

Date

Name

Address

City, ST 00000

Dear XX:

You have received this Notice because records show that you worked as a security employee for Securitas Security Services USA, Inc. (“Securitas USA”), and you may have received annual lump-sum vacation pay upon an anniversary of your employment.

You may be eligible to take part in a lawsuit claiming that Securitas USA should have included annual lump-sum vacation pay in determining the rate used to calculate overtime wages, and that it underpaid its employees as a result.

In order to participate in the lawsuit, you must sign and return the enclosed Consent to Join form postmarked by <date>. You may also complete the form online at <url>.

Please read the enclosed Notice carefully. If you have further questions:

- Visit <url>
- Call 1-800-xxx-xxxx
- Email <address>

Sincerely,

XXX

**Questions? Contact the Administrator at XXX-XXX-XXXX.**

**DO NOT CONTACT THE COURT**

Notice of Collective Action Certification – *Deatrick v. Securitas Security Systems USA, Inc.*,  
United States District Court for the Northern District of California, case no. 3:13-cv-5016 JST

## **COURT AUTHORIZED NOTICE**

### **United States District Court for the Northern District of California**

**If you were employed as a security employee by Securitas Security Services USA, Inc. and received annual lump-sum vacation pay upon an employment anniversary since October 28, 2010, please read this notice.**

### **A collective action lawsuit may affect your legal rights.**

*This is a court-authorized notice. This is not a solicitation from a lawyer.*

- A former security officer has filed a lawsuit against Securitas Security Services USA, Inc. (“Securitas USA”). The Plaintiff claims that vacation pay paid in a lump-sum annually upon an anniversary of employment is actually a bonus, and that Securitas USA should have counted that bonus in determining the rate used to calculate overtime pay.
- The lawsuit is proceeding as a collective action on behalf of the following class of Securitas USA employees:

All persons throughout the United States, including its territories and possessions:

1. who are or were security employees of Securitas Security Services USA, Inc.;
2. who received annual lump-sum vacation pay upon an anniversary of employment since October 28, 2010; and
3. who were required to be employed on their anniversaries of employment to receive vacation pay.

Attorneys for the parties, any Judge to whom this case is assigned, and their respective staffs and immediate families are excluded from the class.

- The Court has not decided who is right and who is wrong.
- Your legal rights may be affected. If you wish to participate in the lawsuit you must respond to this Notice.

**Questions? Contact the Administrator at XXX-XXX-XXXX.**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT</b>	
<b>ASK TO BE INCLUDED</b>	If you choose to be included in this lawsuit, you keep the possibility of getting money or benefits that may come from a trial or a settlement, but you give up any rights to separately sue Securitas USA about the same legal claims in this lawsuit. If money or benefits are obtained from Securitas USA, and you choose to be included in the case, you will be notified about how to obtain a share. <b><u>If you wish to be included, you must submit the form included with this Notice by &lt;date&gt;. The form can also be completed and submitted online at &lt;url&gt;.</u></b>
<b>DO NOTHING</b>	By doing nothing, you will not be included in this lawsuit. You will give up the possibility of getting money or benefits that may come from a trial or settlement if the lawsuit is successful. You keep any right to sue Securitas USA separately about the legal claims in this lawsuit, but this right will expire as time passes. You may choose not to sue Securitas USA at all.

**This Notice contains information that affects your rights. Please read it carefully.**

**1. Why did I get this notice?**

You are getting this notice because records show that you may have received annual lump-sum vacation pay upon reaching an employment anniversary while working for Securitas USA as a security employee. A lawsuit has been brought against Securitas USA claiming that this vacation pay should have been counted in determining the rate used to calculate overtime pay. The lawsuit is known as *Michael Deatrick v. Securitas Security Systems USA, Inc.*, United States District Court for the Northern District of California, case no. 3:13-cv-5016 JST.

A court has conditionally certified this case as a collective action, which means that you have the right to join the lawsuit. The Court has ordered Notice to explain what the lawsuit is about, so that you can decide whether to join. The Court has not decided the merits of the case.

**2. What is this lawsuit about?**

This lawsuit is about whether Securitas USA should have included annual lump-sum vacation pay paid upon an employee’s anniversary of employment in determining the rate used to calculate overtime pay.

**3. What is the Plaintiff asking for?**

The Plaintiff is seeking to recover underpaid overtime wages from Securitas USA and to change the company’s practices. Plaintiff is also seeking recovery of attorneys’ fees and costs.

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#### **4. What happens if I join the lawsuit?**

If you choose to join this lawsuit, you will be represented by the Plaintiff and his lawyers, who will make decisions and agreements on your behalf about the lawsuit. If the Plaintiff recovers money from Securitas USA, you will be able to receive a share. But if the Plaintiff doesn't win, you will be bound by the result and will not be able to separately sue on the issues in this case.

