



Advocates for Workplace Fairness

COURT-AUTHORIZED NOTICE

If you have been employed as an Assistant Manager (“AM”), including a Front of House Manager or Kitchen Manager, at an Applebee’s restaurant operated by RMH between December 8, 2014 and the present, please read this notice.

A collective action lawsuit may affect your legal rights.

This is a court authorized notice. This is not a solicitation from a lawyer.

- Former AMs (“Plaintiffs”) have sued RMH Franchise Holdings, Inc. and RMH Illinois, LLC (“RMH” or “Defendants”), claiming that they and other AMs are owed overtime under the Fair Labor Standards Act (“FLSA”) for hours they worked over 40 in a workweek.
- The lawsuit is proceeding as a collective action on behalf of all AMs, including Front of House Managers and Kitchen Managers, who worked at Applebee’s restaurants operated by RMH at any time between December 8, 2014 and the present, and did not receive overtime compensation for hours worked over 40 in a workweek.
- The Court has authorized Plaintiffs to send out this notice of the lawsuit. The Court has not decided who is right and who is wrong.
- Your legal rights may be affected, and you have a choice to make now.

This notice contains information that affects your rights. Please read it carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

ASK TO BE INCLUDED	By signing and sending in the “Consent to Join” form included with this Notice, you will “opt in” and become part of this collective action lawsuit. If you choose to be included, you may be entitled to share in any monetary recovery that might come from a trial or a settlement in this lawsuit. You may be required to answer questions and produce relevant documents, and you may be required to testify under oath in court or in a deposition. <u>If you wish to be included, you must complete the Consent to Join form at the end of this Notice.</u>
DO NOTHING	If you do not sign and send in the Consent to Join form, you will not join the collective action. This means that you forego the possibility of recovering back wages under federal law in this lawsuit, and if those bringing the lawsuit are successful, you will not be bound by any judgment or settlement. You retain your right to sue RMH separately.

1. Why did I get this notice?

You received this notice because RMH’s records show that you worked as an AM between December 8, 2014 and the present.

2. What is this lawsuit about?

The lawsuit alleges that RMH misclassified AMs as “exempt” employees ineligible for overtime compensation under the FLSA, and failed to pay AMs overtime for hours worked over 40 in a workweek.

Defendants deny that they violated any laws or did anything wrong. The Court has not made any determination as to the merits of these allegations.

This lawsuit was filed on March 1, 2017, is known as *Ivery v. RMH Illinois, LLC and RMH Franchise Holdings, Inc.*, Case No. 17 Civ. 1619, and is pending before the Honorable John J. Tharp Jr. in the United States District Court for the Northern District of Illinois.

3. What are the Plaintiffs asking for?

Plaintiffs seek to recover unpaid overtime wages and an additional and equal amount as “liquidated damages,” which doubles the amount of wages owed. The lawsuit also seeks to recover attorneys’ fees and litigation costs.

4. What is a Collective Action and who is involved?

In a collective action lawsuit, one or more persons who have similar claims can bring a lawsuit that allows others who have similar claims to join and be included. If you complete a Consent to Join form and join the case by **March 12, 2018**, you will become part of the “Collective.” In a collective action, one court resolves the issues for everyone who decides to join the case.

5. Why is this lawsuit a Collective Action?

The Court has made a preliminary determination that the Plaintiffs are similarly situated to other RMH AMs and authorized this case to proceed conditionally as a Collective Action under Section 216(b) of the FLSA.

6. What happens if I join this lawsuit?

If you choose to join the Collective, you will be bound by and share in any ruling, settlement or judgment in this lawsuit, whether favorable or unfavorable. You will also be eligible to share in any proceeds from a settlement or favorable judgment. While the lawsuit is pending, you may be asked to provide discovery and relevant information regarding the work you performed at RMH.

By joining this lawsuit, you designate the named Plaintiff as your representative, and to the fullest extent possible, you designate the named Plaintiff and her counsel to make decisions on your behalf concerning the case, the method and manner of conducting the case, and all other matters pertaining to this lawsuit. Decisions made and agreements entered into by Plaintiffs relating to this lawsuit will bind you if you join the lawsuit.

