

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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|---------------------------|---|-------------------------------|
| FERNANDO RUIZ, |) | |
| Plaintiff, |) | CASE NO. 3:05-CV-2125-JLS/CAB |
| - v - |) | |
| AFFINITY LOGISTICS CORP., |) | SUMMARY NOTICE OF PENDENCY |
| |) | OF CLASS ACTION |
| Defendant. |) | |

TO: ALL CURRENT AND FORMER DELIVERY DRIVERS WHO MADE HOME DELIVERIES FOR AFFINITY LOGISTICS CORPORATION WITHIN THE STATE OF CALIFORNIA AT ANY TIME BETWEEN MAY 18, 2001 AND THE DATE OF THE RESOLUTION OF THIS COMPLAINT.

NOTICE IS HEREBY GIVEN, pursuant to Rule 23 of the Federal Rules of Civil Procedure and an Order of the United States District Court for the Southern District of California dated January 28, 2009, that a class has been certified by the Court.

There is now pending in the above court a lawsuit entitled Ruiz v. Affinity Logistics Corp., Civil No. 3:05-cv-2125 JLS (CAB). The lawsuit was filed as a class action by Fernando Ruiz, alleging that defendant Affinity Logistics Corporation misclassified its delivery drivers in the State of California as independent contractors instead of employees. Affinity denies these allegations. The Court has not formed any opinions concerning the merits of the lawsuit, nor has it ruled for or against the plaintiff as to any of his claims.

The purpose of this Notice is to inform you that your rights may be affected by the proceedings pending in the United States District Court, Southern District of California. You have legal rights and options that you may exercise before the Court holds a trial. The trial will be to decide whether you should have been classified as an employee of Affinity instead of an independent contractor.

TO REMAIN IN THE CLASS: If you think you are a member of this lawsuit and wish to remain in the Class, and be bound by any judgment rendered in favor of or against the class, and have your interests represented by Class Counsel, you need not take any action.

TO OPT OUT OF THE CLASS: If you think you are a member of the Class but do not wish to participate, you must mail a written request to Class Counsel at Osborn Law PC, 295 Madison Avenue, 39th Floor, New York, New York 10017. By requesting to be excluded, you will not be bound by any judgment entered in favor of or against the class, and you may present any claim you believe you may have against Affinity by filing your own lawsuit.

This is only a summary notice. To view a detailed notice or to obtain further information, please visit www.osbornlawpc.com or call Class Counsel at 212-725-9800.

PLEASE DO NOT CONTACT THE COURT

BY ORDER OF THE COURT.