

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ALLEN BUCKINGHAM, individually, on behalf
of others similarly situated, and on behalf of the
general public,

Plaintiff,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 3:15-cv-6344

NOTICE OF COLLECTIVE ACTION

Honorable Richard G. Seeborg

IMPORTANT NOTIFICATION TO POTENTIAL COLLECTIVE ACTION MEMBERS

TO: ALL INDIVIDUALS WHO HAVE BEEN EMPLOYED AS AN EXEMPT
**IMPLEMENTATION ADVISOR OR CLIENT FULFILLMENT CONSULTANT BY
BANK OF AMERICA, N.A. IN THE LAST THREE YEARS**

Please read this notice carefully and in its entirety. Your rights *will* be affected by proceedings in this Action.

You are required to respond if you wish to assert federal claims, as described below. Be advised that, although the Court has authorized distributions of this Notice, the Court remains neutral and has not yet ruled on the merits of these federal claims.

1. Introduction

The purpose of this Notice is to inform you of a pending class and collective action lawsuit (the “Lawsuit”) brought against Bank of America, N.A. (“BofA”), claiming violations of the Fair Labor Standards Act (“FLSA”). This Notice will inform you of the procedure for participating in this suit. **You are receiving this Notice because you may be entitled to “opt in” to a federal collective action conditionally certified by the Court under the FLSA** that consists of all persons who are employed by BofA as an exempt Implementation Advisor or Client Fulfillment Consultant, or who were so employed at any time in the last three years.

2. Description of the Lawsuit

The Plaintiff in this case is a former BofA Implementation Advisor who brought suit on behalf of himself and all other exempt Implementation Advisors and Client Fulfillment Consultants who were employed by BofA in the past three years. The Plaintiff alleges that BofA violated Federal law (the FLSA) by denying putative class and collective action members overtime pay by classifying them as exempt from overtime. In particular, during the relevant period, Plaintiff contends that the FLSA required BofA to pay Implementation Advisors and Client Fulfillment

Consultants overtime wages (1.5 times the regular rate of pay) for any hours worked in excess of forty hours per week. BofA has denied Plaintiff's claims in this matter, contending that all putative class and collective action members were properly classified as exempt from overtime and paid properly.

3. Persons Eligible to Join the Lawsuit

To be eligible to join the Lawsuit, you must either currently be employed by BofA as an exempt Implementation Advisor or Client Fulfillment Consultant, or have been so employed any time in the last three years, and BofA must have failed to provide you with overtime pay for any hours worked in excess of 40 per week.

4. How to Participate in the Federal Collective Action – Your Time to Join Is Limited

You will not be included in the Federal Collective Action unless you complete and submit the enclosed Consent Form. By completing the enclosed Consent Form, you will be designating Plaintiff and his attorneys to act on your behalf and to represent your interests with respect to your claims under the FLSA. If you wish to discuss this matter, including the nature of the case and the terms of the Plaintiff's attorneys' representation of Plaintiff and those who opt into this case, you may contact Plaintiff's attorneys at the contact information provided in the "Questions" section, below. **If you do not file a Consent Form and join this case, you will not be eligible to receive any recovery for overtime or other relief under the Plaintiff's Federal Law claims if the Plaintiff prevails in the Lawsuit.** If you do not file a Consent Form, any relief under the FLSA could be obtained by you only if you proceed to bring an independent action within the time provided by law (three years from the last date of any alleged violation) either on your own or with counsel of your own choosing.

Under the FLSA, your claim for unpaid overtime may extend back up to three years **from the date you file** a Consent Form. Accordingly, **if you wait to submit a Consent Form**, the amount of your claim if Plaintiff prevails may be reduced every day that you delay in submitting a Consent Form.

5. Changes of Address

If this Notice was sent to a wrong address, or if your address changes in the future, please send prompt written notification of your correct address to Plaintiff's Counsel at the mailing address or e-mail address below in Section VIII.

6. Examination of Papers

All of the above descriptions of allegations and other matters in the Lawsuit are only summaries and do not fully describe the case. The pleadings and other papers filed in this action are public records and are available online by going to the following website: <http://www.pacer.gov/> and setting up an account to access court records. In the "Civil" tab, under California-Northern, you will be prompted to enter the case number (3:15-cv-6344-RS). A copy of the lawsuit, this Notice, and the Consent Form to Join Lawsuit are also available online at <http://www.bryanschwarzlaw.com/implementationadvisor-clientfulfillment.htm>.

7. Can Bank of America Retaliate Against Me for Participating?

The law does not allow employers to retaliate against employees for participating in a lawsuit against them. Bank of America is prohibited by law from discharging you or retaliating against you in any other manner as a result of you choosing to participate in this action. Likewise, Bank of America will not treat you any more favorably if you decline to participate in this action.

8. Questions

If you have any questions with respect to this action or about this Notice, you may direct such questions to Plaintiff's Counsel:

Bryan Schwartz Law
Attn: Eduard Meleshinsky
1330 Broadway, Suite 1630
Oakland, CA 94612
Telephone: (510) 444-9300
Facsimile: (510) 444-9301
Email: eduard@bryanschwarzlaw.com

YOU SHOULD NOT CONTACT THE COURT WITH QUESTIONS.

9. Conclusion

THIS NOTICE AND ITS CONTENT HAS BEEN AUTHORIZED BY THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA, THE HONORABLE RICHARD G. SEEBORG, UNITED STATES DISTRICT COURT JUDGE.

The Honorable Richard G. Seeborg
United States District Judge

Barcode
Control #
First and last name
Co
Addr1
City, st, zip
country

CONSENT FORM TO JOIN LAWSUIT AND DECLARATION

I hereby consent to join a lawsuit against Defendant Bank of America, N.A. as a Plaintiff to assert claims for violations of the federal Fair Labor Standards Act. During the past three years, there were occasions when I worked over 40 hours per week as an exempt Implementation Advisor or Client Fulfillment Consultant for Defendant and did not receive overtime compensation.

I certify that the foregoing is true and correct under the penalty of perjury under the laws of the United States.

Full Name

Signature / Date

Position(s) Held (if multiple, include date for each)

Approx. Dates of Employment

Information Below Will Be Redacted in Filings with the Court. Please Print or Type.

(Non-work) Telephone Number

(Non-work) Address

(Non-work) Email Address

City / State / Zip

RETURN THIS FORM BY MAIL, FAX OR EMAIL TO:

Bryan Schwartz Law
1330 Broadway, Suite 1630
Oakland, CA 94612
Facsimile: (510) 444-9301 (Attn: Eduard Meleshinsky)
Email: eduard@bryanschwarzlaw.com