

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WAYNE FIORE, on his own behalf
and others similarly situated,

Plaintiff,

CASE NO. 2:09-CV-843-FtM-29SPC

v.

GOODYEAR TIRE & RUBBER COMPANY,
an Ohio Corporation,

Defendant.

NOTICE OF RIGHT TO JOIN LAWSUIT FOR UNPAID OVERTIME

**TO: ALL CURRENT AND FORMER SERVICE MANAGERS WHO WORKED
FOR GOODYEAR AT ANY RETAIL LOCATIONS IN THE UNITED
STATES**

**RE: ACTION AGAINST GOODYEAR FOR ALLEGED FAILURE TO PAY
OVERTIME COMPENSATION TO SERVICE MANAGERS**

DATE: <date>

I. INTRODUCTION

This notice is to inform you about a collective action lawsuit in which you may make a claim for damages, to advise you of how your rights may be affected by this suit, and to inform you how to make a claim, if you so desire.

II. DESCRIPTION OF LAWSUIT

A lawsuit has been filed in the United States District Court for the Middle District of Florida by Wayne Fiore ("Plaintiff") against Goodyear Tire & Rubber Company ("Goodyear"). The case number of that lawsuit is 2:09-CV-843-FtM-29SPC. Additional opt-in Plaintiffs have joined the case since it was filed making the same allegations.

Plaintiffs allege that Goodyear violated the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.*, by failing to pay them time and a half for all overtime hours worked as a service manager (that is, hours worked over 40) in any workweek.

Goodyear denies Plaintiffs' allegations, and Goodyear contends, among other defenses, that Plaintiffs were exempt from the Fair Labor Standards Act.

III. YOUR RIGHT TO JOIN THE LAWSUIT

If you are or have been employed by Goodyear in the position of service manager at any Goodyear retail store in the United States at any time in the past three years, and if you worked in excess of forty (40) hours in any workweek, you may join this lawsuit.

IV. LEGAL EFFECT OF JOINING THIS LAWSUIT

If you decide to join this lawsuit, you will be bound by the judgment of the Court, whether the decision is favorable or unfavorable to you, or any settlement of this action that may later be approved by the Court as fair and reasonable. While the suit is proceeding, you may be required to provide information, appear for a deposition, and/or testify in court.

V. LEGAL EFFECT OF NOT JOINING THIS LAWSUIT

If you decide not to join this lawsuit, you will not be bound by the outcome of the lawsuit and will retain any rights you may have under the Fair Labor Standards Act. You will not be eligible to recover any back overtime wages or other relief from the case if Plaintiff prevails.

VI. LEGAL REPRESENTATION IF YOU JOIN THIS LAWSUIT

The attorney for Plaintiffs and the proposed opt-in class is the Shavitz Law Group 1515 S. Federal Hwy, Suite 404, Boca Raton, Florida 33432, gshavitz@HelpingWorkers.com.

VII. HOW TO JOIN THE LAWSUIT

If you wish to join this lawsuit, you must complete, sign and mail the enclosed "Consent to Join" to the **Shavitz Law Group, P.A., <address>**. Your signed consent form must be returned to the Shavitz Law Group, no later than <day>, <date>, 2010 to be eligible to participate in this case. An envelope has been provided for your return of this form should you elect to do so.

Even if you timely file a "Consent to Join" form, your right to participate in this lawsuit will depend on whether you and the Plaintiffs are actually "similarly situated" in accordance with federal law, and the statute of limitations established by law.

VIII. NO OPINION EXPRESSED AS TO MERITS OF LAWSUIT

This notice is for the sole purpose of providing service managers with information concerning their right to join this lawsuit. Although this Notice and its contents have been authorized by the Court, the Court takes no position regarding the merits of Plaintiffs' claims or Goodyear's defenses.

IX. NO RETALIATION OR DISCRIMINATION PERMITTED

The Fair Labor Standards Act prohibits employers from discriminating or retaliating against any person who files a lawsuit or complaint for overtime compensation, testifies in a lawsuit under the Fair Labor Standards Act, or otherwise participate in a proceeding to recover overtime compensation under the Fair Labor Standards Act.

TO JOIN THIS CASE AND SUBMIT A CLAIM YOU MUST RETURN THE ATTACHED CONSENT FORM, POST-MARKED NO LATER THAN: <day>, <date>, 2010 TO:

SHAVITZ LAW GROUP, P.A.

<address>

Telephone: 561-447-8888

Facsimile: 561-447-8831

Website: www.HelpingWorkers.com

E-mail: gshavitz@HelpingWorkers.com