

IMPORTANT NOTICE OF RIGHT TO JOIN OVERTIME LAWSUIT

Notice of Certification of Conditional Collective Action in Unpaid Overtime Lawsuit against Serenity Transportation; David Friedel; Service Corporation International; SCI California Funeral Services, Inc.; and County of Santa Clara

Johnson et al. v. Serenity Transportation, Inc., et al.
United States District Court for the Northern District of California

TO: ALL DRIVERS/TECHNICIANS WHO WORKED FOR SERENITY TRANSPORTATION IN CALIFORNIA SINCE MAY 16, 2013 AND WERE CLASSIFIED AS INDEPENDENT CONTRACTORS.

What is this notice about?

You are not being sued. You have received this Notice because Serenity Transportation's ("Serenity") records indicate that you may be eligible to join a collective action lawsuit involving claims for unpaid overtime wages under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., ("FLSA" or "Federal Wage and Hour Law"), entitled *Johnson et al. v. Serenity Transportation, et al.*, No. 15-2004 JSC (the "Lawsuit"). The Lawsuit is pending in the U.S. District Court for the Northern District of California.

The purpose of this notice is to inform you that you have the option (but are not required) to join in Plaintiffs' lawsuit against Serenity, David Friedel, SCI/SCI California, and Santa Clara County ("Defendants") as an "opt-in" plaintiff.

IF YOU DECIDE TO JOIN THIS LAWSUIT, YOU MUST SUBMIT THE ATTACHED CONSENT TO JOIN FORM (EXHIBIT A) TO ILYM Group, Inc. SO THAT IT IS RECEIVED OR POSTMARKED ON OR BEFORE JULY 30, 2016.

What is the lawsuit about?

Plaintiffs (Curtis Johnson and Anthony Aranda) filed a lawsuit against Defendants alleging that Defendants misclassify Drivers as independent contractors while treating them as employees under federal law and that Defendants pay Drivers a flat rate per call that does not compensate Drivers for their on-call time or for any hours spent responding to calls over 8 hours in a day or over 40 hours in a week. As a result, Plaintiffs allege that Defendants owe overtime wages to Drivers.

Defendants deny all of Plaintiffs' claims and any wrongdoing.

On April 19, 2016, the Court conditionally certified the Lawsuit's federal overtime claims to proceed as a "collective action" on behalf of Drivers who worked for Serenity as independent contractors in California. This Notice and its contents have been authorized by the United States District Court for the Northern District of California.

Why did I get this notice?

You received this notice because you were identified as a current or former Driver/Technician who worked for Serenity in California as an independent contractor during the past three years. (Driver/Technician means all persons whose primary job duty was to transport decedents between, for example, hospitals, convalescent homes, residences, mortuaries, and/or coroner facilities.) As a result, you are eligible to join this lawsuit to seek to recover unpaid wages and overtime compensation, if any, that you may be owed.

NOTE: Your statute of limitations will continue to run—meaning the amount you can potentially recover will diminish—until you send in your opt-in form. If you do not file your opt-in form within three years of the date you last worked for Defendants, you may be precluded from joining the case as an Opt-in Plaintiff.

Can Defendants punish me for joining this case?

No. Federal and state law prohibit any of the Defendants from firing you, removing you from rotation, or taking any other negative employment action against you because you joined this lawsuit.

Likewise, you are not obligated to join the lawsuit.

What happens if I decide to join this case?

You are not obligated to join the lawsuit. If you choose to opt-in by returning the consent to join form, you will be asserting a claim for unpaid overtime wages under the FLSA against Serenity, David Friedel, SCI, SCI California, and the County of Santa Clara. If you opt-in, you will be bound by the judgment or settlement, whether it is favorable or unfavorable, and, if Plaintiffs succeed on their claims, you may receive overtime wages, along with associated damages, owed to you by Defendants. Further, if you opt-in, you designate the collective action representatives as your agents to make binding decisions on your behalf concerning the litigation. If you consent to join this Lawsuit, you may be required to provide information relating to your employment with Defendants.

You will be represented by the same lawyers who currently are representing Plaintiffs. The attorneys for the collective action plaintiffs are being paid on a contingency fee basis, which means that if there is no recovery, there will be no attorneys' fee. If there is a recovery, the attorneys for the Plaintiffs will receive attorneys' fees as determined by the Court, which may be a part of any settlement obtained or money judgment entered in favor of all members of the collective action, or which may be ordered by the Court to be separately paid by Defendants, or which may be a combination of the two.

What happens if I decide not to join this case?

If you do not wish to join the collective action, you will not be affected by the judgment rendered (whether favorable or unfavorable) or settlement reached in this case. Further, you will be free to file your own lawsuit in any Federal District Court where such a lawsuit may properly be brought.

