

UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF WASHINGTON,
SEATTLE

BRIAN OLSON, and GEORGE RUIZ, individually
and as class representatives, Plaintiffs,

v.

TESORO REFINING AND MARKETING
COMPANY, Defendant.

NO. C06-1311RSL

**NOTICE OF CLASS ACTION AND
RIGHT TO BE EXCLUDED FROM
CLASS**

THIS NOTICE HAS BEEN APPROVED BY THE COURT

AND MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

TO: ALL PERSONS WHO ARE WORKING OR HAVE WORKED AS NON-MANAGERIAL MAINTENANCE OR OPERATIONS EMPLOYEES OF TESORO REFINING AND MARKETING COMPANY AT TESORO'S ANACORTES, WASHINGTON REFINERY, FOR ANY TIME BETWEEN SEPTEMBER 12, 2003 AND SEPTEMBER 12, 2007.

A lawsuit has been started against Tesoro Refining and Marketing Company ("Tesoro") in the United States District Court, Western District of Washington, on behalf of a class of current and former Tesoro employees who worked in non-managerial maintenance or operations positions at Tesoro's Anacortes refinery between September 12, 2003 and September 12, 2007. The purpose of this notice is to advise you that you have been identified as such a person. You have the choice as to whether you wish to remain a member of the class in this lawsuit or not. If you want to remain a class member in the lawsuit, you do not need to do anything further at this time. You will automatically be a part of the case and receive more information in the future. If you do not want to remain a class member in the lawsuit, you must send in a request to be excluded from the class, postmarked or faxed on or before **June 30, 2008**. A "Request To Be Excluded From The Class" form is enclosed.

CLAIMS AND DEFENSES

The two named plaintiffs in this case, Brian Olson and George Ruiz, claim that Tesoro does not properly pay its operations and maintenance workers for pre-shift work, particularly traveling from the front security gates to change areas, gathering and putting on personal protective gear and equipment, and traveling from the change areas to where the shift starts. Plaintiffs also claim Tesoro does not properly pay operators for shift turnover time, post-shift doffing of personal protective gear and equipment, and traveling from the turnover location to the front security gates.

Tesoro denies these allegations. It asserts that operations and maintenance workers are fully compensated for all time worked in accordance with company policy, labor agreements, and wage and hour laws. Tesoro has also asserted many defenses, including that travel time to and from the front security gates to change areas is not work or compensable, the time periods for various activities are "de minimis" and not compensable under wage and hour laws, and that the claims are barred by labor agreements and federal law.

MERITS NOT DETERMINED

The Court has not yet ruled on the merits of plaintiffs' claims or Tesoro's defenses. It has only determined that plaintiffs should be able to pursue these claims as a class action on behalf of the class that is described above.

WHAT IS A CLASS ACTION?

A "class action" is a lawsuit in which representative plaintiffs are allowed to bring claims on behalf of themselves individually, and on behalf of a larger group of similarly situated individuals – the class members. In a class action, the final outcome of the lawsuit applies in the same manner to all class members unless they choose to exclude themselves from the lawsuit.

CLASS REPRESENTATIVES AND CLASS COUNSEL

The class representatives are Brian Olson and George Ruiz. The class counsel are the law firm of Schroeter Goldmark & Bender (by Kathy Goater and William Rutzick) and the Law Office of David N. Mark, whose contact information is set forth below.

OPTION TO REMAIN IN CLASS ACTION

If you want to remain a member of the class, you are not required to do anything at this time.

OPTION TO EXCLUDE YOURSELF

If you do not want to remain a member of the class in this lawsuit, you must submit a request to be excluded from the case to the class lawyers postmarked or faxed on or before June 30, 2008 to the address or fax number listed below and on the enclosed form. You may use the enclosed "Request to Be Excluded from the Class" form.

CONSIDERATIONS REGARDING REMAINING OR EXCLUDING YOURSELF

It is not possible to address all of the considerations that might influence an individual's decision whether to remain a class member or exclude oneself from the class, but here are a few:

- If you choose to exclude yourself from the class, you will not share in any recovery that might be paid to class members as a result of trial or settlement of this lawsuit.
- If you choose to be included in the class, you will be bound by any court decision in this case, whether favorable or unfavorable to the class.
- If you choose to remain a member of the class, you may hire an attorney of your choosing. If you do not wish to hire your own attorney, your interests will be represented by the class counsel.
- If you choose to exclude yourself from the class, you retain the right to pursue any claims you may have against Tesoro by filing your own lawsuit.
- Tesoro is not permitted to take any adverse employment action against current employees because they choose to remain in the class or exclude themselves from the class.

ADDITIONAL INFORMATION

PLEASE DO NOT CONTACT THE COURT. Any questions concerning this notice and any corrections or changes of name or address should be directed to the class counsel at:

**Olson v. Tesoro Class Action
Kathy Goater and William Rutzick
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, Washington 98104
(206) 622-8000 (telephone); (800) 238-6053 (toll-free)
(206) 682-2305 (fax)
e-mail: olsontesoro@sgb-law.com**

You may contact class counsel with questions, including their assistants, Susan Shaver and Hannah Gilbert. You may also seek the advice of your own attorney, if you desire. Case records may be examined and copied during regular office hours at the Office of the Clerk, United States District Court, 700 Stewart Street, Seattle, Washington 98101 or can be obtained on line. See www.wawd.uscourts.gov.

REMINDER OF JUNE 30, 2008 CUTOFF DATE

If you wish to be excluded from the class, you must complete and return the "Request To Be Excluded From The Class" to class counsel either postmarked or faxed on or before the cutoff date.

REQUEST TO BE EXCLUDED FROM THE CLASS

Please carefully read the attached Notice Of Class Action And Right To Be Excluded From Class before filling out this form. If you want to exclude yourself from the class certified in this lawsuit, you must check the exclusion box, sign and return the form, postmarked or faxed on or before June 30, 2008. The mailing and fax information is as follows:

Olson v. Tesoro Class Action
Schroeter Goldmark & Bender
810 Third Avenue, Suite 500
Seattle, Washington 98104
(206) 622-8000 (telephone)
(800) 238-6053 (toll-free)
(206) 682-2305 (fax)

Exclusion box. I wish to be excluded from the class that has been certified in the case of Olson v. Tesoro Refining and Marketing Company, United States District Court, Western District of Washington at Seattle, No. C06-1311RSL

PRINT NAME: _____

SIGNATURE: _____

ADDRESS: _____

DATED: _____, 2008