

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BOKHYUN YOO, on behalf of
herself and all others similarly
situated,

Plaintiff,

v.

WENDY'S INTERNATIONAL, INC.,

Defendant.

CASE NO. CV07-4515 FMC (JCx)

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

TO: ALL PERSONS IN THE UNITED STATES WHO, BETWEEN JUNE 8, 2006 AND DECEMBER 17, 2008, PURCHASED FRENCH FRIES AND FRIED CHICKEN PRODUCTS SOLD UNDER THE WENDY'S LABEL AT WENDY'S RESTAURANTS (the "Settlement Class").

PLEASE READ THE FOLLOWING LEGAL NOTICE

Notice is hereby given that a settlement of a class action lawsuit entitled *Bokhyun Yoo, on behalf of herself and all others similarly situated v. Wendy's International, Inc.*, Civil Action No. 07-cv-4515 FMC has been preliminarily approved by the United States District Court for the Central District of California (the "Court"). In the lawsuit, Plaintiff contends Defendant Wendy's International, Inc. ("Wendy's"), misrepresented the trans fat content of its French Fries and fried chicken products ("Wendy's Fried Food") sold under the Wendy's label at Wendy's restaurants (collectively the "Claims"). This settlement also resolves two lawsuits making similar claims, entitled *Adam Jernow and Leah McLawrence, on behalf of themselves and all others similarly situated v. Wendy's International Inc.*, and *Catherine Fitch, on behalf of herself and all others similarly situated v. Wendy's International Inc.*

Wendy's denies that it committed or has threatened to commit any violations of law, breaches of contract or duty, or wrongful conduct with respect to the Plaintiff or the Settlement Class, including, but not limited to the allegations that Wendy's engaged in unfair, unlawful, fraudulent, or deceptive sales practices, committed fraud, breached an implied contract, or was unjustly enriched. Wendy's is entering into the Settlement Agreement solely because it will eliminate the uncertainty, distraction, burden and expense of further litigation. No court or other entity has made any judgment or other determination of any liability.

The preliminarily approved settlement provides that in exchange for a release of the Claims asserted, Wendy's has agreed that: (a) to the extent that any Wendy's Fried Food item is prepared, whether at the par fry stage or finish fry stage, in cooking oil containing trans-fat, the cooking oil must contain a level of trans fat per serving that, pursuant to the regulations then in force and promulgated by the United States Food and Drug Administration, may be represented as 0 grams of trans-fat; (b) Wendy's Fried Food shall be subjected to independent monitoring for one year from the date of Final Approval of the settlement; and (c) Wendy's shall make a donation of one million, eight hundred thousand dollars (\$1,800,000.00) to the American Cancer Society, American Diabetes Association; American Dietetic Association and American Heart Association. In addition, Class Counsel seeks an award of attorneys' fees and costs in the maximum amount of one million, ninety thousand dollars (\$1,090,000) and, subject to Court approval, a single payment of \$10,000 to the named plaintiffs in the Trans Fat Litigation as compensation for their time, costs and expenses incurred in representing the class. These amounts are separate from and in addition to the amounts described above.

On December 18, 2008, the Court ordered that this Notice be published in the USA Today, posted on the internet by Wendy's, and posted on the internet by Class Counsel at www.reeserichman.com.

If you are a Settlement Class member under the above definition of Settlement Class, you can obtain additional information from Class Counsel by e-mailing your inquiry to michael@reese-richman.com, or by mailing your inquiry to:

Michael R. Reese
REESE RICHMAN LLP
875 6th Avenue, 18th Floor
New York, New York 10001

Judge Florence-Marie Cooper will hold a final approval hearing (the “Settlement Hearing”) on March 9, 2009 at 10:00 a.m. in Courtroom 750 of the United States District Court for the Central District of California, located at the Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012.

If you do not wish to object to or exclude yourself from the settlement and wish to remain a member of the Settlement Class, you do not need to do anything.

You have the right to exclude yourself from the settlement and from being a member of the Settlement Class. If you do not exclude yourself from the settlement by February 16, 2009, you will be prohibited from seeking further relief on the matters subject to this settlement. Requests for exclusion must be postmarked by February 16, 2009 and mailed to Class Counsel and to Wendy’s Counsel, signed by you or your legal representative, and include: (a) an identification of the action, *e.g.*, Wendy’s Trans Fat Class Action Litigation; (b) the potential Settlement Class member’s full name, address, date of purchase, location of purchase, and items purchased; and (c) a statement that she or he wishes to be excluded from the Settlement Class.

Any potential Settlement Class member who does not request exclusion may object to the proposed settlement or attorneys’ fee request by filing with the Court and mailing to Class Counsel and to Wendy’s Counsel, by first-class mail postmarked not later than February 16, 2009. The objection must set forth, in clear

and concise terms, the legal and factual arguments supporting the objection.

The terms of the Settlement are set forth in detail in the parties' Settlement Agreement, which is available at the office of the Clerk of the Court, through www.wendys.com and www.reeserichman.com, or from Class Counsel at the above mailing or email addresses.

**PLEASE DO NOT CALL OR WRITE THE COURT OR THE CLERK'S
OFFICE ABOUT THIS NOTICE.**