**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

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| DAVID JIMENEZ, on behalf of himself and others similarly situated, Plaintiffs, v.HAXTON MASONRY, INC.,Defendant. | CASE NO. 18-cv-07109-SVKThe Honorable Susan Van Keulen**NOTICE OF PENDENCY OF COLLECTIVE & CLASS ACTION****[THIS IS A COURT-APPROVED NOTICE.]** **YOU ARE NOT BEING SUED.** |

**TO: ALL INDIVIDUALS WHO WORK OR HAVE WORKED FOR HAXTON MASONRY, INC. AS HOURLY WORKERS AND WHO TRAVELED FROM ARIZONA TO CALIFORNIA FOR WORK:**

A LAWSUIT HAS BEEN FILED AGAINST DEFENDANT HAXTON MASONRY, INC. (“Haxton”) THE COURT HAS CONDITIONALLY CERTIFIED A COLLECTIVE ACTION AND CERTIFIED A CLASS ACTION AND YOU MAY BE A MEMBER OF EACH ACTION. THIS NOTICE PROVIDES IMPORTANT INFORMATION ABOUT YOUR RIGHTS IN CONNECTION WITH THAT LAWSUIT. PLEASE READ IT CAREFULLY. YOU ARE NOT BEING SUED.

 **WHAT IS THIS NOTICE ABOUT?**

A lawsuit is pending in the United States District Court in the Northern District of California against Haxton. The Court has determined that this case may proceed as a class action and conditionally as a collective action. A class action lawsuit is a lawsuit in which one or more persons sue on behalf of themselves and others who have similar claims. A collective action is a lawsuit in which individuals may collectively join to pursue a common claim. This Notice is being published for the purpose of informing you of the lawsuit and of your rights regarding it.

The Court has not decided whether Haxton did anything wrong and Haxton disputes that it violated the law in any manner. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

**WHAT IS THIS COLLECTIVE ACTION AND CLASS ACTION LAWSUIT ABOUT?**

In this lawsuit, the Plaintiff alleges that Haxton violated federal law and did not pay workers for travel time or for loading and unloading time. These claims are called the **“Collective Action”** claims. These are federal claims under the Fair Labor Standards Act (“FLSA”).

Plaintiff also alleges that Haxton violated California law did not reimburse workers for travel expenses like hotel costs when they traveled for work from Arizona to California. These claims are referred to as the **“Class Action”** claims.

On behalf of the workers, Plaintiff seeks back wages, expense reimbursement, compensatory damages, penalties, interest, restitution, costs, and attorneys’ fees.

Defendant Haxton denies these allegations in their entirety and asserts that it has properly paid its employees and reimbursed their expenses.

For the federal **Collective Action** claims, the Court has certified the following:

1. “All hourly workers residing in Arizona who traveled to remote job sites in California from November 21, 2015 to the present;” and

2. “All hourly workers residing in Arizona who were not paid for loading time at the Haxton yard from November 21, 2015 to the present.”

For the **Class Action** claims, the Court has certified a class action as follows: “All Haxton hourly workers residing in Arizona who incurred lodging expenses for work in California from November 2, 2014 to the present.”

The Court has not made any decision about who is right or wrong in the lawsuit or who will win at trial. The Plaintiff must still prove his claims at a trial before a judge or jury. This Notice is not to be understood as an expression of any opinion of the Court.

**WHO ARE THE ATTORNEYS IN THIS CASE?**

Conor Granahan of Granahan Law, P.C., 235 Montgomery Street, Suite 440, San Francisco, California, 94104, (415) 830-3325, has been appointed by the Court as “Class Counsel” and is pursuing this action on behalf of the Collective Action and the Class Action. Class Counsel represents the class without any charge to class members. Any reimbursement of costs or expenses or award of attorney fees to Class Counsel will be made by the Court and will come from any recovery for the class members from Haxton directly.

If you decide not to participate in this lawsuit you can hire your own attorney, at your own cost, if you so choose.

Michael Freeland of Freeland Law APC, 9029 Park Plaza Drive, Ste. 202, La Mesa, CA 91942 (619) 464 5006 and Philip H. Dyson of the Law Office of Philip H. Dyson, 8461 La Mesa Boulevard, La Mesa, California 91942, (619) 462-3311 are legal counsel for Haxton Masonry, Inc. **Do not contact counsel for Haxton Masonry, Inc regarding this Notice.**

**WHAT ARE MY OPTIONS NOW?**

There are two decisions you have to make.

