

NOTICE OF PENDENCY OF LAWSUIT

TO: ALL DULUTH TRADING COMPANY, LLC CUSTOMER SERVICE REPRESENTATIVES AND TELEPHONE SALES REPRESENTATIVES EMPLOYED AT ANY TIME SINCE JUNE 20, 2008

You are receiving this Notice because you are a current or former Customer Service Representative (“CSR”) or Telephone Sales Representative (“TSR”) employed by Duluth Trading Company, LLC (“Duluth”) at any time since June 20, 2008.

PURPOSE OF NOTICE

This Notice is to inform you about a lawsuit in which you are potentially eligible to participate; how your rights under the Fair Labor Standards Act (“FLSA”) may be affected by this lawsuit; and how to join in this lawsuit, should you choose to do so. Please note that this Notice is only for the purpose of determining the identity of those persons who wish to be involved in this action. This Notice does not mean that you have a valid claim or that you are entitled to any monetary recovery. Any such determination must still be made by the court.

DESCRIPTION OF THE LAWSUIT

A lawsuit has been brought by Judy Sherburn (“Plaintiff”) against Duluth in the United States District Court for the Western District of Wisconsin (Case No. 11-CV-00438). The lawsuit alleges that Duluth violated the Fair Labor Standards Act (FLSA) by failing to pay wages and/or overtime compensation to Customer Service Representatives and Telephone Sales Representatives who were subject to Duluth’s automatic time clock rounding policy. Duluth denies Plaintiff’s allegations that it violated the FLSA and contends that it properly compensated CSRs and TSRs for all compensable working time.

WHO IS SENDING THE NOTICE

This Notice is authorized by the United States District Court for the Western District of Wisconsin. We are the lawyers representing Plaintiff and other potential class members who timely consent to join this lawsuit. We are from the law firm of Hawks Quindel, S.C. We prepared and sent this Notice to you. Although the judge in this case allowed us to send you this Notice, the judge has expressed no opinion about Plaintiff’s claims, Defendant’s defenses or whether the Plaintiff or any other similarly situated employees are entitled to recover any monies in this action.

YOUR RIGHT TO PARTICIPATE IN THIS SUIT

If you believe that Duluth has failed to properly compensate you because of their automatic time clock rounding policy, you have the right to participate in this lawsuit. To do this, you must sign, date, and mail the attached Consent Form to the address listed below, which is also printed on the enclosed envelope. It is entirely your own decision whether to participate in this lawsuit. You are not required to take any action unless you so desire, and **you are not required to pay any money to participate.**

RETALIATION PROHIBITED

The law prohibits anyone, including your employer, from discriminating or retaliating against you for taking part in this case or because you have exercised your rights under the Fair Labor Standards Act.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN, HONORABLE WILLIAM CONLEY, DISTRICT JUDGE. THE COURT HAS TAKEN NO POSITION REGARDING THE MERITS OF THE PLAINTIFF’S CLAIMS OR THE DEFENDANT’S DEFENSES. PLEASE DO NOT CONTACT THE COURT FOR ANY REASON.

HOW AND WHEN TO JOIN THE SUIT

Enclosed you will find a Consent Form. If you choose to join this lawsuit, and thus participate in any recovery that may result from this lawsuit, it is **extremely important** that you read, sign, and return the Consent Form before November 28, 2011. The Consent Form is pre-addressed and postage-paid for your convenience. Should the enclosed form become lost or misplaced, please contact Plaintiff's lawyers listed at the bottom of this Notice.

The signed Consent Form must be postmarked by November 28, 2011. **If your signed Consent Form is not postmarked by November 28, 2011, you will not participate in any recovery obtained under the FLSA against the Defendant in this lawsuit.**

It also is very important that you return the Consent Form as early as possible because the statute of limitations clock is running as to how far back you may be eligible for unpaid wages and overtime compensation. Thus, if you decide to join the lawsuit, the longer you take to return the form, the more likely it is that the amount of your potential recovery will be reduced, especially if you no longer work for Duluth.

If you have any questions about filling out or sending in the Consent Form, you may contact Plaintiff's lawyers listed on the final page of this Notice.

EFFECT OF JOINING THIS LAWSUIT

You will be eligible for any recovery achieved by the Plaintiff. You will also be bound by the judgment, whether it is favorable or unfavorable. While this lawsuit is pending, individuals who join the lawsuit may be required to provide information or documents, appear for a deposition, testify at trial or otherwise participate in this action. By joining this lawsuit, you designate the Plaintiff as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation and to look out for the best interests of the class. The decisions and agreements made and entered into by the Plaintiff will be binding on you if you join this lawsuit, unless you choose to withdraw your consent. The representative Plaintiff in this lawsuit has entered into a contingency fee agreement with Plaintiff's lawyers, which means that **if there is no recovery, there will be no attorney's fees or costs chargeable to you from Plaintiff's lawyers.** If there is a recovery, Plaintiff's lawyers will be paid attorney's fees in an amount that is subject to the discretion of the court.

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement of the Fair Labor Standards Act claims in this case, whether favorable or unfavorable to the class. You will not be entitled to share any amounts recovered by the class. You will be free to file your own lawsuit, if you wish to do so.

RIGHT TO CONSULT WITH US

If you want to talk with us about this lawsuit, please feel free to call, write or e-mail us from your personal (not work) e-mail account during non-working time:

Atty. William E. Parsons
HAWKS QUINDEL, S.C.
222 W. Washington Ave., Ste. 450
Tel: **608-257-0040**
Fax: 608-256-0236
E-Mail: wparsons@hq-law.com

Further information about this Notice or the lawsuit may be obtained from Plaintiff's attorney at the addresses, telephone numbers, facsimile numbers, or e-mail addresses identified, or on the Internet at duluthclassaction.com. Please see the website for information and updates on the lawsuit.

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