

THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAI'I
HAS APPROVED THIS NOTICE

Adams v. City and County of Honolulu, 12-cv-00667 BMK (Dist. Hawai'i).

NOTICE OF RIGHT TO OPT-IN TO COLLECTIVE ACTION
UNDER FAIR LABOR STANDARDS ACT

The Honorable Barry M. Kurren, United States Magistrate Judge in the United States District Court for the District of Hawai'i, has reviewed and approved a model to be used to calculate the amount of unpaid overtime and liquidated damages under the Fair Labor Standards Act, 29 U.S.C. 29 U.S.C. 201, *et seq.* ("FLSA"), in *Adams v. City and County of Honolulu, 12-cv-00667 BMK*.

You are receiving this notice because you have been identified as a current or former employee of the City and County of Honolulu Emergency Services Department, Emergency Medical Services Division ("EMS Employees"), during the period from December 2009 through the present. The EMS Employees who may be eligible to collect unpaid overtime and liquidated damages, if any, include Emergency Medical Technicians, Paramedics and Mobile Intensive Care Technicians. Carl M. Varady represents the EMS Employees and will represent your interests if you choose to opt in to this case.

You Must Take Action To Pursue Your Overtime and Liquidated Damages Claims. BY NOT LATER THAN JUNE 1, 2017, You Must Complete the Enclosed "Opt-In" Form and Deliver or Mail it to:

Law Office of Carl M. Varady
1003 Bishop St., #1730
Honolulu HI 96813
Tel: (808) 523-8447
e-mail: carl@varadylaw.com

Please be advised of the following:

What is the Status of This Case?

EXHIBIT 1

This case was filed on December 12, 2012, to obtain payment of unpaid overtime wages and liquidated damages for EMS Employees. On August 12, 2016, Honorable Barry M. Kurren, United States Magistrate Judge in the United States District Court for the District of Hawai‘i, approved the stipulation between the EMS Employees and the City and County that appointed David M. Breshears, CPA/CFF, of the forensic accounting firm of Hemming Morse as a Special Master, in this matter for purposes of calculating unpaid overtime and liquidated damages, if any, for the 10 sample EMS Employees in this case.

Judge Kurren’s order stated that the Special Master was authorized to determine the: (1) regular rates of pay; (2) unpaid overtime; (3) late paid overtime for each of the 10 sample EMS Employees from December 2009 through the present; and (4) any other data necessary to make findings and inform the Court of the unpaid and/or late paid overtime for the 10 sample EMS Employees during that period, and liquidated damages, if any.

The Special Master’s calculations have been completed. The Special Master has calculated the amounts of unpaid and liquidated damages owed to the 10 sample EMS Employees. The Special Master has calculated the amounts owed to all EMS Employees based on the average amount owed to the 10 sample EMS employees for each week of work during the period from December 2009 through the present. That amount was then applied to the other EMS Employees for each week they worked during the same period. The Special Master has calculated the overtime and liquidated damages that would be awarded to you, using this model

You are receiving this Notice to inform you that the Court will consider and rule on the Special Master’s damages calculations and arguments asserted by the City and County against your claims. **This Notice does not mean that damages have been or will be awarded to you. You will not be able to make a claim in this case unless you submit the Opt In form BY NOT LATER THAN JUNE 1, 2017.** Further legal proceedings, including a trial, may be necessary to determine what amount of unpaid overtime and liquidated damages, if any, will be awarded to you or other EMS Employees.

This Notice also is to address questions you may have, including:

How do I join the lawsuit?

To have your claim for unpaid overtime and liquidated damages, if any, presented in further legal proceedings, **You Must Complete the Enclosed “Opt-In” Form and, BY NOT LATER THAN JUNE 1, 2017, Deliver or Mail it to:**

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How do I Opt-Out of the lawsuit?

You do not have to do anything to opt out of the lawsuit. Your claims will not be included if you do not submit the Opt In form. If you do not Opt In, you may:

- a) Hire your own attorney and file your own claim;
- b) File your claim *pro se* without an attorney; or
- c) Elect not to pursue your damages claims in this case.

Even if you do not opt in, however, you be bound by the rulings of the Court up to this point.

If You Opt-Out
You Will Not Be Able To Rejoin the Case After You Opt-Out.

If There Is A Settlement Or Judgment In Favor Of The EMS Employees
After You Opt-Out, You Will Not Be Able To Participate In or Receive
Compensation Paid as a Result of The Settlement Or Judgment.

For More Information:

If you have any questions about the lawsuit you may contact:

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1003 Bishop St., #1730
Honolulu HI 96813
Tel: (808) 523-8447
e-mail: carl@varadylaw.com

THIS NOTICE HAS BEEN APPROVED BY THE COURT

PLEASE DO NOT CONTACT THE COURT
ABOUT THIS NOTICE