

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Celina Roberts, et al. v. The TJX Companies, Marshalls of MA, Inc., Marmaxx Operating Corp. d/b/a Marshalls Homegoods d/b/a Marshalls d/b/a T.J. Maxx Homegoods & Homegoods, Inc. Case No. 1:13-CV-13142-ADB (D. Mass.)

COURT-AUTHORIZED NOTICE
(THIS IS NOT AN ADVERTISEMENT FROM A LAWYER)

If you are or were a Merchandise Assistant Store Manager employed by Marshalls or HomeGoods between November 1, 2012 and March 31, 2017, please read this Notice.

- Plaintiffs, Marshalls and HomeGoods Merchandise Assistant Store Managers (“Merchandise ASMs”), claim that Merchandise ASMs should have been paid overtime for all hours worked over 40 in a week. The lawsuit claims that Merchandise ASMs perform non-exempt tasks as their primary duties, as described in Section I below. Even though you were paid a salary and may believe that you were not entitled to overtime, you may join this case. If you join this lawsuit, and the court determines that the case should proceed as a class or collective action, and Plaintiffs prevail, you may be entitled to overtime wages and other damages.
- Marshalls and HomeGoods deny that they have done anything wrong and intend to defend themselves against this lawsuit. In particular, they maintain that Merchandise ASMs were correctly classified as exempt from overtime compensation.
- The Court has allowed this Notice to be sent under the Fair Labor Standards Act (“FLSA”) to all persons who are or were employed, as Marshalls and HomeGoods Merchandise ASMs in the United States (excluding California) at any time from November 1, 2012 to March 31, 2017.
- Although the Court has authorized this Notice, it has not yet decided whether Marshalls and HomeGoods complied with federal and state law or whether any Merchandise ASMs are entitled to money or other relief.
- Your legal right to participate in the lawsuit is subject to the choice that you must now make.

[NOTICE CONTINUED ON REVERSE]

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

JOIN THE CASE

If you would like to participate in this case and share in a monetary recovery, if any, that might come from a judgment or a settlement in this lawsuit, you must fully complete, sign and timely submit a Consent to Join form no later than December 9, 2017, to the Notice Administrator.

You may sign and submit the Consent to Join Form in the following ways:

- (1) You may electronically sign and return the “Consent to Join” form, which can be accessed at MHG-MerchASM-case.com, and submitted no later than December 9, 2017, or
- (2) You may complete the form included with this Notice and mail it in the enclosed addressed, postage paid envelope so that it is postmarked no later than December 9, 2017, or
- (3) You may complete and send the enclosed form by fax to 1-866-305-4584, or email it to info@MHG-MerchASM-case.com so that the administrator receives it no later than December 9, 2017.

Filing the Consent to Join form does not guarantee that you will ultimately be a participant in this lawsuit if the Court at a later date determines certain claims are time-barred.

DO NOTHING

By doing nothing, you give up the possibility of a monetary recovery that may come from a trial or settlement of the FLSA claims if those bringing the lawsuit are successful. You would not be bound by any judgment. You will, however, have the right to bring your own claims. If you do not join, the statute of limitations on your claim will continue to run and you may lose some or all of your rights if you do not act.

I. WHY DID I GET THIS NOTICE AND WHAT IS THE LAWSUIT ABOUT?

This Notice was sent to tell you of the existence of the lawsuit and inform you of your rights. The choice to join or not to join this lawsuit is yours.

The Lawsuit. Celina Roberts and other individuals employed as Marshalls and/or HomeGoods Merchandise ASMs brought a lawsuit entitled, *Celina Roberts, et al. v. The TJX Companies, Marshalls of MA, Inc., Marmaxx Operating Corp. d/b/a Marshalls Homegoods d/b/a Marshalls d/b/a T.J. Maxx Homegoods & Homegoods, Inc.* Case No. 13-cv-13142-ADB (D. Mass.). In this lawsuit, they claim though they were classified as managers exempt from overtime, they should have been paid overtime in all weeks in which they worked more than 40 hours. Specifically, the lawsuit alleges that, their primary duties did not differ substantially from those performed by hourly associates, and included, among others, tasks such as stocking shelves, unpacking merchandise, and cleaning and straightening the store. As a result, Roberts and others claim they, and other Marshalls and HomeGoods Merchandise ASMs, are entitled to overtime pay.

Marshalls and HomeGoods deny the claims Plaintiffs are making.

II. HOW DO I JOIN AND WHAT HAPPENS IF I DO?

Enclosed is a "Consent to Join" form. If you want to participate in this lawsuit, you must read, sign, fill it out and return it. There are several ways to return it. You may electronically sign and submit it online at MHG-MerchASM-case.com by December 9, 2017. You can fax to the below number or email it to the below email address by December 9, 2017. Or, you can mail it back in the enclosed addressed prepaid envelope, or in another envelope, so that it is postmarked by December 9, 2017.

