

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DAVID CZOPEK, CHRISTOPHER KNOTT,
LAWRENCE LEVESON, DAVID EASLICK and
JONATHAN RED,

Plaintiffs,

v.

Case No: 8:14-cv-675-T-36TBM

TBC RETAIL GROUP, INC.,

Defendant.

NOTICE OF COLLECTIVE ACTION LAWSUIT

If you are a current or former employee who did not sign an arbitration agreement and worked for **TIRE KINGDOM** as a **SERVICE MANAGER, SALES ASSOCIATE or TIRE TECH** at any time on or after August 7, 2012, a collective action lawsuit may affect your rights.

This is a court authorized this notice. This is not a solicitation from a lawyer.

- Several current and former employees have sued TBC Retail Group Inc., the company which operates Tire Kingdom retail stores, alleging that they were forced to work off-the-clock and denied overtime compensation in violation of the Fair Labor Standards Act (“FLSA”).
- This case has been conditionally certified as a collective action on behalf of all current and former employees of Tire Kingdom who worked in certain districts as a Service Manager, Counter Sales Associate or Tire Tech at any time on or after August 7, 2012, who worked off-the-clock or without adequate overtime compensation (the “Class”).
- You (the person that this letter was addressed to), were identified as a potential member of the Class who may have performed work off-the-clock (i.e. without being paid) and may be entitled to recover wages due and other damages by Tire Kingdom’s allegedly unlawful practices.
- You received this Notice to inform you about the existence of this collective action against Tire Kingdom and to instruct you on the procedure for participating in this lawsuit, if you choose to do so.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

JOIN THE LAWSUIT	You <u>MUST</u> file the enclosed CONSENT TO JOIN before December 7, 2015
DO NOTHING	Do not join this lawsuit. Get no benefits from it.

CLASS NOTICE

1. Why did I get this notice?

Tire Kingdom's records show that you currently work, or previously worked, for Tire Kingdom in one of the specified districts as a Service Manager, Sales Associate and/or a Tire Tech. This notice explains that the Court has conditionally allowed, or "certified," a collective class action lawsuit that may affect you as a potential member of the Class.

Judge Charlene E. Honeywell of the United States District Court for the Middle District of Florida is overseeing this collective class action. The lawsuit is known as *David Czopek, et. al. v. TBC Retail Group Inc. d/b/a Tire Kingdom*, Civil Action No. 8:14-cv-00675. **The court has made no findings as to the merits of the claims in this case at this time.**

2. What is a collective class action and who is involved?

In a collective class action lawsuit, one or more people are called "Class Representatives" and sue on behalf of other people who have similar claims. In this case the Class Representatives are David Czopek, David Easlick, Lawrence Leveson, and Jonathan Red. The people together are a "Class" or "Class Members." The employees who sued—and all the Class Members like them—are called the Plaintiffs. The companies they sued (in this case TBC Retail Group Inc., d/b/a Tire Kingdom) are called the Defendants. One court resolves the issues for everyone.

THE CLAIMS IN THIS LAWSUIT

3. What is this Lawsuit About?

This lawsuit claims that Tire Kingdom forced and/or allowed employees to work "off-the-clock" (i.e. without compensation) and that Tire Kingdom shorted or "shaved" employees' hours to avoid overtime payment(s) in violation of the Fair Labor Standards Act.

4. What are the Plaintiffs asking for?

The Plaintiffs want the Court to order Tire Kingdom to pay them and each member of the Class compensation for every hour that employees worked off-the-clock and for every hour that Tire Kingdom "shaved" from their time. In addition, Plaintiffs are asking for liquidated damages (or "double damages") for themselves and each member of the Class.

5. How has the Defendant responded?

Tire Kingdom denies that it violated the Fair Labor Standards Act and denies that any employees worked without proper compensation. Tire Kingdom denies that they owe the Class Members any unpaid wages. Tire Kingdom's attorneys are:

Chad Lang, Esq. and Kim Lucas, Esq.
Liebler, Gonzalez & Portuondo
44 West Flagler St., 25th Floor
Miami, FL 33130
(305) 379-0400

6. Has the Court decided who is right?

The Court has not decided who is correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial.

7. Is there any money available now?

No money or benefits are available now because the Court has not yet decided who is right, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained.

