

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION

KARRENE PHILLIPS, WAYNE SHEPPERD and CLARENCE WOODS, individually and on behalf of all others similarly situated,

Plaintiff,

vs.

COUNTY OF RIVERSIDE, a legal subdivision of the State of California, and DOES 1-10, inclusive,

Defendants.

Case No. 5:19-cv-01231

COLLECTIVE ACTION
[29 U.S.C. § 216(b)]

Although this Notice and its contents have been authorized by the United States District Court for the Central District of California, Eastern Division, the court has not ruled on the merits of any of the claims or defenses asserted in the lawsuit describe herein.

Neither the mailing of this Notice, nor the content of this Notice, should be construed as any expression of any opinion by the court as to whether any such claim or defense asserted in this lawsuit has any merit.

NOTICE OF RIGHT TO JOIN PENDING LAWSUIT

TO: ALL PERSONS WHO HAVE BEEN EMPLOYED BY THE COUNTY OF RIVERSIDE AS A SOCIAL WORKER (of any grade, including probationary or trainee) IN THE CHILDREN’S SERVICES DIVISION (“CSD”) OF THE DEPARTMENT OF PUBLIC SOCIAL SERVICES AT ANY TIME FROM JULY 2, 2016 TO THE PRESENT.

1. INTRODUCTION

This Notice is to inform you about a lawsuit in which you might be able to make a claim for damages under the federal Fair Labor Standards Act, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit, if you so choose.

2. DESCRIPTION OF THE LAWSUIT

On July 2, 2019, Ms. Karrene Phillips, Mr. Wayne Shepperd, and Mr. Clarence Woods (“**Plaintiffs**”) filed a lawsuit in the United States District Court for the Central District of California, Eastern Division, Case No. 5:19-cv-01231-JGB-SHK, against the County of Riverside (the “**County**”). The lawsuit alleges the County violated the federal Fair Labor Standards Act (the “**FLSA**”) by failing to pay all overtime conversation due to social workers working in the Children’s Services Division (hereinafter “**CSD**”) of the Department of Public Social Services.

The lawsuit alleges that many social workers worked more than 40 hours during some work weeks, but that the social workers did not always receive one or both of the following: (a) additional pay calculated at 1 1/2 times their regular hourly rate; or (b) 1 1/2 hours compensatory time off for each hour worked beyond 40 hours in the work week. This includes, **without limitation**, working uncompensated overtime at the office, from home, in the field, or during unpaid meal periods. Plaintiffs contend that the County either knew – or any exercise of reasonable diligence should have discovered – that the social workers were working uncompensated overtime hours.

The Plaintiffs allege that they are entitled to recover unpaid overtime wages for uncompensated overtime work performed from July 2, 2016 to the present. Plaintiffs also seek an additional amount equal to the unpaid overtime wages as liquidated damages, as well as attorney fees and costs. The lawsuit is currently in the early pretrial stage.

The County denies Plaintiffs' allegation that it has violated the FLSA or failed to properly compensate social workers for all overtime worked.

3. PERSONS ELIGIBLE TO RECEIVE THIS NOTICE

The United States District Court has ordered this Notice to be distributed to the following class of persons (the "Plaintiff Class"): **All persons who are or were employed by Riverside County as a social worker (of any grade, including probationary or trainee) in the CHILDREN'S SERVICES DIVISION of Riverside County's DEPARTMENT OF PUBLIC SOCIAL SERVICES, at any point from July 2, 2016 to the present.**

4. YOUR RIGHT TO PARTICIPATE IN THE LAWSUIT

If you fit in the description in Paragraph Three, above, and if you believe that, for any work week after July 2, 2016, you worked more than 40 hours for the County as a social worker in the Children's Services Division and did not receive (a) additional pay calculated at 1 1/2 times your regular hourly rate; or (b) 1 1/2 hours compensatory time off for each hour worked beyond 40 hours in the work week, then you may have the right to make an FLSA claim against the County in this lawsuit to recover unpaid overtime compensation, attorneys' fees and costs, and liquidated damages equal to the amount of unpaid overtime or interest. You are not obligated to join this lawsuit. It is entirely your decision.

5. EFFECT OF JOINING THE LAWSUIT

If you choose to join this lawsuit, you will be bound by any judgment on any claim that you may have under the FLSA, whether favorable or unfavorable. That means that, if you win, you may be eligible to share in the monetary award, and, if you lose, no money will be awarded and you will not be able to file another lawsuit regarding the matters raised in this lawsuit. While this lawsuit is proceeding, you may be required to respond under oath to written questions, have your deposition taken, produce documents and/or appear in court at a trial or hearing in the United States District Courthouse in Riverside, California.

