

UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF CALIFORNIA

If you are or were employed by Home Depot U.S.A., Inc. in an hourly-paid or non-exempt position in a Home Depot store in California, a class action lawsuit may affect your rights

A United States District Court has authorized this notice.

This is not a solicitation from a lawyer. You are not being sued, and this is not an ad.

- A lawsuit alleges that hourly-paid or non-exempt employees of Home Depot U.S.A., Inc. (“Home Depot” or “Defendant”) have not been correctly paid by Home Depot for time spent under Home Depot’s control at the start of shifts and time spent waiting to be released from locked stores after they are closed to the public for the night.
- The Court has allowed the lawsuit against Home Depot to be a class action on behalf of two groups of employees, the Hourly Employee Class, defined as “[a]ll individuals employed by Home Depot in hourly-paid or non-exempt positions in California at any time since March 8, 2012,” and the Lock-In Class, defined as “[a]ll individuals employed by Home Depot in hourly-paid or non-exempt positions in California at any time since March 8, 2012, and who worked at least one shift ending after the time that the Home Depot store was scheduled to close to the public for the evening.”
- The Court has not decided whether Home Depot did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make:

Your Legal Rights and Options in this Lawsuit	
DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or other resolution. But, you give up any rights to sue Home Depot separately about the same legal claims in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Home Depot separately about the same legal claims in this lawsuit.

- Your options are explained in this notice. To ask to be excluded, you must act by **February 12, 2019**.
- Lawyers must prove the claims against Home Depot at a trial. If money or benefits are obtained from Home Depot, you will be notified about how to ask for a share.
- **Any questions? Read on.**

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I. BASIC INFORMATION

1. Why did I get a postcard telling me about this lawsuit?

Records show that you work, or did work, for Home Depot in an hourly-paid or non-exempt job position in California at some point on or after March 8, 2012. This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against Home Depot, on your behalf, are correct. Judge Richard Seeborg of the United States District Court for the Northern District of

California is overseeing this class action. The lawsuit is known as *Utne v. Home Depot U.S.A., Inc.*, Civil Case No. 3:16-cv-01854-RS.

2. What is this lawsuit about?

The lawsuit was filed by John Utne (“Plaintiff”). The Plaintiff sued on behalf of himself and all other similarly situated persons employed by Home Depot in California since March 8, 2012. The Third Amended Complaint in the lawsuit alleges claims including a failure to pay proper hourly wages, failure to keep adequate records of all hours worked, and unfair business practices. Home Depot denies any liability or wrongdoing and contends it has complied with all applicable laws.

3. What is a class action and who is involved?

In a “class action,” one or more persons called the “Named Plaintiff” (in this case, the Plaintiff listed above, John Utne) filed a lawsuit on behalf of a group of people with similar claims against the same companies (this group of people is referred to as the “Class” or “Class Members”). The companies sued (in this case Home Depot) are called the Defendants. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be tried as a class action because it meets the requirements of Federal Rule of Civil Procedure 23. More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order Certifying the Class, which is available on this website: www.HomeDepotCAClassAction.com.

II. THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

In the lawsuit, the Plaintiff says (1) that Home Depot failed to pay employees for time they spent under Home Depot’s control, at the start of their shifts, walking to the back of the store to put on their aprons before clocking in, and (2) that Home Depot failed to pay employees for time spent waiting off the clock to be released from stores locked after closing for business at night. You can read the Plaintiff’s Third Amended Class Action Complaint on this website: www.HomeDepotCAClassAction.com.

6. How does Home Depot answer?

Home Depot denies that it did anything wrong. Home Depot says that it paid Class Members for all hours worked and provided tools to report unpaid time to Home Depot. Home Depot’s Answer to the Third Amended Class Action Complaint is also available on this website.

7. Has the Court decided who is right?

The Court hasn’t decided whether Home Depot or the Plaintiff is right. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiff will win or lose at trial.

8. What is the Plaintiff asking for?

The lawsuit seeks recovery of all unpaid wages, interest thereon, and statutory penalties, along with any other relief awardable and awarded by the Court.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Home Depot did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

III. WHO IS THE CLASS?

You need to decide whether you are affected by this lawsuit.

10. How do I know if I am a class member?

The Court has defined the two classes as follows:

Hourly Employee Class: All individuals employed by Home Depot in hourly-paid or non-exempt positions in California at any time since March 8, 2012.

Lock-In Class: All individuals employed by Home Depot in hourly-paid or non-exempt positions in Home Depot stores in California at any time since March 8, 2012, and who worked at least one shift ending after the time that the Home Depot store was scheduled to close to the public for the evening.

