

EXHIBIT 5

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ASHLEY FLORENCE, on behalf of herself
and all others similarly situated,

Plaintiff,

-against-

DELI MANAGEMENT, INC., d/b/a
JASON'S DELI,

Defendant.

Case No. 1:18-cv-4303-SCJ

NOTICE OF RIGHTS TO JOIN PENDING LAWSUIT

TO: Any individual who worked or Defendant Jason's Deli in the position of Assistant Manager 2A or Assistant Manager 3A at any time from [date 3 years preceding Order] to [date of Court-ordered production of notice recipient list]

THIS NOTICE AND ITS CONTENT HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, THE HONORABLE STEVE C. JONES. THIS MAILING IS INTENDED TO PROVIDE NOTICE TO POTENTIAL CLAIMANTS, AND DOES NOT INDICATE THE COURT'S APPROVAL OF EITHER THE PLAINTIFF OR THE DEFENDANT IN THIS CASE. THE COURT HAS MADE NO DECISION IN THIS CASE ABOUT THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANT'S DEFENSES.

INTRODUCTION

The purpose of this notice is to inform you that an overtime lawsuit exists that you may be eligible to join, to advise you of how your rights may be affected should you choose to join this lawsuit, and to instruct you on the proper procedure for participating in this lawsuit, should you choose to do so.

On September 11, 2018, an action was filed against Defendant, Deli Management, Inc. d/b/a/ Jason's Deli ("Defendant" or "Jason's Deli"), by the named Plaintiff, Ashley Florence, on behalf of all "similarly situated" individuals who worked for Defendant as an Assistant Manager 2A or Assistant Manager 3A paid by salary in any of Defendant's Jason's Deli restaurants within its North and East regions during the past three years. Specifically, the action alleges that these individuals are owed overtime compensation under the federal Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 207, for the overtime hours they worked.

Deli Management, Inc. is the defendant in this action and denies the allegations in the Plaintiff's complaint. It is Defendant's position that its Assistant Manager 2As/3As received all compensation owed to them. Defendant also claims that it at all times acted in good faith and that it did not violate the FLSA.

YOUR RIGHT TO JOIN THIS CASE

Plaintiff filed this potential collective action on behalf of all persons who have potential claims, specifically all current and former Assistant Manager 2As or 3As paid by salary without receiving overtime pay who worked for Defendant at any time from [date 3 years preceding Order] to [date of Court-ordered production of notice recipient list].

If you fit the definition above, you are eligible to participate in the lawsuit.

If you choose to join this lawsuit, your interests going forward will be represented by Plaintiff's Counsel, Head Law Firm, LLC and Klafter Olsen & Lesser, LLP, collectively with other plaintiffs who have also chosen to join this lawsuit. However, you are not required to join this lawsuit, and choosing not to join does not prevent you from retaining an attorney of your choice to represent you in an individual claim under the FLSA.

You may join this lawsuit by mailing, emailing, or faxing the enclosed Consent Form to the retained Notice Administrator, to be filed with the Court, at the following address:

[INSERT NOTICE ADMINISTRATOR CONTACT INFO]

A self-addressed, postage pre-paid stamped envelope has been enclosed for your convenience.

Or, you can electronically sign and submit your Consent Form to the Notice Administrator directly online by clicking on the following URL link for online submittal: [INSERT ONLINE PORTAL URL]

Your signed Consent Form must be postmarked (if mailed), or received by the Notice Administrator (if faxed, emailed, or submitted directly online) on or before [DATE - 60 days from mailing] in order for you to participate. You are eligible to join this case even if you received a salary.

EFFECT OF JOINING THIS CASE

If you choose to join this lawsuit, your interests will be represented by Plaintiff's Counsel, Head Law Firm, LLC and Klafter Olsen & Lesser, LLP. You also designate Plaintiffs' Counsel to make decisions regarding the course of the lawsuit and any settlement discussions in connection with this lawsuit. Unless you later withdraw or the Court later determines that you and the other employees who join this case are not "similarly situated," you will be bound by any ruling or judgment by the Court, whether favorable or unfavorable.

If you join this lawsuit, Plaintiff's Counsel will represent you on a contingent fee basis. Under the fee agreement, you will not have to pay the lawyers directly – win or lose. Instead, the attorneys will be paid a portion of the amount, if any, recovered from Defendant by settlement or other payment, or as otherwise awarded by the Court. While the lawsuit is proceeding, you might be required to provide information or otherwise participate in the action.

