

**Notice of Lawsuit and Your Opportunity to Join**  
**A Federal Court authorized this Notice. It is not a solicitation from a lawyer.**

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*Anessia Amoko v. N&C Claims Service, Inc. Nicholas F. Ierulli, Pam Ierulli, and Seibels Claims Solutions, Inc,*

Case No. 3:20-cv-04346-SAL

United States District Court for the District of South Carolina

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**To:** All persons who worked as insurance claims adjusters for N&C Claims Service, Inc., were classified as independent contractors, and were assigned to Seibels Claims Solutions, Inc. (together, “Defendants”) in Columbia, South Carolina any time from **Friday, January 26, 2018** to the date of this Notice.

**A lawsuit may affect your rights. Please read this notice to learn about the lawsuit, how your rights may be affected, and what your options are.**

**1. INTRODUCTION**

This Notice is to inform you about the existence of a collective action lawsuit which you may join, to advise you of how your rights may be affected by this lawsuit, to inform you how to participate, and to explain your obligations if you choose to participate.

**2. WHAT IS THIS CASE ABOUT?**

This lawsuit claims that in violation of the Fair Labor Standards Act (“FLSA”), Defendants failed to pay overtime premiums for hours worked over forty in a workweek because they misclassified insurance claims adjusters as independent contractors. Plaintiff alleges that this practice deprived the insurance claims adjusters of owed overtime premiums in weeks in which they worked more than 40 hours. This case seeks to compel Defendants to pay Plaintiff and other insurance claims adjusters an amount equal to two times their back wages.

The Defendants do not agree that they violated the law, and the Judge who will hear the case has not made any decision yet about who is right. Defendants deny the allegations above and maintain that insurance claims adjusters were properly classified as independent contractors and properly compensated, and that their policies and practices comply with the FLSA. Also, Seibels denies that it was an employer.

Plaintiffs are represented by Getman, Sweeney & Dunn, PLLC, as Class Counsel, located at 260 Fair Street, Kingston, New York 12401, along with Coskrey Law Office as Local Counsel, located at 1201 Main Street, Suite 1980, Columbia, SC 29201.

Defendants N&C Claims Service, Inc., Nicholas F. Ierulli, and Pam Ierulli are represented by Gignilliat, Savitz & Bettis, L.L.P., located at 900 Elmwood Ave., Suite 100, Columbia, SC 29201, and Blalock Walters, located at 802 11th Street, West Bradenton, FL 34205.

Defendant Seibels Claims Solutions, Inc. are represented by Constangy, Brooks, Smith & Prophete, L.L.P., with offices located at 1301 Gervais Street, Suite 810, Columbia, SC 2920; 200 West Forsyth Street, Suite 1700, Jacksonville, FL 32202-4317; and 2600 Grand Boulevard, Suite 750, Kansas City, MO 64108.

### 3. WHAT ARE MY OPTIONS?

It is entirely your own decision whether to join this lawsuit. You have the following options:

<b>YOUR OPTIONS</b>	<b>EFFECT ON YOUR LEGAL RIGHTS</b>
<b>Ask to be included by completing the Consent to Sue Form at the end of this notice and mailing it to Plaintiffs' Counsel by Thursday, March 17, 2022</b>	<p>Become part of the case.</p> <p>By completing the attached Consent to Sue form and sending it to Plaintiff's counsel for filing with the Court you gain the possibility of receiving money or benefits that may result from a trial or settlement, but you give up your right to separately sue Defendants for the same legal claims brought in this lawsuit. If you choose to join this lawsuit, you will be bound by the judgment. If Defendants prevail in their defense, you could be liable for the costs they incur in defending your claims. While the suit is pending, you may be required to provide information regarding your work with Defendants.</p> <p>If you choose to join the lawsuit, you have the option to be represented by the Representative Plaintiff's attorneys, Getman, Sweeney &amp; Dunn, PLLC, as Class Counsel, along with Coskrey Law Office as Local Counsel. Under that option, the Representative Plaintiff's Class Counsel and Local Counsel will represent you on a contingent fee basis. For additional information regarding the attorneys' fees, please see the attached consent to sue form. That is, win or lose, you will not have to pay the Representative Plaintiff's lawyers directly.</p> <p>You also have the option to obtain your own counsel to advise you on your rights, file a suit on your behalf should you choose to do so, or represent you in joining the Representative Plaintiff's lawsuit.</p> <p>Whether you choose to be represented by Representative Plaintiff's attorneys or your own counsel, if Plaintiffs are successful at trial or the case results in a settlement, Defendants will pay the attorneys' hourly fees plus litigation costs as awarded by the Court, or one-third of the overall recovery in the case, whichever is greater.</p>
<b>Do Nothing</b>	<p>Do not join the case.</p> <p>By doing nothing, you will not have the ability to recover any money or benefits that may be awarded in this case, but you retain your legal rights to bring a separate suit against Defendants (within the applicable statute of limitations period which can be two years) for allegedly unpaid overtime compensation.</p>

### 4. CAN MY EMPLOYER FIRE OR RETALIATE AGAINST ME IF I JOIN THE LAWSUIT?

The law strictly prohibits any employer from retaliating against employees for exercising their rights under the FLSA. Therefore, you may not be terminated or subjected to discrimination in any manner for exercising your rights under the FLSA, including by joining this lawsuit.

