

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

ELIZABETH CUEVAS, as an individual and on
behalf of all others similarly situated,

Plaintiff,

vs.

CONAM MANAGEMENT CORPORATION, a
California corporation; and DOES 1 through 10,
inclusive,

Defendants.

Case No.: 18CV1189 GPC (JMA)

**NOTICE OF OPPORTUNITY TO JOIN A LAWSUIT
TO RECOVER OVERTIME WAGES**

TO: All persons who are or have been employed by the Company in the United States as non-exempt employees at any time from June 6, 2015, through the present, who received overtime pay and non-discretionary incentive pay, including without limitation, bonuses, during the same pay period.

RE: Fair Labor Standards Act (“FLSA”) lawsuit against the Defendant Conam Management Corporation seeking unpaid overtime and related damages for failure to timely and properly calculate the overtime rate of pay.

DATE: December 9, 2019

1. Introduction

The purpose of this Notice is to inform you of a collective action lawsuit against Defendant Conam Management Corporation (“Defendant”). The Court has determined that you may be similarly situated to the Plaintiff Elizabeth Cuevas (“Named Plaintiff”). Therefore, the Court has ordered that this notice be sent to you, to explain what the lawsuit is about and how to participate.

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 whether you wish to join it.

2. Description of the Lawsuit

Plaintiff contends that Defendant violated the Fair Labor Standards Act (the “FLSA”) in two respects. First, Plaintiff asserts that Defendant incorrectly calculated the regular rate of pay for purposes of paying overtime by not properly including all non-discretionary bonuses, including the Winner’s Circle, into the overtime rate. While Defendant, at times, did pay an overtime adjustment based on the bonus called “Bonus-ADJ,” Plaintiff contends that the calculation was incorrect and resulted in employees being paid less than required by law. Second, Plaintiff asserts that Defendant did not pay the overtime adjustment, or “Bonus-ADJ” within the deadlines required by the FLSA, which generally require payment of overtime wages within the same pay period it is earned. Plaintiff seeks all damages, including liquidated damages on behalf of all collective action members, which includes you.

Defendant contends that it has not violated the FLSA.

3. Your Right to Join this Lawsuit

If you fit the definition above, you may choose to join this suit (that is, you may “opt in”). To opt in, you must send a “Consent to Join” form to Phoenix Settlement Administrators. This form is enclosed in this envelope with this notice. Forms should be faxed, mailed, or e-mailed to:

Cuevas v. Conam Management Corp.

c/o Phoenix Settlement Administrators

PO Box 7208

Orange, CA 92863

(800) 523-5773

(949) 209-2503 (Fax)

Email: notice@phoenixclassaction.com

<http://www.phoenixclassaction.com/cuevas-v-conam-management/>

FORMS MUST BE RECEIVED (OR, IF MAILED, POSTMARKED) ON OR BEFORE MARCH 9, 2020.

4. Effect of Joining This Lawsuit

If you file a Consent to Join form in accordance with these instructions, you are bound by the judgment in this lawsuit, whether it is favorable or unfavorable. While this suit is proceeding, you may be required to respond to written questions, sit for a deposition, and/or testify in court – in which case Plaintiff’s counsel will assist you or you may hire your own counsel to assist you.

Plaintiff’s attorneys will not charge you directly for their work in this case. If there is no recovery, you will not be required 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 Defendant, or they may be paid separately by Defendant, or they may be a combination of the two.

If you join this lawsuit, you designate the Named Plaintiff as your agent to make decisions on your behalf concerning the lawsuit or you may appear by yourself and make your own decisions. If you choose to have the Named Plaintiff act as your agent, then Named Plaintiff’s decisions and agreements made and entered into by the Named Plaintiff will 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 in this lawsuit, you are free to file your own lawsuit and to select the attorney of your choice. However, you may lose your opportunity to participate in this lawsuit.

6. No Retaliation Permitted

Federal law prohibits Defendant from retaliating against you in any way (for example, terminating you, giving you an unfair performance review, cutting your pay, etc.) because you have exercised your rights under the FLSA (for example, by joining the lawsuit or by providing evidence in support of the Plaintiffs).

7. Your Legal Representation If You Join

If you chose to join the suit you may choose to be represented by the named Plaintiff’s attorneys or you may retain your own counsel. In the event you hire your own counsel, you will be responsible for paying your own counsel’s attorneys’ fees and costs.

If you choose to join this lawsuit and agree to be represented by the named Plaintiff's attorneys, your attorneys will be:

Majed Dakak
KESSELMAN BRANTLY STOCKINGER LLP
1230 Rosecrans Ave., Suite 400
Manhattan Beach, CA 90266
(310) 307-4555
(310) 307-4570 (Fax)
Email: *mdakak@kbslaw.com*

Dennis S. Hyun
HYUN LEGAL, APC
515 S. Figueroa St., Suite 1250
Los Angeles, CA 90071
(213) 488-6555
(213) 488-6554 (Fax)
Email: *dhyun@hyunlegal.com*

8. Further Information

If you want further information about this Notice or the lawsuit, or have questions about the procedure or deadline for filing a "Consent to Join," please contact Plaintiff's counsel at the information above or contact your own attorney.

THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, HONORABLE GONZALO P. CURIEL. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFF'S CLAIMS OR DEFENDANT'S DEFENSES. PLEASE DO NOT CONTACT THE COURT, THE COURT'S CLERK, OR THE JUDGE. THEY ARE NOT PERMITTED TO ADDRESS YOUR INQUIRIES OR QUESTIONS.

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CONSENT TO JOIN

CONSENT TO SUE UNDER THE FAIR LABOR STANDARDS ACT

I work or worked for Conam Management Corporation, at some point between June 6, 2015 and October 21, 2019, and received overtime pay and non-discretionary incentive pay, including without limitation, bonuses, during the same pay period.

I choose to participate in the FLSA collective action titled *Cuevas v. Conam Management Corp.*, pending in United States District Court for the Southern District of California, to recover unpaid overtime pay and damages, including liquidated damages, under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 216(b), and other relief under federal law.

Check either of the two options below:

_____ I choose to be represented in this matter by the named Plaintiffs and their counsel (*Kesselman Brantly Stockinger LLP* and *Hyun Legal, APC*) in this action.

_____ I chose to be represented in this matter by my own counsel.

My counsel's information is: _____.

Dated: _____

Email: _____

Signature: _____

Address: _____

Print Name: _____

Phone: _____

To be effective, this Form must be received or postmarked on or before March 9, 2020. Mail the completed form to Phoenix Settlement Administrators. This Consent to Sue is not valid and effective until you have received a receipt from Phoenix Settlement Administrators indicating that it has been filed. If you have not received a receipt within 3 weeks from your transmission of the form to us, you must contact Phoenix Settlement Administrators.