

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

**MARK TAYLOR, RENELLE HAYES, JAMES
HAYES and RUBEN SIZEMORE,**

Plaintiffs,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,

Defendant.

) Class Action: Case No.: CGC-07-467956

) **NOTICE OF PENDENCY OF CLASS ACTION
) AND EXCLUSION RIGHTS**

**TO: ALL PERSONS WHO HAVE BEEN EMPLOYED AS NON-EXEMPT HOURLY EMPLOYEES BY
PACIFIC GAS AND ELECTRIC COMPANY AT ITS DIABLO CANYON POWER PLANT AT ANY
TIME SINCE OCTOBER 9, 2003:**

**PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY
BE AFFECTED BY THE LEGAL PROCEEDINGS IN THIS ACTION.**

THIS NOTICE ADDRESSES THE FOLLOWING MATTERS.

<p>1. Why should you read this Notice? 2. What is a class action? 3. What is this lawsuit about? 4. Who is included in the class?</p>	<p>5. How does this action affect you? 6. Who represents the class? 7. Where can you get additional information?</p>
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1. Why should you read this Notice?

This Notice is to advise you that on October 9, 2007, four employees of Pacific Gas and Electric Company (“PG&E”) filed a class action lawsuit in San Francisco County Superior Court on behalf of all persons who are or who have been employed by PG&E as non-exempt hourly employees at PG&E’s Diablo Canyon Power Plant since October 9, 2003. The four employees who filed this lawsuit will be referred to as “Plaintiffs.” On April 22, 2009, the Court certified the case to proceed as a class action.

In this Lawsuit, Plaintiffs allege that PG&E should be paying non-exempt hourly employees for the time they spend accessing and exiting their work stations at the Diablo Canyon Power Plant. As a result, Plaintiffs seek back pay for this time, as well as related penalties and other relief. PG&E maintains that the time these employees spend accessing and exiting their work stations is not work time under the law, therefore, PG&E does not owe any wages or other relief. If you are within the class defined below and remain part of this Lawsuit, and if Plaintiffs are successful and a judgment is entered in their favor, or negotiate a settlement of this Lawsuit, you may be entitled to recover damages.

You are being sent this Notice because you may be a member of the Plaintiff Class, as defined below. The purpose of this Notice is to advise you of your rights with respect to this Lawsuit. This Notice is not an expression of any opinion by the Court as to the merits of any claims or defenses asserted by the parties in this Lawsuit. The Court has not formed any opinions concerning the merits of this Lawsuit.

2. What is a class action?

A class action is a lawsuit brought by one or more named plaintiffs on behalf of persons who are similarly situated to allow them to recover damages and obtain other relief for the entire group without the necessity of each person filing an individual lawsuit. Class actions are used by the courts where the claims in a lawsuit raise issues of law or fact that are substantially common to all members of the group (called “class members”), making it fair to bind all members of the group to the orders of the court without the necessity of the court, or multiple courts, hearing essentially the same claims over and over again.

3. What is this lawsuit about?

In this Lawsuit, Plaintiffs claim that Defendant PG&E is legally obligated to pay non-exempt, hourly employees working at the Diablo Canyon Power Plant for the time spent before and after each shift accessing and exiting their work stations within the Diablo Canyon site, which Plaintiffs contend PG&E did not do. The time in question includes the time spent passing the Avila Gate, driving on the access road, parking, and processing through the search train. Plaintiffs contend that this time is compensable because employees are acting under the control of PG&E and for the benefit of PG&E during such pre- and post-shift time. In addition to seeking back pay for this time, Plaintiffs seek monetary damages, prejudgment interest, penalties, injunctive relief, an accounting, and reasonable attorneys’ fees and costs.

Defendant PG&E denies that it controls employees during the time spent before and after each shift accessing and exiting their workstations. Therefore, PG&E maintains that the time is not “work time” and PG&E need not pay for such time.

The Court has not formed any opinions or otherwise ruled on the merits of any of the positions taken by either the Plaintiffs or PG&E on these issues.

4. Who is included in the class?

The Court has certified the following Plaintiff Class on whose behalf the claims in this Lawsuit will be adjudicated:

All persons who are or who have been employed as non-exempt employees by Defendant PG&E at its Diablo Canyon Power Plant, at any time during the period commencing on October 9, 2003 and ending at the entry of judgment in this action.

You are included within the Plaintiff Class if you were employed as a non-exempt hourly employee at the Diablo Canyon Power Plant at any time since October 9, 2003 (the “Class Period”).

