

IMPORTANT NOTICE ABOUT YOUR RIGHT TO JOIN A LAWSUIT SEEKING TO RECOVER UNPAID MINIMUM WAGE AND OVERTIME COMPENSATION FROM ELECTRIC-ROOTERMAN AND HANDYMAN, INC. (“ROOTER-MAN”).

TO: CURRENT AND FORMER PLUMBERS/HANDYMEN WHO WORKED FOR ANY ENTITY OF DEFENDANTS AND WERE EMPLOYED ANY TIME BETWEEN **OCTOBER 21, 2011** AND THE PRESENT.

RE: YOUR RIGHT TO JOIN A LAWSUIT SEEKING TO RECOVER UNPAID MINIMUM WAGE AND OVERTIME COMPENSATION.

DATE: OCTOBER 28, 2015

1. WHY YOU ARE RECEIVING THIS NOTICE.

This Notice is to inform you of a collective action lawsuit in which you may be “similarly situated” to the named Plaintiffs, to advise you of how your rights under the Federal Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, et seq. may be affected by this lawsuit, to advise you how your rights under the FLSA may have been affected by previous payments made to you by Rooter-Man, and to instruct you on the procedure for participating in this lawsuit if you choose to do so.

2. DESCRIPTION OF THE LAWSUIT.

Frederick “Ricky” Hankins and David “Russell” Seegars (hereinafter referred to collectively as the “Plaintiffs”) filed a Complaint against Defendant Electric-Rooterman, Inc. “Rooter-Man” in the United States District Court for the District of South Carolina, Spartanburg Division, Civil Action No. 7:14-CV-04094-TMC. Plaintiffs seek to pursue the claims in this lawsuit on behalf of themselves and all other past and present plumbers/handyman of Rooter-Man who were paid on an hourly basis, performed plumbing and handyman services as a part of their job, who were not compensated for all hours worked, and who worked more than forty (40) hours in a workweek and not paid overtime at any time between October 21, 2011 through the present.

Federal minimum wage laws require an employer to compensate an employee for all the hours they work. Federal overtime laws require an employer to compensate an employee at one and one-half times his or her normal rate of pay for each hour worked beyond forty (40) in a workweek. These laws apply unless the employee is properly exempt from the minimum wage and overtime pay requirements of the Fair Labor Standards Act. Plaintiffs assert that Rooter-Man failed to pay them minimum wage for all the hours they worked. Plaintiffs also assert that Rooter-Man failed to pay overtime compensation at a rate of one and one half times their regular hourly rate for workweeks in which they worked more than forty (40) hours. The Plaintiffs allege that Rooter-Man’s actions violate the FLSA and are suing to recover the allegedly unpaid minimum wages and overtime wages for themselves and for any other similarly situated employee.

Plaintiffs also seek to recover for themselves, and for any other similarly situated employee, an additional equal amount as liquidated damages, plus attorneys' fees and costs under the FLSA.

Rooter-Man denies the Plaintiffs' claims and states that it properly paid all wages owed to Plaintiffs. The case is in the early stages of litigation, and the Court has not ruled on any asserted claims or defenses.

3. YOUR RIGHT TO PARTICIPATE IN THIS SUIT, MAY "OPT-IN"

You may join in this lawsuit ("opt in") as a Party if: (1) you performed plumbing and handyman services as part of your job duties for any entity owned by Defendants Ray Fletcher, Glenna Fletcher, Jackie Knight, i.e. Rooter-Man and attended pre-shift morning meetings before 8am on any given work day or worked more than forty (40) hours in a workweek any time between October 21, 2011 and the present; (2) you were paid an hourly rate; and (3) you were not paid for the time spent at the morning meetings or any other times you spent working and/or not paid overtime compensation at one and one-half times your normal rate of pay for hours worked in excess of forty (40) in a workweek at the time Rooter-Man paid you your regular paycheck for this work. You are not required to join this lawsuit. If, however, you wish to join as a Party, you must sign the enclosed "Consent to Become a Party" form and mail it to Plaintiffs' counsel, using the self-addressed stamped envelope provided for your convenience, at:

LAW OFFICE OF JOHN RECKENBEIL, LLC
Post Office Box 1633
Spartanburg, South Carolina 29304

You must either return the signed form to Plaintiffs' counsel or retain other counsel in time for counsel to file your "Consent to Become a Party" to this action with the United States District Court for the District of South Carolina **on or before DECEMBER 27, 2015**. If you fail to file a "Consent to Become a Party" with the court on or before this deadline, you may not be able to participate in this lawsuit. If you file a written "Consent to Become a Party" form, the court may decide whether you are a proper party.

4. EFFECT OF JOINING THIS SUIT.

If you choose to join in the suit, you will be bound by the Judgment, whether it is favorable or unfavorable. You will also give up the right to file a suit in a separate action for the claims made in this case. The attorneys for the Plaintiffs will seek payment of attorneys' fees pursuant to the FLSA's fee shifting provisions. Meaning that if Plaintiffs are successful in their claims the court may award attorney fees to Plaintiffs' attorneys which said fees would remain separate and apart from any monies awarded to Plaintiffs. If the Plaintiffs are not successful and there is no recovery, there will be no award of attorneys' fees. If there is a recovery and the court chooses not to award attorney fees pursuant to the FLSA, the attorneys for the Plaintiffs will receive part of any settlement obtained or money judgment entered in favor of all the Plaintiffs. If you join this suit and agree to be represented by Plaintiffs' counsel, then you agree to a contingency fee agreement, a copy of which is available from Plaintiffs' counsel, and you designate Plaintiffs'

counsel as your attorney to make decisions on your behalf concerning the litigation, the method and manner of conducting the litigation, and all other matters pertaining to this lawsuit.

5. NO LEGAL EFFECT IN NOT JOINING THIS SUIT.

If you choose not to join this suit, your rights will not be affected by any judgment or settlement rendered in this case, whether favorable or unfavorable to the class. If you choose not to join in this lawsuit, you are free to file your own lawsuit and you may be represented by an attorney of your choice.

6. NO RETALIATION PERMITTED.

Federal law prohibits the Defendants from discriminating, retaliating against you or terminating your employment because you have exercised your rights under the FLSA by filing or joining a lawsuit seeking to enforce your rights. Examples of prohibited retaliation include, but are not limited to: discharge from employment; demotion; suspension; or other adverse actions.

7. YOUR LEGAL REPRESENTATION IF YOU JOIN.

If you choose to join this suit, your interests will be represented by Plaintiffs' attorneys, who are:

John G. Reckenbeil
Lawrence E. McNair, III
LAW OFFICE OF JOHN RECKENBEIL, LLC
215 Magnolia Street (29306)
Post Office Box 1633
Spartanburg, South Carolina 29304
Phone (864) 582-5472
Fax (864) 582-7280
Email: info@johnreckenbeillaw.com
www.johnreckenbeillaw.com

AND

J. Bradley Bennett
SALVINI AND BENNETT, LLC
101 W. Park Avenue
Greenville, South Carolina 29601
Phone (864) 232-5800
Email: salvini_bennett@yahoo.com

8. FURTHER INFORMATION.

Further information regarding this Notice, the deadline for filing a "Consent to Become a Party," or questions concerning this lawsuit may be obtained by writing or telephoning Plaintiffs' counsel at the address, Email address, or telephone number stated above.