

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 MICHAEL MARHEFKA, on behalf
14 of himself and a class of others
15 similarly situated,

16 Plaintiff,

17 v.

18 DICKY'S BARBECUE
19 RESTAURANTS, INC., a Texas
20 corporation,

21 Defendant.

CASE NO. 3:21-cv-585-L-MDD

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

22 **TO THE CLERK OF COURT, ALL PARTIES, AND THEIR COUNSEL OF**
23 **RECORD:**

24 PLEASE TAKE NOTICE THAT a settlement has been reached in related putative
25 class proceedings pending in the Northern District of Texas regarding the data security
26 incident at issue in this case. Plaintiffs in three of those four cases have filed a Motion
27 for Preliminary Approval, reflecting their settlement agreement with Defendant
28 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 (N.D. Tex. Aug. 14, 2021) (consolidated actions). If approved, this
settlement would bind Plaintiff and the class he seeks to represent. Notwithstanding this
settlement, Defendant Dickey's Barbecue Restaurants, Inc. continues to seek transfer of

1 this action to the Northern District of Texas. *See* Mot. Transfer Venue, ECF No. 4.

2 Dated: August 14, 2021

GREENBERG TRAURIG, LLP

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By: /s/ Ian C. Ballon
Ian C. Ballon
Email: Ballon@gtlaw.com

Attorney for Defendant
DICKEY’S BARBECUE
RESTAURANTS, INC.