



Renée W. O'Rourke
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COA/PUBLIC DE CLP

2013 FEB 13 PM 1:26

February 7, 2013

Via Certified Mail, Return Receipt Requested

Top Hat Plan Exemption
Employee Benefits Security Administration
Room N-1513
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Re: Top Hat Exemption Filing Pursuant to DOL Regulation § 2520.104-23
Coal Brick Oven Pizzeria, Inc. Restricted Stock Unit Plan

Dear Sir or Madam:

On behalf of Coal Brick Oven Pizzeria, Inc. (the "Employer") and in accordance with the provisions of DOL Reg. § 2520.104-23, we are submitting the following top hat statement for the unfunded pension plan maintained by the Employer for a select group of management or highly compensated employees.

1. Name, Address, and Employer Identification Number of the Employer:

Coal Brick Oven Pizzeria, Inc.
15005 N. Northsight Blvd.
Scottsdale, AZ 85260
EIN: 26-2908264
2. The Employer maintains the Coal Brick Pizzeria, Inc. Restricted Stock Unit Plan (the "Plan") primarily for the purpose of providing deferred compensation for a select group of management or highly compensated employees.
3. This is the only plan maintained by the employer that provides deferred compensation to a select group of management or highly compensated employees.
4. The number of employees covered by the Plan: 5

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WHITE PLAINS

*STRATEGIC ALLIANCE
**OPERATES AS GREENBERG
TRAURIG MAHER LLP

Employee Benefits Security Administration
February 7, 2013
Page 2

Please contact me if you have any question regarding the information contained in this statement.

Sincerely,

A handwritten signature in black ink, appearing to read "Renée W. O'Rourke". The signature is fluid and cursive, with the first name "Renée" being the most prominent part.

Renée W. O'Rourke

cc: Anthony E. DePrima, General Counsel

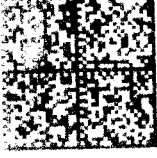
GT GreenbergTraurig

GREENBERG TRAUIG, LLP
The Labor Center
1200 17th Street
Suite 2400
Denver, CO 80202

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