Marshalls and HomeGoods Merchandise
Assistant Store Manager Overtime Lawsuit
Notice Administrator
PO Box 6878
Broomfield, CO 80021
Fax: 1-866-305-4584
info@MHG-MerchASM-case.com
Phone: 1-844-853-3457

Should you lose or misplace the enclosed Consent to Join form, please contact the Notice Administrator at 1-844-853-3457. If you have questions, you may contact any of the Plaintiffs' lawyers listed below.

If you submit the enclosed Consent to Join form by December 9, 2017, the lawyers listed below will represent you at no out of pocket cost to you and work to obtain any unpaid overtime wages you may be owed.

The Court or a jury will determine your rights to any money. You will be bound by the Court's judgment, whether it is favorable or unfavorable, on all issues including settlement. If you join, you must preserve any information and/or documents you may have pertaining to your employment as a Marshalls and/or HomeGoods Merchandise ASM and you may be asked to participate in the discovery process, which means answering some questions and/or providing documents related to the case. Filing the Consent to Join form does not guarantee that you will ultimately be a participant in this lawsuit or recover any amount if the Court at a later date determines certain claims are time-barred or the case should not proceed as a collective action.

Plaintiffs are represented by:

KLAFTER OLSEN & LESSER LLP Two International Drive Suite 350 Rye Brook, NY 10573 Tel: (914) 934-9200 michael.reed@klafterolsen.com www.klafterolsen.com	VALLI KANE & VAGNINI LLP 600 Old Country Road, Suite 519 Garden City, NY 11530 Tel: (516) 203-7180 skane@kvvlawyers.com www.vkvlawyers.com	BURR & SMITH, LLP 111 2nd Avenue N.E., Suite 1100 St. Petersburg, FL 33701 Tel: (813) 253-2010 rep@burrandsmithlaw.com www.burrandsmithlaw.com
FAIR WORK, P.C. 192 South Street, Suite 450 Boston, MA 02111 Tel: (617) 607-3260 hillary@fairworklaw.com www.fairworklaw.com	MEHRI & SKALET, PLLC 1250 Connecticut Avenue, NW, Suite 300 Washington, D.C. 20036 Tel: (202) 822-5100 cmehri@findjustice.com www.findjustice.com	HEPWORTH, GERSHBAUM & ROTH, PLLC 192 Lexington Avenue, Suite 802 New York, NY 10016 Tel: (212) 545-1199 droth@hgrlawyers.com www.hgrlawyers.com

DINOVO PRICE ELLWANGER & HARDY LLP 7000 North MoPac Expressway, Suite 350 Austin, TX 78731 Tel: (512) 539-2626 www.dpelaw.com	SHAVITZ LAW GROUP PA 1515 S. Federal Highway, Suite 404 Boca Raton, FL 33432 Tel: (561) 447-8888 gshavitz@shavitzlaw.com www.shavitzlaw.com	
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By returning the Consent to Join form, you will join this lawsuit and these attorneys will represent you. Alternatively, you may join and retain your own counsel, at your own expense, if you choose.

III. WILL MY PARTICIPATION COST ME ANYTHING? HOW WILL THE LAWYERS GET PAID?

The Plaintiffs’ attorneys listed above will pay all the costs associated with this case and will only receive fees and reimbursement of costs if there is a settlement or judgment. If there is no recovery, they will get nothing and you will owe them nothing. Any Contingent legal fees will be paid to the attorneys from any funds paid to satisfy a judgment or settlement of the case.

IV. AND IF I DO NOT JOIN?

If you do not join, you will not be bound by any judgment issued or settlement approved by the Court in this case –whether it is favorable or unfavorable. You will not be entitled to share in the amounts recovered in this lawsuit, if any, but you will have the right to separately bring your own claims. If you do not join, the statute of limitations on your claim will continue to run and you may lose some or all of your rights if you do not act quickly.

V. WILL MY PARTICIPATION AFFECT MY EMPLOYMENT?

No. Federal law prohibits an employer from firing or in any way retaliating against you because you have joined this Lawsuit. However, participating in the Lawsuit does not excuse you from complying with Marshalls’ or HomeGoods’ existing policies.

VI. HOW CAN I GET MORE INFORMATION?

Additional information can be obtained from the attorneys at the above addresses and telephone numbers. You may also learn more about the claims in the Complaint and review relevant documents by contacting the Notice Administrator at 1-844-853-3457 or going to the website: MHG-MerchASM-case.com. No inquiries concerning this case should be directed to TJX, Marshalls, HomeGoods, HomeGoods’ or Marshalls’ managers, the Court or to the Clerk of the Court.

The Notice has been authorized by the Court. This Notice is not an expression by the Court of any opinion concerning the alleged claims. This Notice simply informs you of the pendency of this litigation and your rights to join, or not join, the lawsuit.