

## **NOTICE OF RIGHTS**

*Chris Robison et al. v. TechServ Consulting and Training Ltd.*  
United States District Court, Northern District of Ohio, Western Division

**TO:** All current and former TCRs, Area Supervisors, and NERC/CIPs who worked for TechServ Consulting and Training Ltd. and allegedly did not receive overtime payment at a rate of 1.5 times their regular rate of pay for all hours worked in a workweek in excess of 40.

**RE:** **Your right to join a conditionally certified collective action seeking to recover allegedly unpaid overtime compensation.**

**DEADLINE: DECEMBER 16, 2019**

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**A COURT AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.**

**PLEASE READ THIS NOTICE CAREFULLY**

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### **I. INTRODUCTION**

The Fair Labor Standards Act (FLSA) protects the rights of certain non-exempt employees to be paid overtime at a rate of 1.5 times their regular rate of pay for all hours worked in excess of 40 per week. A worker may bring an action on his or her own behalf and on behalf of similarly situated employees. The worker(s) who brings the lawsuit is called a plaintiff, and those who are sued are called defendants. If a violation is proven, the right to be paid exists even for small amounts of unpaid time.

The purpose of this Notice is to inform you of the existence of a lawsuit against TechServ Consulting and Training Ltd. ("TechServ") and your rights related to that lawsuit.

### **II. DESCRIPTION OF THE LAWSUIT**

**Plaintiffs' Position:** In the lawsuit, Chris Robison and ten (10) additional plaintiffs have alleged that TechServ failed to pay TCRs, Area Supervisors, and NERC/CIPs properly. Specifically, the Plaintiffs claim that TCRs, Area Supervisors, and NERC/CIPs were not paid 1.5 times their regular rate of pay for all hours worked in a workweek in excess of 40. As a result, the Plaintiffs are seeking unpaid overtime wages, attorneys' fees, liquidated damages, and litigation costs.

**Defendant's Position:** TechServ asserts that it has properly paid TCRs, Area Supervisors, and NERC/CIPs and that it has properly classified each group of employees. TechServ also denies that it has violated any wage and hour laws.

**The Court's Position:** The Court has not decided whether Plaintiff or Defendant is correct. The right to recover overtime compensation for Robison or any other putative opt-in plaintiff has not been established. By authorizing delivery of this Notice, the court does not endorse the merits or defenses of either Plaintiff or Defendant.

### **III. NO RETALIATION PERMITTED**

If you join this lawsuit, the law prohibits TechServ from retaliating against you as a result of your participation. Federal and state laws specifically prohibit an employer from taking any adverse employment action against an employee because he or she is seeking to enforce his or her right to recover regular and/or overtime pay that is allegedly due. Completing and returning the attached "Opt-In Consent Form" is protected by the FLSA from retaliation. The FLSA protects current and former employees from retaliation regardless of whether they are ultimately determined to be entitled to compensation.

### **IV. DEFINITION OF THE CLASS**

Plaintiffs seek to recover from TechServ on behalf of themselves and those similarly situated individuals in the subclasses: (1) TCRs; (2) Area Supervisors, and; (3) NERC/CIPs. This includes individuals who are current or former TechServ employees in one or more of these three subclasses who did not receive overtime payment at a rate of 1.5 times their regular rate of pay for all hours worked in a workweek in excess of 40.

### **V. YOUR RIGHT TO PARTICIPATE IN THIS LAWSUIT**

The United States District Court for the Northern District of Ohio has authorized this communication to notify you of this lawsuit.

The Court's authorization to send this Notice does not reflect a judgment by the Court about whether any current or former hourly employees of TechServ are entitled to compensation.

- **How do I join?**

It is your decision whether or not to join this lawsuit. To participate in the lawsuit, you need to fill out the enclosed opt-in consent form and mail it in the enclosed self-addressed stamped envelope. The opt-in consent indicates that your wish to participate in the lawsuit. The FLSA contains a statute of limitations that limits the time period an individual may recover. By signing and returning the opt-in consent and having Plaintiffs' attorneys file it with the Court, you will become a participant in the lawsuit.

You also have the right to choose to not opt-in to this lawsuit. You have the right to retain your own attorney or to take no action at all.

