

NOTICE OF YOUR RIGHTS IN CONNECTION WITH A LAWSUIT AGAINST FLOWERS FOODS, INC. AND HOLSUM BAKERY, INC. FOR UNPAID OVERTIME WAGES

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A Federal District Court authorized this Notice. This is not a solicitation from a lawyer. Nothing in this Notice is intended as an expression of the Court's opinion about the merits of Plaintiff's claims or about whether you should join this lawsuit.

IMPORTANT DEADLINE:
You Must Take Action by November 28, 2016

PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.

- A current distributor who signed a Distributor Agreement with Holsum Bakery, Inc. (“Holsum”) sued the company alleging that Holsum and Flowers Foods, Inc. (“Flowers”) treated him as an employee rather than an independent contractor and, because of that treatment, claims that Holsum and Flowers should have paid all distributors overtime premium wages for hours worked over 40 each week. Defendants deny these allegations.
- The Court has certified an opt-in collective action that you may choose to join. **To participate in this class, you must mail the enclosed CONSENT TO JOIN FLSA CLASS form so it is postmarked by November 28, 2016.**
- The Court has not decided whether Holsum or Flowers did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected and you have choices to make now that are explained in this Notice.

Basic Information

This Notice is to inform you about a lawsuit in which you may make a claim for unpaid overtime wages, to advise you of how your rights may be affected by this suit, and to describe how you can participate in these proceedings.

One current distributor (Plaintiff) has sued Holsum and Flowers on behalf of himself and other similarly situated distributors who were classified as independent contractors. Your rights may be affected if you worked for Holsum and Flowers at any time from **August 30, 2013** to the present and were characterized as an independent contractor.

Summary of the Case

This lawsuit was filed against Holsum and Flowers on July 20, 2015. Plaintiff alleges that Holsum and Flowers violated the Fair Labor Standards Act (“FLSA”) by depriving him of overtime wages and misclassifying him as an independent contractor. The lawsuit is pending in the U.S. District Court for the District of Arizona. The Honorable Douglas L. Rayes is assigned to the case. In the lawsuit, Plaintiff seeks to recover overtime pay and to have the court determine whether distributors should be classified as employees of Holsum and Flowers or independent contractors.

Holsum and Flowers deny Plaintiff’s allegations and deny that Plaintiff and those he seeks to represent are entitled to any relief. Holsum and Flowers claim that, under statutory and common law, all distributors are independent contractors, not employees. Holsum and Flowers also claim that distributors were properly compensated for all services provided and are exempt from overtime pay under the FLSA.

The Court Has Certified a “Class” In Which You May Participate

If you worked for Flowers as a distributor for Holsum and were characterized as an independent contractor at any time during the last three years, you may wish to participate in the FLSA Class.

To participate in the FLSA Class, **you must complete, sign and mail the yellow CONSENT TO JOIN FLSA CLASS form** enclosed with this Notice **so that it is postmarked on or before November 28, 2016.**

Because the liability period for your claim depends on the filing of your Consent to join FLSA CLASS form, you are encouraged to return it as soon as possible if you intend to participate. If you do not return the form so that it is postmarked by **November 28, 2016** you will not be able to seek FLSA wage damages in this lawsuit.

This class will seek to prove that distributors were employees rather than independent contractors for purposes of eligibility for unpaid overtime wages under the federal FLSA.

If you participate in the FLSA Class, you will receive an award of damages only if the Court determines that Flowers violated your rights under the law.

If you do not wish to seek overtime wages damages by participating in the FLSA Class, you do not need to take any action. Choosing not to participate in the FLSA Class will not eliminate your right to pursue a possible claim on an individual basis.

Holsum and Flowers May Not Retaliate Against You

Federal law prohibits Holsum and Flowers from terminating your position with the company or in any other manner discriminating against you because you have exercised your legal right to opt-in to the FLSA Class or because you have otherwise exercised your rights under the Fair Labor Standards Act.

The Legal Effect of Joining this Lawsuit

Your ability to recover money may differ depending on what choices you make. If you choose to participate in the FLSA Class by submitting the enclosed **CONSENT TO JOIN FLSA CLASS** form, you will be bound by the judgment on your federal FLSA claim whether favorable or unfavorable, and by any settlement of the FLSA claims that may later be approved by the Court as fair and reasonable. While the suit is proceeding, you may be required to provide information, appear for a deposition, or testify in court.

The Legal Effects of Not Joining This Lawsuit

If you choose not to participate in the FLSA Class, the statute of limitations for any claim of unpaid compensation that you may have will continue to run and your claim could expire forever. If you do not participate in the class, you will not be bound by any ruling, judgment, award, or settlement, entered in this case, favorable or unfavorable.

Your Legal Representation If You Join the Lawsuit

The attorneys for Plaintiff and the FLSA Class are:

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Plaintiff's counsel is being paid on a contingency fee and/or statutory basis, which means that if there is no recovery, there will be no attorneys' fees. If there is a recovery, the attorneys will ask the court to order they receive a part of any settlement obtained or money judgment entered or order that Defendant pay their fees and costs separately.

The Attorneys Representing Flowers and Holsum

The attorneys representing Defendants Flowers Foods, Inc. and Holsum Bakery, Inc. are:

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Additional Information

The information in this Notice is only a summary of the litigation. For further information about this lawsuit, you may visit the website www.baillonhome.com/Cases/Flowers or contact Plaintiff's Counsel using the information provided above.

Although the Court has authorized the sending of this Notice, the Court expresses no opinion regarding the merits of Plaintiff's claims or Flowers's liability, if any.