

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

ADAM RANKIN, individually and on behalf of
all others similarly situated,

Plaintiff,

vs.

LONGS DRUG STORES CORPORATION,
a Maryland Corporation; LONGS DRUG STORES
CALIFORNIA, INC. a California Corporation
and Does 1 through 100, inclusive,

Defendants.

Case No. GIC 837068

NOTICE OF PENDING CLASS ACTION

To: All individuals who submitted an application for employment to Longs Drug Stores in California at any time from October 13, 2003 to September 5, 2005, and the application included the following question: "Have you been convicted during the last seven years of a felony, a crime concerning use or possession of illegal drugs, or any misdemeanor which resulted in imprisonment?"

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

This Notice pertains to a class action lawsuit currently pending against Longs Drug Stores California, Inc. ("Longs"), in the Superior Court of California, County of San Diego. You may be a member of the Class for whom relief is being sought. You need not take any further action if you wish to be included in this class action. If you do not wish to be included in the Class, you must take further action as described below or your rights will be affected.

I. DESCRIPTION OF THE LAWSUIT

This case was filed by a Longs applicant for employment, Adam Rankin ("Plaintiff"), against Longs, in the Superior Court of California, County of San Diego. Plaintiff claims that Longs violated Labor Code § 432.8 because a question on its application about past criminal convictions did not exclude certain misdemeanor marijuana-related criminal convictions that are more than two years old. Plaintiff seeks on behalf of himself and the Class, declaratory relief and statutory penalties available under Labor Code § 432.8 (\$200 per violation or \$500 per intentional violation).

Longs denies these claims and maintains that its application is lawful. Longs contends that as a registrant with the Drug Enforcement Administration to dispense controlled substances, Longs was required by federal law to ask applicants for employment about their entire criminal history, particularly with respect to controlled substances, in order to be to be fully informed about applicants' backgrounds. Longs contends that federal law preempts and supersedes Labor Code § 432.8, as it is applied to Longs. Longs further contends that Labor Code § 432.8 only applies to those applicants who have actually been convicted of a marijuana-related misdemeanor expressly identified in Labor Code § 432.8.

II. CLASS CERTIFICATION

On July 19, 2005, the Court granted Plaintiff's Motion For Class Certification. On August 18, 2005, the Court ordered that the Class include individuals who submitted an application for employment in California to Longs between October 13, 2003 and September 5, 2005, and the application included the following question: "Have you been convicted during the last seven years of a felony, a crime concerning use or possession of illegal drugs, or any misdemeanor which resulted in imprisonment?"

The Court has **not** ruled on the merits of the claims raised in this case, and the decision to certify the Class in this case should not be viewed as a prediction that Plaintiff or the Class will, or will not, ultimately prevail on the merits of the action.

III. RIGHT TO BE INCLUDED IN OR OPT OUT OF THE CLASS

If you are a member of the Class described above and would like to be included in this action, you do not need to take any further actions and you will be included in this lawsuit. Your active participation is not required. Only Class Members have a right to recover any money under any judgment or settlement in this lawsuit and will be bound by any such judgment or settlement.

If you do not want to be included as a Class Member in this case, you may exclude yourself from the Class ("opt out") by mailing a letter to Goldstein, Demchak, Baller, Borgen & Dardarian, 300 Lakeside Drive, Suite 1000, Oakland, CA 94612-3534, RE: Rankin v. Longs. Your letter must be signed and dated, must have your name and address clearly printed, must clearly state that you wish to be excluded from the Class in this case, and must be postmarked no later than **March 26, 2007**.

If you exclude yourself from this lawsuit and do not bring a timely separate lawsuit against Longs, you may have waived rights under Labor Code § 432.8. Any member of the Class who does not timely exercise the right to exclusion will be included in this case and will be bound by any judgment in this lawsuit.

IV. NO RETALIATION

No one may retaliate against you because of your decision to remain in the Class or to opt out, or because of your decision to participate or not to participate in this lawsuit. If you suffer any retaliation because of your decision to participate or not to participate in this class action, you should contact Class Counsel listed below.

V. CLASS COUNSEL

The following attorneys have been approved and appointed as Class Counsel by the Court:

David Borgen
Laura L. Ho
Heather Mills
GOLDSTEIN, DEMCHAK, BALLER,
BORGEN & DARDARIAN
300 Lakeside Drive, Suite 1000
Oakland, CA 94612

Terry J. Chapko
THE LAW OFFICE OF TERRY J. CHAPKO
111 Orange Avenue, Suite A
Coronado, CA 92118

A. Eric Aguilera
BOHM, MATSEN, KEGEL & AGUILERA LLP
695 Town Center Drive, Suite 700
Costa Mesa, CA 92626

Anyone with questions or information regarding this lawsuit may contact Class Counsel by calling toll free, 1-877-834-0277.

You have the right to retain your own independent counsel at your own expense and enter an appearance in this lawsuit.

VI. ANTICIPATED ATTORNEY’S FEES AND COSTS TO THE CLASS

Class Counsel will represent the Class on a contingent fee basis. In the event of a settlement, Class Counsel’s attorney’s fees (in a percentage to be determined by the Court) and costs may be deducted from the class-wide recovery or the Court may require Longs to pay Class Counsel’s costs plus reasonable attorneys fees in addition to the total penalties assessed. No award of fees to Class Counsel will be made without the Court’s approval and further notice to the Class.

VII. VIEWING COURT FILE RECORDS

You may view the Court files in this case by going to the San Diego Superior Court, Hall of Justice, 330 W. Broadway, Room 225, 2nd Floor, San Diego, CA 92101. For more information regarding viewing of records, contact the clerk at (619) 531-3141.

Please DO NOT telephone or directly contact the Court clerk with questions concerning this case.

DATED: January 2, 2007

Luis R. Vargas
Judge of the Superior Court

Rankin v. Longs Drug Stores Administrator
c/o Rosenthal & Company LLC
P.O. Box 6177
Novato, CA 94948-6177

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