

Legal Notice of Collective Action and Opportunity to Join

This Notice May Affect Your Legal Rights To Back Pay and Other Damages

PLEASE READ CAREFULLY

Please direct questions to counsel identified in Section 3 below.

**THE UNITED STATES COURT OF FEDERAL CLAIMS HAS AUTHORIZED THIS NOTICE.
THE COURT HAS ISSUED NO RULING ON THE MERITS OF THIS CASE.**

To: All past or present Assistant Canteen Chiefs (ACC) employed by the Veterans Canteen Service (VCS) nationwide from December 2, 2019 to the present.

The purpose of this Notice is to inform you that you may be able to participate in a collective-action lawsuit. This notice explains your options and rights under the Fair Labor Standards Act (“FLSA”). It also explains how to participate in this lawsuit if you choose to do so. The consolidated cases are *Smith et al. v. United States*, Case No. 19-1348C and *Anderson et al. v. United States*, Case No. 20-1878C. To participate, you must complete the form provided at the end of this notice by May 2, 2023.

1. Why did I get this notice?

VCS’s records indicate that you were an Assistant Canteen Chief (“ACC”) employed at one or more of VCS’s canteens nationwide at some time between December 2, 2019 and the present.

Plaintiffs have sued on behalf of themselves and all other similarly situated ACCs who meet this description. You received this Notice because you may be in the same situation as the Plaintiffs, and are entitled to decide whether or not to join the case.

2. What is the lawsuit alleging?

The lawsuit alleges that VCS misclassified its ACCs as exempt and failed to pay Plaintiffs and other similarly situated ACCs FLSA overtime pay at the rate of time and one-half of their FLSA regular rate for hours worked in excess of forty hours in a workweek. Plaintiffs, on behalf of themselves and those similarly situated, are seeking to recover back pay, liquidated damages, attorney’s fees, and costs associated with the litigation. Liquidated damages may be up to an additional 100 percent of back pay due.

3. Who represents the Plaintiffs?

Plaintiffs are represented by the following law firms to represent their interests in this matter: The Markham Law Firm, Pennington Law Firm, the Law Offices of Stephen B. Morris, Werman Salas P.C. and Shavitz Law Group P.A. The attorneys representing Plaintiffs can be contacted as set forth below:

Lisa Brevard
The Markham Law Firm
888 Prospect St., Ste. 200
La Jolla, CA 92037
(619) 399-3995 telephone
(619) 615-2067 facsimile
contact@markham-law.com email

Douglas M. Werman
Sarah J. Arendt
Werman Salas P.C.
77 West Washington Street, Suite 1402
Chicago, Illinois 60602
312-419-1008
312-419-1025 facsimile
info@flsalaw.com email

4. How can I join the lawsuit?

Enclosed you will find a consent form entitled “Consent to Join Form.” If you choose to join this lawsuit, please read, sign and return the form to the Administrator, at the contact information below. The form can be sent by email, mail, or facsimile to the Administrator, who will send the form to Plaintiffs’ counsel who will file the form with the Court.

Smith et al. v. United States
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606
Telephone: 1-888-373-2581
Fax: 1-949-419-3446
Email: canteenvertime@cptgroup.com

The signed consent form must be returned on or before May 2, 2023. If it is not promptly returned, you will not participate in any recovery obtained against defendant in this lawsuit. If you have questions about filling out or sending the consent form, please contact the Administrator or Plaintiffs’ counsel at the contact information in Section 3 above. It is strongly recommended that you contact the Administrator or Plaintiffs’ counsel after submitting your consent form to confirm receipt. Your consent form must be legible, complete, and accurate.

5. What are the effects of joining this lawsuit?

If you choose to join this lawsuit, you will be bound by, and will recover in any judgment or monetary settlement that may be reached. If no settlement is reached, you will be bound by the Court’s decision, whether it is favorable or unfavorable. In addition, if you join, you cannot sue the United States

separately about the same or related claims asserted in this lawsuit. You may be required to provide information, testify at deposition, or testify in court.

If you join the lawsuit, you will have the option of being represented by Plaintiffs' lawyers or a lawyer of your own choosing. If you choose to be represented by Plaintiffs' lawyers, you will agree to designate the original Plaintiffs as your agent to make decisions on your behalf concerning the litigation, the method and manner of conducting this litigation, and all other matters pertaining to this lawsuit. You will also agree to be bound by a retainer agreement with Plaintiffs' lawyers. The retainer agreement provides for a 33.33 percent contingency fee, and a recovery of out-of-pocket litigation costs incurred by Plaintiffs' attorneys. This means that the attorneys will receive 33.33 percent of any settlement or judgment in Plaintiffs' favor, plus the out-of-pocket litigation actual costs incurred. You will not be responsible for any other fees or costs. You are not personally responsible for any out-of-pocket fees or costs in this litigation. If Plaintiffs are denied any recovery, you will owe nothing to the attorneys and the attorneys will not receive any attorney's fees. Any fees recovered from the United States under the FLSA will not offset or otherwise reduce the 33.33 percent contingency fees that will be deducted from any recovery.

You may also seek advice from another lawyer if you choose to retain your own attorney. If you choose to retain your own attorney, that attorney may require you to sign a retainer agreement with different financial terms than the agreement offered by Plaintiffs' lawyers.

6. What are the effects of not joining this lawsuit?

If you choose not to join this lawsuit, you will not be affected by any judgment or settlement in this case, whether favorable or unfavorable. In addition, you will not be entitled to share any amounts recovered by the Plaintiffs in this lawsuit. You will be free to file your own lawsuit, subject to any defenses the government might assert.

7. Will joining the lawsuit affect my employment with the government?

Federal law prohibits the United States or any of its agencies from retaliating against you in any way because of any decision you might make to take part in this case or to exercise your rights under the Fair Labor Standards Act.

Additional information about this notice or the lawsuit may be obtained from Plaintiffs' counsel, The Markham Law Firm, Pennington Law Firm, the Law Offices of Stephen B. Morris, Werman Salas P.C. and Shavitz Law Group P.A.

Please do not contact the Court with questions or requests for information.