

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICHARD AYERS, JOSE ACOSTA,
FREDERICK ANTHONY BROUSSARD,
JEFFREY WAYNE SCHELL, HENRY ROENNE,
and JEFFREY LEWIS, individually and
on behalf of others similarly situated,
Plaintiffs,

03 CV 9078
(RMB) (RLE)

v.

SGS CONTROL SERVICES, INC. and SGS
NORTH AMERICA, INC..
Defendants.

NOTICE OF LAWSUIT WITH OPPORTUNITY TO JOIN

The purpose of this Notice is to inform you of the existence of a collective action lawsuit in which you potentially are “similarly situated” to the named Plaintiffs, to advise you of how your rights may be affected by this suit, and to instruct you on the procedure for participating in this suit.

INTRODUCTION TO THE CASE

The lawsuit at issue was filed on November 17, 2003, against Defendants SGS CONTROL SERVICES, INC. and SGS NORTH AMERICA, INC. Plaintiffs allege that Defendants violated the Federal Fair Labor Standards Act by not properly paying eligible employees time and one-half, or overtime compensation, for all hours worked in excess of 40 hours in a week. The lawsuit is seeking back pay and double liquidated damages from the Defendants, as well as costs and attorney’s fees to compensate such eligible employees. Defendants deny Plaintiffs’ allegations, and deny liability for any of the back pay, damages, costs or attorney’s fees that Plaintiffs seek.

1. COMPOSITION OF THE CLASS

The named Plaintiffs seek to sue on behalf of themselves and also on behalf of other employees with whom they are similarly situated. Specifically, Plaintiffs seek to sue on

behalf of any and all inspectors who have worked for Defendants at any time within the three years preceding the date of this notice (or who are currently employed by Defendants) for any work they performed in excess of 40 hours each week.

2. YOUR RIGHT TO PARTICIPATE IN THIS SUIT

If you fit the definition above, you may join this case (that is, you may “opt-in”) by completing and mailing the attached “Consent to Become Party Plaintiff” form to Plaintiffs’ counsel at the following address:

Dan Getman, Esq.
9 Paradies La.
New Paltz, NY 12561

The form must be sent to Plaintiffs’ counsel within sixty (60) days from the date of this Notice. If you fail to return the Consent to Become Party Plaintiff, you may not be able to participate in this lawsuit.

3. EFFECT OF JOINING THIS CASE

If you choose to join in this case, you will be bound by the Judgment ultimately entered in this case, whether it is favorable or unfavorable. The attorney for the class Plaintiffs is being paid on a contingency fee basis, which means that if there is no recovery there will be no attorney’s fee. If there is a recovery, the attorney for the class will receive a part of any settlement obtained or money judgment entered in favor of all members of the class.

Plaintiffs’ counsel has agreed to advance the costs and expenses of this lawsuit for Plaintiffs. However, whether there is or is not a recovery, you may be responsible to pay a share of Plaintiffs’ costs and expenses in proportion to the number of persons who opt-in. Should Plaintiffs prevail in this case, Plaintiffs’ counsel may petition the Court to order

Defendants to pay Plaintiffs' costs, as permitted under the Fair Labor Standards Act. Still, if Plaintiffs lose this case, Plaintiffs may become obligated to pay some of Defendants' costs and expenses.

If you sign and return the Consent to Become Party Plaintiff form attached to this Notice, you are agreeing to the entering of an agreement with Plaintiffs' counsel concerning attorney's fees and costs, and all other matters pertaining to this lawsuit. However, the Court has retained jurisdiction to determine the reasonableness of any contingency agreement entered into by Plaintiffs with counsel, and to determine the adequacy of Plaintiffs' counsel.

Furthermore, you can join this lawsuit by counsel of your own choosing. If you do so, your attorney must file an "opt-in" consent form within sixty (60) days of the date of this Notice.

4. TO STAY OUT OF THE LAWSUIT

If you do not wish to be part of the lawsuit, you do not need to do anything. If you do not join the lawsuit, you will not be part of the case in any way and will not be bound by or affected by the result, whether favorable or unfavorable. Your decision not to join this case will not affect your right to bring a similar case on your own at a future time. However, claims under the Fair Labor Standards Act must be brought within two (2) years of the date the claim accrues, unless the employer's violation of the law was "willful," in which case the claim must be brought within three (3) years.

5. NO RETALIATION PERMITTED

Federal law prohibits defendants from discharging or in any other manner discriminating against you because you "opt-in" to this case, or have in any other way

exercised your rights under the Fair Labor Standards Act.

6. YOUR LEGAL REPRESENTATION IF YOU JOIN

If you choose to join this suit, and agree to be represented through Plaintiffs' attorney, your counsel in this action will be:

Dan Getman, Esq.
9 Paradies Lane
New Paltz, NY 12561
845-255-9370
845-255-8649 (FAX)

[Http://getmanlaw.com](http://getmanlaw.com)

7. FURTHER INFORMATION

Further information about this Notice, the deadline for filing a Consent to Become Party Plaintiff, or answers to questions concerning this lawsuit may be obtained by writing or phoning Plaintiffs' counsel at the telephone number and address stated in Paragraph 6 above.

Dated:

1/18/05



DAN GETMAN (DG4613)
9 Paradies Lane
New Paltz, NY 12561
(845) 255-9370
Attorneys for Plaintiffs.

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE
FEDERAL DISTRICT COURT, UNITED STATES MAGISTRATE JUDGE RONALD
L. ELLIS. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING
THE MERITS OF PLAINTIFFS' CLAIMS OR OF THE DEFENDANTS' DEFENSES.**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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on behalf of others similarly situated,
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SGS CONTROL SERVICES, INC. and SGS
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Defendants.

03 CV 9078
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CONSENT TO SUE

I, hereby consent to be a plaintiff in this Fair Labor Standards Act case. I hereby consent to the bringing of any claims I may have under the Fair Labor Standards Act (for unpaid overtime, liquidated damages, attorney's fees, costs and other relief) against the defendants. I authorize the Law Office of Dan Getman, its successors and assigns, to represent me in this case.

By signing and returning this consent to sue, I understand that I will be represented by the Law Office of Dan Getman without prepayment of costs or attorneys' fees. I understand that if Plaintiffs are successful, costs expended by attorneys on my behalf will be deducted from my settlement or judgment first. I understand these costs will be prorated among all the people who join this lawsuit as plaintiffs. I understand that the Law Office of Dan Getman may petition the Court for an award of fees and costs to be paid by Defendants on my behalf. I understand that if Plaintiffs are not successful, Plaintiffs may be responsible for some of Defendants' costs and expenses. I understand that the fees retained by the attorneys will be either the amount received from Defendants as ordered by the Court, or 1/3 of my net settlement or judgment amount, whichever is greater.

Dated: _____

Signature: _____

Name: _____

Address: _____

Phone: _____

PLEASE RETURN THIS FORM WITHIN 60 DAYS, to:

Law Office of Dan Getman
9 Paradies Lane
New Paltz, NY 12561

Telephone: (845) 255-9370
Website: <http://getmanlaw.com>