

If you were employed by Epic Landscape Productions, L.C. as a Hourly Landscape Laborer you are eligible to join a lawsuit to protect your rights.

- An employee has sued Epic Landscape Productions, L.C. (referred to in this notice as “Epic” or) claiming Epic failed to properly pay overtime to Hourly Landscape Laborers.
- The Court has allowed the lawsuit to be conditionally certified as a collective action on behalf of employees affected by Epic’s policy.
- Your options are explained in this notice. **The deadline for mailing in the “Consent to Join” is August 21, 2018.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

<p>ASK TO BE INCLUDED</p>	<p>Join in this lawsuit. Await the outcome. Give up right to sue separately.</p> <p>By joining, you keep the possibility of getting money or benefits that may come from a trial or a settlement. But, you give up any rights to sue Epic separately about the same legal claims in this lawsuit.</p> <p>If you want to be included, then <u>you must complete the “Consent to Join” form at the end of this Notice and return it in an envelope postmarked by August 21, 2018.</u></p>
<p>DO NOTHING</p>	<p>Do nothing. Get no benefits from it. Keep right to sue separately.</p> <p>If you do nothing and money or benefits are later awarded, you won’t share in those. But, you keep any rights to sue Epic separately about the same legal claims in this lawsuit.</p>

BASIC INFORMATION

1. Why did I get this notice?

Epic records show that you currently work, or previously worked, for Epic in a position which would subject you to the policy at issue in this lawsuit.

This notice informs you of the existence of a collective action lawsuit in which you may become a member. It also explains what you need to do to participate, or not participate and how your rights may be affected.

On May 23, 2018, the Honorable Ortrie Smith, United States District Judge for the Western District of Missouri, authorized the sending of this Notice to inform you of your rights to join this lawsuit.

2. What does the lawsuit complain about?

In the lawsuit, the plaintiff says that Epic treated him as exempt from receiving overtime pay. Plaintiff alleges that the Hourly Landscape Laborer position should not have been treated as ineligible for overtime. As a result, Plaintiff alleges he and other Hourly Landscape Laborers are entitled to pay for the overtime hours they worked.

The plaintiff claims that because Epic did not pay employees for overtime hours worked, as required by law, he, and all others with similar claims, are owed unpaid wages, including overtime, as well as additional damages allowed by the law and attorneys' fees.

3. How does Epic answer?

Epic denies that it has violated the Fair Labor Standards Act. To the contrary, Epic asserts that at all times its pay practices complied with the FLSA and that employees were paid properly.

4. Has the Court decided who is right?

The Court has not decided whether Epic or the plaintiff is correct. By establishing the collective action and issuing this Notice, the Court is not suggesting that the plaintiff will win or lose this case. The plaintiff must prove the claims. Therefore there is no money or benefits available now.

Once people have had the chance to opt in, the Court will decide whether people who have opted in may participate in the case as class members. Only people "similarly situated" to the plaintiff may participate as class members. To determine whether you are indeed a proper member of the class, Epic will likely ask the Court to engage in a review of the circumstances of your employment with Epic, taking into account factors such as employment setting, recording and payment for time worked, any defenses asserted against you by Epic, and other procedural issues. If the Court determines that the class members are not similarly situated, your claims may be dismissed with the right to refile your own separate lawsuit.

YOUR RIGHTS AND OPTIONS

5. How do I join?

To participate in this lawsuit, you need to fill out the forms and mail it in the enclosed self-addressed stamped envelope. It is entirely your own decision whether or not to join this lawsuit.

If you fail to do so, you will not be allowed to participate in any recovery for the federal overtime claims in this lawsuit. But you are entitled to file your own lawsuit with or without a lawyer.

If you decide to join this suit, you will be bound by the settlement or judgment, whether it is favorable or not. If there is a favorable resolution, either by settlement or judgment, and you qualify, you will be entitled to some portion of the recovery.

6. What if I do nothing?

If you do nothing, you will not participate in the collective action. You will not be bound by any decision on the federal overtime suit. Therefore, you will not be entitled to any recovery should there be any for those claims.