THIS NOTICE HAS BEEN AUTHORIZED BY THE U.S. DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Under federal law, any claims for overtime or unpaid compensation generally must be filed in court or with the government within two years (or within three years if the violation was “willful” as defined by law). If a claim is not filed within that time, it may be prohibited.

How do I participate in the federal claims?

If you were a Driver and received this Notice, you have the right to file a claim against Defendants as an opt-in plaintiff in this lawsuit. However, there is at most a three-year statute of limitations on these Federal Wage and Hour Claims, so if you do not file your claim within three years of the last day you worked for Defendants, you may not be able to join the case as an Opt-in Plaintiff. To submit a claim, you must complete, sign, and submit the enclosed Consent to Join form via email, facsimile, or mail to:

ILYM Group, Inc.
P.O. Box 2031
Tustin, CA 92781
Phone: (888) 250-6810
Fax: (888) 845-6185
Email: claims@ilymgroupclassaction.com

TO ASSERT A CLAIM UNDER THE FLSA IN THIS LAWSUIT, YOU MUST SUBMIT THE SIGNED “CONSENT TO JOIN” FORM VIA MAIL, FAX, OR E-MAIL TO THE ADDRESS LISTED ABOVE BY JULY 30, 2016.

You may also obtain a copy of the consent to join form from Plaintiffs' counsel website, www.rhdtlaw.com.

If you wish to join the Action, you should return the ‘Consent to Join’ form. If you do not wish to join this Lawsuit, you should simply take no action.

Have Plaintiffs asserted claims under California law?

Plaintiffs have also asserted claims in this lawsuit to recover overtime pay, minimum wage, necessary expense reimbursements, meal and rest period premium wages, interest, civil penalties, statutory penalties, and related penalties under California state law. Plaintiffs seek to represent a class of Drivers working for Defendants in California on these claims. However, the Court has not yet certified a class action that would allow Plaintiffs to represent you on the California state law claims. If and when such a class is certified, you will receive an additional notice regarding your rights with regards to the California state law claims.

Defendants deny all wrongdoing under California state law. The California and state law claims asserted in this lawsuit are separate and apart from the claims asserted under the FLSA. If you wish to recover under the FLSA, you must file the Consent to Join form provided with this Notice.

Who are the Plaintiffs' and opt-in plaintiffs' lawyers in this case?

The lawyers for the named Plaintiffs and the Opt-in Plaintiffs (those who submit a "Consent to Join" form) are:

Peter Rukin (prukin@rhdtdlaw.com)
Jessica Riggan (jriggan@rhdtdlaw.com)
Valerie Brender (vbrender@rhdtdlaw.com)
RUKIN HYLAND DORIA & TINDALL LLP
100 Pine Street, Suite 2150
San Francisco, CA 94111
Telephone: (415) 421-1800
Facsimile: (415) 421-1700

What should I do if I want more information?

If you have any questions about this Notice, the Consent to Join form, or the Lawsuit generally, you may contact Plaintiffs' Counsel at the telephone number, email, and address listed above.

THE UNITED DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA HAS APPROVED THIS NOTICE. HOWEVER, THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF PLAINTIFFS' CLAIMS OR DEFENDANTS' DEFENSES.

PLEASE DO NOT CALL OR WRITE TO THE COURT OR THE CLERK OF THE COURT. THEY CANNOT ANSWER QUESTIONS CONCERNING THIS LAWSUIT OR THIS NOTICE.

CONSENT TO JOIN FORM

Johnson et al. v. Serenity Transportation Inc., et al, No. 15-2004 JSC

CONSENT TO JOIN COLLECTIVE ACTION

I _____ hereby consent to join the lawsuit, *Johnson et al. v. Serenity Transportation Inc., et al*, No. 15-2004 JSC (N.D. Cal.) as a party plaintiff, to assert claims against Defendants subject to the terms and conditions in the Notice of Right to Join Lawsuit, for violations of the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* I designate Plaintiffs' counsel, Rukin Hyland Doria & Tindall, LLP to represent me in this action.

Executed at _____, on _____
City, State Date

Signature

Name Printed

Address
(will be concealed when filed with Court)

Phone Number
(will be concealed when filed with Court)

IN ORDER TO JOIN THIS CASE, THIS FORM MUST BE COMPLETED AND SUBMITTED TO ILYM GROUP, INC., SO THAT IT IS RECEIVED OR POSTMARKED ON OR BEFORE JULY 30, 2016. You may use the pre-addressed, stamped envelope to return your completed form or fax it to (888) 845-6185 or e-mail it to CLAIMS@ILYMGROUPCLASSACTION.COM.

ILYM ID: <<ILYMID>>