

**NOTICE OF YOUR RIGHT TO JOIN A GENERAL MANAGER LAWSUIT SEEKING TO RECOVER
POTENTIAL UNPAID OVERTIME WAGES FROM PANDA EXPRESS**

THIS IS NOT A LAWSUIT AGAINST YOU. PLEASE READ THIS NOTICE CAREFULLY.

TO: All current or former Panda Express General Managers who are or were employed by Panda Express, Inc., since October 20, 2008 to present.

RE: Fair Labor Standards Act ("FLSA") Lawsuit Filed Against the Panda Restaurant Group, Inc., and Panda Express, Inc. (collectively referred to as "Panda Express")

1. WHY DID I GET THIS NOTICE?

If you have received this Notice, you are eligible to join the lawsuit because you are or were a salaried Panda Express General Manager at some time since October 20, 2008 to the present. The purpose of this Notice is to inform you of the existence of a collective action lawsuit for unpaid overtime wages in which you potentially are "similarly situated" to the named Plaintiff, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit, if you so desire.

2. WHAT IS THE LAWSUIT ABOUT?

On January 26, 2009, Khan Kudo, a former Panda Express General Manager, filed this lawsuit against Panda Express. He filed the lawsuit on behalf of all similarly situated General Managers. Six (6) General Managers joined the suit before they received this notice. Mr. Kudo alleges that Panda Express improperly classified managers as exempt from overtime and therefore violated the FLSA by not paying Panda Express General Managers overtime compensation at the rate of time and one-half for all hours worked in excess of 40 hours in a work week. Defendant, Panda Express, disagrees, and claims it properly paid its General Managers all wages they were owed because they were salaried employees who were not entitled to overtime. The lawsuit is captioned *Khan Kudo v. Panda Express Restaurant Group, Inc. No 09 cv 712(CS)*.

3. HOW DO I JOIN THE LAWSUIT?

If you are currently employed as a Panda Express General Manager, or were employed as a Panda Express General Manager within the time from October 20, 2008 to present and you were a salaried employee who did not receive overtime compensation, then you are eligible to join this lawsuit. Joining this lawsuit does not mean that you are automatically entitled to any money, only that the lawyers who represent you will try and obtain money for you.

If you want to participate in this lawsuit, you must fill out and file a "Consent to Join" form. You may file the completed and signed form by faxing, mailing, and/or emailing a copy, to *Kudo v. Panda Express* c/o Simpluris, Inc., Claim Administrator, P.O. Box 679560, Orlando, FL 32867, Fax: 714-824-8591, Email: pegmcase@vkvlawyers.com. The "Consent to Join" form must be postmarked, faxed or emailed no later than **January 20, 2012**. An enclosed, return envelope is pre-addressed and postage-paid for your convenience. If you lose or misplace the enclosed Consent to Join form, you may obtain another form by contacting the attorneys at pegmcase@vkvlawyers.com, calling toll-free at (866) 441-2873 or find them online at www.vkvlawyers.com. Alternatively, you may file a "Consent to Join" directly with the Court, or through your own attorney, if you choose to retain one.

If your "Consent to Join" form has not been successfully returned by the applicable deadline, you will not be allowed to participate in this lawsuit. Having a "Consent to Join" form filed does not guarantee that you will be able to continue participating in this lawsuit, because individual participation may depend on Court rulings, such as a final ruling that you and the named Plaintiff are "similarly situated."

4. WHAT HAPPENS IF I JOIN?

If you choose to be included in this case, you keep the possibility of getting money or benefits from a trial or settlement, and you give up any rights to separately sue Panda Express about the same legal claims in this lawsuit. You will be bound by any judgment regarding the FLSA claims in the lawsuit, whether favorable or unfavorable.

If you join this lawsuit, you may be required to participate in the discovery process, which could include providing relevant documents in your possession, written responses to questions about your claims and/or participating in a deposition and/or appearing at trial in New York.

5. WHAT HAPPENS IF I DO NOT JOIN?

If you choose not to be included in this case, you give up the possibility of getting money or benefits from a trial or settlement as part of this lawsuit. You keep any rights to sue Panda Express separately about the same legal claims in this lawsuit.

6. NO RETALIATION PERMITTED

Federal law prohibits Panda Express from discharging you from your position of employment or taking any other adverse action against you, penalizing you in any manner, or discriminating against you because you received this notice or join this lawsuit, or because you in any other way exercise your rights under the Fair Labor Standards Act.

7. ATTORNEYS FOR PLAINTIFFS.

If you choose to join this lawsuit and agree to be represented by Plaintiff's attorneys, your counsel in this action will be:

Mary E. Brady Marzolla
J. David MacCartney, Jr.
Christopher J. Walsh
FEERICK LYNCH MacCARTNEY, PLLC
96 South Broadway
South Nyack, New York 10960
Tel: (845) 353-2000
Fax: (845) 353-2789
MMARZOLLA@FLMPLLC.COM

Sara Wyn Kane
James A. Vagnini
Tito Sinha
VALLI KANE & VAGNINI LLP
600 Old Country Rd., Suite 519
Garden City, New York 11530
Tel: (516) 203-7180
Fax: (516) 706-0248
SKANE@VKVLAWYERS.COM

All counsel can be reached by Email at: pegmcase@vkvlawyers.com. The current Plaintiff's counsel are handling this matter on a contingency basis which means that if you do not win, you will not be responsible for attorney's fees. Should you chose a different lawyer to represent you, the fee arrangement may differ. The Court may be asked to determine the appropriate amount of fees to be paid to the Plaintiffs' attorneys.

8. COURT TAKES NO POSITION REGARDING MERITS

The United State District Court for the Southern District of New York has authorized the person who filed this case to distribute this notice. The Court takes no position regarding the merits of the plaintiffs' claims or of the defendant's defenses. You should not contact the Court directly about this notice or the Consent to Join Form.

DATED: November 21, 2011

Kudo v. Panda Express
CASE NO. Civ. No.09-cv 0712(CS)

CONSENT TO BECOME PARTY PLAINTIFF

I hereby give my consent to become a party plaintiff in the above-captioned lawsuit.

I was/am a salaried General Manager for Panda Express brand restaurant at some point since October 20, 2008.

I understand this lawsuit is being brought under the Fair Labor Standards Act. I, agree, and consent to become a party plaintiff and to be bound by any adjudication of this action by the Court, whether favorable or unfavorable. I further agree to be bound by any approved settlement or judgment entered by the Court.

I designate Feerick Lynch MacCartney PLLC and Valli Kane & Vagnini LLP ("Plaintiffs' Counsel"), to represent me for all purposes in the action.

I also designate the attorneys for the Plaintiff who brought this lawsuit as my agents to make decisions on my behalf concerning the litigation and method and manner of conducting this litigation and, if necessary, I agree to participate in discovery and attend a deposition or trial in New York. I understand that Plaintiffs' Counsel is retained on a contingency fee basis.

Date

Signature

Email Address

Full Legal Name (Print)

Home Telephone Number

Street Address

Cell Telephone Number

City, State, Zip Code

Dates of Employment as GM with Panda Express

Store Number

Store Location

TO PARTICIPATE IN THIS LAWSUIT THROUGH PLAINTIFF'S ATTORNEYS, THIS FORM MUST BE RECEIVED ON OR BEFORE **JANUARY 20, 2012** AND RETURNED IN THE POSTAGE PREPAID ENCLOSED ENVELOPE TO :

Kudo v. Panda Express
c/o Simpluris, Inc. Claim Administrator
P.O. Box 679560
Orlando, Florida 32867
Fax: 714-824-8591
Email: pegmcase@vkvlawyers.com