

Notice of Opportunity to Join Unpaid Wage Lawsuit

A Federal Court authorized this Notice. It is not a solicitation from a lawyer.

Latoya Ferguson v. Burton Claim Service, Inc., et al.,
Case No. 3:21-cv-00580-SAL
United States District Court for the District of South Carolina

To: All Current and Former Insurance Claims Adjusters Who Worked for Burton Claim Service, Inc. and Seibels Claims Solutions, Inc. in South Carolina and Were Classified as Independent Contractors, Paid a Day Rate, and not Paid Overtime Wages for Hours Worked Over 40 in a Workweek at any Time Since February 26, 2018.

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 40 in a workweek because they misclassified insurance claims adjusters as independent contractors. Plaintiffs allege 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 Plaintiffs 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.

[Turn Over To Read More]

3. WHAT ARE MY OPTIONS?

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

YOUR OPTIONS	Effect
Ask to be included by completing the consent sue form at the end of this notice and mailing it to Plaintiffs' Counsel by Sunday, October 23, 2022	<p>Become part of the case.</p> <p>By completing the attached Consent to Sue form and sending it to Plaintiffs' 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 you do not prevail on your claim, court costs and expenses may possibly be assessed against you. 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 will be represented by the Representative Plaintiff through her attorneys, Getman, Sweeney & Dunn, PLLC and Coskrey Law Office, as Class Counsel who will represent you on a contingent fee basis. That is, you will not have to pay the lawyers directly—win or lose. If the Plaintiffs are successful at trial or the case results in a settlement, then the Defendants will pay the attorneys either their hourly fees plus litigation costs as awarded by the Court, or one-third of the overall recovery in the case, whichever is greater.</p>
Do Nothing	<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 or three years) for allegedly unpaid overtime compensation.</p>

You also have the option to obtain your own counsel to advise you on your rights and file suit on your behalf should you choose to do so.

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, by facsimile to 845-255-8649, or by U.S. mail, postmarked on or before **Sunday, October 23, 2022**. If you have any questions or concerns, please contact:

Getman, Sweeney & Dunn, PLLC
260 Fair Street, Kingston, NY 12401
Tel: (845) 255-9370 / Fax: (845) 255-8649
jsherwood@getmansweeney.com
www.GetmanSweeney.com

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

**LATOYA FERGUSON, individually and on
behalf of all others similarly situated,**

Plaintiffs,

v.

**BURTON CLAIM SERVICE, INC., and
SEIBELS CLAIMS SOLUTIONS, INC.,**

Defendants.

Case No. 3:21-cv-00580-SAL

CONSENT TO SUE

I worked for Burton Claim Service, Inc., and Seibels Claims Solutions, Inc., and any other associated parties, in South Carolina as an insurance adjuster during the last three years, was classified as an independent contractor, 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 authorize Getman, Sweeney & Dunn, PLLC, and any associated attorneys, as well as any successors or assigns, ("Plaintiffs' Counsel"), along with Coskrey Law Office ("Local Counsel"), to represent me in this case. By signing and returning this consent to sue, 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 for an award of fees and costs to be paid by Defendants on my behalf. I understand that the fees retained by the 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 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.

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

If you have questions, please contact James Sherwood at 845-255-9370 or at the email address above. This Consent to Sue 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 letter within 3 weeks from your transmission of the form to us, you must contact the firm by phone at 845-255-9370.