

NOTICE REGARDING

Rogelio Valdez and Marbella Gomez, vs. Signature Landscape, L.L.C., Case No.: 2:22-cv-3376-TC-ADM

NOTIFICATION TO POTENTIAL FLSA COLLECTIVE MEMBERS

Please read carefully. Your legal rights may be affected.

To: All current and former **Landscape Laborers** who were employed from January 18, 2021 to the present.

Re: **Claim for Allegedly Unpaid Overtime** under the Fair Labor Standards Act lawsuit.

1. Why did I get this Notice?

The purpose of this Notice is to: (i) inform you of the existence of a collective action lawsuit for alleged unpaid overtime compensation in violation of the Fair Labor Standards Act (“FLSA”), (ii) to advise you of how your rights might be affected by this lawsuit, and (iii) to instruct you on the procedure for participating in this lawsuit, if you so desire. You have been sent this notice because Signature Landscape’s employment records indicate that you could be an eligible collective member. The Court has authorized this notice.

2. What is this Lawsuit About? What are the Damages Alleged?

Rogelio Garcia and Marbella Gomez (“Plaintiffs”) brought this lawsuit against Defendant Signature Landscape (hereafter “Signature”) on behalf of themselves and all other current and former landscape laborer employees who are/were employed from January 18, 2021 to the present. Plaintiffs contend that Signature failed to properly pay overtime to these individuals. In particular, the Plaintiffs claim that Signature should have paid them overtime pay premiums in addition to their hourly rate of pay for all hours worked over forty in a workweek because Signature only paid them their hourly rate for those hours.

Signature denies that it violated the FLSA. It responds to Plaintiffs’ claims with the explanation that crew members who drove, loaded, unloaded, or otherwise worked with the Landscape vehicles were properly paid their hourly rate because of a law called the Motor Carrier Act overtime exemption, which governs employees affecting the safe, interstate transportation of goods or people on public highways.

Plaintiffs have sued Signature to recover all overtime compensation on behalf of potential collective members. Plaintiffs are also seeking liquidated damages in an amount equal to the overtime owed, as well as attorneys’ fees and costs.

3. Can Signature Retaliate Against Me?

Under federal law, it is illegal for Signature to terminate you or retaliate against you in any fashion because you have joined and/or participated in this lawsuit.

4. How Can I join this Lawsuit?

Enclosed you will find a form entitled “Consent to Become a Party Plaintiff” (“Consent Form”). You must complete and return the Consent Form to join this lawsuit as a party plaintiff.

If you choose to join this lawsuit, you will be bound by the judgment or any settlement of this action. Further you will be bound by any decision made by the Plaintiffs Rogelio Valdez and Marbella Gomez, concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel concerning attorney's fees and costs, and all other matters pertaining to this lawsuit. You may also have to assist Plaintiffs' counsel in this matter by answering written questions and producing documents relevant to your employment (if you have any). In addition, you may be required to appear for a deposition or testify at trial. If you choose to file a Consent Form, your continued right to participate in this suit may depend on a later determination by the Court that you and the Plaintiffs are actually "similarly situated" in accordance with federal law and that your claim has been filed within the applicable statute of limitations.

5. Is There a Deadline to Return the Consent Form?

Your Consent Form must be filed at the close of the notice period, May 6, 2024. To allow for that, the enclosed Consent Form **must** be postmarked within sixty (60) days from the date of this notice, *i.e.* postmarked no later than May 6, 2024.

6. What Happens if I do not Join this Lawsuit?

If you do not file a Consent Form to join in this case, you will not participate in this lawsuit and will not be affected by any judgment or settlement rendered in this case. If you choose not to join in this lawsuit, you are free to obtain your own counsel and file your own lawsuit. However, the statute of limitations will continue to run on any claims you might have until you have joined this suit or filed your own lawsuit.

7. No opinions Expressed as to the Merits of this Case.

This Notice is for the sole purpose of determining the identity of those persons who may be entitled to and wish to participate in this case and any potential judgment or settlement. The Court has expressed no opinion regarding the merits of Plaintiffs' claim, Signature's liability, if any, and individual claims may be subject to later dismissal if the Court ultimately finds that the claims lack merit or that they cannot be litigated on a class-wide basis.

8. Legal Counsel. Questions? We Speak Spanish

The following attorney represents the Plaintiffs and potential collective class members:

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