5. Your legal rights and how this action affects you.

You have been sent this Notice because PG&E's records indicate that you may be a member of the Plaintiff Class. If you are a member of the class, you have three choices:

- A. You May Do Nothing:** Members of the class do not need to do anything to remain members of the Plaintiff Class. If you do nothing, you will automatically be included in the class action. You will not be entitled to bring a separate lawsuit and you will be bound by the final judgment in this class action, whether favorable or unfavorable. If judgment is entered in favor of the Plaintiff Class and damages are awarded, you may be entitled to share in the proceeds of that judgment. If a settlement agreement is approved by the Court, you may be entitled to share in the proceeds of that settlement. If Plaintiffs' claims are found to be invalid, you will have lost your right to bring a separate action. You will be represented by the attorneys representing the class. California law prohibits an employer from retaliating against or administering any pressure against any person who chooses to remain in the Plaintiff Class, or who participates in or assists in this Lawsuit.
- B. You May Hire Your Own Attorney:** You may retain your own lawyer at your own expense and seek to intervene in the action as a named plaintiff to assert your own claims.
- C. You May Opt Out of the Class Action:** If you do not want to participate in this class action, you may opt out of the class. If you opt out, you will not be bound by the judgment in this Lawsuit, and you will keep any claims you may have against PG&E, if any, to the extent allowed by law. No legal advice is being given in this Notice as to whether you should opt out of the case or whether you could or should pursue your claims on your own.

Your decision whether to remain in the Plaintiff Class or to opt out of the Plaintiff Class is entirely yours to make, free of any fear of retaliation, discrimination, or harassment. To protect that right, PG&E is legally prohibited from talking to you about this Lawsuit until after the opt-out period has expired, or until you have affirmatively opted out of the Plaintiff Class, should you choose to do so.

If you wish to exclude yourself from the Plaintiff Class, you must submit the enclosed written request for exclusion from the Plaintiff Class to the Class Notice Administrator **no later than September 24, 2009**. To exclude yourself from the Plaintiff Class you must sign and mail in the enclosed postcard, either by putting the postcard in the mail, or if you wish, you can enclose the postcard in an envelope and send it by First-Class mail to:

Taylor, et al. v. Pacific Gas & Electric Company
c/o Gilardi & Co. LLC
P.O. Box 8060
San Rafael, CA 94912-8060
tayloradministrator@classactmail.com

PLEASE NOTE: TO BE TIMELY, A REQUEST FOR EXCLUSION FROM CLASS FORM MUST BE POSTMARKED OR EMAILED NO LATER THAN SEPTEMBER 24, 2009. If you submit a request for exclusion from the class which is postmarked after that date, it may not be considered by the Court, and you will be included in the class and bound by the orders and judgment of the Court.

6. Who represents the class?

- A. Class Representatives:** The Named Plaintiffs in this lawsuit are MARK TAYLOR, RENELLE HAYES, JAMES HAYES, and RUBEN SIZEMORE, all of whom are present or former non-exempt hourly PG&E employees who worked at the Diablo Canyon Power Plant within the Class Period. The Court has certified these Plaintiffs as representatives for the Plaintiff Class.
- B. Class Counsel:** The Court has certified the following attorneys to serve as Class Counsel to represent the interests of the Plaintiff Class in this case:

Philip C. Monrad
Elizabeth Morris
Leonard Carder, LLP
1330 Broadway, Suite 1450
Oakland, CA 94612
Phone: (510) 272-0169
Fax: (510) 272-0174
Email: pmonrad@leonardcarder.com; lmorris@leonardcarder.com

7. Where can you get additional information?

This Notice only provides a summary of matters relating to the Lawsuit. For more detailed information you may also inspect the court records regarding this action in the San Francisco Superior Court at any time during business hours. The records are kept at the Superior Court of California, County of San Francisco, 400 McAllister Street, San Francisco, California 94102.

If you have any questions about this Notice, including but not limited to whether you are included in or excluded from the class definition, or about any aspect of the case and its effect on your rights, you may contact Plaintiffs' class counsel by telephone, e-mail, or in writing using the contact information shown above. You may also seek advice and guidance from your own private attorney. Counsel for PG&E are not permitted to communicate with class members who do not opt out of the class, except through Plaintiffs' class counsel or individual class member counsel.

**DO NOT CALL OR WRITE TO THE JUDGE OR CLERK OF THE COURT.
DIRECT ALL INQUIRIES TO CLASS COUNSEL OR CONTACT AN ATTORNEY OF
YOUR OWN CHOICE.**

Dated: June 9, 2009

/s/ John E. Munter

Judge John E. Munter
Superior Court of California
County of San Francisco