#### **5. How do I join the lawsuit?**

Enclosed is a form called "Consent to Join." **To join this lawsuit, you must read, sign and return the Consent to Join Form.** An addressed and postage-paid envelope is enclosed. If the envelope is lost or misplaced, the Consent to Join Form must be sent to:

**Securitas Lawsuit Administrator  
c/o Rust Consulting  
P.O. Box XXXX  
Faribault, MN 55021-9096**

**The signed Consent to Join form must be postmarked by <date>. If your signed Consent to Join Form is not postmarked by <date>, you will not participate in this lawsuit, you will not share in any recovery, and you will not be bound by any settlement or judgment.**

You can also join by filling in the online form at <url> on or before <date>.

#### **6. What happens if I do nothing?**

If you do nothing, you will not be affected by the outcome in this case, favorable or unfavorable. You will not be entitled to share any amounts recovered by Plaintiff as part of this lawsuit. You will be free to hire your own lawyer and file your own lawsuit.

Federal wage-and-hour claims are limited by a two or three-year statute of limitations. Any delay in joining this case or filing your own case may cause your claims to expire.

#### **7. What is Securitas USA's position?**

Securitas USA denies any and all liability, and maintains that the vacation benefits paid to its security employees constitute vacation pay, and therefore it acted properly in excluding vacation pay from determining the rate used to calculate overtime pay.

#### **8. Has the Court decided who is right?**

The Court has not ruled on the merits of Plaintiff's claims, and there is no guarantee of recovery.

## 9. Who can join this lawsuit?

To be eligible to join this lawsuit:

1. You must be a current or former employee of Securitas Security Services USA, Inc.;
2. You must have received annual lump-sum vacation pay upon an anniversary of employment since October 28, 2010; and
3. You must have been required to be employed on your anniversary of employment to receive vacation pay.

If you work for or are related to the Judge or attorneys on the case, you may not join the lawsuit.

## 10. What if this Notice wasn't sent to me?

This Notice was sent to the last known address of eligible employees, but it may not have reached everyone. If you are eligible, you can join the lawsuit even if you didn't receive Notice directly.

## 11. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing the lawyers in this case or the notice administrator at the phone numbers or addresses listed in this Notice. **Do not contact the Court.**

## 12. What if I signed a contract not to sue?

You are allowed to join even if you signed a contract (a severance agreement, arbitration agreement, release, or other document) that contains a promise not to sue Securitas USA or to participate in a class, collective or representative action. However, you may be excluded from the lawsuit at a future date.

## 13. What happens next?

You have until <date> to opt into the lawsuit. After that date, you will not be allowed to opt in. Then the lawsuit will proceed toward trial, which could take months or years.

## 14. Can Securitas and/or my current employer retaliate against me if I join the lawsuit?

Securitas USA has a zero-tolerance policy for retaliation. In addition, it is a violation of federal law for Securitas USA or any of its related entities to fire, discipline, discriminate or retaliate against you for taking part in this case. If you believe that you have been penalized in any way as a result of your receiving this Notice, considering whether to join this lawsuit, or actually

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joining this lawsuit, you may contact Securitas USA's Human Resources Department or toll-free Hotline, Plaintiff's lawyers or any other lawyer you choose.

#### **15. Do I have a lawyer in this case?**

If you choose to join this lawsuit you will be represented by the Named Plaintiff through his attorneys:

Eduardo G. Roy – [eduardo.roy@prometheus-law.com](mailto:eduardo.roy@prometheus-law.com)  
Daniel C. Quintero – [daniel.quintero@prometheus-law.com](mailto:daniel.quintero@prometheus-law.com)  
John R. Hurley – [john.hurley@prometheus-law.com](mailto:john.hurley@prometheus-law.com)  
PROMETHEUS PARTNERS L.L.P.  
220 Montgomery Street Suite 1094  
San Francisco, CA 94104  
Telephone: 415.527.0255

#### **16. Who represents Securitas USA?**

Securitas Security Services USA, Inc. is represented by:

Sherry B. Shavit - [sshavit@tharpe-howell.com](mailto:sshavit@tharpe-howell.com)  
Gabriel J. Padilla - [gpadilla@tharpe-howell.com](mailto:gpadilla@tharpe-howell.com)  
THARPE & HOWELL, LLP  
15250 Ventura Blvd., Ninth Floor  
Sherman Oaks, California 91403  
Tel: (818) 205-9955

and

J. Kevin Lilly - [klilly@littler.com](mailto:klilly@littler.com)  
LITTLER MENDELSON PC  
2049 Century Park East, 5<sup>th</sup> Floor  
Los Angeles, CA 90067  
Tel: (310) 553-0308

#### **17. How will the lawyers be paid?**

The Plaintiff's attorneys will not charge you directly for their work in this case. If the Plaintiff recovers money, the Plaintiff's attorneys will be paid whatever attorneys' fees the Court orders. Those fees may be subtracted from the recovery obtained from Securitas USA, they may be paid separately by Securitas USA, or they may be a combination of the two. If the Plaintiff recovers no money from Securitas USA, the attorneys will not be paid for their work on this case.