STATUTE OF LIMITATIONS

The FLSA has a maximum possible statute of limitations of three years. If you choose to join this lawsuit, or choose to bring your own action, you may be able to recover money damages if you were improperly denied overtime compensation during weeks where you worked over 40 hours within three years of the date prior to the date you submit your Consent Form. Regardless of whether you choose to join this action or file your own action, delay in doing so may result in some or all of your potential claims being barred by the statute of limitations. If you choose not to join in this action or file your own action, the statute of limitations will not stop running on any FLSA claims you may have, and may eventually extinguish any right you have to recover for overtime.

NO RETALIATION PERMITTED

Federal law prohibits retaliation against employees for exercising their rights under the FLSA. Therefore, Defendant is prohibited from firing you or retaliating against you in any other manner because you choose to participate in this lawsuit.

WHERE CAN I GET MORE INFORMATION?

To get more information or provide your updated address or contact information, you may contact the retained Notice Administrator at:

[INSERT NOTICE ADMINISTRATOR CONTACT INFO]

Or you may contact Plaintiff's Counsel at:

C. Andrew Head
Bethany A. Hilbert
HEAD LAW FIRM, LLC
White Provision, Suite 305
1170 Howell Mill Road NW
Atlanta, GA 30318; or
4422 N Ravenswood Ave
Chicago, IL 60640
T: (404) 924-4151 x 108
F: (404) 796-7338
Email: bhilbert@headlawfirm.com

Fran L. Rudich
Alexis Castillo
KLAFTER OLSEN & LESSER LLP
Two International Drive, Suite 350
Rye Brook, NY 10573
T: (914) 934-9200
F: (914) 934-9220
Email: alexis.castillo@klafterolsen.com

The call to the attorneys listed above is free and confidential.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

**ASHLEY FLORENCE, on behalf of
herself and all others similarly situated,**

Plaintiff,

-against-

**DELI MANAGEMENT, INC., d/b/a
JASON'S DELI,**

Defendant.

Case No. 1:18-cv-4303-SCJ

**CONSENT TO JOIN DELI MANAGEMENT, INC.
d/b/a JASON'S DELI OVERTIME LAWSUIT**

I hereby consent to join this lawsuit for unpaid overtime against Deli Management, Inc. d/b/a Jason's Deli ("Jason's Deli") under the Fair Labor Standards Act ("FLSA").

I hereby designate the Representative Plaintiff as my agent to make decisions on my behalf concerning this FLSA overtime case against Jason's Deli, including conducting this litigation, settlement negotiations, and all other matters pertaining to these claims against Jason's Deli. I understand that if I file this consent, I will be bound by the decisions made and agreements entered by the Representative Plaintiff and Class Counsel.

I understand that the Representative Plaintiff has entered into a contingency fee agreement with Head Law Firm, LLC and Klafter Olsen & Lesser LLP ("Class Counsel"), which applies to all plaintiffs who file this consent, and by filing this consent I agree to be bound by such contingency fee agreement. I understand that I may obtain a copy of the contingency fee agreement by requesting it from Class Counsel.

I acknowledge that I will be bound by any judgment or any settlement reached between the Representative Plaintiff and Jason's Deli. I understand that I will be entitled to share in any class recovery, but if no monetary judgment or settlement is obtained, I will receive nothing.

I agree that this consent may be filed in any overtime case against Jason's Deli, whether in this case or a subsequent suit in any court or forum that may be filed on my behalf.

Signature: _____

Date: _____

Printed Name: _____

PLEASE PRINT OR TYPE THE FOLLOWING INFORMATION:

This information will not be made part of any public record and is for your attorney's eyes only, as necessary for your attorney's files for litigation and possible settlement purposes.

Full Name: _____

Job Title(s) at JASON'S DELI During Last 3 Years and Dates of Employment for each position:

Any other Name(s) used or known by: _____

Street Address: _____

Mailing Address: _____

City, State & Zip Code: _____

Daytime Telephone: _____

Evening Telephone: _____

Cellular Telephone: _____

Personal E-Mail Address: _____

Return this form with your signed Consent by fax, email, or mail to:

[INSERT NOTICE ADMINISTRATOR CONTACT INFO]