## **5. HOW DO I JOIN THE LAWSUIT?**

To join the lawsuit, you must complete the enclosed Consent to Sue Form and forward it to the attorneys designated in the Form by email to [jsherwood@getmansweeney.com](mailto:jsherwood@getmansweeney.com), by facsimile to 845-255-8649, or by U.S. mail, postmarked on or before Thursday, March 17, 2022. If you have any questions or concerns, please contact:

Getman, Sweeney & Dunn, PLLC  
260 Fair Street, Kingston, NY 12401  
Telephone: (845) 255-9370 / Facsimile: (845) 255-8649  
Email: [jsherwood@getmansweeney.com](mailto:jsherwood@getmansweeney.com)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION**

**ANESSIA AMOKO, individually and on behalf  
of all others similarly situated,**

**Plaintiffs,**

**v.**

**N&C CLAIMS SERVICE, INC., NICHOLAS F.  
IERULLI, PAM IERULLI, and SEIBELS  
CLAIMS SOLUTIONS, INC.,**

**Defendants.**

**Case No. 3:20-cv-4346-SAL**

**CONSENT TO SUE**

I worked as an insurance claims adjuster for N&C Claims Service, Inc., Nicholas F. Ierulli, Pam Ierulli, and any other associated parties, was classified as an independent contractor, and was assigned to Seibels Claims Solutions, Inc. in Columbia, South Carolina between January 26, 2018 and the present, and was not paid overtime wages for hours worked over forty in a workweek. I hereby consent to sue Defendants in this Fair Labor Standards Act case. I understand that by signing this form, I consent to representation by the Named Plaintiff and the bringing of any claims I may have under the Fair Labor Standards Act in this action against the Defendants for unpaid overtime, liquidated damages, attorneys' fees, costs, and other relief.

I designate the Named Plaintiff in this action as my agent to make decisions on my behalf concerning the litigation, including the method and manner of conducting this litigation, entering into settlement agreements, and all other matters pertaining to this lawsuit.

Check one:

- I authorize Getman, Sweeney & Dunn, PLLC, and any associated attorneys, as well as any successors or assigns, ("Plaintiffs' Counsel" or "Class Counsel"), along with Coskrey Law Office ("Local Counsel"), to represent me in this case. By signing and returning this consent to sue form, I understand that, if accepted for representation, I will be represented by Plaintiffs' Counsel 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 amount on a pro rata basis with all other Plaintiffs. I understand that the attorneys may petition the Court on my behalf for an award of fees and costs to be paid by Defendants. I understand that the fees retained by Plaintiffs' Counsel will be either (a) the amount of fees received from Defendants as approved by the Court, or (b) 1/3 of the gross settlement or judgment amount, whichever is greater. I understand and agree that fees and costs recovered by the attorneys in this case will be divided between Plaintiffs' Counsel and Local Counsel in proportion to the work performed. If the case is not successful, I will not be obligated to pay any fees or costs to Plaintiffs' Counsel or Local Counsel.
- I do not agree to have Plaintiffs' Counsel represent me in this case, and I intend to consult with other counsel. My counsel will file a motion to represent me and be added to the case by Thursday, March 17, 2022.

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

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

Print Name: \_\_\_\_\_

**CONTACT FORM**

**INFORMATION BELOW IS REQUIRED** but will not be filed with the Court or shared with the Defendants.

**Please Print Clearly or Type.**

**Full Name** \_\_\_\_\_

**Current Mailing Address** \_\_\_\_\_

**City** \_\_\_\_\_

**State** \_\_\_\_\_

**Zip Code** \_\_\_\_\_

**Cell Number** \_\_\_\_\_

**Email** \_\_\_\_\_

**Check next to the best way to reach you:** Text \_\_\_\_\_ Email \_\_\_\_\_ Phone \_\_\_\_\_

**Emergency Contact Name:** \_\_\_\_\_

**Emergency Contact Number:** \_\_\_\_\_

Return this form by mail, email or fax to:  
Getman, Sweeney & Dunn, PLLC  
Attn.: James Sherwood  
260 Fair Street  
Kingston, NY 12401  
Phone: (845) 255-9370  
Fax: (845) 255-8649  
Email: [jsherwood@getmansweeney.com](mailto:jsherwood@getmansweeney.com)

**If you have questions, please contact James Sherwood at 845-255-9370 or at the email address above. This Consent to Sue Form is not valid or effective until you have received a confirmation letter from Getman, Sweeney & Dunn indicating that it has been filed. If you have not received a confirmation letter within 3 weeks from your transmission of the form to Getman, Sweeney & Dunn, you must contact the firm by phone at 845-255-9370.**