6. EFFECT OF NOT JOINING THE LAWSUIT

If you choose not to join the lawsuit, you will not be affected or bound by any judgment, favorable or unfavorable, on any of the claims brought under the FLSA that are alleged in this lawsuit. In other words, if you do not file a consent to sue form, you will not receive any unpaid overtime wages, liquidated damages or interest granted if Plaintiffs prevail on their claims.

If you choose not to join the lawsuit, you will retain all your rights under the FLSA and are free to file your own lawsuit or complaint with the U. S. Department of Labor. However, if you decline to join the lawsuit, recovery for any alleged FLSA claim you may have would be obtainable by you only if you file your own lawsuit or Department of Labor complaint within the time provided by law and you prevail on your claim. However, **the filing of any individual claim by you, if you do not join the lawsuit, may be prohibited if not filed within the limitations period.** The limitations period is three (3) years for willful violations or two (2) years for non-willful violations.

7. YOUR LEGAL REPRESENTATION

The attorneys for Plaintiffs and the opt-in class are the law offices of Cutter Law, P.C.; the law offices of Megan A. Richmond, APC; and the law offices of Alexander E. Papaefthimiou. The addresses and telephone numbers for Plaintiffs' counsel are:

C. Brooks Cutter
John R. Parker, Jr.
Celine Cutter
CUTTER LAW, P.C.
401 Watt Avenue
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Camarillo, California 93010
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If you choose to join the lawsuit, the law firms listed above will be representing you unless you obtain

another attorney. You will not be required to pay any attorneys' fees or court costs to Plaintiffs' lawyers. Rather, in the event Plaintiffs prevails in the lawsuit, either by judgment or settlement, the attorneys will be requesting the court to order the County to pay the Plaintiffs reasonable attorney fees and reimbursement for any expenses. The court must approve any fees received by the Plaintiffs lawyers.

You also have the option to retain an attorney of your own choice.

8. HOW TO JOIN THE LAWSUIT

If you wish to join the lawsuit, you should return the "CONSENT TO SUE" form. If you do not wish to join the lawsuit, you should simply take no action.

If you wish to join this lawsuit, you may complete, sign, and mail the Consent to Sue form in the enclosed envelope to The Notice Administrator at the following address:

Phillips v. County of Riverside
c/o Notice Administrator
P.O. Box 26170
Santa Ana, CA 92799

The Consent to Sue form is also available at all County of Riverside CSD offices at which social workers are employed.

If you wish to join this lawsuit, mail the signed "Consent to Sue" form to The Notice Administrator as soon as possible but in no event later than June 25, 2020 to preserve any legal right you may have to participate in this lawsuit. Until the Consent to Sue form is filed with the Court, the statute of limitations may continue to run. As such, you may not be entitled to receive compensation for the days which you delay sending in your Consent to Sue form.

9. DEADLINE

You must send in your completed Consent to Sue form by June 25, 2020 in order to be eligible to participate in the lawsuit. Any time before or after June 25, 2020 you are still free to file your own individual lawsuit against the County or your own individual complaint with the US Department of Labor, so long as the three (3) year period for willful or two (2) year period for non-willful violations has not expired.

10. NO RETALIATION

The FLSA prohibits an employer, such as the County, from discriminating, retaliating against, or taking any adverse action against any person for filing a lawsuit, claim, or complaint for compensation, assisting, or testifying in a lawsuit under the FLSA, or otherwise participating in an action under the FLSA, or exercising their rights under the FLSA.

11. FURTHER INFORMATION

For further information about this lawsuit, you may contact Plaintiffs' counsel by mail at the address indicated above, by telephone, or by e-mail. Please do not attempt to contact the Court regarding the lawsuit

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[Title 29, U.S.C. Section 216(b)]

CONSENT TO SUE

I, _____ (print name), hereby state that I am or was employed by the County of Riverside as a social worker (of any grade, including trainee or probationary) in the Children’s Services Division of the Department of Public Social Services (a “CSD Social Worker”) at any time from July 2, 2016 to the present. I believe that, during the past three years, there were occasions on which I worked over forty (40) hours per week as a CSD Social Worker without receiving compensation for all of my overtime hours, let alone at one and one-half (1½) times my regular pay rate.

I hereby consent to becoming a party plaintiff in that certain civil collective action styled Karrene Phillips, et al. v. County of Riverside, et al. in the United States District Court for the Central District of California, Case No. 5:19-cv-01231-JGB-SHK (the “FLSA Collective Action”), which is brought under the Fair Labor Standards Act and seeks the recovery of unpaid overtime compensation, attorneys’ fees and costs, and liquidated damages or interest. I understand that I will be bound by any judgment, decision or settlement in the FLSA Collective Action.

I hereby consent to and designate the law offices of CUTTER LAW PC, MEGAN A. RICHMOND APC and PAPAETHIMIOU APC to represent me in the FLSA Collective Action.

Dated: _____, 2020

(signature)

(print full legal name)