**NOTICE OF PENDING LAWSUIT AGAINST**

 **DTLR INC. d/b/a DTLR VILLA ABOUT OVERTIME**

**THE COURT HAS NOT MADE ANY RULINGS REGARDING THE PLAINTIFF’S OR**

**DEFENDANT’S POSITIONS IN THIS MATTER**

**TO:** Assistant Store Managers who: between April 16, 2016 and April 16, 2019, (i) were classified as non-exempt; and (ii) earned a bonus and worked overtime in the period applicable to the bonus payment.

**1. What is this Notice about?**  This Notice is about a lawsuit that you may choose to participate or not participate in. Plaintiff Lanicka Smith brought this lawsuit claiming that DTLR failed to properly calculate overtime on bonus payments for Assistant Store Managers’ bonuses. DTLR denies the allegations and asserts that Assistant Store Managers were properly compensated. The Court has not decided the merits of the case.

**2. What are my options?**

1. Join the Case

If you decide you want to participate in the lawsuit, you must fill out the form on the back of this page and send it to the lawyers representing Plaintiff, The Fish Law Firm, P.C. who are located in Naperville, Illinois. You can mail it to them at the following address: The Fish Law Firm, P.C., 200 E. 5th Ave., Suite 123, Naperville, IL 60563

If you join this lawsuit, you will be bound by its outcome. This means that if the Plaintiff wins the lawsuit or obtains a settlement, you may receive a payment. If the employees lose the lawsuit or if there is no settlement, you will not receive any money, you are bound by the decision, and you cannot bring another separate claim to recover damages covered by the lawsuit. If you choose to join the lawsuit, you must mail or fax the Notice of Consent form by June 30, 2019.

If you join this case, you also may be required to answer written questions, provide records, and you may have your testimony taken in a deposition under oath. You may also have to appear in Court and testify under oath at trial. It is also possible that in the event DTLR wins this lawsuit it could obtain a judgment against all Plaintiffs for certain costs incurred in defending the lawsuit.

1. Do Not Join the Case

If you do not wish to join this lawsuit, you do not need to do anything. If you choose not to join this lawsuit, you will not be bound by the outcome of this lawsuit, whether favorable or unfavorable.

**3. Can DTLR retaliate against me for joining this lawsuit?**

 Federal law prohibits DTLR from firing you or taking other adverse action against you in the event you choose to join the lawsuit.

**4. Who will be my lawyers if I join the lawsuit, and how will the lawyers be paid?**

 If you join the lawsuit, you will be represented by The Fish Law Firm, P.C. The decisions and agreements made and entered into by Plaintiff Lanicka Smith will be binding on you if you join this lawsuit. The lawyers representing the employees will only be paid if they win the lawsuit or obtain a settlement. If either happens, the lawyers may receive their fees and costs from DTLR and/or may receive part of any money awarded by the Court or obtained through a settlement. If the employees lose the lawsuit, you will not have to pay your lawyers. You may also retain your own counsel and join this lawsuit with your own counsel. If you chose to join the lawsuit, you may be required to answer questions about your employment as part of the case.

**5. How do I get more information about the lawsuit?**

If you have questions about this Notice or the lawsuit, please call The Fish Law Firm at 630-355-7590. You can also review the pleadings from the lawsuit online at: www.fishlawfirm.com/DTLROTLawsuit

***Lanicka Smith v. DTLR, Inc. d/b/a DTLR Villa***

***18-cv-3591***

**NOTICE OF CONSENT**

I was employed as an Assistant Store Manager by DTLR, Inc. or one of its affiliates or subsidiaries. By my signature below, I consent to join this lawsuit and I designate Lanicka Smith and her attorneys as my agents to make decisions on my behalf about the lawsuit, including how to prosecute the lawsuit, settlement (if any), attorneys’ fees, (if any) and costs (if any), and all other decisions relating to this lawsuit. I agree to be bound by the outcome of this lawsuit, regardless of the outcome.

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Print Your Name)

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

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

**RETURN THIS FORM BY MAIL OR FAX TO:**

**Overtime Lawsuit Against DTLR, Inc.**

**c/o The Fish Law Firm, P.C.**

**200 E. 5th Ave., Suite 123**

**Naperville, IL 60563**

**Telephone: 630-355-7590**

**Fax: 630-778-0400**

**\*\*\*\*Note: This Lower Portion Will Not Be Filed with the Court \*\*\*\***

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Print Name)

Telephone Number: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Zip Code:\_\_\_\_\_\_\_\_

Email:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_