual plaintiff. Class actions may be used by courts when the legal claims and evidence appear to raise issues of law or fact that are common to all members of the class, thereby making it fair to bind all class members to the orders and the judgment in the case.

### ***WHAT RECOVERY DOES THE ACTION SEEK?***

On behalf of all class members, Plaintiffs seek recovery of wages, including overtime and minimum wages as well as all applicable penalties for Big Lots' alleged failure to pay wages for all hours worked by class members. Specifically, Plaintiffs seek relief and recovery under California Labor Code sections 510, 1198, 1194, 1197, 1197.1, 1194.2, 1198, 226(a), 204, and 201-203, as well as interest, attorneys' fees, and costs, and any other relief the Court deems just and proper.

### ***HOW WILL THE CASE BE LITIGATED?***

This case may eventually proceed to trial. The trial date is currently set for July 3, 2018, at 9:00 a.m. in Courtroom 10B of the First Street Courthouse of the United States District Court for the Central District of California, Western Division, located at 350 W. First Street, Los Angeles, California 90012. Please note that the trial date may change. Please refer to [www.biglotsclassaction.com](http://www.biglotsclassaction.com) or call (888) 391-4994 for the most current information.

### ***WHAT ARE MY RIGHTS IN THIS MATTER?***

If you wish to participate in the case and remain a member of this class, **you do not need to do anything right now**. You will be automatically included as a member of the certified class, and you may receive further notices as the case progresses, be asked to respond to written requests for information or documents, or be called to testify at a deposition, hearing, or trial. You will retain the possibility of receiving money or benefits that may come from a trial or settlement of the case, but you will be bound by the results, whether favorable or unfavorable, and you will give up the right to sue Big Lots separately for legal claims that are the same or related to those alleged in this lawsuit.

You have the right to exclude yourself from the class. If you **do not** want to participate in the lawsuit, you **must request to be excluded by completing and submitting the enclosed Request for Exclusion form**. If you send the exclusion form you will no longer be a class member and you will not receive money from

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any settlement or judgment. You will retain the right to pursue your own claims against Big Lots with legal counsel of your choosing, but the limitations period on your claim will continue to run. If you decide not to participate, the Court will exclude you from the class if your request is sent to the administrator at the address listed below and it is postmarked no later than [administrator to insert 45 day deadline] 2017:

Simpluris  
<<Address 1>>  
<<Address 2>>  
<<toll free number>>

### **WHO REPRESENTS THE CLASS?**

Plaintiffs Tamika Williams and Brandon Coleman have been approved by the Court to act as the Class Representatives. They are former employees of Big Lots. The following attorneys have been approved and appointed to act as the Class Counsel:

#### **Law Offices of Mark Yablonovich**

Mark Yablonovich  
1875 Century Park East, Suite 700  
Los Angeles, California 90067  
Telephone: (888) 391-4994  
Fax: (310) 407-5391  
[www.biglotsclassaction.com](http://www.biglotsclassaction.com)

As a member of the class, you also have the option to enter an appearance through an attorney of your choice. If you choose to be represented by an attorney other than Class Counsel, you may be responsible for the attorneys' fees and costs associated with retaining your own attorney.

### **WHO ARE BIG LOTS' LAWYERS?**

The following attorneys represent Defendants Big Lots Stores, Inc. and PNS Stores, Inc.:

Yvette Davis  
Haight, Brown & Bonesteel  
2050 Main Street, Suite 600  
Irvine, CA 92614

Mark A. Knueve (admitted *pro hac vice*)

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Daniel J. Clark (admitted *pro hac vice*)  
Adam J. Rocco (admitted *pro hac vice*)  
Vorys, Sater, Seymour & Pease LLP  
52 E. Gay Street, P.O. Box 1008  
Columbus, Ohio 43216-1008

***WHAT FEES AND COSTS ARE INVOLVED?***

Class Counsel is representing the class on a contingency fee basis. Class members may participate in any ultimate judgment or settlement without incurring any out-of-pocket fees or costs. If successful, Class Counsel will make a request to the Court for attorneys' fees and costs, to be paid from any judgment or settlement. Applications for attorneys' fees and expenses are subject to Court approval. In class actions, counsel that generate a monetary recovery for the benefit of a class are entitled to an award of reasonable attorneys' fees and costs.

**PLEASE DO NOT CONTACT THE COURT  
REGARDING THIS MATTER.**

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