You can also start your own lawsuit against Epic. If you file your own lawsuit, you can either hire and pay your own lawyer for that lawsuit or represent yourself. If you do exclude yourself so you can start or continue your own lawsuit against Epic, you should act quickly because your claims may be subject to a statute of limitations.

7. I am afraid Epic may take some action against me if I join.

The law forbids retaliation against those who join the lawsuit and participate in good faith. Epic has promised not to take any retaliatory action against you should you join this lawsuit.

8. Do I have to do anything to help out with the lawsuit once I join?

The lawyers will handle most of the presentation of the case. From time-to-time, your lawyers will ask you for information and you would need to give that information to them. You may also need to participate in discovery, and testify in a deposition. You may also be asked to answer questions from the other attorney prior to trial for part of a day. Should there be a trial, you may be required to testify. Regardless, if you are asked to give information, the attorneys will work with you so that the process is as convenient for you as possible.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

The Hodgson Law Firm, LLC and Mose Law, LLC are representing the named plaintiff in this action. They are experienced in handling similar cases against other employers. More information about the law firms, their practices, and their lawyers' experience is available at www.thehodgsonlawfirm.com and www.moselaw.com.

Unless you choose another lawyer or represent yourself in a separate lawsuit, these attorneys would represent you in the action.

10. Should I get my own lawyer?

If you want a lawyer, you do not need to hire your own lawyer because The Hodgson Law Firm and Mose Law are working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than The Hodgson Law Firm or Mose Law to speak for you.

11. How will the lawyers be paid?

If the attorneys get money or benefits for the employees, they may ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants the lawyers' request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by Epic. If the case does not settle and plaintiffs lose at trial, there is a possibility that the court could assess a pro-rate share of Epic's costs to the plaintiffs as a group.

If the Plaintiff obtains money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

12. Are more details available?

You can receive more information about this lawsuit by contacting the Plaintiffs' attorneys. You can contact the Plaintiff's attorneys at:

Jennifer Pate (paralegal)
Michael Hodgson (attorney)
The Hodgson Law Firm, LLC
3699 SW Pryor Rd.
Lee's Summit, MO 64082
Tel: 816-600-0117
Fax: 816-600-0137
Website: www.thehodgsonlawfirm.com
Email: jpate@thehodgsonlawfirm.com
mike@thehodgsonlawfirm.com

Yessina Meija (paralegal) **HABLA ESPANOL**
Pablo Mose (attorney/abogado) **HABLA ESPANOL**
Mose Law LLC
(913) 432-4484
3111 Strong Ave.,
Kansas City, KS 66106
Website: www.moselaw.com
Email: pablo@moselaw.com
meija@moselaw.com

If you have questions about this lawsuit or your rights, you may contact Plaintiffs' counsel authorized by the Court using the contact information set forth above, or consult another attorney of your choosing.

YOU MUST COMPLETE AND RETURN THIS DOCUMENT IN AN ENVELOPE POSTMARKED BY AUGUST 21, 2018 IF YOU WISH TO JOIN THE LAWSUIT

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

**Radames Molina Albelo, individually,)
and on behalf of all others)
similarly situated,)
)
Plaintiff,)
)
v.)
)
Epic Landscape Productions, L.C.)
)
Defendant.)**

Case No.: 4:17-cv-454-ODS

CONSENT TO JOIN

My name is _____ (print name) I worked in the position of Hourly Landscape Laborer to on or about _____ (month, year). By my signature below, I hereby authorize the filing and prosecution of claims in my name and on my behalf to contest Epic’s failure to pay me wages and overtime as required under federal law as brought in these proceedings. I also authorize the filing of this consent in the action(s) challenging such conduct in this and any subsequent actions that may or may not be filed post decertification, as needed. By my signature below, I designate the named plaintiff and counsel of record as my representatives to make decisions on my behalf concerning the lawsuit, the manner and method of conducting this lawsuit, and decisions regarding settlement, attorney’s fees and costs and all other matters pertaining to this lawsuit. I understand that while I have the right to choose other counsel and to pursue my claims on my own behalf, I choose to be represented by Class Counsel from The Hodgson Law Firm, LLC, and other attorneys with whom they may associate.

Please print or type the following information:

Full Name (Print clearly)

Signature **Date**

Address

City/State/Zip

Telephone Number

Email Address