

1 GREENBERG TRAURIG, LLP  
2 IAN C. BALLON (SBN 141819)  
3 ballon@gtlaw.com  
4 1840 Century Park East, Suite 1900  
5 Los Angeles, CA 90067-2121  
6 Telephone: 310-586-6575  
7 Facsimile: 310-586-7800

8 Attorney for Defendant  
9 DICKY'S BARBECUE  
10 RESTAURANTS, INC.

11 **UNITED STATES DISTRICT COURT**  
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 ROSS DICZHAZY and WESLEY  
14 ETHERIDGE II, individually and on  
15 behalf of all others similarly situated,

16 Plaintiffs,

17 v.

18 DICKY'S BARBECUE  
19 RESTAURANTS, INC., dba DICKY'S  
20 BARBECUE PIT, INC., a Texas  
21 corporation; DICKY'S CAPITAL  
22 GROUP, INC., a Delaware Corporation,  
23 and DOES 1-50,

24 Defendants.

CASE NO. 3:20-cv-02189-L-MDD

**DEFENDANT DICKY'S BARBECUE  
RESTAURANTS, INC.'S  
NOTICE OF SETTLEMENT OF  
RELATED ACTIONS**

25 **TO THE CLERK OF COURT, ALL PARTIES, AND THEIR COUNSEL OF**  
26 **RECORD:**

27 PLEASE TAKE NOTICE THAT a settlement has been reached in related putative  
28 class proceedings pending in the Northern District of Texas regarding the data security  
incident at issue in this case. Plaintiffs in three of those four cases filed a Motion for  
Preliminary Approval, reflecting their settlement agreement with Defendant Dickey's  
Barbecue Restaurants, Inc. and Dickey's Capital Group, Inc. See Mot. Preliminary  
Approval, ECF No. 62, *Kostka v. Dickey's Barbecue Rest., Inc.*, No. 3:20-cv-3424-K

1 (N.D. Tex. Aug. 14, 2021) (consolidated actions). If approved, this settlement would  
2 bind Plaintiff and the class he seeks to represent. Notwithstanding this settlement,  
3 Defendant Dickey’s Barbecue Restaurants, Inc. continues to seek transfer of this action  
4 to the Northern District of Texas. *See* Mot. Transfer Venue, ECF No. 13.

5 Dated: August 14, 2021

**GREENBERG TRAURIG, LLP**

6  
7 By:           /s/ Ian C. Ballon            
8 Ian C. Ballon  
9 Email: Ballon@gtlaw.com

10 Attorney for Defendant  
11 DICKY’S BARBECUE  
12 RESTAURANTS, INC.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28