

NOTICE OF PENDENCY OF UNPAID OVERTIME LAWSUIT

To: All persons who were or are currently employed by Select Comfort Corporation and Select Comfort Retail Corporation (“Select Comfort”) at any time on or after April 30, 2006 through April 30, 2009 as retail store managers in the state of Illinois.

RE Lawsuit Claiming Unpaid Overtime Compensation Under the Fair Labor Standards Act (FLSA) against Select Comfort.

The purpose of this Notice is to advise you of an overtime lawsuit that has been filed against Select Comfort and to advise you of the legal rights you have in connection with that suit.

1. Description Of The Litigation. One former employee of Select Comfort filed this lawsuit on April 30, 2009. The complaint alleges, in substance, that Select Comfort has engaged in a course of FLSA violations by failing to pay its retail store managers overtime compensation. Select Comfort has asserted that its store managers are exempt from the overtime requirements of the FLSA and has denied the allegations of the complaint.

2. Your Right To Join This Suit As A Party Plaintiff. If you believe that Select Comfort has not paid you overtime compensation that you are entitled to, you have the right to assert this claim against Select Comfort as a party plaintiff in the present lawsuit. To do that you must file with the Clerk of the Court a written Notice of Consent to be made a party plaintiff.

It is entirely your own decision whether or not to join this suit. You are not required to join in this case by filing your consent or to take any action unless you want to. It is completely voluntary.

3. Your Options As To Legal Representation If You Join The Suit. If you wish to join the suit as a party plaintiff, it is entirely your own decision as to whether you prefer to be represented by the present plaintiff’s attorneys or by an attorney of your own choosing. The attorneys for the present plaintiff are:

Keith J. Keogh
Ainat Margalit
LAW OFFICES OF KEITH J. KEOGH, LTD.
227 W. Monroe Street, Suite 2000
Chicago, IL 60606
(312) 726-1092
(312) 726-1093 (fax)

If you wish them to represent you, you should contact them directly.

(Turn Over)

4. How To File The Notice Of Consent If You Choose To Join This Suit. Attached to this Notice is a form to be used if you wish to be a party plaintiff in this suit. That form must be filled out, signed, and mailed to the Clerk of the Court postmarked on or before March 15, 2010. The form should be mailed to the following address:

Clerk of Court
United States District Court
Northern District of Illinois
219 S. Dearborn St.
Chicago, Illinois 60604

Unless the Clerk receives a Notice of Consent form postmarked on or before March 15, 2010, you may not be allowed to join in this case.

5. The Legal Effect Of Joining Or Not Joining In This Case. If you do not file a consent form and join in this case, you will not receive any damages or other relief if the plaintiff prevails here. Any such relief would be obtainable by you only if you began timely independent legal proceedings as prescribed by the Fair Labor Standards Act.

If, however, you decide to join the case by filing your consent, you will be bound by the judgment of the Court on all issues in the case.

6. No Opinion Expressed As To The Merits Of The Case. This notice is for the sole purpose of determining the identity of those persons who wish to be involved in this case. Although the Court has authorized the sending of this notice, there is no assurance at this time that the Court will find any plaintiff's contention meritorious or grant any relief.

7. Protection Against Retaliation. The Fair Labor Standards Act prohibits anyone from discriminating or retaliating against you if you choose to take part in this case.