

FILED
U.S. DISTRICT COURT,
DISTRICT OF MARYLAND

2020 JAN -3 PM 3: 28

CLERK'S OFFICE
AT BALTIMORE

BY _____ DEPUTY

NOTICE OF COLLECTIVE ACTION

To: All current and former home care employees who worked at any time from March 12, 2016, to the present for Bwell Healthcare, Inc.:

INTRODUCTION

This notice contains important information about your rights under federal law (the Fair Labor Standards Act) as a result of your current or former employment with Bwell Healthcare, Inc. ("Bwell").

A group of employees has filed a lawsuit against Bwell and two of its owners. The lawsuit claims Bwell and these individuals failed to pay them fully for overtime worked, including for work time spent traveling directly from one client's home to another client's home. **You may be eligible to participate in this lawsuit.**

This Notice describes the lawsuit and what you need to do if you want to file a claim in the case. This Notice is not an expression of any opinion as to any party's claims or defenses. In other words, there is no guarantee you and other employees will win or lose the lawsuit.

DESCRIPTION OF THE LAWSUIT

On March 12, 2019, Pamela Holden and April Wright filed suit in federal court against Bwell and two of its owners, Femmy Kuti and Sunlola Kuti. The name and case number of this suit is *Pamela Holden, et al. v. Bwell Healthcare, Inc., et al.* 19-cv-760. Plaintiffs' Amended Complaint, adding claims of retaliation, was docketed by the Court on July 15, 2019.

The Plaintiffs claim, among other things, that Bwell failed to pay them an overtime rate of 1 ½ times their regular hourly rate when they worked over 40 hours in a workweek and failed to pay employees for time they spent traveling between clients' homes in a single workday.

The lawsuit seeks back pay (unpaid overtime wages, including for compensable travel time), plus damages, reasonable attorneys' fees, and court costs. The right to recovery for any Plaintiff is not guaranteed or certain.

The Court has entered a preliminary injunction barring the Defendants from retaliating against any home care aides for participating in this lawsuit. The injunction also prohibits the Defendants from communicating with any home care aides about this lawsuit.

WHO CAN JOIN THE LAWSUIT

You may be eligible to join if you worked as a home care aide for Bwell and you worked more than 40 hours in a week but were not paid overtime (one-and-one-half times your hourly wages) for those overtime hours. You may also be eligible if you traveled directly from one client to another during the workday and, counting that travel time as work time, you worked

more than 40 hours in a week. The case is limited to those employees who worked at any time from March 12, 2016, until the present.

NO RETALIATION PERMITTED

Federal law prohibits Defendants from firing you, retaliating against you, or discriminating against you in any manner because you join this lawsuit. If you believe that you are being targeted or treated unfairly because of joining this lawsuit, please call David Rodwin at 410-625-9409 immediately.

HOW TO PARTICIPATE

If you meet the criteria above (“Who Can Join”), you may join this lawsuit (that is, you may “opt in”) by completing, signing, and **mailing the enclosed Consent Form** to the Plaintiffs’ lawyers at the following address:

David Rodwin
Public Justice Center
1 North Charles Street, Suite 200
Baltimore, MD 21201

You may contact David Rodwin, an attorney for the Public Justice Center, at 410-625-9409 if you have any questions or concerns, including to confirm we received your Consent Form. You may also retain your own counsel.

If you think you are eligible to participate, please sign and mail the form as soon as possible. **You may lose your right to compensation and damages if you do not act promptly.** This form must be returned in sufficient time for Plaintiffs’ lawyers to file it with the court, and it must be filed within 90 days of the date at the end of the form. If you do not return the Consent Form in time, you may not be able to participate.

EFFECT OF JOINING THIS LAWSUIT

If you join this lawsuit, you will be bound by the judgment of the Court on all issues decided in this case, whether the disposition of those issues is favorable or not. While this lawsuit is pending, you may be required, with the assistance of the Plaintiffs’ attorneys or other lawyers of your choice, to respond to written questions or testify under oath. The attorneys for the class Plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery there will be no attorneys’ fees. You will not need to pay any attorneys’ fees. If there is a recovery, the attorneys will be paid by the Defendants.

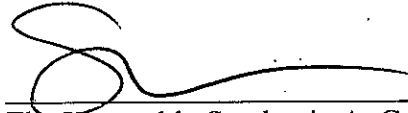
By joining this lawsuit, you designate the Plaintiffs Pamela Holden and April Wright as your agents to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, the entering of an agreement with Plaintiffs' counsel concerning fees and costs, and all other matters in this lawsuit. These decisions and agreements made and entered into by the Plaintiff Representatives will be binding on you if you join this lawsuit. Your immigration status has no bearing on this lawsuit or on your right to recover wages owed to you.

NO LEGAL EFFECT IN NOT JOINING SUIT

If you choose not to join this lawsuit, you need not do anything. If you do not join, you will not be affected by any judgment or settlement rendered in this lawsuit, whether favorable or unfavorable. However, if you do not timely file any claims you have, your claim could be time-barred, that is, it may be too late for you to file a claim.

This notice and its contents have been authorized by the U.S. District Court for the District of Maryland. This Court takes no position regarding the merits of the parties' claims or defenses.

Date, Jan 3, 2020



The Honorable Stephanie A. Gallagher
U.S. District Court, District of Maryland