

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DOREEN FORAUER,)
)
 Plaintiff,)
)
 v.) Case No. 5:12-cv-276
)
 THE VERMONT COUNTRY STORE, INC.,)
)
 Defendant.)

**NOTICE OF OPPORTUNITY TO JOIN A LAWSUIT
TO RECOVER BACK WAGES**

TO: All current and former Telemarketing Sales Representatives and Customer Service Representatives employed by The Vermont Country Store, Inc., within three years prior to the date of this Opinion and Order, dated July 31, 2013.

RE: Lawsuit against The Vermont Country Store, Inc., under the federal Fair Labor Standards Act, 29 U.S.C. §§ 201-219.

INTRODUCTION

The purpose of this notice is to inform you of a lawsuit in which you may be “similarly situated” to the Named Plaintiff, Doreen Forauer. This notice is to advise you of how your rights may be affected and to inform you of the procedure to make a claim if you choose to do so.

DESCRIPTION OF THE LAWSUIT

A lawsuit has been filed against The Vermont Country Store, Inc. (“VCS”) on behalf of Plaintiff Doreen Forauer and all other similarly situated individuals who worked as Telemarketing Sales Representatives or Customer Service Representatives for VCS during the past three years. The lawsuit claims that these individuals are owed minimum wages under the federal Fair Labor Standards Act (the “FLSA”), 29 U.S.C. §§ 206, 216(b), for hours worked that were not paid.

The lawsuit also seeks an additional amount as liquidated damages, as well as attorney’s fees and costs. The lawsuit is currently in its early stages. VCS denies the

claims in the lawsuit, and maintains that Plaintiff Doreen Forauer and the potentially similarly situated individuals were appropriately paid for all time worked.

PERSONS ELIGIBLE TO RECEIVE THIS NOTICE

The United States District Court for the District of Vermont (the “court”) has ordered this FLSA notice to be distributed to:

All current and former Telemarketing Sales Representatives and Customer Service Representatives employed by The Vermont Country Store within three years prior to the date of this Opinion and Order, dated July 31, 2013.

YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT

If you fit the description above, you may choose to join this lawsuit by mailing, faxing, or emailing the attached “Consent to Become a Party Plaintiff” form to the Plaintiff’s attorneys at the following address:

Meub Gallivan & Larson, Attorneys, P.C.
Attn: Chris Larson
P.O. Box 811, Rutland, VT 05702-0811
Telephone: (802) 747-0610
Fax: (802) 747-9268
Email: larson@yourvtlawyer.com
Website: www.yourvtlawyer.com

The form titled “Consent to Become a Party Plaintiff” must be received in sufficient time for the Plaintiff’s attorneys to file it with the court on or before sixty (60) days from the date this notice was sent.

The form should be returned to the Plaintiff’s attorneys at the above address.

If you fail to return the “Consent to Become a Party Plaintiff” form to the Plaintiff’s attorneys in time for it to be filed with the court on or before sixty (60) days from the date this notice was sent, you may not be able to participate in this lawsuit.

EFFECT OF JOINING OR NOT JOINING THIS LAWSUIT

If you choose to join this action, you will be bound by any ruling, judgment, award or settlement, whether favorable or unfavorable to you. If you do not join this action, you will not be bound by any ruling, judgment, award, or settlement entered in this case, whether favorable or unfavorable to you. If you do not join this lawsuit, you are free to take action on your own. If you file a “Consent to Become a Party Plaintiff” form, your

continued right to participate in this action will depend upon a later decision by the court that you and the named Plaintiff are “similarly situated” in accordance with applicable laws and that it is appropriate for this case to proceed as a collective action.

STATUTE OF LIMITATIONS

The FLSA has a maximum statute of limitations of three years. If you choose to join this action, you may be able to recover damages only if you were improperly denied compensation during weeks worked within three years of the date you file your form for “Consent to Become a Party Plaintiff.” If you choose not to join in this action or file your own action, some or all of your potential claims may later be barred by the applicable statute of limitations.

NO RETALIATION PERMITTED

The law prohibits retaliation against employees for exercising their rights under the FLSA. It is illegal for VCS to fire you or retaliate against you in any other way because you choose to participate in this lawsuit.

YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this lawsuit by filing a “Consent to Become a Party Plaintiff” form, you will be agreeing to representation by the Plaintiff’s attorneys:

Meub Gallivan & Larson, Attorneys
P.O. Box 811, Rutland, VT 05702-0811
Telephone: (802) 747-0610
Fax: (802) 747-9268
Email: larson@yourvtlawyer.com
Website: www.yourvtlawer.com

The attorneys are being paid on a contingency fee and/or statutory basis, which means that if there is no recovery, there will be no attorney’s fees. If there is a recovery, the attorneys will receive a part of any settlement obtained or money judgment entered in favor of all members of the class. The specific terms and conditions of any representation will be contained in a fee agreement entered into by the attorneys and you.

ATTORNEY FOR DEFENDANT VCS

The attorney for the Defendant, The Vermont Country Store, is:

Andrew H. Maass, Esq.
Ryan Smith and Carbine LTD

98 Merchants Row, P.O. Box 310
Rutland, VT 05701
(802) 786-1028
(802) 786-1128 direct fax
ahm@rsclaw.com

FURTHER INFORMATION

Further information about this lawsuit or this notice can be obtained by contacting the Plaintiff's attorneys at the address, telephone number, or email provided under the section "Your Legal Representation If You Join."

AUTHORIZATION

This notice has been authorized by the United States District Court for the District of Vermont; however, the United States District Court **has made no decision in this case about the merits of the Plaintiff's claim or VCS's defenses.**

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

DOREEN FORAUER,)
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 Plaintiff,)
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 v.) Case No. 5:12-cv-276
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 THE VERMONT COUNTRY STORE, INC.,)
)
 Defendant.)

CONSENT TO BECOME A PARTY PLAINTIFF

I agree to join the lawsuit against The Vermont Country Store, Inc., as a plaintiff, to make claims for wage and hour violations under the Fair Labor Standards Act, 29 U.S.C. §§ 206, 216(b). During my employment, there were times when I worked before or after my shift as a Telemarketing Sales Representative or Customer Service Representative and was not paid for all of my time before, during, or after my shift. By my signature below, I hereby authorize the filing and prosecution of the above-captioned Fair Labor Standards Act lawsuit in my name and on my behalf by the above representative Plaintiff Doreen Forauer. I hereby designate the above representative Plaintiff Doreen Forauer as my class representative and my agent to make decisions on my behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiff's attorneys concerning attorney's fees and costs, and all other matters pertaining to this lawsuit.

Name: _____

Signature: _____

Date: _____

Address: _____

Telephone Number: _____

The “Consent to Become a Party Plaintiff” form must be received by the Plaintiff’s attorneys on or before sixty (60) days from the date the “Notice of Opportunity to Join a Lawsuit to Recover Back Wages” was sent. This form must be sent to:

Meub Gallivan & Larson, Attorneys, P.C.
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