**The enclosed form and envelope must be post-marked by DECEMBER 16, 2019.** The form should be sent by mail, fax or email to:

Mail:	Mansell Law LLC 1457 S High St. Columbus OH, 43207
Fax:	(614) 547-3614
Email:	Greg@MansellLawLLC.com

- **Will I be represented by a lawyer in this case?**

The law firm of Mansell Law LLC and its attorneys are the counsel representing the Plaintiffs in this action. They are experienced in handling similar cases against other employers. Unless you choose your own lawyer or law firm, these attorneys will represent you in the action.

- **Want more information or have questions?**

You can contact the Plaintiffs' attorneys at:

Greg Mansell, Esq.  
MANSELL LAW, LLC  
1457 S High St.  
Columbus, OH 43207  
(614) 610-4134  
Greg@MansellLawLLC.com

## **VI. EFFECT OF JOINING THIS LAWSUIT**

If you join the lawsuit, and the Court finds in favor of the Plaintiffs, you may be entitled to a monetary recovery. However, if you join the lawsuit, and the Court rules in favor of TechServ, you will be entitled to no relief.

You should also understand that, as a party to this lawsuit, there is a possibility that you may be required to provide information about your employment with TechServ, answer written questions, produce documents and/or testify at a pre-trial deposition or trial. If you choose to join this lawsuit, your legal team will work with you so that this process is as convenient for you as possible.

You will not be required to pay any legal fees to Plaintiffs' attorneys. Plaintiffs' attorneys are being paid on a contingency fee basis, which means that, if there is no recovery, the attorneys will receive nothing. If there is a recovery, the attorneys will receive a part of any recovery obtained or may seek to obtain a Court Order under which they may receive a fee through a separate payment by TechServ. If the Court ultimately concludes that TechServ is the prevailing party, you may or may not be liable for a portion of the costs, not including their attorneys' fees and expert fees.

By joining this lawsuit, you are designating the law firm and its attorneys identified above to represent your interest. In addition, by joining this lawsuit you will be bound by the judgment of the Court on all issues in this case, including the reasonableness of any settlement.

## **VII. NO LEGAL EFFECT IN NOT JOINING THE LAWSUIT**

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable. If you choose not to join in this lawsuit, you may file your own lawsuit. However, the pendency of this action will not stop the running of the statute of limitations as to any claims you may have until you file your own lawsuit.

**PLEASE DO NOT ATTEMPT TO CONTACT THE  
COURT REGARDING THIS LAWSUIT**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>Christopher Robison <i>et al.</i>,</b>	:	
	:	
Plaintiffs,	:	Case No.: 3:19-cv-896
	:	
vs.	:	JUDGE JAMES G. CARR
	:	
<b>TechServ Consulting and Training, Ltd.</b>	:	Magistrate Judge James R. Knepp, II.
	:	
Defendant.	:	

**CONSENT TO JOIN AND PARTICIPATE**

1. Pursuant to the Fair Labor Standards Act, 29 U.S.C. § 216(b), I hereby consent to join and act as a plaintiff in the above-captioned lawsuit to recover unpaid overtime compensation, additional damages, attorney fees, and costs.
2. I agree to be bound by any adjudication or court rulings in the lawsuit, whether favorable or unfavorable.
3. I hereby designate the Mansell Law, LLC law firm to represent me in the lawsuit.

To participate, please complete this form and fill in the information requested as soon as possible.  
(Please print legibly)

**SIGNATURE:** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_

**STREET ADDRESS:** \_\_\_\_\_

**CITY, STATE, ZIP:** \_\_\_\_\_

**TELEPHONE NUMBER:** \_\_\_\_\_

**PERSONAL EMAIL ADDRESS:** \_\_\_\_\_

**DATE SIGNED:** \_\_\_\_\_

Please complete this form and fill in the information requested as soon as possible. You may mail, fax or email your completed form by **DECEMBER 16, 2019** to:

**Greg Mansell, Mansell Law, LLC, 1457 S. High St., Columbus, Ohio 43207; (fax) (513) 826-9311;  
email: *Greg@MansellLawLLC.com***