**FIRST**, for the Collective Action claims regarding: (1) unpaid travel time and (2) loading time, you need to decide if you want to join the Collective Action or not. This is called an “opt-in.” The opt-in form is enclosed with this notice. It requires that you sign, date and return the opt-in form. In order to get money or benefits (if there are any) from a settlement or a trial in this lawsuit, you need to opt-in.

If you do not opt-in, you will not participate and are able to file your own lawsuit at your own expense, and will not be bound by the results of this current lawsuit.

**SECOND**, for the Class Action claims regarding unreimbursed travel expenses, you do not have to opt-in. You will be ***automatically*** included in the California claims unless you decide to be excluded. Class members may choose to remain in the class or to request exclusion from the class. If you do not request exclusion from the class, you will remain a member of the class and will be bound by the outcome of the lawsuit. Any claims that you may have against Haxton arising from the matters alleged in the class action will be determined in the Class Action, in which you will be represented by Class Counsel.

If you opt-in to the federal Collective Action claims, and/or you stay in the California Class Action claim, and the Plaintiff obtains money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you stay in the class, you will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action whether it is favorable or unfavorable.  You might be asked to produce documents, respond to discovery, or attend a deposition.

**HAXTON WILL NOT RETALIATE AGAINST YOU OR AWARD ANY BENEFIT TO YOU OR ANY CURRENT OR FORMER EMPLOYEE FOR PARTICIPATING OR NOT PARTICIPATING IN THIS LAWSUIT.**

If you want to opt-in to the Collective Action claims for travel time wages and loading time wages, you **NEED** to fill out the enclosed opt-in form by mail or email or cut and paste it into an email by **JUNE 1, 2021.**

Granahan Law, P.C.

235 Montgomery Street, Suite 440,

San Francisco, California, 94104

conor@granahanlegal.com

If you want to be a part of the Class Action claims for unreimbursed travel expenses, you do not need to do anything. If you want to **NOT** be a part of the California law claims, then you need to send in a request for exclusion.

**WHAT IF I DON’T WANT TO BE A PART OF THE CASE?**

If you wish to exclude yourself from the Class Action you must send a written “Request for Exclusion” by mail on or before June 1, 2021 to the following:

Granahan Law, P.C.

235 Montgomery Street, Suite 440,

San Francisco, California, 94104

 The Request for Exclusion must include your name and address, and must specifically state that you wish to be excluded from the class in the case entitled David Jimenez v. Haxton Masonry, Inc., Case No. 18-cv-07109-SVK. If you request to be excluded from the California Class, you will not share in any recovery (if any) that may be obtained in the class action.

 If you do not opt-in to the Collective Action claims, you will not share in any recovery that may be obtained. You will not be bound by any judgment in the class action and are free to then file your own lawsuit against Haxton.

**THE TRIAL**

 The Court has not scheduled a trial to decide who is right in this case. When the Court does set a trial date, Class Counsel will send notice to the Class and the date will be posted on the Court’s website.

**WHO SHOULD I CONTACT IF I HAVE ANY QUESTIONS?**

If you have any questions about this Notice or this lawsuit, you may contact Class Counsel:

Conor Granahan

Granahan Law, P.C.

235 Montgomery Street, Suite 440

(415) 830-3325

conor@granahanlegal.com

You may wish to seek the advice and guidance of your own attorney, at your own expense, about your legal rights. You may also appear in the case through your own lawyer, at your own expense.

**DO NOT WRITE OR CALL THE COURT, THE CLERK OF THE COURT, HAXTON MASONRY, INC. OR HAXTON’S ATTORNEYS ABOUT THIS NOTICE.**

**IF YOU OPT-OUT OF THE CLASS BY SENDING IN A REQUEST FOR EXCLUSION, YOU MAY THEN CONTACT HAXTON OR ITS ATTORNEYS ABOUT THE CASE.**

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

Want to opt-in to the conditionally certified collective action in David Jimenez v. Haxton Masonry, Inc. Case No. 18-cv-07109-SVK.

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Send to:

conor@granahanlegal.com