

<p>TAMMY COOK,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>SUNNY DAYS IN HOME CARE LLC</p> <p style="text-align: center;">Defendant.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA</p> <p>NO. 2015-7144</p>
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**NOTICE OF CLASS ACTION LAWSUIT**

**IF YOU RECEIVED THIS NOTICE IN THE MAIL IN AN ENVELOPE ADDRESSED TO YOU, YOU ARE A MEMBER OF THE CLASS COVERED BY THE ABOVE-CAPTIONED CLASS ACTION LAWSUIT.**

**THE WASHINGTON COUNTY COURT OF COMMON PLEAS HAS AUTHORIZED THIS NOTICE, WHICH DESCRIBES THE LAWSUIT AND INFORMS YOU OF THE STEPS YOU MUST TAKE IF YOU WISH TO EXCLUDE YOURSELF FROM THE LAWSUIT.**

**PLEASE READ THIS DOCUMENT CAREFULLY.**

**1. Why did I get this notice?**

The Washington County Court of Common Pleas (“Court”) presides over this Lawsuit, which was filed in November 2015 by Plaintiff Tammy Cook (“Plaintiff”) against Defendant Sunny Days In Home Care LLC (“Sunny Days”). The Lawsuit concerns the overtime pay rights of Plaintiff and other Sunny Days employees paid on an hourly basis.

In April 2017, the Court entered an Order certifying this Lawsuit as a class action and allowing the Lawsuit to proceed on behalf of the following current and former Sunny Days employees:

All persons who were employed by Defendant Sunny Days Home Care LLC and received straight-time compensation for hours worked over 40 per week since November 13, 2012.

The above individuals are referred to as the “**Class Members.**”

**You are receiving this notice because, according to Sunny Days’ payroll records, you are a Class Member covered by the Lawsuit because you were not paid overtime premium compensation for all hours worked during the relevant time period.**

As a Class Member, you have a right to obtain information about the Lawsuit and, if you so choose, to exclude yourself from the Lawsuit.

## **2. What is the Lawsuit about?**

Under Pennsylvania law, employees generally are entitled to overtime premium pay “not less than one and one-half times” the regular pay rate for all hours worked over 40 during a seven-day workweek. In this lawsuit, Plaintiff alleges that Sunny Days violated the Pennsylvania Minimum Wage Act (PMWA) by failing to pay certain hourly employees overtime premium compensation for overtime hours worked in excess of 40 during the workweek. Specifically, Plaintiff alleges that Sunny Days paid these employees their straight-time rate for the overtime hours that they worked. For example, an employee earning a straight-time rate of \$10.00 per hour should have been compensated for his/her overtime hours at a rate of \$15.00 per hour.

## **3. Have Plaintiff and the Class Members Already Won this Lawsuit?**

*No.* So far, the Court only has decided that the Lawsuit can proceed as a class action on behalf of Plaintiff and the Class Members. The Court has not yet ruled on the underlying merits of Plaintiff’s legal claim that she and other Class Members are entitled to unpaid overtime compensation.

## **4. Who will serve as the Class Members’ lawyer?**

The Court has designated the law firms of Winebrake & Santillo, LLC and Conboy Law, LLC to serve as “Class Counsel” and to represent the interests of Plaintiff and the Class Members in this case. The contact information for these law firms is: Winebrake & Santillo, LLC, 715 Twining Road, Suite 211, Dresher, PA 19025 (Phone: 215-884-2491; Website: [www.winebrakelaw.com](http://www.winebrakelaw.com)); and Conboy Law, LLC, 733 Washington Road, Suite 201, Pittsburgh, PA 15228 (Phone: 412-343-9060).

The lawyers at this firm represent your legal interests and are available to answer your questions in strict confidence. If you call, please identify yourself as a “Class Member” in the “Sunny Days Overtime Lawsuit” and ask to speak with one of the attorneys working on the Lawsuit.

## **5. How can I participate in the Lawsuit?**

If you received this notice in an envelope addressed to you, then you are a Class Member. If you have any questions about your status as a Class Member, please call the law firm identified in Section 4.

*As a Class Member, you do not need to do anything to participate in the Lawsuit.*

If you do nothing, you will remain a Class Member and your right to obtain unpaid overtime wages from Sunny Days will be determined by the outcome of the Lawsuit (whether favorable or unfavorable) or by any settlement of the Lawsuit.

## **6. How do I exclude myself from the Lawsuit?**

You are not required to remain a Class Member. If you do not want to participate in the Lawsuit, you must prepare a letter simply stating that you want to be “excluded from the *Cook v. Sunny Days Home Care LLC* Class Action Lawsuit.” Please send this letter to:

Sunny Days Overtime Lawsuit  
Winebrake & Santillo, LLC  
715 Twining Road, Suite 211  
Dresher, PA 19025

Your letter must include your name, address, and phone number. Be sure to write clearly, and be sure to sign the letter.

***In order to be valid, your exclusion letter must be postmarked on or before August 2, 2017.***

Class Counsel will ensure that all exclusion letters are properly filed with the Court.

If you exclude yourself from the Lawsuit, you will not be bound by the outcome of the Lawsuit (whether favorable or unfavorable) or any settlement of the Lawsuit.

If you exclude yourself from the Lawsuit, you will be free to retain your own lawyer and, if you choose, bring your own individual lawsuit against Sunny Days.

**7. How do the lawyers representing Plaintiff and the Class Members get paid?**

You are *not* personally responsible for paying any fees to the lawyers representing Plaintiff and the Class Members.

If Plaintiff and the Class Members win or settle the Lawsuit, the lawyers identified in Section 4 will ask the Court to either require Sunny Days to pay their legal fees/expenses or allow them to recover their legal fees/expenses as a percentage of the Class Members' total recovery. Any payments to the lawyers must be approved by the Court as fair and reasonable.

If Plaintiff and the Class Members lose the Lawsuit, the lawyers will not be paid any fees or expenses.

**8. How do I obtain more information?**

You can obtain more information by calling or writing the law firm identified in Section 4.

Date: April 18, 2017

Approved as to Form: Hon. Damon J. Faldowski  
Washington County Court of Common Pleas