

NOTICE OF COLLECTIVE ACTION
Danielle Peck v. Mercy Health, et al.
Case No. 4:21-cv-00834-RLW in the United States District Court for the
Eastern District of Missouri Eastern Division

TO: All hourly-paid employees of any of the Defendants who were or are subject to Defendants' automatic meal break deduction policy at any time on or after December 27, 2019.

RE: June 2, 2023 deadline to join Fair Labor Standards Act action seeking allegedly unpaid overtime pay

«IMb|ullBarcodeEncoded»

«FirstName» «LastName» «BusinessName»
«Address1» «Address2»
«City», «State» «Zip»-«ZipDPC3»

SIMID: «SIMID»
Unique ID: «MERGED_UniqueID»

SIMID - SIMID-
part 1 of 1

I. INTRODUCTION

This Notice is to inform you about a conditionally certified collective action lawsuit under the federal Fair Labor Standards Act ("FLSA") that you are eligible to join, and to explain how you can join the action and the potential consequences of doing so.

II. DESCRIPTION OF THE LAWSUIT

On July 9, 2021, Plaintiff Danielle Peck ("Plaintiff") filed a lawsuit for herself and other hourly-paid workers in the United States District Court for the Eastern District of Missouri against Mercy Health, Mercy Health Foundation, and MHM Support Services (collectively, "Mercy"), alleging that Mercy violated the FLSA by failing to pay for all hours worked over 40 in a workweek. Specifically, Plaintiff alleges that Mercy applied an automatic 30-minute deduction for meal breaks, regardless of whether employees took the break. Plaintiff seeks to recover from Mercy wages for all hours worked in excess of 40 that were not compensated as a result of such deduction, plus liquidated damages, and attorneys' fees and costs. Mercy denies the allegations presented in the lawsuit and maintains that Plaintiff and all other employees have been, and continue to be, properly paid under the FLSA and all other applicable laws.

On December 27, 2022, the Court conditionally certified a collective of Mercy's past and present hourly-paid employees that worked for Mercy and were subject to the automatic meal break deduction policy at any time from December 27, 2019 to the present, and authorized that this notice be sent to all such persons. The Court has not made any determinations on who is right or the merits of Plaintiff's allegations.

III. ELIGIBILITY TO PARTICIPATE IN THIS LAWSUIT

You can join this lawsuit by completing, signing, and submitting the Consent to Join Form accompanying this notice via regular mail (see enclosed prepaid envelope), or by e-mail, or fax to:

Peck v. Mercy Health, et al. Claims Administrator
P.O. Box 26170
Santa Ana, CA 92799
info@MercyBreakLawsuit.com
Fax: (714) 824-8591
www.MercyBreakLawsuit.com
Phone: (833) 370-4373

You can also submit your Consent to Join Form through the website listed above with the access code you received. (You can find this information at the top of this notice or on your Consent to Join Form accompanying this notice.)

In order to join the case, your completed Consent to Join Form must be postmarked or electronically transmitted on or before June 2, 2023. Plaintiffs' counsel will promptly file any completed Consent to Join Forms that are submitted.

IV. EFFECT OF JOINING THIS LAWSUIT

If you choose to join this lawsuit, you will be bound by any ruling, settlement and/or judgment on any claim you may have under the FLSA, whether favorable or unfavorable. If you join and the Court rules in favor of Mercy, you will be bound by the outcome of this lawsuit and will not receive any money, and you will not be able to file another lawsuit regarding the matters raised in the lawsuit. If Plaintiffs prevail at trial, or a settlement is reached, you may be entitled to share in any monetary award or settlement. By joining this action, you assign Ms. Peck as your agent to make decisions on your behalf about the method and manner of conducting this action, entering into an agreement with Ms. Peck's attorneys concerning their fees and costs, and all other matters regarding this action. If you choose to join this lawsuit, you may be required to provide information or documents, appear for a deposition, testify in court at a trial or hearing in the United States Federal Courthouse in St. Louis, Missouri, or otherwise participate in this action.

V. EFFECT OF NOT JOINING THIS LAWSUIT

If you choose not to join this lawsuit, you will not be affected or bound by any judgment, favorable or unfavorable, on the claims brought under the FLSA that are alleged in this lawsuit, and you are free to file your own claim. If you do not join this lawsuit or start your own lawsuit, your right to bring an action will eventually expire due to the statute of limitations, which for FLSA claims is 2 years, or 3 years for violations proven to be willful.

VI. YOUR LEGAL REPRESENTATION IF YOU JOIN

The attorneys for Plaintiffs are with the law firms of Brown, LLC and Engelmeyer & Pezzani, LLC. If you choose to join the lawsuit, these firms will be representing you unless you obtain another attorney. The lead attorneys' contact information is:

Jason T. Brown
Eric R. Sands
BROWN, LLC
<https://ifightforyourrights.com/>
Tel: (877) 561-0000
flsagroup@jtblawgroup.com

VII. NO RETALIATION PERMITTED

Federal law prohibits Mercy from retaliating against you for participating in this action.

PLEASE DO NOT CONTACT THE COURT WITH ANY QUESTIONS.