

IMPORTANT NOTICE ABOUT YOUR RIGHT TO JOIN A LAWSUIT

TO: ALL CHARLESTON COLLISION AUTO BODY TECHNICIANS AND/OR PAINT TECHNICIANS WHO WERE PAID BASED ON A COMMISSION HOUR AND WORKED AT ANY TIME FROM MARCH 24, 2011 THROUGH THE PRESENT

RE: YOUR RIGHT TO JOIN A LAWSUIT SEEKING TO RECOVER UNPAID OVERTIME COMPENSATION AND UNPAID MINIMUM WAGES

DATE: [DATE OF ORDER]

1. WHY YOU ARE RECEIVING THIS NOTICE.

This Notice is to inform you of a collective action lawsuit, filed under the Federal Fair Labor Standards Act, in which you may be “similarly situated” to the named Plaintiffs, and to instruct you on the procedure for participating in this lawsuit if you choose to do so.

2. DESCRIPTION OF THE LAWSUIT.

Plaintiffs Raymond H. Schmidt and Derek Brandon Haynes (collectively referred to as the “Plaintiffs”) filed a Complaint in the United States District Court for the District of South Carolina, Charleston Division, Civil Action No: 2:14-CV-1094-PMD (the “Lawsuit”) seeking unpaid minimum wages and overtime rate of one and one-half times his or her regular rate of pay for all hours worked in excess of forty in a workweek against Charleston Collision Holdings Corp., Charleston Collision, LLC; Charleston Collision II, LLC; Charleston Collision III, LLC; and Andrew J. Leone (collectively referred to as the “Defendants”). Plaintiffs pursue these claims on behalf of themselves and all current and former Auto Body Technicians and/or Paint Technicians who worked at any Charleston Collision location during the time period beginning March 24, 2011 through the present and were paid on a “commission hour” rather than their actual hours worked.

Federal laws require an employer to compensate an employee (1) a minimum wage of \$7.25 per hour and (2) an overtime rate of one and one-half times his or her regular rate of pay for all hours worked in excess of forty in a workweek, unless the employee is lawfully exempt from the overtime compensation and minimum wage requirements of the Fair Labor Standards Act. Plaintiffs assert that the Defendants failed to pay them and other similarly situated employees all required minimum wages and overtime compensation. Plaintiffs allege that the Defendants’ actions violate the federal Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* (“FLSA”). Plaintiffs are suing to recover the allegedly unpaid minimum wages and overtime compensation for themselves and for any other similarly situated employee(s), and also seek to recover for themselves and for any other similarly situated employee(s) an additional equal amount as liquidated damages, plus reasonable attorneys’ fees and costs.

The Defendants deny Plaintiffs’ claims in the lawsuit, deny any liability, and deny any wrongdoing. The Lawsuit is in the early stages of litigation, and the Court has not ruled on the Plaintiffs’ claims or the Defendants’ defenses.

3. YOUR RIGHT TO PARTICIPATE IN THIS SUIT.

You may join this Lawsuit (“opt-in”) as a Party if you are a current or former Auto Body Technician and/or Paint Technician who worked at any Charleston Collision location during the time period beginning March 24, 2011 through the present and were paid based on “commission hours.” You are not required to join this lawsuit. If, however, you wish to join as a Party, you may complete and sign the enclosed “Consent to Become a Party” form and mail it to Plaintiffs’ counsel at:

Marybeth Mullaney
Mullaney Law
321 Wingo Way, Suite 201
Mount Pleasant, South Carolina 29464
(843) 849-1692 Phone
(800) 385-8160 Fax
Email: marybethmullaney@mullaneylaw.net

William C. Tucker
Tucker Law Firm, PLC
690 Berkmar Circle
Charlottesville, Virginia 22902
(434) 978-0100 Phone
(434) 978-0101 Fax
Email: bill.tucker@tuckerlawplc.com

If you decide to join this lawsuit, you must return the signed form to Plaintiffs’ counsel in time for counsel to file your “Consent to Become a Party” to this action with the Court **on or before [DATE (60 days from date of notice)]**. If you fail to file a “Consent to Become a Party” with the Court on or before this deadline, you may not be able to participate in this lawsuit.

4. EFFECT OF JOINING THIS LAWSUIT.

If you choose to join in the Lawsuit, you will be bound by the Court’s decision, whether it is favorable or unfavorable. If you elect to join this lawsuit, you may be required to provide information, give a deposition under oath, produce documents, respond to written interrogatories, and/or testify in Court, including trial. You will also give up the right to file a suit in a separate action for the claims made in this case.

5. NO LEGAL EFFECT IN NOT JOINING THIS LAWSUIT.

If you choose not to join this Lawsuit, your rights will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class. If you choose not to join in this Lawsuit, you are free to file your own lawsuit and be represented by an attorney of your choice.

6. NO RETALIATION PERMITTED.

Federal law prohibits any discrimination or retaliation against you because you have exercised your rights under the FLSA by filing or joining a lawsuit seeking to enforce your rights. Examples of prohibited retaliation include: discharge from employment; demotion; suspension; or other adverse actions.

7. YOUR LEGAL REPRESENTATION IF YOU JOIN.

If you join this suit, your interests will be represented by the Plaintiffs’ attorneys identified in Section 3 above. The attorneys for the Plaintiffs seek payment of attorneys’ fees on a contingency fee basis out of any recovery. If there is no recovery, there will be no attorneys’ fees. If there is a

recovery, the attorneys for the Plaintiffs may receive a part of any settlement obtained or money judgment entered in favor of all of the Plaintiffs. If you join this suit and agree to be represented by Plaintiffs' counsel, then you agree to a contingency fee agreement, a copy of which is available from Plaintiffs' counsel, and you designate Plaintiffs' counsel as your attorney to make decisions on your behalf concerning the litigation, the method and manner of conducting the litigation, and all other matters pertaining to this lawsuit.

8. FURTHER INFORMATION.

Further information about this Notice, the deadline for filing a "Consent to Become a Party," or questions concerning this lawsuit may be obtained by writing or telephoning Plaintiffs' counsel at the addresses, Email addresses, or telephone numbers stated above.

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE HONORABLE
JUDGE PATRICK MICHAEL DUFFY OF THE U.S. DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA. THE COURT HAS MADE NO DECISION
REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR DEFENDANTS' DEFENSES.
DO NOT CONTACT THE CLERK OF COURT REGARDING THIS NOTICE.**