

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

Notice of Overtime Pay Lawsuit Against A.W. COMPANIES, INC., on Behalf of Contact Center Agents

A court authorized this notice. This is not a solicitation from a lawyer.

TO: All current and former remote hourly-paid Customer Service Representatives (“CSRs”) and Team Leads (collectively “Contact Center Agents” or “CCAs”) who work or have worked for A.W. Companies, Inc. (hereinafter referred to as “A.W. Companies”) at any time from March 25, 2020 to the present.

DATE: August 1, 2023

RE: Fair Labor Standards Act (“FLSA”) lawsuit against A.W. Companies seeking compensation for overtime for hours worked by CCAs.

Kate Egan v. A.W. Companies, Inc., Case No. 23-cv-1148, pending in the United States District Court for the Northern District of Illinois.

1. This notice describes a lawsuit that you are allowed to join.

The purpose of this Notice is to inform you of the existence of a collective action lawsuit against A.W. Companies. The Court has determined that you may be similarly situated to Kate Egan, the Named Plaintiff who brought this case. Therefore, the Court has ordered that this Notice be sent to you, to explain what the lawsuit is about, so that you can make an informed decision whether to opt in (join the lawsuit).

Please note that the Court has not ruled on the merits of the lawsuit. The Court has only ruled that it is important that you be notified of the existence of the lawsuit so that you can determine (a) how to protect your rights and (b) whether you wish to join it.

2. The lawsuit seeks to recover overtime pay for call center workers, including CCAs who work or have worked for A.W. Companies.

Named Plaintiff, Kate Egan (“Plaintiff”), brought this action under the Fair Labor Standards Act (“FLSA”) on behalf of herself and all other past and current hourly CCAs (as defined above) who worked for A.W. Companies at any time from March 25, 2020 to the present.

Plaintiff contends that she and other CCAs are owed overtime pay under the FLSA. Specifically, Plaintiff alleges that A.W. Companies violated the FLSA by requiring CCAs to routinely perform certain pre-shift, meal-period, and post-shift activities off-the-clock without pay. These activities include starting and shutting down their computers and logging into, loading, and closing various computer software programs and applications used throughout their shifts; and troubleshooting technical problems with the computers, networks, programs/applications, and/or phones they use daily. Plaintiff contends that by prohibiting, encouraging, or pressuring CCAs from including these pre-, mid-, and post-shift activities in their compensable time by virtue of attendance/schedule adherence policies, Plaintiff and other CCAs were forced to perform some or all the above referenced tasks off the clock.

Plaintiff alleges that she and all employees similarly situated are entitled to recover unpaid overtime pay, liquidated damages (equal to the unpaid overtime pay) and interest, attorneys' fees, and costs associated with bringing this lawsuit.

A.W. Companies contests all claims that have been asserted and denies any wrongdoing or liability.

3. How you can exercise your right to join this lawsuit.

If you are a CCA as defined on page 1, you may choose to join this suit (that is, you may "opt in"). To opt in, you must submit a "Consent to Join" form. The Consent to Join form is enclosed with this notice. You may use the enclosed envelope to mail your form, or you may fax it or e-mail it to the notice administrator (whose information is available in Section 9, below), or you may request to submit your form online by emailing claims@ilymgroup.com.

4. The consequences of joining this lawsuit.

If you file a Consent to Join form by following the instructions, you will be bound by the judgment (the final result of the lawsuit), whether favorable or unfavorable (that is, whether the Plaintiff wins the case against A.W. Companies or not).

Plaintiff's attorneys will **not** charge you directly for their work in this case. If there is no recovery (*i.e.*, if Plaintiff recovers no money from A.W. Companies) you will not have to pay the attorneys for any of their work. If there is a recovery, Plaintiff's attorneys will receive whatever attorneys' fees the Court orders. Those fees may be subtracted from the recovery obtained from A.W. Companies or they may be paid separately by A.W. Companies, or they may be a combination of the two.

If you join this lawsuit, you are choosing to be represented by Plaintiff's counsel and the Named Plaintiff who brought this case to make decisions and agreements on your behalf concerning the lawsuit. These decisions and agreements will then be binding on you.

5. The consequences of not joining this lawsuit.

If you choose not to join this lawsuit, you will not be affected by any judgment in this lawsuit on this FLSA claim, whether favorable or unfavorable. If you choose not to join this lawsuit, you may file your own lawsuit and select the attorney of your choice. However, if you do not join this lawsuit, you will not be able to receive any money recovered in this lawsuit.

6. What happens next?

The lawsuit will proceed toward 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 (whose information is available in Section 9, below).

7. Preservation of relevant evidence.

You may wish 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 as a CCA.

Your memory about your work may be particularly important in proving your entitlement to overtime pay, for two reasons. First, your legal entitlement to overtime depends in part on what kinds of tasks you spend time on each shift. Second, you are allowed to prove the number of overtime hours you worked based in part on your memory of the schedule you worked, even if your memory is not precise.

Therefore, you may wish to hold onto documents related to your work at A.W. Companies and take notes about your memory of your job duties and hours worked.

8. No retaliation permitted.

Federal law prohibits A.W. Companies 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's claims).

9. Your legal representation if you join.

If you choose to join this lawsuit, you will be represented by the Named Plaintiff through her attorneys. They are:

ASH LAW, PLLC

Charles R. Ash, IV
402 W. Liberty Street
Ann Arbor, MI 48178

MORGAN & MORGAN, P.A.

Andrew R. Frisch
8151 Peters Road, 4th Floor
Plantation, FL 33324

HOOPER HATHAWAY, P.C.

Oscar A. Rodriguez
126 Main Street
Ann Arbor, MI 48104-1903

If you want further information about this lawsuit, or have questions about the procedure or deadline for filing a "Consent to Join," please contact the Notice Administrator, ILYM Group, Inc.

Telephone: (888) 250-6810
Email: claims@ilymgroup.com

10. This notice has been authorized by the Court.

This notice and its contents have been authorized by the United States District Court for the Northern District of Illinois, the Honorable Matthew F. Kennelly presiding. The Court has taken no position regarding the merits of Plaintiff's claims or of A.W. Companies' defenses.