

NOTICE OF SETTLEMENT OF CLASS ACTION LAWSUIT

ESSEX SUPERIOR COURT

Docket No: ESCV2008-1342

**Donna Sheehan, Mona Monaco and Rovena Birko, on
behalf of themselves and others similarly situated
Plaintiffs,**

v.

**Marriott International, Inc.
Defendant.**

January 26, 2010

**TO: ALL INDIVIDUALS WHO WORKED AS BANQUET SERVERS OR
BARTENDERS AT BANQUET FUNCTIONS HELD AT THE PEABODY
MARRIOTT HOTEL BETWEEN SEPTEMBER 30, 2002 AND
AUGUST 31, 2007**

I am writing to notify you of a proposed class action settlement of claims involving the banquet "gratuity pool" at the Peabody Marriott Hotel ("Hotel") during the period between September 30, 2002 and August 31, 2007. (The gratuity pool is made up the service charges collected from banquet customers.) The lawsuit at issue is named Sheehan, et al. v. Marriott International, Inc. The case is pending in Massachusetts Superior Court, (Essex County) and the docket no. is ESCV2008-01342

The individuals who initiated this action have brought claims on behalf of Peabody Marriott Hotel banquet waitstaff and claimed that the Hotel distributed service charges to individuals who were not eligible to receive them or failed to charge and collect service charges that the Hotel should have charged. In particular, the plaintiffs contested the inclusion of individuals in the position of captain in the pool of individuals who received service charges and challenged the Hotel's practice of not charging service charges on cash bars during a period of time. The parties reached an agreement to settle the case. The settlement received preliminary Court approval. Marriott records indicate that you may be eligible to receive a share of the settlement.

In order for you to obtain a payment from the settlement, you must complete and submit the attached claim form to the address indicated below by April 1, 2010. You have the right to object to the terms of the settlement but under Massachusetts law, you may not opt out of the case. If the settlement is approved by the Court, class members will be bound by that settlement and will not be able to initiate their own lawsuits regarding the claims that were or could have been pursued in this case.

The total amount of the proposed settlement is \$130,000. From that amount, approximately \$800.00 will be used as reimbursement of litigation and class notification expenses. Incentive payments of \$5,000 each will be made to the three named plaintiffs who undertook the risk and expense of initiating this lawsuit. Finally, Plaintiffs' counsel will request that the Court approve an award equal to 1/3 of the settlement (i.e., \$43,333.33) as attorney compensation, since this action was originally brought on a contingent basis.

The remainder of the settlement will be distributed to banquet servers and bartenders who worked at banquet functions during the period at issue (September 30, 2002 to August 30, 2007), in proportion to the banquet service charges earned during that period. In order to receive a share of the settlement, you must complete and submit the attached claim form by **April 1, 2010**. The payment that you receive will be taxable as income and subject to ordinary withholdings.

The Plaintiffs in this action, and their attorneys, believe that this is a fair settlement of the claims at issue. Peabody Marriott calculates that the gratuities it distributed to captains or did not collect from customers during the period at issue was approximately \$170,000. Furthermore, obtaining a certain payment now has substantial benefit in these difficult economic times. There is always uncertainty in litigation, and even if one side wins there is the potential for multi-year delays in final resolution because either side may initiate appeals that must be decided by a higher court. Overall, the benefits of this settlement are considerable and outweigh the risks of continuing with further litigation.

There will be a court hearing on April 15, 2010, at 2:00 p.m., at Essex Superior Court, located at 34 Federal Street, Salem, MA 01970. At this hearing, the Court will consider whether or not to issue final approval for this settlement.

Under Massachusetts law, if the settlement is approved by the Court, you will be bound by it and will not be permitted to pursue separate claims that were or could have been pursued in this action. While you cannot opt out or withdraw from the settlement, you are free to object to it. If the settlement is not approved by the court, the litigation will continue and may take additional months or years to reach a final judgment, which may then bind you. If you object to the proposed settlement, you should send a written objection along with the claim form to the address listed below, but both must be received by April 1, 2010. You may also attend the hearing on April 15, 2010, if you choose, though it is not required that you attend.

Again, in order to claim your share of the settlement, you must submit the claim form to Michael L. Mason at the address noted below, by April 1, 2010.

If you know of any banquet waitstaff who worked at Peabody Marriott during the period at issue, but who have moved since then and who may not receive this notice, please get in touch with them right away and ask them to contact us to obtain a claim form.

If you have any questions, please feel free to contact Class Counsel:

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