8. Who is eligible?

The collective action is open to all current or former Service Managers, Sales Associates and Tire Techs who are not party to an arbitration agreement with Defendant and who were employed by Defendant at any store within the same district(s) that encompass the following stores at any time during the three years preceding conditional certification of the class: 103 (Palm River), 95 (Plant City), 3 (Dale Mabry), 10 (Henderson Blvd.), 13 (North Palmetto), 30 (Pinellas Park), 158 (Lutz), 199 (Wesley Chapel), 102 (Highway 301), 90 (Brandon), 64 (Winter Haven), 49 (South Lakeland), 201 (Auburndale) and 164 (Seffner); and who allege timely Fair Labor Standards Act violations by the Defendant regarding failure to pay minimum or overtime wages due for all hours worked.

9. How to join this Lawsuit.

You need to decide whether you want to join this lawsuit. **Only eligible employees who submit a CONSENT TO JOIN by December 7, 2015 will be part of the Class.**

If You wish to file a claim to join this lawsuit that will allow You to collect damages should the case be successful or should the claims be settled, You **must** complete the enclosed **Consent to Join** and mail it to:

Czopek et al. v. TBC Retail Group Inc. Claims Administrator
c/o KCC Class Action Services
P.O. Box 6177
Novato, CA 94948-6177

You **must** complete the Consent to Join form, and have it mailed and postmarked by December 7, 2015 or You will **NOT** be allowed to participate in this lawsuit.

10. What are the benefits to joining the lawsuit?

By joining this lawsuit or “opting in,” you gain the possibility of receiving money or benefits that may result from a trial or settlement in this case.

You will receive damages only if (1) You **JOIN** the lawsuit and (2) the Court affirms that Your claims are similar to others to be pursued as one lawsuit and (3) the Court determines that the Defendant violated the law. If the case is settled, the Court will have to approve the fairness of the settlement.

11. What Responsibilities do I have if I join?

If you do opt-in, you may be required to respond to written questions and requests for documents, sit for depositions and/or testify in court in Tampa, Florida.

12. What rights do I give up if I join the lawsuit?

By joining this lawsuit or “opting in,” you give up your right to separately sue Tire Kingdom for the same legal claims brought in this lawsuit.

13. Can I be fired or retaliated against if I participate in the Class?

No. Federal and state law prohibit Defendants from firing you or in any way harassing or discriminating against you because of your decision to participate or not participate in this lawsuit.

14. What if I choose not to join the lawsuit?

You are not required to join the lawsuit. It is your choice as to whether you wish join. By doing nothing, you retain your right to bring your own separate lawsuit against Tire Kingdom. However, if You do not participate in the lawsuit, You will not be eligible to receive any portion of any recovery that might be obtained by those who do join the lawsuit or settle it on a class wide basis.

15. If I join the lawsuit, do I have a lawyer in this case?

You have the right to choose to be represented by the current Plaintiffs’ attorney or another attorney

of your choosing. You may also choose to represent yourself (i.e. appear *pro se*).

The current Plaintiffs' attorney is:

Benjamin L. Williams, Esq.
Feldman Law Group, P.A.
1715 N. Westshore Blvd., Suite #400
Tampa, Florida 33607
PH: 813-639-9366
FX: 813-639-9376

16. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they may ask the Court for fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by the Defendants.

You will not have to pay fees to the Feldman Law Group, P.A., unless money is recovered by them on your behalf.

If you do join the lawsuit and your claims are unsuccessful, you may be responsible for Tire Kingdom's costs and attorneys' fees in this matter.

WHAT IF I RECEIVED MORE THAN ONE NOTICE?

Currently, there are two different classes that have been certified by the Court. Each class is different, and each class is seeking payment for different wage and hour violations. You may be a member of multiple classes.

If you received more than one notice, you must file a Consent to Join for **each** Class that you wish to join, and the **Consent to Join must be received by December 7, 2015**.

If you are unsure about which class(es) you are a member of, or if you would like additional information about the classes and/or claims, read below to get more information.

GETTING MORE INFORMATION

You may speak to the current Plaintiffs' attorney by calling 888-984-3549 or by writing to: Feldman Law Group P.A., 1715 N. Westshore Blvd., Suite 400, Tampa, Florida 33607.

To opt-in, you must complete the Opt-in Consent Form and send it by mail, fax, or email to:

Czopek et al. v. TBC Retail Group Inc. Claims Administrator,
c/o KCC Class Action Services,
P.O. Box 6177,
Novato, CA 94948-6177

An attorney must file your Opt-in Consent Form with the Court by no later than December 14, 2015. If you want to opt-in, please ensure that counsel receives your Opt-in Consent Form well before this date or you may lose your right to opt-in. You should receive a confirmation from either the Claims Administrator or Feldman Law Group, P.A. that your consent form has been received and filed with the Court within approximately 14 days after you sent it. If you do not receive this confirmation, the Claims Administrator may not have received it and you should contact the Feldman Law Group, P.A., to avoid being foreclosed from participating in this suit.