

Wolfe v. TCC Wireless, LLC., No. Case No. 1:16-cv-11663
(N.D. III)

NOTICE OF LAWSUIT

1. What is this Notice about?

This Notice is about a collective action lawsuit in which you are potentially similarly situated to one of the named Plaintiffs and that you may be eligible to join to make a claim for damages under the Fair Labor Standards Act, to advise you of how your rights may be affected by this lawsuit, and to instruct you on the procedure for participating in this lawsuit, if you so choose.

2. What is the lawsuit about?

The lawsuit is about whether assistant managers and managers who worked at T Mobile retail stores operated by TCC Wireless, LLC (“TCC” or the “Company”) after December 28, 2013 were improperly classified as exempt employees under the Fair Labor Standards Act (“FLSA”) and therefore entitled to be paid overtime wages for all hours worked in excess of 40 hours a week. Jonathan Wolfe, who worked as a manager at a T Mobile retail store in Cherry Hill, NJ and Margaret Heklowski (formerly Margaret Fronek), who worked as an assistant manager and later a manager at T Mobile retail stores in Hickory Hills and Chicago, IL, filed this lawsuit against TCC (the “Company”).

The Company denies the allegations in the lawsuit, that it improperly paid its employees, and has further denied Plaintiffs’ allegations that it is liable to Plaintiffs under any circumstances.

3. Why did I get this Notice?

You got this Notice because the Company identified you as an (a) assistant manager or (b) manager that worked for one of the Company’s T Mobile retail stores during the last three years, the time period covered by this lawsuit.

4. How do I join the lawsuit?

You can join the lawsuit multiple ways. It is entirely your own decision whether to join this lawsuit. You can complete the enclosed/attached Consent to Join form and mail in the pre-paid envelope, email to asantillo@winebrakelaw.com, or fax to (215) 884-2492. Or, you can sign the Consent to Join form that was sent to you by email and/or text and submit it electronically through DocuSign. Your lawyers, identified in Paragraph 10, will file your Consent to Join form with the Court, so please review it before you sign. If you file a “Consent to Join” form, your continued right to participate in this suit may depend upon a later decision by the district court that you and the plaintiffs are similarly situated.

5. When do I need to submit the Consent to Join form to join the lawsuit?

To join the lawsuit, you must postmark or return the Consent to Join form by October 13, 2017. If you do not postmark or return the Consent to Join form by October 13, 2017, you may not be able to join the lawsuit.

6. What happens if I join the lawsuit?

If you join this lawsuit, you will be bound by its outcome, whether favorable or unfavorable. This means that if the assistant managers and managers win the lawsuit or obtain a settlement, you may receive a payment. If the assistant managers or managers lose the lawsuit, you will not receive any money, and you will not be able to file another lawsuit regarding the matters raised in the lawsuit.

While the suit is pending, you may be required to assist Plaintiffs' counsel in this matter. In addition, the named Plaintiffs will have the right to make decisions on behalf of the opt-in Plaintiffs concerning the litigation and these decisions are generally binding.

7. What happens if I decide not to join the lawsuit?

If you do not join the lawsuit, you will not be bound by its outcome. This means that regardless of the result in this lawsuit, you are free to file your own lawsuit, either on your own behalf or through an attorney.

8. No opinions expressed as to the merits of the case.

This Notice is for the sole purpose of determining the identity of those persons who may be entitled to and wish to participate in this case and any potential judgment or settlement. The Court has expressed no opinion regarding the merits of Plaintiffs' claim, the Company's defenses, or the Company's liability, if any, and individual claims may be subject to later dismissal if the Court ultimately finds that the claims lack merit or that they cannot be litigated on a collective action basis.

9. Can the Company retaliate against me for joining this lawsuit?

No, Federal law prohibits the Company from firing you or taking any adverse action against you because you decided to join the lawsuit.

10. 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 Peter Winebrake and members of his firm, Winebrake & Santillo, LLC, and Douglas M. Werman and members of his law firm, Werman Salas P.C. and any of their associated attorneys (contact information in Paragraph 12).

The lawyers representing the assistant managers and managers 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 the Company and/or may receive a percentage of any money awarded by the Court or

obtained through a settlement. The Court must approve any fees and costs received by the Plaintiffs' lawyers. If the assistant managers and managers lose the lawsuit, you will not have to pay your lawyers.

11. How will I know if I joined the lawsuit?

Your lawyers will contact you to confirm you joined the case. If you are not contacted in a reasonable period of time, please contact Mr. Werman or Mr. Winebrake (contact information in Paragraph 12).

12. How do I get more information about the lawsuit?

If you have questions about this Notice or the lawsuit, please write, call, or e-mail Douglas M. Werman or Peter Winebrake, Mr. Werman's and Mr. Winebrake's contact information is listed below.

**Peter Winebrake
Winebrake & Santillo, LLC
715 Twining Road, Suite 211
Dresher, PA 19025
Phone: (215) 884-2491
Email: pwinebrake@winebrakelaw.com**

**Douglas M. Werman
Werman Salas P.C.
77 W. Washington, Suite 1402
Chicago, IL 60602
Phone: (312) 419-1008
Email: dwerman@flsalaw.com**

PLEASE DO NOT CALL OR WRITE THE COURT OR THE CLERK OF THE COURT. THEY CANNOT ANSWER QUESTIONS CONCERNING THIS LAWSUIT OR THIS NOTICE.