

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MRAZ, et al. v. CITY OF MANTECA
Case No. 2:16-cv-02614-TLN-KJN

IMPORTANT NOTIFICATION TO POTENTIAL COLLECTIVE ACTION MEMBERS

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANT'S DEFENSES.

Please read carefully. Your legal rights may be affected.

- TO:** Any and all current or former employees of the City of Manteca who have worked overtime and received cash payments in lieu of health care benefits at any time since November 2, 2013.
- RE:** LAWSUIT ASSERTING VIOLATIONS OF FEDERAL WAGE LAWS AGAINST THE CITY OF MANTECA

INTRODUCTION

This Notice is being sent to you by Order and under supervision of the United States District Court for the Eastern District of California. The purpose of this notice is: (1) to inform you of the existence of a collective action lawsuit filed against the City of Manteca; (2) to advise you of how your rights may be affected by this lawsuit; and (3) to instruct you on the procedure for participating in this lawsuit. You have been sent this notice because employment records indicate that you may be "similarly situated to the named Plaintiff.

DESCRIPTION OF LAWSUIT

On November 2, 2016, the named Plaintiff brought this lawsuit against the City of Manteca on behalf of himself and all current and former City non-exempt employees who worked overtime and received cash payments in lieu of health care benefits in the same pay period since November 2, 2013. The complaint alleges Plaintiffs are entitled to additional overtime pay under the Fair Labor Standards Act (FLSA). The lawsuit alleges the City violated the FLSA by failing to pay Plaintiffs the full amount due for all overtime hours worked. The lawsuit alleges the City failed to include these cash payments into the regular rate of pay for purposes of determining overtime compensation resulting in an underpayment of legally required overtime wages. Plaintiffs allege they are entitled to recover unpaid overtime since November 2, 2013, plus liquidated damages in an equal amount, and attorney fees and costs. The City denies Plaintiffs' allegations and is defending against Plaintiffs' claims.

Plaintiffs claim in this action are limited to a two (2) or potentially three (3) year statute of limitations. If you choose to join this lawsuit, you may be able to recover damages only for overtime hours worked and not properly calculated for payment within this time period.

HOW TO JOIN THIS LAWSUIT

Under the FLSA, similarly situated employees may join the existing lawsuit. If you worked for the City of Manteca at any time since November 2, 2013, and received cash payments in lieu of health care benefits and worked overtime in the same pay period, you may join this lawsuit. Should you wish to join this lawsuit, you must contact Plaintiffs' counsel in sufficient time to allow Plaintiffs' counsel to file a Consent to be Included as Individual Plaintiff form with the court. Plaintiffs' counsel's contact information is set forth below.

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If you do not contact Plaintiffs' counsel and arrange for them to file a Consent form on your behalf, you may not be able to participate in this lawsuit.

If you choose to join this lawsuit, you will be bound by any judgment or settlement, whether it is favorable or unfavorable. While this lawsuit is proceeding, you may be required to respond under oath to written questions, testify in deposition, and/or testify in court.

Plaintiffs' attorneys have taken this case on a contingency fee. They shall advance all reasonable litigation costs and you will not be obligated to reimburse Attorneys for any costs advanced if no recovery is obtained. The attorneys may be entitled to receive attorney fees and costs from the City should there be a recovery or judgment in favor of the Plaintiffs. If there is a recovery, Plaintiffs' attorneys will apply to receive an award of separate attorney fees, or a percentage of any common fund judgment or settlement obtained in favor of Plaintiffs, but not both. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' attorneys will not seek any attorney fees or costs from anyone.

NO RETALIATION PERMITTED

Under federal law, it is illegal for the City to retaliate against you for joining this lawsuit.

EFFECT OF NOT JOINING THIS LAWSUIT

If you do not contact Plaintiffs' counsel and arrange for them to file a Consent form on your behalf, you will not be joined in this lawsuit and will not be bound by any judgment or settlement, whether favorable or unfavorable. Federal law (FLSA) requires that any claims for overtime compensation must be filed, if at all, in a state or federal court within two (2) years (or

within three (3) years if the violation was willful as defined by law). Any claims for overtime pay under federal law that are not filed within these limits are likely to be denied as untimely.

QUESTIONS REGARDING THIS NOTICE

If you have any questions regarding this notice, you may contact Plaintiffs' counsel, David E. Mastagni, Esq., Isaac Stevens, Esq., or Ace Tate, Esq. of Mastagni Holstedt, APC.