7. Can RMH and/or my current employer retaliate against me if I join the lawsuit?

No. It is a violation of federal law for RMH or any employer to fire, discipline, or retaliate against you in any manner for taking part in this case.

8. What happens if I do nothing at all?

If you do nothing, you will not be entitled to share in any amounts recovered by the Plaintiffs for the FLSA claims in this case but you will not be affected by any decision regarding those claims, whether favorable or unfavorable. You will be free to hire your own lawyer and file your own FLSA lawsuit. You should be aware that your time to bring FLSA claims is limited by a two or three-year statute of limitations.

9. How do I ask to be included in this case?

Enclosed is a form called "Consent to Join." **If you choose to join this lawsuit, it is extremely important that you read, sign, and promptly return the Consent to Join form.** An addressed and postage-paid envelope is enclosed for your convenience. Should the enclosed envelope be lost or misplaced, the Consent to Join form must be sent to:

**RMH Assistant Manager Overtime Case
Notice Administrator
c/o JND Legal Administration
P.O. Box 91307
Seattle, WA 98111**

**Fax: 866-306-0518
Email: info@RMHOvertimecase.com
Toll-Free Phone: 1-844-859-6428**

The signed Consent to Join form must be postmarked, emailed, faxed, or submitted online at www.RMHOvertimecase.com by March 12, 2018.

10. If I join this case, do I have a lawyer?

If you choose to join this lawsuit, you will be represented by Plaintiffs' Counsel:

Justin M. Swartz and Melissa L. Stewart
Outten & Golden LLP
685 Third Avenue, 25th Floor
New York, NY 10017
(212) 245-1000

Gregg Shavitz and Alan Quiles
Shavitz Law Group, P.A.
1515 S. Federal Hwy, Suite 404
Boca Raton, FL 33432
(561) 447-8888

More information about Outten & Golden LLP and Shavitz Law Group, P.A. is available at www.outtengolden.com and www.shavitzlaw.com.

11. Should I get my own lawyer?

You do not need to hire your own lawyer because Plaintiffs' Counsel will be working on your behalf. However, if you do not want to be represented by Outten & Golden LLP and Shavitz Law Group, P.A. in connection with this lawsuit, you may choose to retain your own counsel (at your own expense).

12. How will the lawyers be paid?

The attorneys' fee arrangement for this case provides that Plaintiffs' counsel are handling this matter on a contingency basis, *i.e.*, that the attorneys' fees and costs will be determined on a percentage basis based on the recovery on behalf of Plaintiffs. If there is no recovery or judgment in Plaintiffs' favor, Plaintiffs' counsel will not seek any attorneys' fees from any of the Plaintiffs or members of the Collective.

Under the fee arrangement, in the event there is a recovery, Plaintiffs' counsel will apply to the Court for a portion of any settlement obtained or money judgment entered in favor of Plaintiffs and the Collective in the amount of the greater of: (1) the "lodestar" amount, calculated by multiplying reasonable hourly rates by the amount of time expended on the lawsuit, or (2) one-third of the gross settlement or judgment amount. In addition, Plaintiffs' counsel will also apply to the Court for their reasonable costs. Fees and costs may be part of a settlement obtained or money judgment entered in favor of Plaintiffs, or may be ordered by the Court to be separately paid by RMH, or may be a combination of the two.

13. Questions?

If you have any questions, you may write, e-mail or call counsel for the Plaintiffs:

Justin M. Swartz or Melissa L. Stewart
Outten & Golden LLP
685 Third Avenue, 25th Floor
New York, NY 10017
(212) 245-1000
RMHovvertimecase@outtengolden.com

-or-

Gregg I. Shavitz or Alan Quiles
Shavitz Law Group, P.A.
1515 S. Federal Hwy, Suite 404
Boca Raton, FL 33432
(561) 447-8888 or toll-free at (800) 616-4000
info@shavitzlaw.com

Please do not contact the Court about this Notice.

DATED: January 10, 2018