If you are a member of the Lock-In Class, you are also a member of the Hourly Employee Class. Some members of the Hourly Employee Class who did not work any shifts ending after the time the Home Depot store closed to the public for the evening may not be members of the Lock-In Class. The Hourly Employee Class and the Lock-In Class are referred to collectively as “the Class” in this Notice.

11. I’m still not sure if I am a class member.

If you are still not sure whether you are a Class Member, you can ask for free help. You can call Class Counsel, the firm of Setareh Law Group, at (310) 888-7771, or visit their website: www.setarehlaw.com.

IV. YOUR RIGHTS AND OPTIONS

You have to decide whether to do nothing and stay in the Class or ask to be excluded before trial, and you must decide now.

12. What happens if I do nothing at all?

You don’t have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiff obtains money or benefits, either as a result of the trial or otherwise, you will be told how to obtain a share. If you do nothing now, regardless of whether the Plaintiff wins or loses, you will not be able to sue, or continue to sue, Home Depot—as part of any other lawsuit—about the claims that are the subject of this lawsuit. You will be bound by all Orders and judgments the Court makes in this class action.

In addition, if you do not exclude yourself from this lawsuit, please be advised that the Plaintiff seeks to prove the claims of the Class by obtaining records about the wages paid to the Class, including wage payment records for the members of the Class that do not exclude themselves from this lawsuit.

13. Why would I ask to be excluded?

If you already have your own lawsuit against Home Depot and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class—known as “opting out” of the Class—you won’t get any money or benefits from this lawsuit even if the Plaintiff obtains them as a result of the trial or otherwise between Home Depot and the Plaintiff.

However, you may then be able to sue or continue to sue Home Depot for misconduct by Home Depot that occurred or occurs at any time. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against Home Depot after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Home Depot, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

14. What do I need to know about other cases alleging similar claims against the Defendant?

At this time, the Plaintiff is unaware of any similar lawsuits against Home Depot.

15. How do I ask to be excluded from the Class?

To exclude yourself (or to “opt out”) from the Class, you must submit a written statement requesting exclusion from the Class postmarked on or before **February 12, 2019**. Your request must contain your full name and any other names you may have used with Home Depot (e.g., if you changed your name following marriage or divorce), your home address, and your preferred telephone number (home or cell phone). You must mail your request for exclusion to: Home Depot Class Action Administrator at P.O. Box 404002, Louisville, KY 40233-4002

Remember: It must be postmarked no later than **February 12, 2019**.

16. What if my address has changed?

If the postcard was sent to you at your current address, you do not need to do anything further to receive any further notices concerning this case. If the postcard was forwarded by the postal service, or if it was otherwise sent to you at an address that is not current, or if you have changed your address, then you should immediately send a letter to the Notice Administrator stating your name and current address.

The Notice Administrator’s address is:

Home Depot Class Action Administrator
P.O. Box 404002
Louisville, KY 40233-4002

V. THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

The Court approved the law firm of Setareh Law Group as Class Counsel, meaning they are the lawyers representing you and all Class Members in this case. Setareh Law Group is located at 315 South Beverly Drive, Suite 315, Beverly Hills, California 90212. You do not need to hire your own lawyer, but, if you wish, you may do so at your own expense.

18. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. You won’t have to pay these fees and expenses personally. If the Court grants the request, fees and expenses would be either deducted from money obtained for the Class or paid separately by Home Depot.

VI. THE TRIAL

The Court has not yet scheduled a trial to decide who is right in this case.

19. How and when will the Court decide who is right?

As long as the case isn’t resolved before trial, Class Counsel will have to prove the claims at a trial. The trial date is not yet set. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiff or Defendant is right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win or get any money for the Class.

20. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff, and Home Depot will present the defenses. You or your own lawyers are welcome to come at your own expense.

21. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of the trial or otherwise, you will be notified about that. There is no guarantee that the Plaintiff will win at trial or resolve the case.

VII. GETTING MORE INFORMATION

22. Are there more details about the lawsuit?

This notice summarizes the current status of the lawsuit and your need to decide whether to remain a Class Member or exclude yourself. For a more detailed statement of the matters involved in the Action, you may refer to the pleadings and other papers filed in the Action, many of which may be inspected at the website of Class Counsel (www.setarehlaw.com). Any questions regarding this Notice and/or the lawsuit should be directed to your Class Counsel at:

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Do not call the Court with questions about this Notice. If you do have questions or want more information, please contact Class Counsel (at the address, e-mail address, or number listed above), visit Class Counsel's website, or visit this dedicated website created to provide information about this lawsuit, www.HomeDepotCAClassAction.com.