

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

DESMOND HODGES, individually, and
on behalf of all others similarly situated,

Plaintiff,

vs.

OSMOSE UTILITIES SERVICES, INC.,

Defendant.

Case No.: 3:21-cv-00041-TCB

NOTICE OF RIGHT TO JOIN LAWSUIT

- TO:** Any individual employed by OSMOSE UTILITIES SERVICES, INC. in the position of Crew Member who worked in PIT and/or PR crews within the period of September 13, 2019 through September 13, 2022.
- FROM:** Attorneys for Desmond Hodges
- RE:** FEBRUARY 6, 2023 deadline to join pending lawsuit against OSMOSE UTILITIES SERVICES, INC. (“Defendant” or “OSMOSE”) to recover allegedly unpaid overtime wages and liquidated damages.
- NOTE:** This is a Court-Authorized Notice, but the Court has taken no position on the claims in this lawsuit. PLEASE DO NOT CONTACT THE COURT OR THE CLERK’S OFFICE WITH ANY QUESTIONS.

I. INTRODUCTION

You are receiving this Notice via U.S. Mail and e-mail, based on contact information obtained from OSMOSE pursuant to court order. This Notice is to inform you about a lawsuit under the federal Fair Labor Standards Act (“FLSA”), to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for opting into this case before the FEBRUARY 6, 2023 deadline, if you so choose. For more information, please review the following pages of this Notice as well as the Consent to Join Form.

II. DESCRIPTION OF THE LAWSUIT

The lawsuit was filed on March 18, 2021, and alleges that OSMOSE UTILITIES SERVICES, INC. failed to pay Crew Members overtime pay in violation of the FLSA. Defendant denies any and all liability under any circumstances including Plaintiff's allegations that it failed to correctly compensate Crew Members for overtime or that it is liable to Plaintiff for any claimed violation of the FLSA.

The Court has conditionally certified the lawsuit as a collective action, on behalf of any individual employed by OSMOSE in the position of Crew Member who worked in PIT and/or PR crews within the period of September 13, 2019 through September 13, 2022 who claim they were not paid for hours in excess of forty (40) in a workweek spent (1) travelling between their residences and motels and/or job sites, (2) performing work at the motel and then travelling to the job site; and/or (3) travelling from the job site to the motel and then performing work at the motel. The Court has not yet reached a decision as to whether the claims in the lawsuit are meritorious.

III. ELIGIBILITY TO PARTICIPATE IN THIS LAWSUIT

Plaintiff brings this collective action on behalf of:

Any individual employed by OSMOSE UTILITIES SERVICES, INC. in the position of Crew Member who worked in PIT and/or PR crews within the period of September 13, 2019 through September 13, 2022.

If you meet this description and you believe that OSMOSE failed to pay you for hours worked in excess of 40 in a workweek, you have the right to join this action against Defendant.

IV. YOUR OPTIONS REGARDING THIS LAWSUIT

You may elect to join this lawsuit, bring your own separate lawsuit, or not do anything. If you choose to join this lawsuit, you must complete the Consent to Join Form accompanying this notice and submit it by FEBRUARY 6, 2023 via regular mail, e-mail, or fax to:

Desmond Hodges v. Osmose Utilities Services, Inc.
c/o Administrator
P.O. Box 26170
Santa Ana, CA 92799
Email: OsmoseFLSASettlement@simpluris.com
Fax: (714) 917-7455
Website: OsmoseFLSASettlement.com

You may also submit the Consent to Join Form via electronic signature. Your login ID is your SIMID **«SIMID»**.

You may elect to participate in the lawsuit using Brown, LLC as your counsel. Their contact information is:

BROWN, LLC
Jason T. Brown
Nicholas Conlon
Email: flsagroup@jtblawgroup.com
(877) 561-0000

Plaintiff's attorneys will **not** charge you directly for their work in this case. If there is no recovery (*i.e.*, if the Plaintiff recovers no money from Defendant), you will not have to pay the attorneys for any of their work and as with any litigation, there's always a chance, no matter how remote, that you might have to pay the Defendant's costs. If there is a recovery, Plaintiff's attorneys fees may be subtracted from the recovery obtained from Defendant, or they may be paid separately by Defendant, or a combination of the two. You may also obtain your own counsel. It is entirely your decision whether or not to join this lawsuit. You may consult with Brown, LLC free of charge to discuss your options.

V. EFFECT OF JOINING THIS LAWSUIT

If you choose to join this lawsuit, you will be bound by any outcome, whether favorable or unfavorable. If the Plaintiff and anyone else who joins this lawsuit prevail at trial, or a settlement is reached, you may be entitled to share in any money recovered. On the other hand, if Defendant prevails, you may not recover any money and would not be able to pursue your overtime claim in a new lawsuit. You may be required to respond under oath to written questions, have your deposition taken, produce documents, and/or testify in court at a trial or hearing in the United States Federal Courthouse in Newnan, Georgia.

VI. EFFECT OF NOT JOINING THIS LAWSUIT

If you choose not to join this lawsuit, you do not need to do anything. If you do not join this lawsuit, you will not be a part of the case in any way, and will not be bound by any resolution, whether favorable or unfavorable. You should be aware that a claim under the FLSA must be brought by filing a Consent to Join form within two years of the date the claim accrues, unless you can prove that your employer's violation was "willful," in which case the Consent to Join Form must be filed within three years.

VII. WHAT HAPPENS NEXT?

The lawsuit will proceed toward discovery, motion practice, and potentially trial, which could take many months or years. If your contact information changes, and you want Plaintiff's counsel to be able to contact you (e.g., to update you about the case, to send you money from any settlement or judgment, etc.), you may provide your contact information to Plaintiff's counsel by e-mailing flsagroup@jtblawgroup.com.

VIII. PRESERVATION OF RELEVANT EVIDENCE

If you join the case, you will need to preserve evidence useful in proving your claim and recovering overtime pay for all overtime hours you worked, if the lawsuit is successful. In overtime pay lawsuits like this one, commonly used evidence includes any notes you may have kept about your job duties or hours worked, policy and procedure documents and manuals regarding your work, and even your personal memory about your work at and/or with OSMOSE.

Therefore, you should hold onto documents related to your work at and/or with OSMOSE and take notes about your memory of your job duties and hours worked.

IX. NO RETALIATION PERMITTED

Federal law prohibits current and former employers from retaliating against you in any way (for example, firing you, giving you unfair reviews, cutting your pay, failing to promote you, etc.) for exercising your rights under the FLSA (for example, by joining this lawsuit or by providing evidence in support of the Plaintiff).

THE DISTRIBUTION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT BUT THE COURT HAS NOT YET REACHED ANY DECISION WHETHER OR NOT THE CLAIMS IN THE LAWSUIT ARE MERITORIOUS.

PLEASE DO NOT CONTACT THE COURT.